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# federal register

TUESDAY, MAY 18, 1976



## highlights

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#### ATLANTIC BLUEFIN TUNA

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#### ALCOHOL AND DRUG ABUSE

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#### FOOD STAMPS

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#### RICE

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#### INCOME TAX

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# reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

## Rules Going Into Effect Today

HEW/SRS—Public assistance programs; standards of personnel administration. 7393; 2-18-76  
Labor/BLS/LRAC Committees—Committee on Productivity, Technology, and Growth, Washington, D.C., 5-18-76. 16620; 4-20-76

## List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 11876... Pub. Law 94-285  
An act to amend the Water Resources Planning Act (79 Stat. 244) as amended (May 12, 1976; 90 Stat. 516)

## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel  
CHAPTER I—CIVIL SERVICE COMMISSION  
PART 213—EXCEPTED SERVICE  
Miscellaneous Revocations

Subpart A of part 213 is amended to show that effective May 18, 1976, the following Schedule A authorities, having been superseded by Schedule A, § 213.3106(d) (1), are revoked.

§ 213.3107 Department of the Army.  
(a) General.  
(1) [Revoked]

§ 213.3108 Department of the Navy.  
(a) General.  
(1) [Revoked]  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.76-14376 Filed 5-17-76;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Assistant Secretary of Defense (Legislative Affairs) is excepted under Schedule C.

Effective on May 18, 1976, § 213.3306 (a) (80) is added as set out below:  
§ 213.3306 Department of Defense.  
(a) Office of the Secretary. . . .  
(80) One Confidential Assistant to the Assistant Secretary of Defense (Legislative Affairs).  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.76-14377 Filed 5-17-76;8:45 am]

PART 213—EXCEPTED SERVICE  
Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant for Special Groups is reestablished under Schedule C.

Effective on May 18, 1976, § 213.3316 (q) (4) is amended as set out below:  
§ 213.3316 Department of Health, Education, and Welfare.

(q) Office of the Special Assistant to the Secretary for Civil Rights. . . .  
(4) Three Special Assistants for Special Groups.  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.  
[FR Doc.76-14378 Filed 5-17-76;8:45 am]

Title 7—Agriculture  
CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Canned Solid-Pack Apricots Standards for Grades; Correction

In FR Docket 76-10383 published at page 15016 in the issue dated April 9, 1976 item number 4 Canned Solid-Pack Apricots is in error in its entirety and is corrected to read as follows:

4. Canned Solid-Pack Apricots. A. In § 52.6241 the product description is amended to conform to the Food and Drug Standard of Identity for canned solid-pack apricots as follows:

§ 52.6241 Product description.

"Canned solid-pack apricots" is the product represented as defined in the standards of identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act and prepared in one of the styles specified in § 52.6242 and is sealed in a container and before or after sealing is so processed by heat as to prevent spoilage. The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

B. In § 52.6242(c) change the name of the style previously designated as "Mixed pieces of irregular sizes and shapes" to read "Pieces or irregular pieces."

Dated: May 12, 1976.

IRVING W. THOMAS,  
Acting Administrator.  
[FR Doc.76-14332 Filed 5-17-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS  
Commuted Traveltime Allowances

• The purpose of this document is to publish commuted traveltime established for agricultural inspection service. •

This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 10, 1976 (41 FR 5804), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

The following entry is added to the table in 7 CFR 354.2:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Commuted traveltime allowances  
(in hours)

Location covered	Served from—	Metropolitan area	
		Within	Outside
Delete:			
Iowa:			
Des Moines	Chicago, Ill.		6
Kentucky:			
Louisville	Cleveland or Toledo, Ohio.		6
North Carolina:			
Elizabeth City	Norfolk, Va.		3
Tennessee:			
Knoxville	Atlanta, Ga.		4
Nashville	Memphis		6
Add in alphabetical order:			
Illinois:			
Peoria	Princeton		3
Do.	Watsco		3



Location covered	Served from—	Metropolitan area	
		Within	Outside
Indiana:			
Port of Gary	Hanna	2	
Kentucky:			
Fort Campbell	Brentwood, Tenn.	4	
New Hampshire:			
Newington	Portland, Maine	3	
North Carolina:			
Elizabeth City	New Bern	1	
Do.	Fayetteville		
Pope AFB	Goldboro		
Seymour Johnson AFB			
Puerto Rico:			
Aguadilla	Mayaguez	2	
Aguirre	Ponce		
Borinquen Field	Mayaguez		
Fajardo		1	
Guantanamo	Mayaguez		
Guayama	Ponce		
Guayanilla	do.		
Mayaguez and El Mani Airport		1	
Ponce and Mercedita Airport		1	
Roosevelt Roads	Fajardo	2	
Tallaboa (Pennell)	Fajardo	4	
Yabucoa			
South Carolina:			
Columbia		1	
Greenville			
Spartanburg	Conway	1	
Myrtle Beach			
McEntire NG AFB	Columbia	2	
Air Base Shaw AFB	Columbia and Florence	3	
Tennessee:			
Knoxville	Brentwood	3	
Undesignated Port	Knoxville and Pulaski	4	
Do.			

(94 Stat. 561; (7 U.S.C. 2260).)

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

**Effective date.** The foregoing amendment shall become effective May 18, 1976.

Done at Washington, D.C., this 12th day of May 1976.

JAMES O. LEE, Jr.,  
Deputy Administrator, Plant  
Protection and Quarantine  
Programs, Animal and Plant  
Health Inspection Service.

[FR Doc. 76-14374 Filed 5-17-76; 8:45 am]

#### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amtd. 1]

#### PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

##### Effective Date of Reconstitutions

On March 26, 1976, there was published in the FEDERAL REGISTER (41 FR 12690) a notice proposing to amend the rules

concerning the effective date of reconstitution for allotment crops. The purpose of the proposed amendment was set forth in the notice. Interested parties were given the opportunity to submit, not later than April 26, 1976, comments on the proposal.

No comments were received pursuant to the notice, and the amendment, as so proposed, is hereby adopted without change. The amended subparagraph 719.7(b) (1) of the reconstitution regulations, 7 CFR Part 719, is set forth below.

**Effective date:** This amendment shall become effective on May 18, 1976.

Signed at Washington, D.C., on May 7, 1976

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

#### § 719.7 Reconstitution of farm allotments and history acreages.

(b) . . . . .

(1) **Allotment crops.** (i) The reconstitution shall be effective for an allotment crop for the current program year if such reconstitution is initiated before such crop is or would have been planted.

(ii) The reconstitution shall be effective for an allotment crop for the current program year (1) if such reconstitution is initiated after such crop has been or would have been planted, and (2) if there was a bona fide change in operation before the planting period; the land involved is owned by one person; and the reconstitution would have been required under this part had the facts been known by the county committee before the planting period: *Provided, however,* That where the change in operation was solely the addition of one or more operators, the reconstitution shall not be effective for the current program year if the county committee determines that an adverse effect to the program will result.

(iii) The reconstitution may be made effective for the current program year after the crop has been or would have been planted if the county committee determines that no adverse effect to the program will result and the farm owner(s) and operator(s) agree to make the reconstitution effective for such year?

[FR Doc. 76-14205 Filed 5-17-76; 8:45 am]

#### PART 730—RICE

##### Subpart—1976-77 Marketing Year Miscellaneous Amendments

The provisions of §§ 730.1501 to 730.1505 of Title 7 of the Code of Federal Regulations are issued pursuant to sections 301, 352, 353, 354 and 375 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"). Pub. L. 94-214, 90 Stat. 181, approved February 16, 1976, entitled the "Rice Production Act of 1975", amended sections 352, 353, and 354 of the act.

Pub. L. 94-214 suspended section 354 of the act with respect to the 1976 and 1977 crops of rice. This section provided the authority for proclamation of rice

marketing quotas. With the suspension of this section, marketing quotas shall not be in effect for the 1976 and 1977 crops of rice. In addition, Pub. L. 94-214 amended section 352 of the act and suspended section 353 with respect to the 1976 and 1977 crops of rice. These sections provided a formula for the calculation of the national rice acreage allotment and directives for apportionment of the national allotment to States and to counties, and permitted the Secretary to withhold up to one percent of the national acreage allotment for use in adjustments and corrections. As provided in Pub. L. 94-214, the national rice acreage allotment for 1976 and 1977 is 1,800,000 acres, to be apportioned to farms and producers on the basis of allotments established for the 1975 crop of rice. State committees may reserve up to one percent of the allotment apportioned within their State for new growers and for adjustments and corrections. These amendments require changes in the earlier determinations and proclamations with respect to §§ 730.1501 to 730.1505.

Since planting of the 1976 crop of rice has begun and planting plans will need to be adjusted to utilize the acreage allotment, it is of the utmost importance that farmers be notified of their 1976 producer and farm rice acreage allotments as soon as possible. Therefore, it is determined that compliance with the notice, public procedure, and 30 day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to public interest. Accordingly, these amendments shall become effective upon filing with the Director, Office of Federal Register.

Sections 730.1501 to 730.1505 are hereby amended with respect to the 1976 crop of rice to read as follows:

#### § 730.1501 [Removed]

1. § 730.1501 is deleted.

2. § 730.1502 is revised to read as follows:

§ 730.1502 National acreage allotment of rice for 1976.

The national acreage allotment for the 1976 crop of rice shall be 1,800,000 acres.

3. § 730.1503 is revised to read as follows:

§ 730.1503 Apportionment of the 1976 national acreage allotment of rice to farms and producers.

The national acreage allotment for the 1976 crop of rice is apportioned to farms and producers on the basis of the rice allotments established for the 1975 crop of rice. The allotment so apportioned within each of the several rice producing States is as follows:

State:	Acres
Arizona	3
Arkansas	434,630
California	326,568
Florida	1,012
Louisiana:	
Farm Administrative Area	499,316
Producer Administrative Area	18,473
State Total	517,789
Mississippi	50,849
Missouri	5,185
North Carolina	41
Oklahoma	163
South Carolina	3,009

State:	Acres
Tennessee	563
Texas	480,188
Total United States	1,800,000

4. § 703.1504 is revised to read as follows:

#### § 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established by the State Committees in accordance with section 353 of the act, as amended.

State:	Reserve <sup>1</sup>
Arizona	0
Arkansas	0
California	50
Florida	10
Louisiana:	
Farm Administrative Area	0
Producer Administrative Area	0
Mississippi	175
Missouri	0
North Carolina	0
Oklahoma	0
South Carolina	0
Tennessee	0
Texas	50

<sup>1</sup> State reserve for new growers, corrections and adjustments.

#### § 730.1505 [Removed]

5. § 730.1505 is deleted.

(Sec. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66 as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375).

**Effective date:** These amendments are effective on May 17, 1976.

Signed at Washington, D.C. on: May 12, 1976.

EARL L. BUTZ,  
Secretary.

[FR Doc. 76-14365 Filed 5-17-76; 8:45 am]

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 38, Amendment 1]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

This regulation increases the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 9-15, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona lemons. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended

marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of lemons available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lemon Regulation 38 (41 FR 18805). The marketing picture now indicates that there is a greater demand for lemons than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of lemons to fill the current market demand thereby making a greater quantity of lemons available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) **Order, as amended.** Paragraph (b) (1) of § 910.338 (Lemon Regulation 38 (41 FR 18805)) is hereby amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 9, 1976 through May 15, 1976, is hereby fixed at 300,000 cartons."

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 12, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 76-14373 Filed 5-17-76; 8:45 am]

#### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.4]

##### SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

#### PART 1822—RURAL HOUSING LOANS AND GRANTS

##### Farm Labor Housing Loan Policies, Procedures and Authorizations

On page 58151 of the FEDERAL REGISTER dated December 15, 1975, there was published a notice of proposed rulemaking to revise §§ 1822.72 and 1822.73 of Subpart C of Part 1822, Title 7, Code of Federal Regulations (31 FR 14148) to eliminate requirements that County Committees certify eligibility of Labor Housing loan applicants.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revisions. No unfavorable comments have been received and as a result the proposed revisions are hereby adopted without change and set forth below:

Sections 1822.72(c) and 1822.73(b) (1) as revised read as follows:

§ 1822.72 Final preparation and processing of loan docket.

(c) **County Committee certification.** County Committees will not be used to review Labor Housing loan applications.

Section 1822.73(b) (1) is removed as follows:

§ 1822.73 Loan approval.

(b) **Loan approval official's responsibility.**

(1) [Removed]

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

**Effective date.** These revisions shall become effective May 18, 1976.

Dated: May 4, 1976.

FRANK W. NAYLOR, Jr.,

Acting Administrator,

Farmers Home Administration.

[FR Doc. 76-14106 Filed 5-17-76; 8:45 am]

[FmHA Instruction 444.6]

#### PART 1822—RURAL HOUSING LOANS AND GRANTS

##### Farm Labor Housing Grant Policies, Procedures and Authorizations

On page 58151 of the FEDERAL REGISTER dated December 15, 1975, there was published a notice of proposed rulemaking to revise § 1822.218 of Subpart E of Part 1822, Title 7, Code of Federal Regulations (35 FR 14437) to eliminate the requirement that County Committees certify eligibility of Labor Housing grant applicants.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision. No unfavorable comments have been received and as a result the proposed revision is hereby adopted without change and set forth below:

Section 1822.218(b) as revised reads as follows:

§ 1822.218 Actions prior to grant approval.

(b) **County Committee certification.** County Committees will not be used to review labor housing grant applications.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development 7 CFR 270)



Effective date. This revision shall be effective May 18, 1976.

Dated: May 4, 1976.

FRANK W. NAYLOR, JR.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.76-14197 Filed 5-17-76;8:45 am]

[FmHA Instruction 444.8]

# PART 1822—RURAL HOUSING LOANS AND GRANTS

## Rural Housing Site Loan Policies, Procedures, and Authorizations

On page 5815 of the FEDERAL REGISTER dated December 15, 1975, there was published a notice of proposed rulemaking to revise § 1822.271 of Subpart G of Part 1822, Title 7, Code of Federal Regulations (35 FR 10687) to eliminate the requirement in paragraph (d) (2) of this section that County Committees certify eligibility of Rural Housing Site loan applicants.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision. No unfavorable comments have been received. However, as the result of miscellaneous changes published at 41 FR 7487 dated February 19, 1976, for the purpose of changing certain forms that will be used by Administrative personnel in obligating funds and to change the method of obligating funds for Rural Housing Site loans, a revised § 1822.271 (d) (3) was promulgated. It is intended that the following adoption provide that County Committees are not to be used to review Rural Housing Site loan applications, therefore, § 1822.271(d) as proposed at 40 FR 5815 and as revised at 41 FR 7487 reads as follows:

§ 1822.271 Processing applications.

(d) Preparation of docket forms. (1) Request for obligation of funds. Form FmHA 440-1, "Request for Obligation of Funds," will be completed in accordance with guidelines for preparing this Form available at any FmHA office.

(2) Fund analysis. Form FmHA 444-5, "Multiple Housing Fund Analysis," will be completed in accordance with guidelines for preparing this Form available at any FmHA office. Items 1, 2, and 3 of Part I of the form will be left blank, with items 4 through 10 being completed when appropriate.

(3) County Committee certification. County Committees will not be used to review RHS loan applications.

(4) [Removed]

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 270.)

Effective date. These revisions shall become effective May 18, 1976.

Dated: May 4, 1976.

FRANK W. NAYLOR, JR.,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.76-14198 Filed 5-17-76;8:45 am]

## RULES AND REGULATIONS

### Title 10—Energy CHAPTER II—FEDERAL ENERGY ADMINISTRATION

#### PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

##### Revocation of Special Rule No. 6 and Adjustment to Small Refiner Bias Under Entitlements Program

On February 28, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 9391; March 4, 1976), to amend Title 10, Part 211, of the Code of Federal Regulations with respect to the domestic crude oil allocation or entitlements program (hereinafter referred to as the "entitlements program") set forth at 10 CFR 211.67. Comments on the proposed amendments were invited through March 24, 1976 and 96 written comments were received by FEA. Public hearings were held on March 23 and 24 at which 30 persons presented statements.

In this proposal, FEA specifically requested comments on the validity of its tentative determinations that the exemption from payments under the entitlements program for certain small refiners as provided in subsection 4(e) of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended by the Energy Policy and Conservation Act ("EPCA"), and as implemented by Special Rule No. 6 in the Appendix to Subpart C, Part 211 of Title 10, Code of Federal Regulations, seriously impairs FEA's ability to attain the objectives set forth in section 4(b) (1) of the EPAA, and results in an unfair economic or competitive advantage for certain small refiners with respect to other small refiners. FEA further invited comments on whether all small refiners including sellers and purchasers under the entitlements program should receive increased benefits by means of an adjustment to the small refiner bias and whether small refiners with a capacity of less than 10,000 barrels per day should be fully exempted. Finally, FEA solicited comments on the procedures for granting exception relief under the entitlements program and whether exception decisions should be made effective for longer periods.

FEA received numerous comments from all sectors of the petroleum industry including major and small and independent refiners, trade associations, branded and non-branded independent jobbers and others concerning the proposed amendments. FEA is satisfied that the comments received fairly represent the broad range of interests which would be affected by any such changes in the benefits received by small refiners under the entitlements program.

The amendments adopted herein would eliminate the purchase exemption for certain small refiners by revoking Special Rule No. 6 and would increase the amount of additional entitlements issuable to all small refiners (whether entitlement purchasers or sellers) under the small refiner bias. These amendments will not become effective, however, if disapproved by either House of Con-

gress under the procedures set forth in section 551 of the EPCA.

#### ADJUSTMENT TO THE SMALL REFINER BIAS

In conjunction with its modification of the small refiner entitlement purchase exemption discussed below by the revocation of Special Rule No. 6, FEA is hereby adopting an adjustment to the small refiner bias that increases the number of additional entitlements provided for all small refiners. In the proposal, FEA specifically invited comments as to whether the amendment adopted in this proceeding should simply increase the amount of the small refiner bias for all small refiners, which would place all small refiners on the same competitive basis under the entitlements program. At the public hearing and in the written comments on the proposal numerous small refiners, both entitlement purchasers and sellers, supported this approach and the overwhelming majority also supported an increase in the small refiner bias for both sellers and purchasers. The unanimous view expressed in this regard was that it was inequitable to favor one class of small refiners over another as far as benefits under the entitlements program are concerned.

FEA's analysis of this issue indicates that an increase in the small refiner bias in conjunction with the revocation of Special Rule No. 6 has greater merit than any other alternative course of action available to the Agency as to the overall status of small refiners under the entitlements program. This approach both eliminates any special treatment afforded to small refiner entitlement purchasers and comports more fully with the general concern as to the competitive viability of small refiners expressed throughout the EPAA and the EPCA.

FEA initially adopted the small refiner bias after a significant amount of analysis and public comment on the issue when the entitlements program was instituted in late 1974. At that time FEA determined that the historical preference granted to small refiners under the oil import program as in effect in 1972 was sufficient to preserve the competitive viability of this class. However, over the first year in which the program was in effect FEA received substantial evidence that the amount of the bias may in fact not be adequate for its intended purpose. For example, a large number of small refiners have been forced to seek exception relief since, for these firms, bias amounts were not sufficient to enable them to compete effectively or even in certain cases to maintain their financial viability. Due to the more restrictive exception standards for entitlement sellers as opposed to entitlement purchasers, FEA has received numerous indications that many small refiner entitlement sellers are also in need of additional bias amounts to remain competitive and financially viable. Many operating and other costs for these firms have increased since 1972, and thus the bias amounts may not be representative of the current competitive disadvantages of this class and the industry may have generally be-

come more competitive due to increased consumer sensitivity to the higher prices.

In addition, FEA is basing its determination to increase the small refiner bias to a significant extent on the congressional concern for small refiners expressed generally, both in sections 403 and 455 of the EPCA and in the legislative history connected with the passage of the EPCA.

Therefore, FEA is hereby adopting an increase to the small refiner bias on the following basis, in conjunction with the revocation of the small refiner exemption. The small refiner bias would be modified for firms with volumes of crude oil runs to stills of less than 100,000 barrels per day by increasing the benefits at the 10,000 barrel per day crude run level by an additional 2¢ per gallon and by a declining additional amount as the refiner's volume of crude oil runs increases. At the 100,000 and up barrel per day run level, no increase over the present bias amounts is provided for. These additional benefits are expressed in terms of incremental entitlements that would be issued to small refiners based on their crude run levels. For example, a 10,000 barrel per day refiner under the bias presently in effect receives 123.8 additional entitlements for each 1,000 barrels of its crude runs up to 10,000 barrels per day; under the revised bias set forth herein such a small refiner would receive an additional 228.8 entitlements for each such 1,000 barrels per day of his crude runs, or an increase of 105 entitlements. Under the revised bias, FEA estimates that a refiner running 10,000 barrels per day will receive total benefits approximating 4.4 cents per gallon; a refiner running 30,000 barrels per day, 2 cents per gallon; a refiner running 50,000 barrels per day, 8 cents per gallon; and a refiner running 100,000 barrels per day, 24 cents per gallon, which latter amount is the same amount receivable under the bias currently in effect.

#### REVOCATION OF SPECIAL RULE NO. 6

Authority for the small refiner purchase exemption implemented by Special Rule No. 6 and the revocation thereof adopted herein is granted to FEA pursuant to sections 403(a) and 455 of the EPCA. Section 455 of the EPCA amends the EPAA by adding a new section 12 (g) which provides that:

(g) Notwithstanding the provisions of subsection (e) of section 4, the President may, if he determines that the exemption from payments for certain small refiners required by such subsection—

(1) Results in unfair economic or competitive advantage with respect to other small refiners; or

(2) Otherwise has the effect of seriously impairing the President's ability to provide in the regulation under section 4(a) for the attainment of the objective specified in section 4(b) (1) (D) and for the attainment of those other objectives specified in section 4(b) (1);

submit, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to modify the regulation under section 4(a)

## RULES AND REGULATIONS

with respect to the provisions of such regulation as they relate to such exemption. Such amendment shall not take effect if disapproved by either House of Congress under the procedures specified in such section 551.

On the basis of its preliminary findings and analysis of the competitive benefits accruing to exempted small refiners, FEA indicated in the February 28 proposal its tentative conclusion that any crude cost advantage accruing to a small refiner entitlement purchaser exceeding one cent per gallon would constitute an unfair economic or competitive advantage within the meaning of section 12(g) of the EPAA. Thus, an increase in the small refiner's bias was proposed by FEA which would have limited permitted crude cost benefits flowing from that adjustment to one cent per gallon over and above the amounts received under the small refiner bias if the small refiner exemption were also revoked.

In the proposal, FEA set forth the range of benefits accruing to small refiners from the operation of the exemption for the months October through December 1975. The crude cost advantages received by small refiners under the exemption during that period ranged as high as 10 cents per gallon, and in some isolated cases higher and monthly benefits from the exemption were in excess of \$4,000,000 in one instance. Benefits of this magnitude were also received by exempted firms for the months January and February 1976.

The following table shows for the months April through September 1975 during which Special Rule No. 6 was not in effect the number of small refiner entitlement purchasers that applied to FEA's Office of Exceptions and Appeals for relief from entitlement purchase requirements.

ENTITLEMENT EXEMPTION RELIEF FOR APRIL THROUGH SEPTEMBER 1975

	Totally exempted <sup>1</sup>	Partially exempted <sup>1</sup>
Number of applicants for relief for April to September 1975...	42	4
Number of firms receiving total relief.....	16	.....
Number of firms receiving partial relief.....	10	.....

<sup>1</sup> If a firm was partially exempted in any month it is counted in the partially exempted column.

Thus, it may be fairly assumed that of the total number of small refiner entitlement purchasers which have received benefits from the exemption, only 26 of these small refiners were found to be operating at below their historical level of return on sales as a result of the requirement to purchase entitlements, so as to warrant the grant of exception relief.

#### IMPACT ON COMPETITION

Information currently available to FEA suggests that the exemption as implemented by Special Rule No. 6 is resulting in unfair competitive advantages in favor of exempted small refiners over other small refiners. Comments from small refiner sellers of entitlements and marketers supplied by such refiners cited

severe price disparities as against exempted small refiner entitlement purchasers with which they have been competing directly. They stated that under Special Rule No. 6, the market shares of exempted small refiners and marketers supplied by them were tending to increase as a result of benefits conferred by the exemption. A large number of those commenting supported FEA's preliminary conclusions that competitive imbalances among competing small refiners are occurring and that the continuation of exemption benefits to the class of exempted small refiner entitlement purchasers will inevitably contribute to further competitive distortions among small refiners generally. Some small refiners benefitting from the exemption having access primarily to upper tier domestic supplies advocated limitation of the exemption because competitive disadvantages were being experienced when such firms compete with other exempted small refiners having access to primarily lower tier oil. Other small refiners argued that an exemption operating in favor of only some small refiners constitutes unwarranted preferential treatment among all small refiners and impacts unfavorably upon all other refiners. While a significant number of small refiners commenting advocated granting additional benefits to small refiner entitlement sellers, these refiners uniformly opposed any exemption which benefited any single group within the class of small refiners.

Many of the comments stated that the full exemption provided by Special Rule No. 6 is having effects in the marketplace which are inconsistent with the EPAA objective in section 4(b) (1) (D) of fostering an economically sound and competitive petroleum industry. In addition, FEA has determined that the current exemption constitutes a serious impediment to the attainment of the EPAA's objectives in that section for the preservation of the competitive viability of various sectors of the petroleum industry including small refiners, their marketers and branded independent marketers. Comments from branded independent marketers were generally to the effect that marketing outlets of exempted small refiners with which they compete were substantially undercutting retail gasoline and distillate prices and thereby are creating competitive distortions in the marketplace. They stated that the impact of an exemption is exaggerated in the context of a highly competitive retail market caused by increased consumer sensitivity to price and an abundance of supplies. Many branded retailers which compete directly with exempted small refiners marketing at the retail level alleged that they are unable to withstand the competitive pressures being exerted by such small refiners.

Branded independent marketers, and the national and regional associations representing them, cited substantial competitive difficulties attributable to the exemption, and advocated its complete elimination. In this regard, branded marketers were uniformly supported by



their major oil company suppliers. These firms voiced their concern that the market shares of independent branded marketers and major oil companies in general are being reduced. Their comments also recognized that increased price sensitivity of the consumer, the softness of the product market, the imposition of lower cost marketing techniques and the competitive impact of offering self-service rather than full service gasoline retail sales were also significant factors contributing to changes in market share. Many firms commenting cited the overall negative impacts being exerted on their marketing operations and indicated that the additional unfavorable impact of granting exemption benefits to competitors is unnecessary and a serious intervention in the operations of the market. Comments were submitted which suggested that the average price differential between major brand and independent brand gasoline varied on a regional basis and that an independent brand advantage was evidenced with such advantage being largest in the areas where small refiner entitlement purchasers in competition with major brands have been exempted by Special Rule No. 6.

Groups representing branded jobbers stated that, while many independent branded marketers do not compete directly with exempted small refiners, in those areas where a marketer has to compete with a small refiner, the marketer is faced with a significant competitive disadvantage and small refiners have in fact expanded their market share in these areas because of their ability to undercut substantially branded prices. Such groups suggested that the exemption be eliminated entirely and that relief where appropriate be given on an equitable basis to small refiners by means of FEA's exceptions procedures. Short of complete elimination of the exemption, these firms indicated support for FEA's one cent per gallon limitation as proposed.

#### IMPACT ON MARKET

FEA has also determined that continuation of the full exemption constitutes unnecessary interference with market mechanisms and seriously inhibits FEA's ability to provide for the minimization of economic distortion and inflexibilities in the petroleum market under section 4(b)(1)(D) of the EPAA. Many comments maintained that where the impact of the exemption is felt it seriously distorts the economics of the market affected by providing benefits in the form of substantial crude cost advantages to one marketing entity over another. Small refiners benefitting from the exemption rebutted this by arguing that the full exemption provided by Special Rule No. 6 is not interfering with market mechanisms because of the insignificant market share of such firms. Furthermore, they stated that they lack the flexibility to alter refining procedures or crude input to exploit any such competitive advantage. Such firms believe that their limited volume and type of

products reduces the competitive influence that such small firms can have in the marketplace.

Numerous other small refiners, however, indicated in their comments that the exemption provides preferential benefits to small refiner purchasers to the detriment of small refiner sellers of entitlements. This is particularly evident in cases where such small refiners are in direct competition. Many argued for adjustments to the bias to provide additional benefits to all small refiners. Absent this type of adjustment, there was a substantial amount of support for FEA's proposed one cent per gallon crude cost differential limitation on the exemption to ease the substantial competitive imbalances that are occurring among small refiners.

Most major companies advocated a complete elimination of the exemption, stating that the class of small refiners as a whole is currently at a competitive advantage and that the granting to some small refiners additional benefits is excessive. While most of these firms opposed the exemption many agreed that the one cent per gallon differential proposed by FEA would limit to a substantial degree the market distortions arising from the full exemption.

FEA has determined that the substantial crude cost benefits granted to some firms by application of the full exemption contribute to disparities in prices among sectors of the industry thus impairing the Agency's ability to provide for equitable prices among sectors of the petroleum industry as contemplated by section 4(b)(1)(F). In addition, the substantial artificial crude cost advantages provided by the exemption may also tend to discourage economic efficiency in a general sense within certain sectors of the industry where the full benefits are in excess of the actual need, since uneconomic refineries would be enabled to continue in operation by virtue of the exemption. Thus, retention of the exemption would run counter to the objective provided for by section 4(b)(1)(H) of the EPAA.

#### DISINCENTIVES TO MAXIMIZE CRUDE RUNS AND TO EXPAND CAPACITY

In the public comment and hearing procedures, a number of firms stated that the small refiner purchase exemption as implemented by Special Rule No. 6 provided a strong disincentive to expansion of a small refiner beneficiary's refining capacity over the 100,000 barrels per day limit. In addition, since the first 50,000 barrels per day of a refiner's crude runs are exempted from entitlement purchase obligations under Special Rule No. 6, a similar disincentive exists to maximize crude runs above the 50,000 barrel per day level. FEA believes that these disincentives are contrary to the objective of "economic efficiency" set forth in section 4(b)(1)(H) of the EPAA and also run counter to the objective provided for in section 4(b)(1)(I) of "minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms."

#### AGENCY'S DETERMINATIONS AS TO SMALL REFINER ENTITLEMENT PURCHASE EXEMPTION

On the basis of the foregoing, FEA has determined pursuant to section 12(g) of the EPAA that the small refiner exemption from purchasing entitlements as currently implemented by Special Rule No. 6 under section 4(e) of the EPAA is resulting in unfair competitive advantages among small refiners and is seriously impairing FEA's ability to attain the objective set forth in section 4(b)(1)(D) of providing for "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, non-branded independent marketers, and branded independent marketers;" the objective set forth in section 4(b)(1)(F) of providing for "equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;" the objective set forth in section 4(b)(1)(H) of providing for "economic efficiency;" and the objective set forth in section 4(b)(1)(I) of providing for "minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms."

#### MODIFICATION OF EXCEPTION PROCEDURES

In the proposal FEA also requested comments as to the manner in which FEA's exceptions procedures with respect to the entitlements program should operate in the future. Specific comments were invited as to whether exception decisions should be made effective for longer periods than have normally been provided for by FEA and as to whether any other specific procedures relating to the filing of an exception application should be facilitated.

FEA received numerous comments on these issues and has determined in conjunction with the amendments adopted hereby to provide that, except in unusual and extenuating circumstances, exception decisions under the entitlements program would be effective for a six-month period. This contrasts with FEA's practice in the past of providing for exception relief for two and three month periods. In addition, FEA is continuing its review of the standards which will apply in its exception decisions and the types of information required to be submitted by applicants, with a view to requiring the minimum amount of information needed in order to properly evaluate exception applications.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-276; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective upon expiration of the fifteen day review period under section 551 of the EPCA, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

Issued in Washington, D.C., May 12, 1976.

MICHAEL F. BUTLER,  
General Counsel.

1. Section 211.67(e) is revised to read as follows:

§ 211.67 Allocation of old oil.

(e) *Small refiner bias.* (1) In addition to the number of entitlements issuable under paragraph (a) of this section, subject to the limitation set forth in paragraph (e)(2) below, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued the following number of additional entitlements for each day of that month: (i) For each small refiner with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels, 1,258 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 100 by 16.7733; (ii) for each small refiner with a daily average volume of crude oil runs to stills of 50,000 to 100,000 barrels, 2,079 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 50 by 16.42; (iii) for each small refiner with a daily average volume of crude oil runs to stills of 30,000 to 50,000, 3,123 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 30 by 52.2; (iv) for each small refiner with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels, 2,288 entitlements plus the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 10 by 41.75; and (v) for each small refiner with a daily average volume of crude oil runs to stills of zero to 10,000 barrels, 2,288 entitlements for each 1,000 barrels of that small refiner's daily average volume of crude oil runs to stills.

(2) No entitlements shall be issuable under paragraph (e)(1) above with respect to any volume of a small refiner's crude oil runs to stills attributable to a processing agreement for the account of that small refiner with another refiner where the crude oil processed pursuant to that processing agreement is purchased from and the refined products produced under that agreement are sold,

directly or indirectly, to that other refiner.

(3) Each small refiner shall separately identify in its reports filed pursuant to § 211.66(h) of this subpart any volumes of its crude oil runs to stills not eligible (under the provisions of paragraph (e)(2) of this section) for small refiner bias entitlements.

2. Special Rule No. 6 in the Appendix to Subpart C of Part 211 is revoked.

#### APPENDIX

Special Rule No. 6 [Revoked].  
[FR Doc.76-14331 Filed 5-13-76; 10:02 am]

#### Title 12—Banks and Banking

#### CHAPTER II—FEDERAL RESERVE SYSTEM SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket No. R-0036]

#### PART 226—TRUTH IN LENDING

##### Descriptions of Transactions

By separate order of even date the Board has proposed amendments to § 226.7(b)(1)(ii) of Regulation Z for comment. These proposed amendments, should they be finally adopted, would change and clarify the requirements for identifying transactions reflected on open end credit periodic statements.

Because of the uncertainty which may be engendered by the pendency of that amendatory process and to provide enough time to receive and evaluate public comment on that proposal, the July 1, 1976, beginning date for the transition period provided in § 226.7(b)(1)(ii)(E)(2) and the ending date for the transition period provided in § 226.7(b)(1)(ii)(E)(3) must be suspended. This is done herein without repealing or rescinding the entire § 226.7(b)(1)(ii). Consequently, the requirements currently imposed by § 226.7(b)(1)(ii)(E)(3) will remain in effect until dates for the transition periods can be established in accordance with the outcome of the amendatory processes regarding the proposed changes to § 226.7(b)(1)(ii). The new beginning date for the transition period shall be not later than September 1, 1976, and may be embodied in a corresponding section of any final regulation adopted pursuant to the proposals to amend this section.

In determining the new changeover date from one transition period to the other, the Board will take into account the increased flexibility which may be added by the proposed amendments when determining the lead time necessary for compliance.

In consideration of the foregoing and pursuant to the authority granted in 15 U.S.C. § 1604 (1970) the Board amends Regulation Z, 12 C.F.R. Part 226 as follows:

§ 226.7 [Amended]

Section 226.7(b)(1)(ii) as presently written is hereby amended by the suspension of the July 1, 1976, date for the transition periods provided in paragraphs (E)(2) and (E)(3) thereof; provided

such suspension shall end not later than September 1, 1976.

By order of the Board of Governors,  
May 7, 1976.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.76-14364 Filed 5-17-76; 8:45 am]

[Docket No. R-0037]

#### PART 265—RULES REGARDING DELEGATION OF AUTHORITY

In order to expedite and facilitate the handling of certain of its functions, the Board has amended its Rules Regarding Delegation of Authority adopted pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. § 248(k)) to delegate to the Director of the Division of Banking Supervision and Regulation the authority under the provisions of section 17A(c)(3)(C) of the Securities Exchange Act of 1934, as amended, (15 U.S.C. § 78q-1(c)(3)(C)) to withdraw or cancel by order the transfer agent registration of a member State bank or a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company that is a "bank" as defined in section 3(a)(6) of that Act (other than a bank specified in clause (i) or (iii) of section 3(a)(34)(B) of that Act (15 U.S.C. § 78c(3)(a)(34)(B))).

The provisions of section 553 of Title 5, United States Code, relating to notice and deferred effective date, were not followed in connection with the adoption of this amendment because the rule involved herein relates to internal agency management and accordingly does not constitute a substantive rule subject to the requirements of that section.

Effective May 10, 1976, § 265.2 is amended by adding paragraph (c)(18) as follows:

§ 265.2 Specific Functions Delegated to Board Employees and to Federal Reserve Banks.

(c) The Director of the Division of Banking Supervision and Regulation (or in his absence, the Acting Director) is authorized:

(18) Under the provisions of section 17A(c)(3)(C) of the Securities Exchange Act of 1934, as amended, (15 U.S.C. § 78q-1(c)(3)(C)) to withdraw or cancel the transfer agent registration of a member State bank or a subsidiary thereof, a bank holding company, or a subsidiary bank of a bank holding company that is a bank as defined in section 3(a)(6) of the Act (other than a bank specified in clause (i) or (iii) of section 3(a)(34)(B) of the Act (15 U.S.C. § 78c(3)(a)(34)(B))) that has filed a written notice of withdrawal with the Board or upon a finding that such transfer agent is no longer in existence or has ceased to do business as a transfer agent.

By order of the Board of Governors,  
May 10, 1976.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc.76-14362 Filed 5-17-76; 8:45 am]



**Title 24—Housing and Urban Development**  
**CHAPTER VII—NEW COMMUNITY DEVELOPMENT CORPORATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R-76-391]

**PART 700—BYLAWS**

**Technical Amendments**

Title 24 CFR Chapter VII is being changed and the Bylaws of the Community Development Corporation, 24 CFR Part 700, are being revised as set forth below, both principally because of technical amendments to the Corporation's authorizing statute, Part B of the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4511, et seq., part of Title VII of the Housing and Urban Development Act of 1970, 42 U.S.C. 4501, et seq.). The specific changes mandated by the statutory amendments, contained in Section 803 of the Housing and Urban Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633, 725), are a change in name of the Corporation from the "Community Development Corporation" to the "New Community Development Corporation" and an increase in the authorized number of members of the Board of Directors of the Corporation from five to seven. In conjunction with those changes, quorum requirements for the Board of Directors are being modified, and appropriate editorial changes are being made in the Bylaws. In addition, to conform to the adjustment taking place this year in the fiscal year of the United States Government, the fiscal year of the Corporation is being changed to end on September 30 of each year.

Inasmuch as this revision concerns the internal organization and procedure of the Corporation and because the changes are technical in nature and of limited interest to the public, it is hereby determined that advance publication for comment is unnecessary. Accordingly, this revision shall be effective on May 18, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107. 24 CFR Chapter VII is hereby revised as follows:

1. The title of Chapter VII is amended to read: "New Community Development Corporation, Department of Housing and Urban Development."

2. The table of contents for 24 CFR Part 700 is revised to read as follows:

**Subchapter A—General**

Sec. 700.1 Bylaws of the Corporation. Appendix.

**AUTHORITY:** Secs. 726, 729 of the Housing and Urban Development Act of 1970, as amended; 42 U.S.C. 4327, 4532.

3. Section 700.1 is revised to read as follows:

§ 700.1 Bylaws of the Corporation.

The bylaws of the New Community Development Corporation, duly adopted March 3, 1971, amended May 7, 1971, amended February 6, 1975, and hereby

certified to, are set forth in the following appendix.

4. The Appendix is amended to read as follows:

**APPENDIX**

**ARTICLE I—GENERAL PROVISIONS**

**SECTION 1.01 Name.** The name of the corporation is the New Community Development Corporation (the "Corporation").

**Sec. 1.05 Fiscal year.** The fiscal year of the Corporation shall end on the 30th day of September of each year.

**Sec. 3.02 Composition, vacancies, etc.** The Board of Directors shall consist of seven members as follows: (1) The Secretary, who shall be Chairman of the Board; (2) the General Manager, who shall be appointed by the President of the United States by and with the advice and consent of the Senate and who shall serve at the pleasure of the President; (3) five persons appointed by the Secretary, who shall serve at the pleasure of the Secretary, not more than one of whom shall be selected from among officers and employees of the Department. Appointments to fill vacancies on the Board shall be in the same manner as the appointment of the vacating member.

**Sec. 3.03 Regular meetings.** Regular meetings of the Board shall be held without notice in the Secretary's conference room of the Department in the city of Washington, D.C., on the first Wednesday of each month, or if that day be a legal holiday, on the next succeeding business day at 4 p.m., unless notice of another hour or place is given.

**Sec. 3.05 Quorum.** At any meeting a quorum of the Board shall be four Directors when six or seven Directors are duly serving under Section 3.02 hereof; when five or less Directors are so serving, a quorum shall be three Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board. A Director shall be considered present and may participate in any meeting of the Board by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other.

**Sec. 3.09 Resignation.** The five Directors appointed by the Secretary may resign at any time upon written notice to the Corporation and the Secretary.

**CARLA A. HILLS,**  
*Chairman of the Board,*  
*New Community Development Corporation.*

[FR Doc.76-14395 Filed 5-17-76;8:45 am]

**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FI-1136]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Suspension of Community Eligibility**

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the Na-

tional Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance

**§ 1914.4 List of eligible communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Massachusetts	Bristol	Fairhaven, town of	Oct. 8, 1971, emergency; Mar. 16, 1976, regular; June 16, 1976, suspended.	May 31, 1974	250034A
New Jersey	Atlantic	Absecon, city of	Dec. 23, 1971, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended.	June 25, 1974	340001A
Do	Monmouth	Deal, borough of	Jan. 14, 1972, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended.	Feb. 21, 1975	310292A
Pennsylvania	Berks	West Reading, borough of	Sept. 3, 1971, emergency; Mar. 16, 1976, regular; June 21, 1976, suspended.	Nov. 9, 1973	420156A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 7, 1976.

**J. ROBERT HUNTER,**  
*Acting Federal Insurance Administrator.*

[FR Doc.76-14319 Filed 5-17-76;8:45 am]

[Docket No. FI-1137]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would



be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community.

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arkansas	Franklin	Do. Ato. city of	May 10, 1976, emergency	Aug. 8, 1975	050237
Georgia	Haralson and Carroll	Bremen, city of	do	Apr. 18, 1975	130335
Kansas	Barton	Pawnee Rock, city of	do	Jan. 10, 1975	200021
Maine	Penobscot	Greenbush, town of	do	do	230107
Do	Kennebec	Silks, town of	do	Feb. 21, 1975	230247
Ohio	Paulding	Oakwood, village of	do	May 17, 1974	300437
Pennsylvania	Bradford	Canton, township of	do	Oct. 18, 1974	421307
Do	Susquehanna	Herrick, township of	do	Apr. 4, 1975	422580
Do	Armstrong	Rayburn, township of	do	Feb. 21, 1975	421314
Texas	Ford	Crowell, city of	do	June 27, 1975	480819
Arkansas	Washington	Tontitown, town of	May 11, 1976, emergency	July 25, 1975	050233
Idaho	Kootenai	Miner Village, city of	do	do	160253
Indiana	Jackson	Medora, town of	do	Nov. 23, 1973	180058A
Do	Lawrence	Mitchell, city of	do	Apr. 25, 1975	1803-3
Michigan	Van Buren	Almena, township of	do	July 25, 1975	260528
Do	Saginaw	Birch Run, village of	do	Oct. 17, 1975	260590
Montana	Lincoln	Troy, town of	do	July 14, 1975	300132
New York	Orleans	Albion, village of	do	May 23, 1974	360311
Pennsylvania	Cambria	Barr, township of	do	Jan. 17, 1975	421434
Do	Sullivan	Colley, township of	do	Dec. 13, 1974	422050
Tennessee	Campbell	Unincorporated areas	do	Nov. 29, 1974	470016
West Virginia	Putnam	Unincorporated areas	do	Apr. 18, 1975	500104
Wisconsin	Jackson	Merrill, village of	do	May 30, 1974	550189
Illinois	St. Clair	Lavettville, village of	May 12, 1976, emergency	Feb. 22, 1974	170628
Maine	Somerset	Solon, town of	do	Apr. 18, 1974	230351
Montana	Carbon	Frontier, town of	do	Nov. 22, 1974	300045
New Hampshire	Morris	Andover, town of	do	June 28, 1974	330104
Ohio	Champaign	Unincorporated areas	do	do	360055
Do	Montgomery	Riverside, village of	do	Feb. 15, 1974	36046A
Do	Delaware	Shawnee Hills, village of	do	Feb. 8, 1974	360151
Vermont	Orange	Stafford, town of	do	Mar. 28, 1975	500240
Kentucky	Clark	Unincorporated areas	May 13, 1976, emergency	do	210278
Maine	Lisbon	Nobleboro, town of	do	Feb. 11, 1975	230219
New York	Livingston	Engle, township of	do	Dec. 20, 1971	360943
Do	Montgomery	Nelliston, village of	do	Feb. 15, 1974	360463
Pennsylvania	Butler	Summit, township of	do	Jan. 21, 1975	422358
Washington	Grant	Warden, town of	do	May 2, 1975	530304
Madison	Madison	Eviston, township of	May 14, 1976, emergency	do	220080
New Hampshire	Belknap	New Hampton, town of	do	Mar. 8, 1974	330007
New York	Orleans	Holley, village of	do	July 14, 1975	360454
Do	Chenango	Lincolnton, town of	do	Dec. 6, 1974	360376
Ohio	Paulding	Antwerp, village of	do	Mar. 29, 1974	360435
Do	Clark	Unincorporated areas	do	do	360732
South Carolina	Spartanburg	Imman, town of	do	Jan. 31, 1975	450217

<sup>1</sup> New community number.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 7, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14320 Filed 5-17-76; 8:45 am]

[Docket No. FI-1130]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administra-

tion, (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Connecticut	Litchfield	Colebrook, town of	May 3, 1976, emergency	do	060190
Iowa	Clayton	Unincorporated areas	do	do	230249
Maine	Kennebec	Vienna, town of	do	Feb. 28, 1975	230240
Mississippi	Leflore	Schlater, town of	do	Aug. 23, 1974	280105
Missouri	Clinton	Trimble, city of	do	Feb. 7, 1975	290510
Do	Scott	Vanduser, village of	do	Apr. 25, 1975	290516
Nebraska	Perkins	Madrid, village of	do	July 18, 1975	310295
North Dakota	Pembina	Walhalla, city of	do	Jan. 31, 1975	380294
Ohio	Geauga	Aquilla, village of	do	Apr. 18, 1975	360780
Do	Cuyahoga	Mayfield Heights, city of	do	July 25, 1975	360115
Pennsylvania	Allegheny	Fraser, township of	do	do	421288
West Virginia	Cabell	Unincorporated areas	do	Apr. 25, 1975	540016
Connecticut	New London	Stonington, borough of	May 4, 1976, emergency	do	060193
Iowa	Poweshiek	Brooklyn, city of	do	Apr. 18, 1975	190445
Maine	Washington	Columbia Falls, town of	do	do	230308
Missouri	Monroe and Marion	Monroe City, city of	do	Feb. 21, 1975	290688
New Hampshire	Rockingham	Plaislow, town of	do	Oct. 18, 1974	330188
New York	Schuyler	Reading, town of	do	Oct. 24, 1974	361205
Do	Lewis	Watson, town of	do	Nov. 1, 1974	360377
Ohio	Licking	Kirkersville, village of	do	Feb. 15, 1975	360701
Pennsylvania	Westmoreland	Smithton, borough of	do	May 31, 1974	420809
Texas	Bosque	Unincorporated areas	do	Dec. 27, 1974	480061
Georgia	Lowndes	Habira, city of	May 5, 1976, emergency	do	1303-2
Illinois	Alexander	East Cape Girardeau, village of	do	Apr. 11, 1975	170116
Indiana	Steuben	Hudson, town of	do	July 19, 1974	180240A
Missouri	Pemiscot	Cooter, town of	do	Jan. 23, 1976	290603
Do	Atchison	Watson, village of	do	Nov. 23, 1974	290014
New Hampshire	Grafton	Bristol, town of	do	June 21, 1974	330047A
New York	Otsego	Springfield, town of	do	Sept. 26, 1975	361280
Oklahoma	Seminole	Sasakwa, town of	do	Nov. 8, 1974	400191
Vermont	Orange	West Fairlee, town of	do	Feb. 28, 1975	500079
Arkansas	Lawrence	Lynn, town of	May 6, 1976, emergency	do	050263
Kansas	Doniphan	Leona, city of	do	Dec. 20, 1974	200062
Michigan	Newaygo	Bridgeton, township of	do	Feb. 22, 1975	260466
New Hampshire	Rockingham	Hampstead, town of	do	Feb. 28, 1975	330211
New York	Dutchess	Hyde Park, town of	do	Dec. 20, 1974	361338
Do	Saratoga	Wilton, town of	do	June 14, 1974	360786
North Carolina	Brunswick	Caswell Beach, town of	do	do	470391
Ohio	Wood	Portage, village of	do	Apr. 18, 1975	360754
Colorado	Eagle	Unincorporated areas	May 7, 1976, emergency	do	060061
Georgia	Glascock	Giles, city of	do	Mar. 28, 1975	130091
Indiana	Orange	West Baden Springs, town of	do	Dec. 28, 1973	180190
Maine	Knox	Cushing, town of	do	Jan. 3, 1975	230224
Do	Oxford	Denmark, town of	do	do	230476
Michigan	Alger	Chatham, village of	do	Apr. 25, 1975	260343
Do	Wayne	Plymouth, city of	do	May 17, 1974	260226
New York	Columbia	Livingston, town of	May 7, 1976, emergency	May 24, 1974	360175
Do	Washington	Putnam, town of	do	Jan. 17, 1975	361236
North Dakota	Cass	Stanley, township of	do	do	380258
Ohio	Wyandot	Upper Sandusky, city of	do	Jan. 9, 1974	360692
Pennsylvania	Allegheny	Ben Avon Heights, borough of	do	Jan. 31, 1975	420011
Utah	Sanpete	Spring City Corporation	do	June 27, 1975	490119
Vermont	Franklin	Georgia, town of (I)	do	Feb. 7, 1975	500217

<sup>1</sup> New community number.



**Title 24—Housing and Urban Development**  
**CHAPTER VII—NEW COMMUNITY DEVELOPMENT CORPORATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R-76-391]

**PART 700—BYLAWS**

**Technical Amendments**

Title 24 CFR Chapter VII is being changed and the Bylaws of the Community Development Corporation, 24 CFR Part 700, are being revised as set forth below, both principally because of technical amendments to the Corporation's authorizing statute, Part B of the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4511, et seq., part of Title VII of the Housing and Urban Development Act of 1970, 42 U.S.C. 4501, et seq.). The specific changes mandated by the statutory amendments, contained in Section 803 of the Housing and Urban Development Act of 1974 (Pub. L. 93-383, 88 Stat. 633, 725), are a change in name of the Corporation from the "Community Development Corporation" to the "New Community Development Corporation" and an increase in the authorized number of members of the Board of Directors of the Corporation from five to seven. In conjunction with those changes, quorum requirements for the Board of Directors are being modified, and appropriate editorial changes are being made in the Bylaws. In addition, to conform to the adjustment taking place this year in the fiscal year of the United States Government, the fiscal year of the Corporation is being changed to end on September 30 of each year.

Inasmuch as this revision concerns the internal organization and procedure of the Corporation and because the changes are technical in nature and of limited interest to the public, it is hereby determined that advance publication for comment is unnecessary. Accordingly, this revision shall be effective on May 18, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107. 24 CFR Chapter VII is hereby revised as follows:

1. The title of Chapter VII is amended to read: "New Community Development Corporation, Department of Housing and Urban Development."

2. The table of contents for 24 CFR Part 700 is revised to read as follows:

Subchapter A—General  
 Sec.  
 700.1 Bylaws of the Corporation.  
 Appendix.

**AUTHORITY:** Secs. 728, 729 of the Housing and Urban Development Act of 1970, as amended; 42 U.S.C. 4327, 4532.

3. Section 700.1 is revised to read as follows:

§ 700.1 Bylaws of the Corporation.

The bylaws of the New Community Development Corporation, duly adopted March 3, 1971, amended May 7, 1971, amended February 6, 1975, and hereby

certified to, are set forth in the following appendix.

4. The Appendix is amended to read as follows:

**APPENDIX**

**ARTICLE I—GENERAL PROVISIONS**

**SECTION 1.01 Name.** The name of the corporation is the New Community Development Corporation (the "Corporation").

**Sec. 1.05 Fiscal year.** The fiscal year of the Corporation shall end on the 30th day of September of each year.

**Sec. 3.02 Composition, vacancies, etc.** The Board of Directors shall consist of seven members as follows: (1) The Secretary, who shall be Chairman of the Board; (2) the General Manager, who shall be appointed by the President of the United States by and with the advice and consent of the Senate and who shall serve at the pleasure of the President; (3) five persons appointed by the Secretary, who shall serve at the pleasure of the Secretary, not more than one of whom shall be selected from among officers and employees of the Department. Appointments to fill vacancies on the Board shall be in the same manner as the appointment of the vacating member.

**Sec. 3.03 Regular meetings.** Regular meetings of the Board shall be held without notice in the Secretary's conference room of the Department in the city of Washington, D.C., on the first Wednesday of each month, or if that day be a legal holiday, on the next succeeding business day at 4 p.m., unless notice of another hour or place is given.

**Sec. 3.05 Quorum.** At any meeting a quorum of the Board shall be four Directors when six or seven Directors are duly serving under Section 3.02 hereof; when five or less Directors are so serving, a quorum shall be three Directors. The act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board. A Director shall be considered present and may participate in any meeting of the Board by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other.

**Sec. 3.09 Resignation.** The five Directors appointed by the Secretary may resign at any time upon written notice to the Corporation and the Secretary.

CARLA A. HILLS,  
 Chairman of the Board,  
 New Community Development  
 Corporation.

[PR Doc.76-14395 Filed 5-17-76;8:45 am]

**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FI-1136]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Suspension of Community Eligibility**

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the Na-

tional Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance § 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Massachusetts	Bristol	Fairhaven, town of	Oct. 8, 1971, emergency; Mar. 16, 1976, regular; June 16, 1976, suspended.	May 31, 1974	250054A
New Jersey	Atlantic	Absecon, city of	Dec. 23, 1971, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended.	June 25, 1974	340001A
Do.	Monmouth	Deal, borough of	Jan. 14, 1972, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended.	Feb. 21, 1975	34022A
Pennsylvania	Berks	West Reading, borough of	Sept. 3, 1971, emergency; Mar. 16, 1976, regular; June 21, 1976, suspended.	Nov. 9, 1973	120156A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 7, 1976.

J. ROBERT HUNTER,  
 Acting Federal Insurance  
 Administrator.

[FR Doc.76-14319 Filed 5-17-76;8:45 am]

[Docket No. FI-1137]

**PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would



be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community.

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arkansas	Prairie	Des Arc, city of	May 10, 1976, emergency	Aug. 8, 1975	050237
Georgia	Haralson	Bremen, city of	do	Apr. 18, 1975	130335
Kansas	Barton	Pawnee Rock, city of	do	Jan. 10, 1975	300021
Maine	Pendseco	Greenbush, town of	do	Feb. 21, 1975	230107
Do	Kennebec	Sidney, town of	do	Feb. 21, 1975	230247
Ohio	Paulding	Oakwood, village of	do	May 17, 1974	300437
Pennsylvania	Bradford	Canton, township of	do	Oct. 18, 1974	421397
Do	Susquehanna	Herrick, township of	do	Apr. 4, 1975	422584
Do	Armstrong	Rayburn, township of	do	Feb. 21, 1975	421311
Texas	Ford	Cornwell, city of	do	June 27, 1975	480819
Arkansas	Washington	Tontitown, town of	May 11, 1976, emergency	July 25, 1975	050233
Idaho	Kootenai	Fortuna Village, city of	do	do	160233
Indiana	Jackson	Medora, town of	do	Nov. 23, 1973	180068A
Do	Lawrence	Mitchell, city of	do	Apr. 28, 1975	180333
Michigan	Van Buren	Alhambra, township of	do	July 25, 1975	260328
Do	Saginaw	Hitch Run, village of	do	Oct. 17, 1975	260500
Montana	Lincoln	Troy, town of	do	July 11, 1976	300132
New York	Orleans	Albion, village of	do	May 21, 1974	360641
Pennsylvania	Cambria	Barr, township of	do	Jan. 17, 1975	421434
Do	Sullivan	Colley, township of	do	Dec. 13, 1974	422059
Tennessee	Campbell	Unincorporated areas	do	Nov. 29, 1974	470016
West Virginia	Putnam	Unincorporated areas	do	Apr. 18, 1975	540164
Wisconsin	Jackson	Merrillan, village of	do	May 30, 1974	550189
Illinois	St. Clair	Lavettville, village of	May 12, 1976, emergency	Feb. 22, 1974	170628
Maine	Somerset	Solon, town of	do	Apr. 18, 1974	230371
Montana	Carbon	Fromberg, town of	do	Nov. 22, 1974	300005
New Hampshire	Monroe	Andover, town of	do	June 28, 1974	330104
Ohio	Champaign	Unincorporated areas	do	Feb. 15, 1974	300416A
Do	Montgomery	Riverside, village of	do	Feb. 8, 1974	300151
Do	Delaware	Shawnee Hills, village of	do	Mar. 28, 1975	500240
Vermont	Orange	Strafford, town of	do	Mar. 28, 1975	500240
Kentucky	Clark	Unincorporated areas	May 13, 1976, emergency	do	210278
Maine	Lincoln	Nobleboro, town of	do	Feb. 11, 1975	230219
New York	Wyoming	Eagle, township of	do	Dec. 20, 1974	300443
Do	Montgomery	Nelliston, village of	do	Feb. 15, 1974	300433
Pennsylvania	Butler	Summit, township of	do	Jan. 21, 1975	422338
Washington	Grant	Warden, town of	do	May 2, 1975	530304
Michigan	Muskegon	Eckstein, township of	May 14, 1976, emergency	do	260650
New Hampshire	Bellamy	New Hampton, town of	do	Mar. 8, 1974	330007
New York	Orleans	Holley, village of	do	July 11, 1975	361454
Do	Chenango	Lincklaen, town of	do	Dec. 6, 1974	361376
Ohio	Paulding	Antwerp, village of	do	Mar. 29, 1974	300435
Do	Clark	Unincorporated areas	do	Jan. 31, 1975	300732
South Carolina	Spartanburg	Inman, town of	do	do	450217

<sup>1</sup> New community number.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 7, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14320 Filed 5-17-76; 8:45 am]

[Docket No. FI-1130]

PART 1914—AREAS ELIGIBLE FOR THE  
SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administra-

tion (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Connecticut	Litchfield	Colebrook, town of	May 3, 1976, emergency	do	090190
Iowa	Clayton	Unincorporated areas	do	do	230240
Maine	Kennebec	Vienna, town of	do	Feb. 28, 1975	230249
Mississippi	LeFlore	Schlater, town of	do	Aug. 23, 1974	380105
Missouri	Clinton	Trimble, city of	do	Feb. 7, 1975	280510
Do	Scott	Vanduser, village of	do	Apr. 25, 1975	290516
Nebraska	Perkins	Madrid, village of	do	July 18, 1975	310258
North Dakota	Pembina	Walhalla, city of	do	Jan. 31, 1975	380254
Ohio	Geauga	Aquilla, village of	do	Apr. 18, 1975	390730
Do	Cuyahoga	Mayfield Heights, city of	do	July 25, 1975	390115
Pennsylvania	Allegheny	Fraser, township of	do	do	421288
West Virginia	Cabell	Unincorporated areas	do	Apr. 25, 1975	540016
Connecticut	New London	Stonington, borough of	May 4, 1976, emergency	do	090193
Iowa	Poweshiek	Brooklyn, city of	do	Apr. 18, 1975	190466
Maine	Washington	Columbia Falls, town of	do	do	230308
Missouri	Monroe and Marion	Monroe City, city of	do	Feb. 21, 1975	250688
New Hampshire	Rockingham	Plaistow, town of	do	Oct. 18, 1974	330138
New York	Schuyler	Reading, town of	do	Oct. 24, 1974	361265
Do	Lewis	Watson, town of	do	Nov. 1, 1974	360377
Ohio	Licking	Kirkersville, village of	do	Feb. 15, 1975	390701
Pennsylvania	Westmoreland	Smithton, borough of	do	May 31, 1974	420809
Texas	Bosque	Unincorporated areas	do	Dec. 27, 1974	480001
Georgia	Lowndes	Hahira, city of	May 5, 1976, emergency	Apr. 11, 1975	130362
Illinois	Alexander	East Cape Girardeau, village of	do	do	170016
Indiana	Steuben	Hudson, town of	do	July 19, 1974	180249A
Missouri	Pemiscot	Cooter, town of	do	Jan. 23, 1976	290603
Do	Atchison	Watson, village of	do	Nov. 29, 1974	290014
New Hampshire	Grafton	Bristol, town of	do	June 21, 1974	330047A
New York	Otsego	Springfield, town of	do	Sept. 26, 1975	361280
Oklahoma	Seminole	Sasakwa, town of	do	Feb. 14, 1975	400191
Vermont	Orange	West Fairlee, town of	do	Nov. 8, 1974	500079
Arkansas	Lawrence	Lynn, town of	May 6, 1976, emergency	Apr. 18, 1975	050263
Kansas	Doniphan	Leona, city of	do	Dec. 20, 1974	300062
Michigan	Newaygo	Bridgeton, township of	do	do	260466
New Hampshire	Rockingham	Hampstead, town of	do	Feb. 28, 1975	330211
New York	Columbia	Hyde Park, town of	do	Dec. 20, 1974	361338
Do	Saratoga	Wilton, town of	do	June 14, 1974	360786
North Carolina	Brunswick	Caswell Beach, town of	do	do	370391
Ohio	Wood	Portage, village of	do	Apr. 18, 1975	300754
Colorado	Eagle	Unincorporated areas	May 7, 1976, emergency	do	080061
Georgia	Glascok	Gibson, city of	do	Mar. 28, 1975	130001
Indiana	Orange	West Baden Springs, town of	do	Dec. 28, 1973	180190
Maine	Knox	Cushing, town of	do	Jan. 3, 1975	230224
Do	Oxford	Denmark, town of	do	do	230476
Michigan	Alger	Chatham, village of	do	Apr. 25, 1975	260343
Do	Wayne	Plymouth, city of	Aug. 6, 1975, emergency	May 17, 1974	260226
New York	Livingston	Livingston, town of	do	May 24, 1974	360175
Do	Washington	Putnam, town of	do	Jan. 17, 1975	361236
North Dakota	Cass	Stanley, township of	do	do	380258
Ohio	Wyandot	Upper Sandusky, city of	do	Jan. 9, 1974	390692
Pennsylvania	Allegheny	Ben Avon Heights, borough of	do	Jan. 31, 1975	420011
Utah	Sanpete	Spring City Corporation	do	June 27, 1975	490119
Vermont	Franklin	Georgia, town of (I)	do	Feb. 7, 1975	500217

<sup>1</sup> New community number.

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(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: April 29, 1976.

J. ROBERT HUNTER,  
Acting Federal  
Insurance Administrator.

[FR Doc. 76-14321 Filed 5-17-76; 8:45 am]

**Title 33—Navigation and Navigable Waters**  
**CHAPTER II—CORPS OF ENGINEERS,**  
**DEPARTMENT OF THE ARMY**  
**PART 208—FLOOD CONTROL**  
**REGULATIONS**

**Use of Storage Allocated for Flood Control or Navigation at Reservoirs Constructed Wholly or in Part With Federal Funds**

On 26 November 1975 notice was published in the FEDERAL REGISTER (40 FR 54799) that the Corps of Engineers was proposing revised regulation's prescribing the policy and procedures to govern the use of storage allocated for flood control and/or navigation at all reservoirs constructed wholly or in part with Federal funds as directed by Section 7 of the Flood Control Act of 1944. Interested persons were given until 15 December 1975 to submit written comments. Full and careful consideration was given to all written comments received.

The final Regulation has been revised to reflect applicable comments and other suggested improvements:

(a) *Summary of comments.* (1) The National Newspaper Association suggested in their comments dated 16 December 1975, that § 208.4(h) of the proposed Regulation be amended to provide for informing the general public through the use of public notices in newspapers. This suggestion has been adopted and the final Regulation is revised to include the requirement for publishing public notices in one or more newspapers of general circulation in each county affected by the water control plan.

(2) The Tennessee Valley Authority in their comments dated 17 December 1975 pointed out that, while the proposed procedures differ in several respects from techniques used by them in the operation of their facilities, the Regulation appears workable and well thought out. No specific comments were furnished by the Authority.

(3) The Office of the Secretary, U.S. Department of Agriculture (USDA) in letter dated 29 December 1975 recommended that reservoirs with less than 12,500 acre-feet of flood control storage capacity, as well as ungated structures, be excluded from the Regulation.

(4) The Deputy Assistant Secretary, Mr. Paul A. Vander Myde stated in his letter that the USDA programs which would be affected by the Section 7 Regulation are principally those administered by the Soil Conservation Service and the Forest Service. The small reservoirs administered by these agencies are designed to accomplish limited flood control objectives in relatively small watersheds automatically, without regulation of releases. In no case does their flood

control storage capacity exceed 12,500 acre-feet. Furthermore, only 15-20 dams have control devices that permit joint use of the flood control storage and these are designed for optimum use of the sites for flood control and irrigation water supply.

The Corps of Engineers agrees with the Secretary that compliance with the Section 7 Regulation would be excessively time consuming, constitute hardship on the many non-Federal owners of these small dams, and serve no useful purpose for ungated dams administered by those agencies. Consequently, § 208.3 of the proposed Regulation has been amended to permit exclusion of small reservoir projects containing flood control and/or navigation storage of less than 12,500 acre-feet.

(ii) Other comments furnished in the referenced letter from the Office of the Secretary, USDA, cited the need to revise the proposed Regulation to provide for input from other agencies when a project is located on Federal land, as well as to provide for public involvement.

The Corps of Engineers recognizes the need for input to the water control plan by other interested agencies and the involvement of the general public in the development of the plan. Accordingly, § 208.4(h) of the proposed Regulation has been clarified in this regard and the final Regulation provides for joint sponsorship of public involvement activities by other interested Federal and State agencies whenever it is practicable to do so.

(4) Comments were furnished separately by the Office of the Secretary, U.S. Department of the Interior (USDI) and the Commissioner of the Bureau of Reclamation (USBR).

(i) In his letter of 12 January 1976, Commissioner Stamm, USBR, expressed the Bureau's concurrence in the Corps of Engineers proposal for streamlining the procedures for issuing flood control regulations on multiple-purpose dams that include authorization for flood control. He agreed with most of the provisions of the Regulation. In his letter, the Commissioner made recommendations and suggestions for revising certain paragraphs of the Regulation as follows:

(A) The Bureau recommends that paragraph 208.2(b) of the proposed Regulation be revised to state that the Regulation be implemented by a "memorandum of agreement" between the Corps of Engineers and the project owner prior to the time construction renders the project capable of significant impoundment of water for flood control and navigation, and by a subsequent water control diagram or release schedule signed by both parties prior to the deliberate impound-

ment for such storage purpose or . . . .

The Corps of Engineers is directed by Section 7 of the 1944 Flood Control Act, Public Law 78-534, "to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds . . . ." Although, as indicated by Commissioner Stamm, cooperative efforts reported by the Bureau's field offices have been highly successful, in a few instances complete agreement on a water control plan and execution of the prescribed regulation plan have not been consummated. As it is mandatory for the Corps of Engineers to prescribe regulations, with or without agreement with the project owner, the Corps feels it is necessary to retain the concept of the letter of understanding, in lieu of a memorandum of agreement as recommended. Paragraph (c)(3) of § 208.11 has been added to the final Regulation which specifies minimum requirements for consummating the letter of understanding. The policy of full cooperation with the owner and designated operating agency in the development of the water control plan will remain a Corps of Engineers objective and will be extended to the maximum extent practicable.

(B) All or portions of the Bureau's recommendations regarding the wording in §§ 208.3(d), 208.4(e)(3), 208.4(i) and 208.5 of the proposed Regulation have been accepted and appropriate revisions made in the final Regulation.

Specific recommendations regarding these paragraphs which have not been found acceptable are the deletion of the latter part, remaining portion following the first sentence, of § 208.4(a) and changes in the wording of the third sentence of § 208.4(e)(2). These recommendations have not been accepted because the Corps of Engineers feels the referenced portions are needed for clarity in setting out procedures to be followed in prescribing specific regulations for projects subject to this Regulation.

(C) The Bureau's recommendation for revising the first sentence and deleting the last sentence of paragraph 208.4(c) of the proposed Regulation has not been found acceptable because the Corps of Engineers prescribes day-to-day (real-time) regulation of several projects as a routine practice and not just in special cases. This is necessary because these projects are part of a reservoir system and must be regulated in concert with other basin elements for effective and efficient project performance. Paragraph (d)(8) of § 208.11 of the final Regulation has been revised however, to better define the cooperative relationships needed for carrying out the objectives of the Regulation.

(D) The Bureau's recommendation to delete the first sentence and the latter portion of the second sentence of § 208.4(d) of the proposed Regulation is not acceptable. The Corps of Engineers feels that visits to the project by water control managers are desirable, if not necessary, prior to project completion so that familiarity with the water control facilities can be gained. A degree of cooperative-

ness can also be established between water control managers and operating personnel assigned to the project.

(E) The recommendation of the Bureau regarding deletion of a portion of the first sentence of § 208.4(k) of the proposed Regulation is unacceptable.

Any significant storage within a reservoir for whatever purpose can have an appreciable effect upon basin flooding and may require purposeful and specific operation of facilities. Consequently, as a minimum, an interim plan of regulation must be developed and documented. Accordingly, the final Regulation retains the requirement for publication of Section 7 regulations prior to any significant impoundment within a project.

(ii) In letter dated 22 January 1976, the Deputy Assistant Secretary, USDI, recommended revision of the proposed Regulation to include specific mention and reference to the Fish and Wildlife Coordination Act. He also indicated language that should be incorporated to insure that coordination relative to reservoir drawdown is carried out by the Corps with the appropriate fish and wildlife administrating agencies.

Paragraphs (c) and (d)(8) of § 208.11 have been amended in accordance with these recommendations to include reference to the Fish and Wildlife Coordination Act and special mention has been made in the final Regulation of coordination efforts to be accomplished with other interested Federal and State agencies. Reference has also been made to Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972.

(b) Revision to the proposed Regulation prior to promulgation.

(1) Other significant changes have been made in the proposed Regulation as follows:

(i) Paragraph 208.11(a). Excepted projects have been extended to those under the jurisdiction of the Columbia River Treaty.

(ii) Paragraph 208.11(d)(5)(iv) has been added so as to retain the opportunity for promulgation of specific regulations for a project in compliance with the authorizing Act and to cover those projects which have specific regulations promulgated but do not now have water control agreements consummated as specified in §§ 208.11(c)(3) and 208.11(c)(4).

(iii) Paragraph 208.11(d)(2) has been amended to include procedures for handling project regulations in the event of noncompliance by the project owner or designated operating agency, and to indicate that measures may be taken should an impasse arise between the Corps of Engineers and the project owner regarding compliance.

(iv) Paragraph 208.11(e). Certain projects have been removed from the listing of initially applicable projects pending consummation of water control agreements in accordance with provisions of § 208.11(d)(5).

c. *Final rule making:* Notice is hereby given that the Secretary of the Army (acting through the Chief of Engineers)

is revising regulations prescribing the policy and procedures to govern the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds as directed by Section 7 of the Flood Control Act of 1944. These regulations are intended to establish an understanding between project owners, operating agencies and the Corps of Engineers with regard to certain activities and responsibilities concerning water control management throughout the nation in the interest of flood control and navigation. Initially, these generalized regulations will be applicable to those projects for which specific regulations have been published in the FEDERAL REGISTER under this section (Part 208) of the Code and which will be superseded by these regulations. Specific information as defined in § 208.11(d)(11), for the initially applicable projects has been abstracted from the appropriate codified regulations to be deleted, and published in § 208.11(e) of this regulation. Periodically, and at least annually, additional projects will be added to the list in § 208.11(e) by publication of required information, defined in § 208.11(d)(11), in the FEDERAL REGISTER.

(d) *Effective date:* This regulation shall become effective on May 15, 1976.

Dated: May 11, 1976.

MARVIN W. REES,  
Colonel, Corps of Engineers,  
Executive Director of Civil Works.

Section 208.11 is added to read as follows:

AUTHORITY: Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709).

§ 208.11 Regulations for use of storage allocated for flood control or navigation at reservoirs constructed wholly or in part with Federal funds.

(a) *Purpose.* Revision of Policy and Procedures. This Regulation prescribes the policy and procedure for regulating the use of storage allocated for flood control or navigation purposes at all reservoirs capable of such regulation and constructed wholly or in part with Federal funds provided on the basis of such purposes, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; and those under the jurisdiction of the Columbia River Treaty. The intent of this Regulation is to establish an understanding between project owners, operating agencies, and the Corps of Engineers.

(b) *Policy.* The basic policy of the Corps of Engineers for carrying out the Congressional mandate of the cited authority is set forth below:

(1) Section 7 of the Flood Control Act of 1944 (58 Stat. 890, 33 U.S.C. 709) directs the Secretary of the Army to prescribe regulations for flood control and navigation in the following manner:

Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs con-

structed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: Provided, that this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department.

(2) The Chief of Engineers, U.S. Army, Corps of Engineers, is designated the duly authorized representative of the Secretary of the Army to exercise the authority set out in the Act. This Regulation will normally be implemented by letters of understanding between the Corps of Engineers and project owner and will incorporate the provisions of such letters of understanding prior to the time construction renders the project capable of significant impoundment of water. A water control agreement signed by both parties will follow when deliberate impoundment first begins or . . . at such time as the responsibility for physical operation, maintenance, and certain water control responsibilities of any Corps-owned projects may be transferred to another entity. Promulgation of this Regulation for a given project will occur at such time as the name of the project appears in the FEDERAL REGISTER in accordance with paragraph (d)(11) of this section. When agreement on a water control plan cannot be reached between the Corps and the project owner after coordination with all interested parties, the project name will be entered in the FEDERAL REGISTER and the Corps of Engineers plan will be the official water control plan until such time as differences can be resolved.

(c) *Scope and terminology.* This regulation applies to Federally authorized flood control and/or navigation storage projects during the planning, design and construction phases, and throughout the life of the project. In compliance with the authority cited above, this regulation defines certain activities and responsibilities concerning water control management throughout the nation in the interest of flood control and navigation. In carrying out the conditions of this regulation, the owner and/or operating agency will comply with applicable provisions of Pub. L. 85-624, the Fish and Wildlife Coordination Act of 1958, and Pub. L. 92-500, the Federal Water Pollution Control Act Amendments of 1972. This regulation does not apply to local flood protection works governed by § 208.10, Title 33 of the Code and permits exclusion of small reservoirs containing flood control or navigation storage of less than 12,500 acre-feet.

(1) The terms "reservoir" and "project" as used herein include all water resource impoundment projects constructed or modified, including natural lakes, that are subject to this regulation.

(2) The term "project owner" refers to the entity responsible for maintenance, physical operation, and safety of

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the project, and for carrying out the water control plan in the interest of flood control and/or navigation as prescribed by the Corps of Engineers. Special arrangements may be made by the project owner for "operating agencies" to perform these tasks.

(3) The term "letter of understanding" as used herein includes statements which consummate this Regulation for any given project and define the general provisions or conditions of the local sponsor, or owner, cooperation agreed to in the authorizing legislative document, and the requirements for compliance with Section 7 of the 1944 Flood Control Act. This information will be specified in the water control plan and manual. The letter of understanding will be signed by a duly authorized representative of the Chief of Engineers and the project owner. A "field working agreement" may be substituted for a letter of understanding, provided that the specified minimum requirements of the latter, as stated above, are met.

(4) The term "water control agreement" refers to a compilation of water control criteria, guidelines, diagrams, release schedules, rule curves, and specifications that basically govern the use of reservoir storage space allocated for flood control or navigation and/or release functions of a water control project for these purposes. In general, they indicate controlling or limiting rates of discharge and storage space required for flood control and/or navigation, based on the runoff potential during various seasons of the year.

(5) For the purpose of this Regulation, the term "water control plan" is limited to the plan of regulation for a water resources project in the interest of flood control and/or navigation. The water control plan must conform with proposed allocations of storage capacity and downstream conditions or other requirements to meet all functional objectives of the particular project, acting separately or in combination with other projects in a system.

(6) The term "real-time" denotes the processing of current information or data in a sufficiently timely manner to influence a physical response in the system being monitored and controlled. As used herein the term connotes . . . the analysis for and execution of water control decisions for both minor and major flood events and for navigation, based on prevailing hydrometeorological and other conditions and constraints, to achieve efficient management of water resource systems.

(d) *Procedures.* (1) *Conditions during project formulation.* During the planning and design phases, the project owner should consult with the Corps of Engineers regarding the quantity of space to reserve in the reservoir for flood control and/or navigation purposes, and for utilization of the space. Relevant matters that bear upon flood control and navigation accomplishment include: runoff potential, reservoir discharge capability, downstream channel characteristics, hydrometeorological data collec-

tion, flood hazard, flood damage characteristics, real estate acquisition for flowage requirements (fee and easement), and resources required to carry out the water control plan. Advice may also be sought on determination of and regulation for the probable maximum or other design flood under consideration by the project owner to establish the quantity of surcharge storage space, and freeboard elevation of top of dam or embankment for safety of the project.

(2) *Corps of Engineers involvement.* If the project owner is responsible for real-time implementation of the water control plan, consultation and assistance will be provided by the Corps of Engineers when appropriate and to the extent possible. During any emergency that affects flood control and/or navigation, the Corps of Engineers may temporarily prescribe regulation of flood control or navigation storage space on a day-to-day (real-time) basis without request of the project owner. Appropriate consideration will be given for other authorized project functions. Upon refusal of the project owner to comply with regulations prescribed by the Corps of Engineers, a letter will be sent to the project owner by the Chief of Engineers or his duly authorized representative describing the reason for the regulations prescribed, events that have transpired, and notification that the project owner is in violation of the Code of Federal Regulations. Should an impasse arise, in that the project owner or the designated operating entity persists in noncompliance with regulations prescribed by the Corps of Engineers, measures may be taken to assure compliance.

(3) *Corps of Engineers implementation of real-time water control decisions.* The Corps of Engineers may prescribe the continuing regulation of flood control storage space for any project subject to this regulation on a day-to-day (real-time) basis. When this is the case, consultation and assistance from the project owner to the extent possible will be expected. Special requests by the project owner, or appropriate operating entity, are preferred before the Corps of Engineers offers advice on real-time regulation during surcharge storage utilization.

(4) *Water control plan and manual.* Prior to project completion, water control managers from the Corps of Engineers will visit the project and the area served by the project to become familiar with the water control facilities, and to insure sound formulation of the water control plan. The formal plan of regulation for flood control and/or navigation, referred to herein as the water control plan, will be developed and documented in a water control manual prepared by the Corps of Engineers. Development of the manual will be coordinated with the project owner to obtain the necessary pertinent information, and to insure compatibility with other project purposes and with surcharge regulation. Major topics in the manual will include: authorization and description of the project, hydrometeorology, data collection and communication networks, hydro-

logic forecasting, the water control plan, and water resource management functions, including responsibilities and coordination for water control decision-making. Special instructions to the dam-tender or reservoir manager on data collection, reporting to higher Federal authority, and on procedures to be followed in the event of a communication outage under emergency conditions, will be prepared as an exhibit in the manual. Other exhibits will include copies of this Regulation, letters of understanding consummating this Regulation, and the water control agreements. After approval by the Chief of Engineers or his duly authorized representative, the manual will be furnished to the project owner.

(5) *Water control agreement.* (i) A water control diagram (graphical) will be prepared by the Corps of Engineers for each project having variable space reservation for flood control and/or navigation during the year; e.g., variable seasonal storage, joint-use space, or other rule curve designation. Reservoir inflow parameters will be included on the diagrams when appropriate. Concise notes will be included on the diagrams prescribing the use of storage space in terms of release schedules, runoff, non-damaging or other controlling flow rates downstream of the damsite, and other major factors as appropriate. A water control release schedule will be prepared in tabular form for projects that do not have a variable space reservation for flood control and/or navigation. The water control diagram or release schedule will be signed by a duly authorized representative of the Chief of Engineers, the project owner, and the designated operating agency, and will be used as the basis for carrying out this Regulation. Each diagram or schedule will contain a reference to this Regulation.

(ii) When deemed necessary by the Corps of Engineers, information given on the water control diagram or release schedule will be supplemented by appropriate text to assure mutual understanding on certain details or other important aspects of the water control plan not covered in this Regulation, on the water control diagram or in the release schedule. This material will include clarification of any aspects that might otherwise result in unsatisfactory project performance in the interest of flood control and/or navigation. Supplementation of the agreement will be necessary for each project where the Corps of Engineers exercises the discretionary authority to prescribe the flood control regulation on a day-to-day (real-time) basis. The agreement will include delegation of the responsibility. The document should also cite Section 7 of the 1944 Flood Control Act and congressional legislation authorizing construction of the project.

(iii) All flood control regulations published in the Federal Register under this Section (Part 208) of the Code prior to the date of this publication and listed in paragraph 208.11(e) are hereby superseded.

(iv) Nothing in this Regulation prohibits the promulgation of specific regu-

lations for a project in compliance with the authorizing Act (Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709)), when agreement on acceptable regulations cannot be reached between the Corps of Engineers and the owner.

(6) *Hydrometeorological instrumentation.* The project owner will provide instrumentation in the vicinity of the damsite and will provide communication equipment necessary to record and transmit hydrometeorological and reservoir data to all appropriate Federal authorities on a real-time basis. For those projects where the owner retains responsibility for real-time implementation of the water control plan, the owner will also provide or arrange for the measurement and reporting of hydrometeorological parameters required within and adjacent to the watershed and downstream of the damsite, sufficient to regulate the project for flood control and/or navigation in an efficient manner. When data collection stations outside the immediate vicinity of the damsite are required, and funds for installation, observation, and maintenance are not available from other sources, the Corps of Engineers may agree to share the costs for such stations with the project owner. Availability of funds and urgency of data needs are factors which will be considered in reaching decisions on cost sharing.

(7) *Project safety.* The project owner is responsible for the safety of the dam and appurtenant facilities and for regulation of the project during surcharge storage utilization. Emphasis upon the safety of the dam is especially important in the event surcharge storage is utilized, which results when the total storage space reserved for flood control is exceeded. Any assistance provided by the Corps of Engineers concerning surcharge regulation is to be utilized at the discretion of the project owner, and does not relieve the owner of the responsibility for safety of the project.

(8) *Notification of the general public.* The Corps of Engineers and other interested Federal and State agencies, and the project owner will jointly sponsor public involvement activities, as appropriate, to fully apprise the general public of the water control plan. Public meetings or other effective means of notification and involvement will be held, with the initial meeting being conducted as early as practicable but not later than the time the project first becomes operational. Notice of the initial public meeting shall be published once a week for three consecutive weeks in one or more newspapers of general circulation published in each county covered by the water control plan. Such notice shall also be used when appropriate to inform the public of modifications in the water control plan. If no newspaper is published in a county, the notice shall be published in one or more newspapers of general circulation within that county. For the purposes of this Section a newspaper is one qualified to publish public notices under applicable state law. Notice shall be

given in the event significant problems are anticipated or experienced that will prevent carrying out the approved water control plan or in the event that an extreme water condition is expected that could produce severe damage to property or loss of life. The means for conveying this information shall be commensurate with the urgency of the situation. The water control manual will be made available for examination by the general public upon request at the appropriate office of the Corps of Engineers, project owner or designated operating agency.

(9) *Other generalized requirements for flood control and navigation.* (i) Storage space in the reservoirs allocated for flood control and navigation purposes shall be kept available for those purposes in accordance with the water control agreement, and the plan of regulation in the water control manual.

(ii) Any water impounded in the flood control space defined by the water control agreement shall be evacuated as rapidly as can be safely accomplished without causing downstream flows to exceed the controlling rates; i.e., releases from reservoirs shall be restricted insofar as practicable to quantities which, in conjunction with uncontrolled runoff downstream of the dam, will not cause water levels to exceed the controlling stages currently in force. Although conflicts may arise with other purposes, such as hydropower, the plan or regulation may require releases to be completely curtailed in the interest of flood control or safety of the project.

(iii) Nothing in the plan of regulation for flood control shall be construed to require or allow dangerously rapid changes in magnitudes of releases. Releases will be made in a manner consistent with requirements for protecting the dam and reservoir from major damage during passage of the maximum design flood for the project.

(iv) The project owner shall monitor current reservoir and hydrometeorological conditions in and adjacent to the watershed and downstream of the damsite, as necessary. This and any other pertinent information shall be reported to the Corps of Engineers on a timely basis, in accordance with standing instructions to the damtender or other means requested by the Corps of Engineers.

(v) In all cases where the project owner retains responsibility for real-time implementation of the water control plan, he shall make current determinations of: reservoir inflow, flood control storage utilized, and scheduled releases. He shall also determine storage space and releases required to comply with the water control plan prescribed by the Corps of Engineers. The owner shall report this information on a timely basis as requested by the Corps of Engineers.

(vi) The water control plan is subject to temporary modification by the Corps of Engineers if found necessary in time of emergency. Requests for and action

on such modifications may be made by the fastest means of communication available. The action taken shall be confirmed in writing the same day to the project owner and shall include justification for the action.

(vii) The project owner may temporarily deviate from the water control plan in the event an immediate short-term departure is deemed necessary for emergency reasons to protect the safety of the dam, or to avoid other serious hazards. Such actions shall be immediately reported by the fastest means of communication available. Actions shall be confirmed in writing the same day to the Corps of Engineers and shall include justification for the action. Continuation of the deviation will require the express approval of the Chief of Engineers, or his duly authorized representative.

(viii) Advance approval of the Chief of Engineers, or his duly authorized representative, is required prior to any deviation from the plan of regulation prescribed or approved by the Corps of Engineers in the interest of flood control and/or navigation, except in emergency situations provided for in paragraph d(9)(vii) above. When conditions appear to warrant a prolonged deviation from the approved plan, the project owner and the Corps of Engineers will jointly investigate and evaluate the proposed deviation to insure that the overall integrity of the plan would not be unduly compromised. Approval of prolonged deviations will not be granted unless such investigations and evaluations have been conducted to the extent deemed necessary by the Chief of Engineers, or his designated representative, to fully substantiate the deviation.

(10) *Revisions.* The water control plan and all associated documents will be revised by the Corps of Engineers, as necessary, to reflect changed conditions that come to bear upon flood control and navigation, e.g., reallocation of reservoir storage space due to sedimentation or transfer of storage space to a neighboring project. Revision of the water control plan, water control agreement, water control diagram, or release schedule requires approval of the Chief of Engineers or his duly authorized representative. Each such revision shall be effective upon the date specified in the approval. The original (signed document) water control agreement shall be kept on file in the Office, Chief of Engineers, Department of the Army, Washington, D.C. Copies of the agreement shall be kept on file in and may be obtained from the office of the project owner, or from the office of the appropriate Division Engineer, Corps of Engineers.

(11) *FEDERAL REGISTER.* The following information for each project subject to Section 7 of the 1944 Flood Control Act shall be published in the FEDERAL REGISTER prior to the time the project becomes operational and prior to any significant impoundment before project completion or . . . at such time as the responsibility for physical operation and maintenance of the Corps of Engineers



owned projects is transferred to another entity: (i) reservoir, dam, and lake names, (ii) stream, county and state corresponding to the damsite location, (iii) the maximum current storage space in acre-feet to be reserved exclusively for flood control and/or navigation purposes,

or any multiple-use space (intermingled) when flood control or navigation is one of the purposes, with corresponding elevations in feet above mean sea level, and area in acres, at the upper and lower limits of said space, (iv) the name of the project owner, and (v) congressional

legislation authorizing the project for Federal participation. (e) List of projects. The following tables, "PERTINENT PROJECT DATA—SECTION 208.11 REGULATION," show the pertinent data for projects which are subject to this Regulation.

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION														
PROJECT NAME	STREAM	COUNTY & STATE	EXCLUSIVE					MULTIPLE-USE					PROJECT OWNER	AUTH. LEGIS.
			FLOOD CONTROL/NAVIGATION					FLOOD CONTROL/NAVIGATION						
			STORAGE	ELEV. LIMITS		AREA	STORAGE	ELEV. LIMITS		AREA				
			1000 ac-ft.	feet	m.s.l.	UPPER	LOWER	1000 ac-ft.	feet	m.s.l.	UPPER	LOWER		
Alpine Dam	Keith Creek	Winnebago, Il	0.585	796.0	764.0	51.88	0	-	-	-	-	-	City of Rock-Ford, Il	FMA Proj.
Agency Valley Dam & Res.	N. Fork Malheur River	Malheur, Or.	-	-	-	-	-	60.0	2040.0	2063.21	1900	0	Bureau of Rec.	PL 68-292
Bear Creek Dam	Bear Creek	Marion & Ralls, Mo.	8.7	564.5	520.0	540	0	-	-	-	-	-	City of Hannibal, Mo.	PL 83-780
Big Dry Creek and Diversion	Big Dry Creek and Dog Creek	Fresno, Ca.	16.25	425.0	393.0	1530	0	-	-	-	-	-	Reclamation Board Ca.	PL 77-228
Bonny Dam & Res.	S. Fork Republican River	Yuma, Co.	129.0	3710.0	3672.0	5,036	2042	-	-	-	-	-	Bureau of Rec.	PL 78-534
Boysen Dam & Res.	Wind River	Fremont, Wy.	150.0	4732.2	4725.0	22116	19560	150	4725.0	4717.0	19560	16955	Bureau of Rec.	PL 78-534
Bully Creek Dam & Reservoir	Bully Creek	Malheur, Or.	-	-	-	-	-	31.65	2523.0	2456.8	1082	140	Bureau of Rec.	PL 86-248
Camanche Dam & Reservoir	Mokelumne River	San Joaquin, Ca.	-	-	-	-	-	200.0	235.5	205.1	7600	5507	East Bay Mun Util Dist, Oakland, Ca.	PL 86-645
Cedar Bluff Dam & Reservoir	Sandy Hill River	Trego, Mo.	192.0	2166.0	2144.0	10790	6869	-	-	-	-	-	Bureau of Rec.	PL 76-534
Clark Canyon Dam & Reservoir	Beaverhead River	Beaverhead, Mt.	79.1	5560.4	5546.1	5903	5160	50.5	5546.1	5535.7	5160	4496	Bureau of Rec.	PL 78-534
Devil Creek Dam & Reservoir	Devil Creek, Malad River	Oneida, Id.	-	-	-	-	-	2.0	5172.4	5156.1	140	100	Malad Valley Irrigating Co.	PL 84-964

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION														
NAME	STREAM	STATE	EXCLUSIVE					MULTIPLE-USE					PROJECT OWNER	AUTH. LEGIS.
			FLOOD CONTROL/NAVIGATION					FLOOD CONTROL/NAVIGATION						
			STORAGE	ELEV. LIMITS		AREA	STORAGE	ELEV. LIMITS		AREA				
			1000 feet m.s.l.	acres		1000 feet m.s.l.	acres							
			ac-ft.	UPPER	LOWER	UPPER	LOWER	ac-ft.	UPPER	LOWER	UPPER	LOWER		
Emigrant Dam & Reservoir	Emigrant Creek	Jackson, Or.	39.0	2241.0	2131.5	801	80	-	-	-	-	-	Bureau of Rec.	PL 83-606
Enders Dam & Reservoir	Frenchman Creek	Chase, Mo.	30.0	3127.0	3112.3	2405	1707	-	-	-	-	-	Bureau of Rec.	PL 78-534
Folsom Dam & Lake	American River	Sacramento, Ca.	-	-	-	-	-	400.0	466.0	427.0	11450	9040	Bureau of Rec.	PL 81-356
Friant Dam & Res (Miller-ton Lake)	San Joaquin River	Fresno, Ca.	-	-	-	-	-	390.0	578.0	466.3	4850	2101	Bureau of Rec.	PL 75-392 & PL 76-868
Glen Elder Dam & Wacon-da Lake	Solomon River	Mitchell, Ka.	722.0	1498.3	1455.6	33682	12602	-	-	-	-	-	Bureau of Rec.	PL 78-534 & PL 79-526
Glendo Dam & Reservoir	North Platte River	Flatte, Wy.	271.9	4653.0	4635.0	17986	12365	-	-	-	-	-	Bureau of Rec.	PL 78-534
Heart Butte Dam & Lake	Heart River	Grant, N.D.	150.0	2094.5	2064.5	6625	3400	-	-	-	-	-	Bureau of Rec.	PL 78-534
Tschida Hoover Dam & Lake Mead	Colorado River	Clark NV & Mohave, Ar.	1500.0	1229.0	1219.6	162700	156500	15853.0	1219.6	1083.0	156500	83500	Bureau of Rec.	PL 70-642
Hungry Horse Dam & Reservoir	S. Fork Flat-head River	Flathead, Mt.	2982.0	3560.0	3336.0	23800	5400	-	-	-	-	-	Bureau of Rec.	PL 78-329
Jamestown Dam & Reservoir	James River	Stutsman, N.D.	185.4	1454.0	1432.67	13206	2555	6.6	143267	1429.8	2555	2085	Bureau of Rec.	PL 78-534
Keyhole Dam & Reservoir	Belle Fourche River	Crook, Wy.	140.2	4111.5	4099.3	13686	9394	-	-	-	-	-	Bureau of Rec.	PL 78-534

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION														
PROJECT NAME	STREAM	COUNTY & STATE	EXCLUSIVE					MULTIPLE-USE					PROJECT OWNER	AUTH. LEGIS.
			FLOOD CONTROL/NAVIGATION					FLOOD CONTROL/NAVIGATION						
			STORAGE	ELEV. LIMITS		AREA	STORAGE	ELEV. LIMITS		AREA				
			1000 ac-ft.	feet m.s.l.	UPPER	LOWER	UPPER	LOWER	1000 ac-ft.	feet m.s.l.	UPPER	LOWER		
Kirwin Dam & Reservoir	N. Fork Solomon River	Phillips, Ka.	215.115	1757.3	1729.25	10640	5080	-	-	-	-	-	Bureau of Rec.	PL 78-534
Little Wood River Dam & Reservoir	Little Wood River	Blain, Id.	30.0	5237.3	5127.8	574	0	-	-	-	-	-	Bureau of Rec.	PL 84-993
Logan Martin Dam & Reservoir	Coosa River	Talladega, Al	245.3	477	465	26310	15260	-	-	-	-	-	Alabama Power Co.	PL 83-436
Los Banos Dam & Detention Res.	Los Banos Creek	Merced, Ca.	-	-	-	-	-	14.0	353.5	327.8	619	467	Bureau of Rec.	PL 86-488
Lovewell Dam & Reservoir	White Rock Creek	Jewell, Ka.	50.0	1595.3	1582.6	5025	2986	-	-	-	-	-	Bureau of Rec.	PL 78-534
Markham Ferry Dam & Lake	Grand (Neosho) River	Mayes, Ok.	244.2	636.0	619.0	18800	10900	-	-	-	-	-	Grand River Dam Authority	PL 76-476
Wash E. Hudson Medicine Creek Dam & Harry Struck Lake	Medicine Creek	Frontier, Mo.	52.0	2386.2	2366.1	3465	1850	-	-	-	-	-	Bureau of Rec.	PL 78-534
New Exchange Dam & Lake McClure	Merced River	Tuolumne, Ca.	-	-	-	-	-	400.0	867.0	799.7	7110	4849	Merced Irrigation Dist.	PL 86-645
Norton Dam & Reservoir	Prairie Dog Creek	Norton, Ka.	100.0	2331.4	2304.3	5316	2181	-	-	-	-	-	Bureau of Rec.	PL 78-534

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		PERTINENT PROJECT DATA - SECTION 208.11 REGULATION												
		EXCLUSIVE					MULTIPLE-USE							
PROJECT NAME	STREAM	-COUNTY & STATE	FLOOD CONTROL/NAVIGATION					FLOOD CONTROL/NAVIGATION					PROJECT OWNER	AUTH. LEGIS.
			STORAGE	ELEV.	LIMITS	AREA	STORAGE	ELEV.	LIMITS	AREA				
			1000 ac-ft.	feet m.s.l.	UPPER LOWER	acres	1000 ac-ft.	feet m.s.l.	UPPER LOWER	acres				
Ochoco Dam & Reservoir	Ochoco Creek	Crook, Or.	51.4	3136.2	3048.1	1150	120	-	-	-	-	-	Bureau of Rec.	PL 84-992
Oroville Dam & Lake	Feather River	Butte, Ca.	-	-	-	-	-	254.0	440.0	648.5	15800	13346	Calif. Dept of Water Resources	PL 85-500
Ractola Dam & Reservoir	Rapid Creek	Pennington, S.D.	43.0	4621.5	4580.2	1232	860	-	-	-	-	-	Bureau of Rec.	PL 78-554
Palisades Dam & Reservoir	Snake River	Bonneville, Id.	1202.0	5620.0	5452.43	16100	2170	-	-	-	-	-	Bureau of Rec.	PL 81-884
Platora Dam & Reservoir	Conejos River	Conejos, Co.	6.0	10034.0	10027.5	947	920	540	1000	994.5	920	0	Bureau of Rec.	PL 76-640
Prineville Dam & Reservoir	Crooked Creek	Crook, Or.	193.0	3234.8	3112.0	2940	1.0	-	-	-	-	-	Bureau of Rec.	PL 84-992
Prosser Creek & Reservoir	Prosser Creek	Nevada, Ca.	-	-	-	-	-	20.0	4541.2	5705.7	745	334	Bureau of Rec.	PL 84-848
Red Willow Dam & Hugh Butler Lake	Red Willow Creek	Frontier, Mo.	50.0	2604.9	2581.8	2682	1679	-	-	-	-	-	Bureau of Rec.	PL 78-554 & PL 85-78
Savage River Dam & Reservoir	Savage River	Carroll, Md.	-	-	-	-	-	16.028	1468.3	1406.0	166	127	Upper Potomac River Commission	PL 79-528
Shadehill Dam & Reservoir	Grande River	Perkins, S.D.	217.7	2302.2	2272.0	9900	4800	-	-	-	-	-	Bureau of Rec.	PL 78-554
Shasta Dam & Lake	Sacramento River	Shasta, Ca.	-	-	-	-	-	1760.0	1467.0	1016.6	29570	23894	Bureau of Rec.	PL 75-592 & PL 76-808

PERTINENT PROJECT DATA - SECTION 208.11 REGULATION														
PROJECT NAME	STREAM	COUNTY & STATE	EXCLUSIVE					MULTIPLE-USE					PROJECT OWNER	AUTH. LEGIS.
			FLOOD CONTROL/NAVIGATION					FLOOD CONTROL/NAVIGATION						
			STORAGE	ELEV.	LIMITS	AREA		STORAGE	ELEV.	LIMITS	AREA			
			1000	feet m.s.l.		acres		1000	feet m.s.l.		acres			
			ac-ft.	UPPER	LOWER	UPPER	LOWER	ac-ft.	UPPER	LOWER	UPPER	LOWER		
Trenton Dam & Reservoir	Republican River	Hitchcock, Neb.	134.0	2773.0	2752.0	7975	4974	-	-	-	-	Bureau of Rec.	PL 78-554	
Twitchell Dam & Reservoir	Cuyama River	Santa Barbara, Ca.	89.0	651.5	623.0	3690	2670	-	-	-	-	Bureau of Rec.	PL 81-274	
Warm Springs Dam & Res.	Middle Fork Malheur River	Malheur, Or.	-	-	-	-	-	191.0	3406.0	3327.0	4600	90	50% Vale Irr. Dist. & 50% Bureau of Rec.	-
Waterbury Dam & Reservoir	Little River	Washington, Vt.	27.7	617.5	592.0	1330	690	-	-	-	-	-	State of Vermont	PL 78-554
Wells Dam & Reservoir	Cocoma River	Cherokee, Al.	397.0	574	546	50000	30200	-	-	-	-	-	Alabama Power Co.	PL 83-436
Yellowtail Dam & Big-horn Lake	Big Horn River	Big Horn, Mt.	259.0	3657.0	3640.0	17288	12685	250.0	3640.0	3614.0	12685	7410	Bureau of Rec.	PL 78-534

# Title 38—Pensions, Bonuses, and Veterans' Relief

## CHAPTER I—VETERANS ADMINISTRATION

### PART 3—ADJUDICATION

#### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

##### DELETION OF OBSOLETE AND DUPLICATIVE LANGUAGE

The Administrator of Veterans' Affairs amends Part 3 of Title 38, Code of Federal Regulations, to delete obsolete and duplicative language relating to veterans' pension benefits.

Public Law 94-109 (89 Stat. 1013), effected general increase in pension and parents' dependency and indemnity compensation rates, including housebound and aid and attendance allowance rates. Section 3.351 of Title 38, Code of Federal Regulations, prescribes the basic eligibility requirements for aid and attendance in pension, dependency and indemnity compensation and death compensation cases and housebound benefits in veteran's pension cases. Paragraph (a) of this section relating to aid and attendance is amended to delete an obsolete reference to Indian War Veterans. Paragraph (d) relating to housebound benefits is amended to delete citations of specific dollar amounts payable as aid and attendance allowance and housebound benefits. These rates are established by statutory amendments to Title 38, United States Code. The statutory rates are incorporated in rate schedules published by the Veterans Administration for use in the processing of claims. These rate schedules are up-dated whenever statutory changes are effected. For this reason, incorporating the specific rates in the regulation is a duplication which is of little benefit and requires up-dating the regulation as well when changes are effected. No change in entitlement to benefits is effected by these regulatory changes.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments are editorial in nature.

In § 3.351, paragraphs (a) and (d) introduction are revised to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Spanish-American War veterans (38 U.S.C. 512) and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pension for widows and widowers in need of regular aid and attendance is provided for widows and widowers of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in

World War I, World II or the Korean conflict (38 U.S.C. 544). Additional dependency and indemnity compensation and death compensation for widows and widowers and for parents in need of regular aid and attendance is provided for widows and widowers and for parents of veterans of all periods of service. (38 U.S.C. 322(b), 411(c); 415(h)).

(d) *Permanent and total plus 60 percent, or housebound;* 38 U.S.C. 521. The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 and who does not qualify for increased pension under 38 U.S.C. 521(d) based on need of regular aid and attendance shall be increased as prescribed in 38 U.S.C. 521(e) if, in addition to having a single permanent disability rated as 100 percent without resort to individual unemployability, the veteran:

*Effective date.* This VA Regulation is effective January 1, 1976.

Approved: May 12, 1976.

(SEAL)

R. L. ROUDEBUSH,  
Administrator.

(FR Doc 76-14470 Filed 5-17-76; 8:45 am)

### PART 3—ADJUDICATION

#### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

##### FEDERAL EMPLOYEES' COMPENSATION

The Administrator of Veterans' Affairs amends Part 3 of Title 38, Code of Federal Regulations, to reflect a reorganization and change of name in the agency administering Federal Employees' Compensation Act benefits.

Cases are occasionally encountered in which the Veterans Administration determines a veteran's disability or death was due to military service and the Office of Workers' Compensation Programs (formerly Bureau of Employees' Compensation), which administers benefits under the Federal Employees' Compensation Act, determines the same disability or death was due to the veterans' civilian employment. In such cases there is entitlement to benefits payable by both agencies. There is also dual entitlement to benefits for disability or death of a reservist incurred in peacetime service prior to January 1, 1957. However, in both types of cases where there is dual entitlement the claimant must elect which agency's benefits he or she wishes to receive because under the enabling statutes, benefits may not be paid by both agencies concurrently based on the same disability or death. There is no prohibition against a claimant receiving concurrent benefits from both agencies when the two benefits are not based on the same disability or death.

Under a reorganization in the Department of Labor the Bureau of Employees' Compensation was abolished. Its former functions have been transferred to the Office of Workers' Compensation Pro-

grams in the Department of Labor. These regulatory changes delete the obsolete references to "Bureau of Employees' Compensation" and substitute "Federal Employees' Compensation" and "Office of Workers' Compensation Programs" where appropriate.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments are editorial in nature.

1. In § 3.400, paragraphs (d), (e), and (f) are revised to read as follows:

§ 3.400 General.

(d) *Age; veteran 65, widow (widower) 70 (§ 3.208).* In other than original claims date of receipt of claim or 65th (or 70th) birthday, whichever is later, if evidence filed within 1 year after date of request.

(e) *Apportionment (§§ 3.450 through 3.461, 3.551, 3.557).* On original claims, in accordance with the facts found. On other than original claims from the first day of the month following the month in which:

(1) Claim is received for apportionment of a veteran's award, except that where payments to him (her) have been interrupted, apportionment will be effective the day following date of last payment if a claim for apportionment is received within 1 year after that date;

(2) Notice is received that a child included in the widow's or widower's award is not in the widow's or widower's custody, except that where payments to the widow or widower have been interrupted, apportionment will be effective the day following date of last payment if such notice is received within 1 year after that date.

(f) *Federal employees' compensation cases (§ 3.708).* Date authorized by applicable law, subject to any payments made by the Office of Workers' Compensation Programs under the Federal Employees' Compensation Act over the same period of time.

2. In § 3.958, paragraph (a) is revised to read as follows:

§ 3.956 Public Law 86-211.

(a) Any person receiving or entitled to receive pension on June 30, 1960, under title 38, United States Code, based on service in World War I, World War II or the Korean conflict may receive pension under all applicable provisions of that title in effect on that date for such period or periods thereafter for which he or she can qualify under such provisions. This protection ceases when the claimant (or the claimant's fiduciary) has elected benefits under Pub. L. 86-211. (Sec. 9, Pub. L. 86-211; 73 Stat. 432)

3. Section 3.968 is revised to read as follows:



### § 3.958 Federal employees' compensation cases.

Any award approved prior to September 13, 1960, authorizing Veterans Administration benefits concurrently with an award of benefits under the Federal Employees' Compensation Act based on a finding that the same disability or death was due to civilian employment is not affected by the prohibition against concurrent awards contained in 5 U.S.C. 8116(b).

**Effective date.** These VA Regulations are effective May 12, 1976.

Approved: May 12, 1976.

[SEAL] R. L. ROUDEBUSH,  
Administrator.

[FR Doc.76-14471 Filed 5-17-76; 8:45 am]

### Title 39—Postal Service

#### CHAPTER I—U.S. POSTAL SERVICE PART 601—PROCUREMENT OF PROPERTY AND SERVICES

##### Postal Contracting Manual; Updating Information

The purpose of this document is to revise the description of the contents of the Postal Contracting Manual contained in § 601.103 to reflect the previous addition to the Manual of sections 8, 14, 20, 22, 24 and 27, and to revise and expand the description of section 18.

In addition, § 601.104, dealing with availability of the Manual, is amended to delete reference to the price of the Manual, which upon becomes out of date as a result of the continuing inflation. Certain addresses and offices in § 601.104 are also updated.

Accordingly, effective immediately, the following amendments are made to 39 CFR 601:

1. In § 601.103 paragraphs (g)-(j) are redesignated (h)-(k), paragraphs (k) and (l) are redesignated (m) and (n), paragraph (n) is redesignated (p), Paragraphs (p) and (q) are redesignated (v) and (w). Paragraphs (m) and (o) are redesignated (d) and (u) and revised to read as follows, and new paragraphs (g), (l), (q), (r), (s) and (t) are added as follows:

§ 601.103 Content of Postal Contracting Manual.

(g) Section 8 describes principles and procedures applicable to the termination of contracts for convenience or for default.

(l) Section 14 covers inspection and acceptance.

(o) Section 18 prescribes policies and procedure for the acquisition and control of land, for leasing postal facilities, for the procurement of construction and minor repairs and improvements.

(q) Section 20 deals with administrative matters including numbering

procedures for procurement documents and formats for contracts.

(r) Section 22 prescribes procedures for the solicitation, award, and administration of job cleaner contracts.

(s) Section 24 deals with disposition of personal property in possession of contractors.

(t) Section 27 defines policies and procedures applicable to research and development contracts.

(u) Sections 4, 13, 17, 21, 23, and 25-26 are reserved for future use.

2. Paragraph (a) of § 601.104 is amended to read as follows:

§ 601.104 Availability of Postal Contracting Manual.

(a) Copies of the Postal Contracting Manual, Publication 41, may be purchased, and changes to the Manual may be obtained, from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Manual may be examined during normal business hours at the U.S. Postal Service, Office of Contracts, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260, and at the following U.S. Postal Service Regional Contract and Supply Management Branches:

Northeastern Region, 33d Street & Eighth Avenue, New York, N.Y. 10008.  
Eastern Region, 1845 Walnut Street, Philadelphia, PA 19101.

Southeastern Region, 5100 Poplar Avenue, Clark Tower Building, Memphis, TN 38166.  
Central Region, 433 West Van Buren Street, Chicago, IL 60699.  
Western Region, 860 Cherry Street, San Bruno, CA 94099.

(5 USC 552(a); 39 USC 401, 404, 410, 411, 2008)

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc.76-14402 Filed 5-17-76; 8:45 am]

### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP6E1710/R83 FRL 544-5]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Benomyl

On March 25, 1976 the Environmental Protection Agency (EPA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 12305) to amend 40 CFR 180.294 to include a tolerance for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity pumpkins at 1 part per million. This notice of proposed rulemaking was published in response to a pesticide petition (PP6E1710) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231,

Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Stations of Arkansas, Connecticut, North Carolina, and New York. No comments or requests for referral to an advisory committee were received by the Agency in regard to this notice of proposed rulemaking.

Effective on the date of publication, therefore, 40 CFR 180.294 is amended as proposed. This tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before May 18, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 18, 1976, 40 CFR 180.294 is amended as set forth below.

Dated: May 11, 1976.

AUTHORITY: Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].

JAY TURIM,  
Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.294, is amended by revising the paragraph "1 part per million in or on almond hull . . ." to include the raw agricultural commodity pumpkins, to read as follows:

§ 180.294 Benomyl; tolerances for residues.

1 part per million in or on almond hulls, avocados, cucumbers, melons, pumpkins, summer squash, and winter squash.

[FR Doc.76-14349 Filed 5-24-76; 8:45 am]

[PP6F1673/R86 FRL 544-3]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Chlorpyrifos

On March 12, 1976, notice was given (41 FR 10709) that Dow Chemical Corp., PO Box 1706, Midland MI 48640, had filed a pesticide petition (PP 6F1673) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.342 be amended to establish a tolerance for residues of the insecticide chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol

in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm), and in meat, fat, and meat byproducts of poultry (except turkeys) and the eggs of poultry at 0.01 ppm. No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The established tolerances, as well as the proposed tolerances, are adequate to cover residues of the pesticide that will result in eggs and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and poultry. Therefore, 40 CFR 180.342 is being amended as proposed. The tolerances established by amending the regulation will protect the public health.

Any person adversely affected by this regulation may file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St. SW, Washington, D.C. 20460, on or before June 17, 1976. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 18, 1976, 40 CFR 180.342 is amended as set forth below.

Dated: May 10, 1976.

AUTHORITY: Sec. 408(d) (2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a (d) (2)].

JAY TURIM,  
Acting Deputy Assistant Administrator for Pesticide Programs.

Title 40, Part 180, Subpart C, § 180.342, is amended by establishing tolerances for cottonseed at 0.5 ppm and the meat, fat, and meat byproducts of poultry (except turkeys) and the eggs of poultry at 0.01 ppm and by revising the section to read as follows.

§ 180.342 Chlorpyrifos: tolerances for residues.

Tolerances are established for combined residues of the pesticide chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the following raw agricultural commodities:

Commodity:	Parts per million
Bananas (whole).....	0.25
Bananas, pulp with peel removed.....	0.05
Beans, lima.....	0.05
Beans, lima, forage.....	1
Beans, snap.....	0.05
Beans, snap, forage.....	1
Cattle, fat.....	1.5

Commodity:	Parts per million
Cattle, mbypp.....	1.5
Cattle, meat.....	1.5
Corn, field, grain.....	0.1
Corn, fresh (inc sweet K+CWHR).....	0.1
Corn, fodder.....	0.1
Corn, forage.....	0.1
Cottonseed.....	0.5
Eggs.....	0.01
Goats, fat.....	0.1
Goats, mbypp.....	0.1
Goats, meat.....	0.1
Hogs, fat.....	0.1
Hogs, mbypp.....	0.1
Hogs, meat.....	0.1
Horses, fat.....	0.1
Horses, mbypp.....	0.1
Horses, meat.....	0.1
Milk, fat [0.01 ppm (N) in whole milk].....	0.25
Peaches.....	0.05
Poultry, fat (exc turkeys).....	0.01
Poultry, mbypp (exc turkeys).....	0.01
Poultry, meat (exc turkeys).....	0.01
Sheep, fat.....	0.1
Sheep, mbypp.....	0.1
Sheep, meat.....	0.1
Turkeys, fat.....	0.2
Turkeys, mbypp.....	0.2
Turkeys, meat.....	0.2

[FR Doc.76-14351 Filed 5-17-76; 8:45 am]

[FRL 545-3]

#### PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

##### Revocation of Regulations; Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting typographical errors appearing in the notice published in the FEDERAL REGISTER on April 1, 1976 (41 FR 13936) which revoked all of 40 CFR 414 promulgated on April 25, 1974 (39 FR 14676) except that portion related to the manufacture of butadiene and also revoked all of 40 CFR 414 promulgated and proposed January 5, 1976 (41 FR 902).

The second paragraph of the April 1, 1976 notice is corrected to read as follows: Sections 414.60, 414.61, 414.62, 414.63, 414.64, 414.65 and 414.66 of subpart B are revoked.

Dated: May 11, 1976.

ANDREW W. BREIDENBACH,  
Assistant Administrator for  
Water and Hazardous Materials.

As corrected, the amendments to 40 CFR Part 414 (41 FR 13936, April 1, 1976) read as follows:

Subparts A, C and D are revoked and reserved.

Sections 414.60, 414.61, 414.62, 414.63, 414.64, 414.65 and 414.66 of Subpart B are revoked.

Sections 414.20, 414.21, 414.22, 414.23, 414.24, 414.25 and 414.26 of Subpart B are revoked as they apply to all commodities except butadiene. These sections, as they apply to butadiene shall remain in effect.

[FR Doc.76-14487 Filed 5-17-76; 8:45 am]

### Title 43—Public Lands: Interior

#### SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR LAND RESOURCE MANAGEMENT

##### Miscellaneous Amendments & Revisions

This rulemaking makes 3 amendments and revisions of a technical or procedural nature to regulations dealing with the land management program of the Department of the Interior. No increase in funds and manpower requirements will result and no program shifts are indicated. These amendments and revisions will update 43 CFR, Parts 7 and 9 to make them consistent with current policy and with the regulations in 43 CFR, Chapter II. For these reasons, proposed rulemaking and public participation are not necessary.

These amendments and revisions will accomplish the following:

1. Section 7.5 is revised to reflect the change from Grazing Advisory Boards to Multiple Use Advisory Boards pursuant to the authority contained in the Federal Advisory Committee Act of 1970 (86 Stat. 770; 5 U.S.C. App. I).

2. Section 9.2(b) is amended to state the current address and office in which to file a lease, permit, or easement application for public works.

3. Section 9.3 is amended to conform with 43 CFR 2921.0-6 reflecting the Department's current policy on advertising displays along the Interstate System and the primary system of highways.

The regulations are amended as follows and become effective May 18, 1976.

#### PART 7—EMPLOYEES: INTEREST IN LANDS AND RESOURCES

1. Section 7.5 is revised to read as follows:

§ 7.5 Multiple Use Advisory Boards.

Nothing contained in this part shall disqualify local stockmen appointed pursuant to the Federal Advisory Committee Act of 1970 (86 Stat. 770; 5 U.S.C. App. I) as members of advisory boards from acquiring or retaining grazing licenses or permits issued pursuant to Section 3 of the Taylor Grazing Act (43 U.S.C. 315b), or any other interest in land or resources administered by the Bureau of Land Management: *Provided*, That in no case shall the member of any such board participate in any advice or recommendation concerning such license or permit in which such member is directly or indirectly interested.

#### PART 9—LEASES, PERMITS AND EASEMENTS FOR PUBLIC WORKS

2. Section 9.2(b) is amended to read as follows:

§ 9.2 Applicability of regulations: Where to apply.

(b) For public lands under the administration of the Bureau of Land Management, applications shall be filed in



that office of the Bureau of Land Management having jurisdiction over the lands. See § 1821-2-1.

3. Section 9.3(e) is revised and paragraphs (f) and (g) are added to read as follows:

### § 9.3 General provisions.

(e) No permits for advertising displays will be issued for lands within rights-of-way, or within 660 feet of rights-of-way of the National System of Interstate and Defense Highways (Interstate System) and the primary system (title 23, United States Code), or for displays which would be visible from such highways.

(f) Permits for advertising displays on other areas will be issued only for displays advertising activities on or within 50 feet of the property where the display is located.

(g) Notwithstanding any other provision of this subpart, no permit will be issued for the erection and maintenance of any advertising display which would be inconsistent with national programs for the preservation of natural beauty.

JACK O. HORTON,  
Assistant Secretary  
of the Interior.

MAY 10, 1976.

[FR Doc. 76-14355 Filed 5-17-76; 8:45 am]

### Title 45—Public Welfare

### CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

### PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

### Subpart—Eligibility for Waiver of Increased Non-Federal Share Contribution

#### CSA Instruction 6802-5

The following regulations are hereby promulgated to publish additional eligibility criteria for waiver of the non-Federal share. Publication of these regulations is a continuation of an effort to assure that communities are able to participate in community action programs despite their present lack of local economic resources to match Federal grant funds.

Although these regulations will not be effective until June 17, 1976 CSA is requesting that grantees submit their requests for waivers of the non-Federal share by May 21, 1976, since submission at the earliest possible date is in their best financial interests.

Final action on the requests will not be taken until the effective date of this subpart.

Effective: June 17, 1976.

SAMUEL R. MARTINEZ,  
Director.

Sec.  
1068.22-1 Applicability.  
1068.22-2 Background.  
1068.22-3 Purpose.  
1068.22-4 Policy.  
1068.22-5 Procedures.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

### § 1068.22-1 Applicability.

This subpart is applicable to all grants funded under Title II, Sections 221 and 222(a) of the Community Services Act of 1974 if the assistance is administered by the Community Services Administration.

### § 1068.22-2 Background.

On January 4, 1975 the Community Services Act was enacted into law. The new legislation mandated an increase in the percentage of non-Federal share contributions for certain Title II programs beginning with funds granted in FY 1976 with an additional increase for grants made with FY 1977 funds. One of the objectives of this increase was to encourage more State and local cooperation. The rationale was based on the assumption that State and local governments would be able to meet increased demands for contributions to the CSA-funded programs and that the resultant local commitment would assure a sound and continuing program. However, in the interim it appears that many State and local units of government find themselves in difficult financial situations. Therefore, regardless of the commitment many communities may have to community action programs, some units of government and private agencies may not be in a financial position to meet requests for increased contributions. To continue to require non-Federal share contributions in excess of 20% in communities where these conditions currently exist would be inconsistent with a major intent of the legislation. Consequently, the Director of CSA is exercising his authority under Section 225(c) of the Community Services Act to develop additional objective criteria under which part or all of the additional non-Federal share may be waived.

### § 1068.22-3 Purpose.

The purpose of this subpart is to introduce additional waiver criteria under which CSA-funded grantees who operate programs in communities where the unit(s) of government are experiencing severe economic problems and/or where the private sector in general has been likewise impacted, will be eligible for waivers of part or all of the increased non-Federal share contributions.

### § 1068.22-4 Policy.

(a) *New Waiver Criteria.* (1) Any grantee funded under Title II Sections 221 and 222(a) of the Community Services Act may apply for a waiver of a part or all of the required non-Federal share contribution which exceeds 20% when it can document that its inability to raise the additional funds is based on those severe economic problems in the community which result in the inability to mobilize local, State or private resources.

(2) This waiver policy covers those grants made from July 1, 1975 and is retroactive for all grants.

(b) *Existing Waiver Criteria.* § 1068.20-1—§ 1068.20-7 and § 1068.21-1—§ 1068.21-3 remain in effect. However, effective immediately, any grantee who requests a waiver under the provisions of these subparts must comply with the time frame and procedures outlined in § 1068.22-5.

### § 1068.22-5 Procedures.

(a) *For FY 1976 Grants.* A request for waiver of part or all of the increased non-Federal share contribution for FY 1976 will be in the form of a letter to the Regional or Headquarters office responsible for administering the grant and should be submitted to the administering office no later than May 21, 1976. Any amendments to these submissions should accompany the grantee's application for any additional FY 1976 funds. The letter will state (1) the amount (dollars) and percentage of non-Federal share required; (2) the amount (cash plus the value of in-kind) and percentage the community can provide; (3) that the applicant has made a reasonable effort to raise more non-Federal share and has been unsuccessful; and (4) the unit(s) of government/agencies/organizations contacted. In addition the letters will be accompanied by certifications from each of those officials contacted whose contributions were below the amount requested (including "0" contributions) that they were approached; the type and value of the contribution requested; type and amount contributed in the past funding period; what they will contribute toward the current grant requirement and reasons for not being able to make contributions at the level requested. (See Exhibit 1 for example of a certification letter.)

(b) *For FY 1977 Grants.* Grantees will be informed of the time frame and procedures for submission of requests for waiver of the non-Federal share for FY 1977 at the appropriate point in FY 1977.

(c) CSA reserves the right to require that additional evidence be submitted in support of these representations.

To: Regional Director or Appropriate Headquarters Official Community Services Administration

### EXHIBIT I

This is to certify that on \_\_\_\_\_ (date) \_\_\_\_\_ requested that our \_\_\_\_\_

(CSA grantee) unit of government/organization/agency provide cash ( ) and/or in-kind ( ) valued at \$\_\_\_\_\_ to be credited as a contribution to that portion of the program costs in its grant made by the Community Services Administration which must be borne by the community.

This unit of government/organization/agency has provided the following resources toward the CSA grantee's non-Federal share requirement in the previous grant period.

Cash: \$\_\_\_\_\_ Value of in-kind: \$\_\_\_\_\_ (space) \$\_\_\_\_\_ (volunteer services)

\$\_\_\_\_\_ (other)  
\$\_\_\_\_\_ Total  
Due to the circumstances described below in "Remarks" we are not able to make a contribution at the level requested for this grant period.

The value of our cash contribution toward the grantee's current grant has been or will be \$\_\_\_\_\_.

The value of our in-kind contribution toward the grantee's current grant has been or will be as follows:

\$\_\_\_\_\_ (space)  
\$\_\_\_\_\_ (volunteer services)  
\$\_\_\_\_\_ (other)

\$\_\_\_\_\_ Total  
Remarks:

(Authorizing Official)

(Unit of Government/  
Agency/Organization)

(Date)

[FR Doc. 76-14476 Filed 5-17-76; 8:45 am]

### Title 50—Wildlife and Fisheries

### CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

### PART 285—ATLANTIC TUNA FISHERIES Final Rule Making

On March 30, 1976, the National Marine Fisheries Service (NMFS) published in the FEDERAL REGISTER (41 FR 13364) a notice of proposed rulemaking concerning the taking of Atlantic bluefin tuna in Atlantic waters. The purpose of the proposed rulemaking was to amend regulations governing Atlantic bluefin tuna promulgated on August 13, 1975 (40 FR 33978) in order to continue implementation of the conservation measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Authority for regulation is the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971, et seq. The Notice of March 30 proposed to amend, under subpart B, the annual catch quotas for bluefin tuna between 14 and 115 pounds and larger than 300 pounds, to delete several provisions concerning incidental catch, to impose additional reporting requirements, to implement a license system and to provide for a tag and release permit.

The public had the opportunity to comment on these proposals at a public hearing held in Boston, Massachusetts on April 14, 1976, and to submit written comments until April 29, 1976. Full and careful consideration has been given to all comments received.

1. The majority of the statements delivered at the public hearing and received in writing thereafter concerned the lowering of the 1976 catch quota for giant bluefin tuna taken by all methods or gear except purse seining from 2,250 fish to 2,000 fish and the reduction in the purse seine quota for small bluefin tuna from 1,100 tons to 1,000 tons. A higher quota of 3,000 giant fish and an increase in the small fish quota to 2,200 tons were

suggested. The proposed 1976 quota of 2,000 giant fish represents a reduction of 11.1 percent or 250 fish from the 1975 quota. It is the position of NMFS that this reduction is justified. In reaching this conclusion, it has taken into account an analysis made available to the public, proposed by scientists at the Southeast Fisheries Center, Miami, Florida. The analysis revealed that regardless of the catch of giant bluefin tuna, the population of these tuna will decline due to natural causes. Since these fish comprise the major reproductive capacity of the species, our objective, in the short term, is to preserve this capacity so as to increase the probability of favorable year-classes in coming seasons, and establish a stable pattern of population growth. By reducing the harvest of small fish over the long term, we hope to provide the stock with a steady influx of mature young fish in order to assure continued productive capacity.

ICCAT has recommended that we "take necessary measures to limit the fishing mortality of bluefin tuna to recent levels." Since fishing mortality is a function of stock levels, we believe that the combination of quotas we have proposed falls well within the letter and spirit of that recommendation. Therefore, the proposed quotas are adopted.

2. As a result of the widely expressed dissatisfaction with the early (September 15, 1975) closure of the 1975 giant bluefin tuna season for gear other than purse seining, due to the unrestricted harvesting rate allowed in the 1975 regulations, we proposed a daily bag limit for giant bluefin tuna in § 285.12(b)(3) of one fish per vessel up to August 13, and 3 fish per vessel thereafter until the quota was reached. Some dissatisfaction with this proposal was expressed, and numerous written objections and counter-proposals were received during the comment period. In consideration of the overwhelming agreement by all parties for a need to extend the season over the maximum period possible, the daily bag limit proposal is revised to provide a daily bag limit of one fish per vessel through August 13 and a weekly bag limit of 7 fish per vessel thereafter. The weekly provision has the distinct advantage of allowing a vessel owner or operator the flexibility of deciding whether he wishes to catch all 7 fish in one day, catch only one fish each day during the week, etc., knowing that no more than 7 fish may be taken during the week. For purposes of the weekly bag limit provision, the week is defined so as to begin at 0001 hours, Saturday and to end at 2400 hours the following Friday, thus coinciding with the weekly reporting requirements established in § 285.14(e). This approach provides the opportunity for the public to engage in this fishery over a longer time period than occurred in 1975.

3. In § 285.12(b)(1), a more precise definition is presented to clarify that the boundary line extends south from a point on the southern coast of Massachusetts through Gay Head Light, Massachusetts.

4. Section 285.14(d) is rewritten to simplify the reporting requirements of dealers. The revised language will require dealers to report their commercial activity on a weekly basis for any tuna handled rather than a separate reporting period for tuna less than 300 pounds and for tuna 300 pounds and greater. There was no comment on this item at the hearing, but we believe that the original proposal was unnecessarily complicated.

5. In § 285.16, the term "license" is replaced by the term "certificate." References to such terms are changed throughout the text. We felt that "certificate" was the more appropriate term since it was largely an informative document issued without fee. The requirement remains that all purse seine vessels fishing for Atlantic bluefin tuna must obtain a vessel certificate from the Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

6. In § 285.17, there appears some confusion as to what was actually proposed under the tag and release permit. Therefore, to simplify the activities intended, we have separated the catch and release activities from the tagging permit. It is our intent, under paragraph (a), to allow anglers to catch and release bluefin tuna at any time provided that tuna caught in excess of the daily bag limit described in § 285.12(b)(3) or during the closed season are not brought on board but released as soon as possible using care not to injure the fish. In addition, under paragraph (b), a tagging permit is provided for those anglers authorized by the Director, Southeast Fisheries Center. Anglers who wish to participate in the NMFS giant bluefin tuna official tag and release research program should send their request to the Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149, along with the name of the vessel, name of owner(s), master of vessel, type(s) of fishing gear to be used, and general area in which the activity will be carried out. Permits, appropriate tags and detailed instructions of the tagging procedure will be provided by the Director, Southeast Fisheries Center.

Section 9 of the Atlantic Tunas Convention Act of 1975 provides for regulations to be effective within the territorial sea of the United States (generally the area over which the States have jurisdiction pursuant to the Submerged Lands Act, 43 U.S.C. 1301-1343), provided that the Secretary first determines that:

a. Within a reasonable period of time after promulgation of these regulations States have not adopted measures which implement the Commission's recommendations; or

b. If a State has adopted regulations they are:

- (1) Less restrictive; or
- (2) Not effectively enforced.

There is also provision in the law for a State to request a hearing on the record



to consider these issues. (These provisions are implemented by § 285.8.) Consequently, it is necessary to initially define the regulatory area to exclude the territorial sea of the United States. In the event the Director makes a finding that the laws and regulations of a State(s), or the absence thereof, do not meet the criteria of section 9 of the Act, and publishes notice thereof pursuant of § 285.8 of subpart A, the regulatory area for bluefin tuna will be extended to include the territorial sea or any part thereof as appropriate. (Section 285.5 of these regulations allows States 30 days from the date of promulgation of regulations to adopt appropriate measures). States may request a hearing on the record, if appropriate. It should be understood that all fish caught in the territorial sea under regulation by the Federal Government or a State(s) will be counted toward the quota as set forth in § 285.12.

Since the time the recommendations concerning Atlantic bluefin tuna went into effect on August 10, 1975, significant progress has been made by ICCAT members in adopting measures implementing the recommendations of the Commission, particularly in those countries whose fishermen are active in the Western Atlantic.

In light of the fact that the open season for Atlantic bluefin tuna has already commenced, and in order to more fully carry out the purposes of the regulations, these amendments are effective May 18, 1976.

Issued at Washington, D.C., and dated May 13, 1976.

JOSEPH W. SLAVIN,  
Acting Director,  
National Marine Fisheries Service.

In consideration of the foregoing, 50 CFR, Part 285, Subpart B, is amended to read as follows:

**Subpart B—Atlantic Bluefin Tuna (*Thunnus thynnus*)**

- 285.10 Authorized fishing.
- 285.11 Open and closed seasons.
- 285.12 Quotas.
- 285.13 Incidental catch.
- 285.14 Reporting requirements.
- 285.15 Presumptions.
- 285.16 Certificates.
- 285.17 Release and tag permits.

**AUTHORITY:** Atlantic Tuna Convention Act of 1975, Pub. L. 94-70, 16 U.S.C. 971-971h.

**Subpart B—Atlantic Bluefin Tuna (*Thunnus thynnus*)**

**§ 285.10 Authorized fishing.**

Fishing for Atlantic bluefin tuna that weigh between 14 pounds round weight (6.4 kg.) and 115 pounds round weight (52.3 kg.) or in excess of 300 pounds round weight (136.4 kg.) by persons or fishing vessels subject to the jurisdiction of the United States is authorized in the regulatory area only during open season. Fishing for Atlantic bluefin tuna that weigh less than 14 pounds round weight or in excess of 115 pounds round weight but less than 300 pounds round weight by persons or fishing vessels subject to the jurisdiction of the United States is

not authorized at any time in the regulatory area. However, Atlantic bluefin tuna that weigh less than 14 pounds or in excess of 115 pounds round weight but less than 300 pounds round weight may be incidentally taken in the course of fishing in the regulatory area by persons or fishing vessels subject to the jurisdiction of the United States only in the manner and in the numbers or weights, as the case may be, as set forth in § 285.13.

**§ 285.11 Open and closed seasons.**

(a) The Director shall announce in the FEDERAL REGISTER the opening and the closing of the seasons or areas for the taking of Atlantic bluefin tuna. In determining whether a season or area shall be opened and when a season or area shall be closed for the calendar year 1976, the Director will take into consideration the number or tons, as the case may be, of Atlantic bluefin tuna taken during the period from 1 January 1976 to the date these regulations are promulgated.

**§ 285.12 Quotas.**

The quotas, by method of fishing, for Atlantic bluefin tuna in the regulatory area during the open season are as follows:

**(a) Purse Seining:**

(1) The total annual quota for Atlantic bluefin tuna that weigh between 14 pounds (6.4 kg.) round weight and 115 pounds (52.3 kg.) round weight is 1,000 short tons (910 metric tons). Of the total annual quota 1,000 short tons, 800 short tons will be available for capture during the open season. An additional 200 short tons may be taken incidentally to conducting a scientific bluefin tuna tagging project. This tagging project will be conducted under the direct supervision of the National Marine Fisheries Service or its contractor.

(2) The total annual quota for Atlantic bluefin tuna that weigh in excess of 300 pounds (136.4 kg.) round weight is 180 short tons (164 metric tons).

**(b) Fishing by other than purse seining:**

(1) The total annual quota of Atlantic bluefin tuna which weigh in excess of 300 pounds round weight is 2,000 tuna. Of this total, a quota of 1,850 tuna will be permitted to be taken north and east of a line drawn from a point on the southern coast of Massachusetts extending south through Gay Head Light, Massachusetts, into the Atlantic Ocean and 150 tuna will be permitted to be taken west of said line.

(2) The daily bag limit per person for persons who angle for Atlantic bluefin tuna which weigh between 14 pounds round weight and 115 pounds round weight is four Atlantic bluefin tuna.

(3) The daily bag limit per vessel operated by persons who fish for Atlantic bluefin tuna which weigh over 300 pounds round weight is one Atlantic bluefin tuna per day until August 13 and seven tuna per week from August 14, until the quota has been reached.

(c) When the quota for a particular weight of Atlantic bluefin tuna has been reached, the Director shall, in accordance with § 285.11 close the season for Atlantic bluefin tuna of that weight.

**§ 285.13 Incidental catch.**

(a) Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 300 pounds round weight may incidentally take, on any one trip, Atlantic bluefin tuna weighing less than said weight, provided that the number of such tuna taken shall not exceed 3 percent by weight of the total taken. Purse seine vessels fishing for Atlantic bluefin tuna weighing more than 14 pounds round weight but less than 115 pounds round weight, may incidentally take on any one trip Atlantic bluefin tuna outside said weight limit, provided that the number of such tuna taken shall not exceed 15 percent of the total number of Atlantic bluefin tuna taken which do not exceed said limits or 4 percent by weight of the total weight of Atlantic bluefin tuna taken which do not exceed said limits.

(b) Persons angling for Atlantic bluefin tuna, which weigh between 14 pounds round weight and 115 pounds round weight, may include in the daily bag limit one Atlantic bluefin tuna less than 14 pounds round weight and one Atlantic bluefin tuna greater than 115 pounds round weight but less than 300 pounds round weight.

(c) Persons or fishing vessels subject to the jurisdiction of the United States fishing principally for species of fish other than Atlantic bluefin tuna shall not retain any Atlantic bluefin tuna taken incidentally on any trip, except in the case of traps. Persons or fishing vessels taking Atlantic bluefin tuna incidentally shall release and return such tuna to the ocean. Operators of traps may retain Atlantic bluefin tuna taken incidentally in these operations provided that said tuna do not exceed by weight 2 percent of the total weight of all fish taken within any 30-day period.

(d) Atlantic bluefin tuna taken incidentally by traps shall be included in the quotas set forth in § 285.12(b).

**§ 285.14 Reporting requirements.**

(a) Reports and records required by this section when required to be forwarded to the National Marine Fisheries Service, should be forwarded to:

Director, Northeast Region  
National Marine Fisheries Service  
14 Elm Street, Federal Building  
Gloucester, Massachusetts 01930

The tags referred to in (b) and (c) of this section may be obtained by writing to the same address.

(b) Any person, master or operator of any fishing vessel subject to the jurisdiction of the United States that takes an Atlantic bluefin tuna in excess of 300 pounds round weight shall affix through the narrowest part of the fish just forward of the tail, at the time of taking an individually numbered tag furnished by the National Marine Fisheries Service. The taking and tagging of

such tuna shall be recorded in the log books provided by the National Marine Fisheries Service.

(c) The tag affixed to the tuna in paragraph (b) must remain attached to the tuna until the fish is cut into portions for domestic sale or exported from the United States. The tag may be removed from tuna packed whole or headed and eviscerated for export, but, in such cases, the tag must be attached to the container holding the fish until it is shipped from the United States.

(d) Dealers shall on a weekly basis, following instructions provided, maintain and forward to the Service, on forms available from the Service, a complete record of their commercial activity involving any bluefin tuna handled during the reporting period. Such record will include numbers of fish, disposition (names, addresses and where applicable country of destination), source (names, addresses and where applicable country of origin), tag numbers (where applicable), and round weight (by individual fish for those over 300 pounds).

(e) The owner or master of any vessel certified under § 285.16 and fishing for Atlantic bluefin tuna that weigh in excess of 300 pounds round weight shall maintain an accurate log of operations, showing hours fished each day, number and weight of Atlantic bluefin tuna caught (in the case of purse seine vessels, each set made), the date, type of gear used, size of net, area fished, place landed, disposition of fish, tag numbers, and the estimated round weight in pounds and number of tuna taken during the reporting period. A duplicate copy of the log sheets must be submitted to the National Marine Fisheries Service at the end of each reporting period per instructions accompanying the log books. Log books will be issued with the certificate and shall be available for inspection by authorized officials.

(f) The owner or master of a purse seine vessel certified under § 285.16(b) or his designated representative to take Atlantic bluefin tuna shall call the National Marine Fisheries Service every even numbered day while engaged in fishing to report the catch of tuna during the past 48 hours. The owner or master of a purse seine vessel may call either number: 617-992-7711 or 516-475-4854. The call will be recorded automatically. The message must include name and number of the vessel, general location of the vessel, and the estimated catch of tuna by weight.

**§ 285.15 Presumptions.**

For purposes of this Part 285, there shall be a rebuttable presumption that Atlantic bluefin tuna which are of the following lengths when measured in a straight line from the tip of the nose to the fork of the tail weigh the amount noted in association with the length:

- 27 inches (68 cm.)—14 pounds (6.4 kg.).
- 56 inches (142 cm.)—115 pounds (52.3 kg.).
- 75 inches (191 cm.)—800 pounds (364 kg.).

For any Atlantic bluefin tuna which is less than or in excess of the lengths set forth herein, there shall be a rebuttable presumption that such Atlantic bluefin tuna correspondingly weighs less than or in excess of, as the case may be, the appropriate associated weights.

**§ 285.16 Certificates.**

(a) The owner of a vessel fishing for Atlantic bluefin tuna weighing in excess of 300 pounds round weight within the regulatory area must obtain a certificate.

(b) Certificates may be obtained by furnishing on a form provided by the National Marine Fisheries Service information specifying the names and addresses of the vessel owner(s) and mas-

ter, the name of the vessel, official number, type of fishing gear to be used, capacity (if commercial), and home port of the vessel. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, who shall issue the requested certificate without fee for 1976. The certificate will expire on December 31 of the year of issue.

(c) The certificate must be carried, at all times, on board the vessel for which it was issued and such certificate shall be subject to inspection at reasonable times by authorized officials.

(d) Certificates issued under this subpart may be revoked by the Regional Director for violation of the provisions of this subpart. Revocation will be in accordance with the hearing procedures referenced in § 285.6 of this part.

**§ 285.17 Release and tag permit.**

(a) Anglers may take Atlantic bluefin tuna at any time provided that the tuna taken in excess of the daily bag limit described in § 285.12(b) (3) or during the closed season are not brought on board but released as soon as possible, using care not to injure the fish.

(b) Anglers desiring to participate in a tag and release research program should submit their request to the Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149, along with the name of vessel, name of owner(s), master of vessel, type(s) of fishing gear to be used, and general area in which the fishing activity will be carried out. Permit, appropriate tags and detailed instructions of the tagging procedure will be provided by the Director, Southeast Fisheries Center.

[FR Doc.76-14400 Filed 5-17-76; 8:45 am]



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 271]

FOOD STAMP PROGRAM

[Amendment No. 84]

#### Proposal To Terminate State Agency Acceptance of Vouchers

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011-2026), the Food and Nutrition Service gives notice that it intends to amend part 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 271. The proposed amendment would terminate, as of April 30, 1977, the provision which allows State agencies to accept vouchers, warrants, etc. from public and private agencies in lieu of recipients' purchase requirements.

Agency experience shows that the untimely conversion of vouchers to cash is a continuing problem. Moreover, the use of vouchers can result in late depositing of the cash. Accordingly the Food and Nutrition Service proposes to terminate State agency acceptance of vouchers. However, as this may be a major change in some areas, we are allowing time for State agencies to phase out their voucher programs.

Interested parties may submit written comments, suggestions, or objections regarding the proposed amendment to the Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 not later than June 21, 1976.

All comments, suggestions or objections received by this date will be considered before the final regulations are issued.

All written comments, suggestions or objections, will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650.

It is proposed to amend § 271.6(e) to read as follows:

#### PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

§ 271.6 Methods of distributing, issuing and accounting for coupons and receipts.

(e) The State agency may authorize under written agreement with public or private agencies the acceptance of vouchers, or warrants issued by such agencies in payment for coupon allotments issued to eligible households: *Provided*, That no such voucher or warrant

shall be accepted in payment for coupon allotments after April 30, 1977. Vouchers or warrants accepted on or before April 30, 1977, pursuant to such an agreement shall be converted into cash as soon as practicable after acceptance as determined by FNS.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: May 13, 1976.

RICHARD L. FELTNER,  
Assistant Secretary.

[FR Doc. 76-14484 Filed 5-17-76; 8:46 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0125]

#### CONDITIONS FOR USE IN METHADONE

Notice of Proposed Rule Making

Correction

In FR Doc. 76-12414 appearing at page 17922 in the FEDERAL REGISTER of Thursday, April 29, 1976 the following correction should be made: On page 17923, third column, paragraph No. 3, seventh line, the first word should be "(Form)".

[21 CFR Part 310]

[Docket No. 75N-0098]

#### CONDITIONS FOR USE OF METHADONE

Physiologic Dependence, Staffing and Urine Testing Requirements

Corrections

In FR Doc. 76-12415 appearing at page 17926 in the FEDERAL REGISTER of Thursday, April 29, 1976 the following corrections should be made:

1. On page 17927, first column, paragraph 3, the fifth line from the bottom should be transposed down to become the third line from the bottom.

2. On page 17927, third column, second full paragraph, the eleventh line, last word should read "urinalyses".

3. On page 17928, first column, first full paragraph, the fourth line from the bottom, the U.S. Code citation in parenthesis should read "(42 U.S.C. 257a)".

4. On page 17928, first column, second full paragraph, in the last line the form designation should be "Form FD".

5. On page 17929, second column, in paragraph IX.A.5., tenth line, the third word should read "depending".

[21 CFR Parts 436, 444]

[Docket No. 76N-0115]

### STREPTOMYCIN AND STREPTOMYCIN-CONTAINING DRUGS

Updating and Technical Revisions

The Food and Drug Administration is proposing to amend the antibiotic regulations by updating and making technical changes to those regulations that provide for streptomycin and streptomycin-containing drugs for human use, comments by July 19, 1976.

The proposed changes are grouped in two classes for discussion in this preamble: (1) Revocation of inactive sections or partial sections; and (2) technical changes.

1. *Revocations.* Six sections are proposed to be revoked. They are: § 444.72a Sterile streptonicozid sulfate (21 CFR 444.72a), § 444.170a Streptomycin-polymyxin-bacitracin tablets (21 CFR 444.170a), § 444.270c Streptomycin sulfate for injection (21 CFR 444.270c), § 444.570a Streptomycin ointment; dihydrostreptomycin ointment (21 CFR 444.570a), § 444.570b Streptomycin for topical use; streptomycin with (the blank being filled in with the name of the vehicle if a packaged combination) for topical use (21 CFR 444.570b), and § 444.570c Streptomycin - bacitracin-polymyxin gauze pads (21 CFR 444.570c). Requests for certification of these antibiotic drugs are no longer being received. In two additional sections, §§ 444.70a and 444.270a (21 CFR 444.70a and 444.270a), provisions are proposed to be deleted for the certification of streptomycin hydrochloride, streptomycin phosphate, and streptomycin trihydrochloride calcium chloride. These salts of streptomycin are no longer produced for use in the manufacture of drugs. As a result of this proposal, the revised §§ 444.70a and 444.270a would provide only for the sterile bulk drug streptomycin sulfate and an injectable dosage form, respectively.

2. *Technical changes.* In keeping with current policy, certain technical changes are proposed as part of updating the regulations. A maximum potency limit is proposed for § 444.70a, and maximum and minimum potency limits are proposed for § 444.270b (21 CFR 444.270b). These proposed limits are based on certification experience.

The existing § 444.70a provides for both a microbiological agar diffusion assay and a turbidimetric assay, which produce equivalent results. The Commissioner of Food and Drugs finds that one method should be designated as official, and he therefore proposes that the tur-

bidimetric assay be used to determine potency.

Other minor technical changes proposed include designating the sterile bulk drug as sterile in the heading of § 444.70a, deleting streptonicozid sulfate from the table in § 436.33 (21 CFR 436.33), and referencing all tests and methods of assay prescribed in the streptomycin regulations to the general methods in Part 436 (21 CFR Part 436).

The Commissioner has reviewed the potential environmental impact of the proposed amendments and has concluded that the proposed action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. The Commissioner has also considered the inflation impact of the proposed amendments and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and interim guidelines issued April 1, 1975, by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration, at the address below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Parts 436 and 444 as follows:

§ 436.33 [Amended]

1. Part 436 is amended in § 436.33 *Safety test*, paragraph (b), by deleting the entry for "Streptonicozid sulfate" from the table therein.

2. Part 444 is amended:

a. By revising § 444.70a to read as follows:

§ 444.70a Sterile streptomycin sulfate.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile streptomycin sulfate is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. It is so purified and dried that:

(i) Its potency is not less than 650 micrograms and not more than 850 micrograms of streptomycin per milligram. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) It contains no histamine or histamine-like substances.

(vi) Its loss on drying is not more than 5.0 percent.

(vii) Its pH in an aqueous solution containing 200 milligram per milliliter is not less than 4.5 and not more than 7.0.

(viii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

### PROPOSED RULES

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, histamine, loss on drying, pH, and identity.

(ii) Samples required:

(a) If the batch is packaged for repackaging or for use in manufacturing another drug:

(1) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration; and also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic syringe and needle, remove all of the withdrawable contents from each container represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, withdraw an accurately measured representative portion from each container. Accurately dilute the sample thus obtained with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of streptomycin per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Histamine.* Proceed as directed in § 436.35 of this chapter.

(6) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(7) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing 200 milligrams per milliliter.

(8) *Identity—(1) Reagents.* (a) 10 percent ferric chloride stock solution: Dissolve 5 grams of FeCl<sub>3</sub>·6H<sub>2</sub>O in 50 milliliters of 0.1N HCl.

(b) 0.25 percent ferric chloride solution: Dilute 2.5 milliliters of 10 percent ferric chloride in 0.1N HCl to 100 milliliters with 0.01N HCl. Prepare the solution fresh daily.

(ii) *Procedure.* Using distilled water, dilute the sample to be tested to a concentration of approximately 1,000 micro-

grams per milliliter. To 5.0 milliliters of this solution, add 2.0 milliliters of 1N NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and then acidify the solution by adding 2.0 milliliters of 1.2N HCl. Add 5.0 milliliters of 0.25 percent ferric chloride reagent. A violet color indicates the presence of streptomycin.

§ 444.72a [Revoked]

b. By revoking § 444.72a *Sterile streptonicozid sulfate*.

§ 444.170a [Revoked]

c. By revoking § 444.170a *Streptomycin-polymyxin-bacitracin tablets*.

d. By revising § 444.270a to read as follows:

§ 444.270a Sterile streptomycin sulfate.

The requirements for certification and the tests and methods of assay for sterile streptomycin sulfate, packaged for dispensing, are described in § 444.70a.

e. By revising § 444.270b to read as follows:

§ 444.270b Streptomycin sulfate injection.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Streptomycin sulfate injection is an aqueous solution of streptomycin sulfate. It may contain one or more suitable and harmless buffer substances and stabilizing agents. Each milliliter contains streptomycin sulfate equivalent to 400 milligrams, 420 milligrams, or 500 milligrams of streptomycin. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. It contains no histamine or histamine-like substances. Its pH is not less than 5.0 and not more than 8.0. The streptomycin sulfate used conforms to the standards prescribed by § 444.70a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The streptomycin sulfate used in making the batch for potency, histamine, loss on drying, pH, and identity.

(b) The batch for potency, sterility, pyrogens, safety, histamine (except that the results of this test performed on the streptomycin sulfate used in making the batch may be submitted instead), and pH.

(ii) Samples required:

(a) The streptomycin sulfate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(b) The batch:

(i) If the batch is packaged for use in the manufacture of another drug:

(1) For all tests except sterility: Five containers, each containing not less than 2.0 milliliters.



## PROPOSED RULES

(ii) For sterility testing: 20 containers, each containing not less than 2.0 milliliters.

(2) If the batch is packaged for dispensing:

(i) For all tests except sterility: A minimum of eight immediate containers. (ii) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and method of assay*—(1) *Potency*. Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Using a suitable hypodermic syringe and needle, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Accurately dilute the portion with sterile distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens*. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 10 milligrams of streptomycin per milliliter.

(4) *Safety*. Proceed as directed in § 436.33 of this chapter, except use a test dose concentration of 1.5 milligrams per milliliter in lieu of 2.0 milligrams per milliliter.

(5) *Histamine* (the histamine test may be omitted if it is performed on the streptomycin sulfate used in preparing the injection). Proceed as directed in § 436.35 of this chapter.

(6) *pH*. Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

§§ 444.270c, 444.570, 444.570a, 444.570b, 444.570c [Revoked]

f. By revoking §§ 444.270c. Streptomycin sulfate for injection, 444.570 Streptomycin dermatologic dosage forms, 444.570a Streptomycin ointment; dihydrostreptomycin ointment, 444.570b Streptomycin for topical use; streptomycin with (the blank being filled in with the name of the vehicle if a packaged combination) for topical use, and 444.570c Streptomycin-bacitracin - polymyxin gauze pads.

Interested persons may, on or before July 19, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above of-

file during working hours, Monday through Friday.

Dated: May 12, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-14369 Filed 5-17-76; 8:45 am]

## Office of Education

[ 45 CFR Part 182a ]

## ALCOHOL AND DRUG ABUSE EDUCATION PROGRAM

## Proposed Rulemaking

Pursuant to the authority contained in the Alcohol and Drug Abuse Education Act (Pub. L. 93-422, 21 U.S.C. 1001 through 1007), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations to carry out programs for the prevention of and early intervention in alcohol and drug abuse.

The Office of Education, under the Alcohol and Drug Abuse Education Program, will make funds available to local public and private educational agencies and community-based public and private nonprofit agencies, institutions, and organizations to defray the cost of teams attending regional training centers to learn how to develop and administer alcohol and drug abuse prevention and early intervention programs. After training at the regional training centers (supported by the U.S. Office of Education), the teams will return to their respective schools and communities to carry out programs to meet local needs.

These proposed regulations do not cover matters relating to general fiscal and administrative matters which are covered under the overall Office of Education General Provisions Regulations, published in the *Federal Register* on November 6, 1973 in 38 FR 30664.

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation refers to all that appears in that section between the citation and the preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the National Alcohol and Drug Education Program, U.S. Office of Education, Room 2049, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20202. Responses to this notice may be inspected by the

public at the above office Monday through Friday between 8:30 a.m. and 4:00 p.m.

All comments, suggestions, or objections to be considered must be received not later than June 17, 1976.

Dated: April 6, 1976.

T. H. BELL,  
U.S. Commissioner  
of Education.

(Catalog of Federal Domestic Assistance Program No. 13.420, Drug Abuse Education)

Approved: May 12, 1976.

MARJORIE LYNCH,  
Acting Secretary of  
Health, Education, and Welfare.

As proposed Part 182a reads as follows:

## PART 182a—NATIONAL ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM

## Subpart A—General

Sec. 182a.1 Scope.  
182a.2 Definitions.  
182a.3 Technical assistance.

Subpart B—Alcohol and Drug Abuse Prevention and Early Intervention Program for Elementary and Secondary School Students and Educational Personnel

182a.11 Scope and purpose of training.  
182a.12 Eligible applicants.  
182a.13 Application requirements.  
182a.14 Funding criteria.  
182a.15 Composition of teams.  
182a.16 Team activities.  
182a.17 Coordinator.  
182a.18 Allowable costs.

Subpart C—Help Communities Help Themselves Program

182a.21 Purpose.  
182a.22 Eligible applicants.  
182a.23 Selection of applications.  
182a.24 Application requirements.  
182a.25 Funding criteria.  
182a.26 Composition of teams.  
182a.27 Team activities.  
182a.28 Allowable costs.

## Subpart A—General

§ 182a.1 Scope.

(a) The Commissioner is authorized to carry out a program of making grants to and contracts with institutions of higher education, State and local educational agencies, and public and private educational or community agencies, institutions, and organizations to support and evaluate demonstration projects, to encourage the establishment of these projects throughout the Nation, to train educational and community personnel, and to provide technical assistance in program development. In carrying out such a program, the Commissioner of Education will give priority to school-based programs and projects.

(b) Programs and projects authorized under this part may include:

(1) Projects for the development, testing, evaluation, and dissemination of exemplary materials for use in elementary, secondary, adult, and community education programs, and for training in the selection and use of these materials;

(2) Comprehensive demonstration programs which focus on the causes of drug and alcohol abuse rather than on the symptoms; which include both schools and the communities where the schools are located; which emphasize the affective as well as the cognitive approach; which reflect the specialized needs of communities; and which include, in planning and development, school personnel, the target population, community representation, and parents;

(3) Creative primary prevention and early intervention programs in schools, utilizing an interdisciplinary "school team" approach, developing in educational personnel and students skills in planning and conducting comprehensive prevention programs which include such activities as training drug and alcohol education specialists and group leaders, peer group and individual counseling, and student involvement in intellectual, cultural, and social alternatives to drug and alcohol abuse;

(4) Preservice and inservice training programs on drug and alcohol abuse prevention for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders and personnel;

(5) Community education programs on drug and alcohol abuse, especially for parents and others in the community;

(6) Programs or projects to recruit, train, organize, and employ professionals and other persons, including former drug and alcohol abusers and former drug and alcohol-dependent persons, to organize and participate in programs of public education in drug and alcohol abuse; and

(7) Projects for the dissemination of valid and effective school and community drug and alcohol abuse educational programs.

(c) Program and projects authorized under this part may include bilingual activities.

(d) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this Chapter (relating to fiscal, administrative, property management, recordkeeping and other matters in 45 CFR 100a).

(21 U.S.C. 1001-1007)

## § 182a.2 Definitions.

(a) "Community" means a group of individuals within identifiable geographic boundaries with common needs, goals, or purposes. A community may include a town, neighborhood, rural area, or a school district, college campus, or military base.

(b) "Drug" means any chemical substance which affects a person in such a way as to bring about psychological, emotional, or behavioral change.

(c) "Alcohol and drug abuse education" means a broad range of concerted activities which attempt to maximize opportunities for the intellectual, emotional, psychological, and physiological development of individuals, which involve the total educational process embracing both cognitive and affective do-

main, and which focus on the root causes of alcohol and drug abuse instead of the symptoms.

(d) "Prevention" means a constructive process designed to prevent physical, mental, or social impairment resulting from the use of chemical substances, and to promote personal and social growth to full human potential as a means of reducing the probability of destructive drug use.

(e) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combinations of school districts and counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(f) "Private educational agency" means a school or schools which are controlled by other than a public authority, and which either comply with the State compulsory attendance laws or are otherwise recognized by some procedure customarily used in the State.

(21 U.S.C. 1002)

## § 182a.3 Technical assistance.

(a) (1) The Secretary will provide, if requested, technical assistance to local educational agencies, public and private nonprofit organizations, and institutions of higher education for the purpose of developing and implementing alcohol and drug abuse prevention education programs.

(2) The Attorney General will provide, if requested, technical assistance to these agencies, organizations, and institutions on matters of law enforcement in the area of alcohol and drug abuse.

(b) Technical assistance may include providing information regarding effective methods of coping with problems of alcohol and drug abuse and providing personnel of the Department of Health, Education, and Welfare, the Department of Justice, or other persons qualified to assist in coping with these problems or carrying out alcohol and drug abuse prevention education programs.

(21 U.S.C. 1004)

Subpart B—Alcohol and Drug Abuse Prevention and Early Intervention Program for Elementary and Secondary School Students and Educational Personnel

## § 182a.11 Scope and purpose of training.

The purpose of this subpart is to provide training and technical assistance to local public and private educational agencies to enable teams of educational personnel from these agencies to participate in training programs so that they may effectively deal with alcohol and drug abuse problems among students in grades 5 through 12; and to enable

trained team members to assist in the development and implementation of alcohol and drug abuse prevention and early intervention programs. The training that these team members will receive will emphasize the understanding of alcohol and drug use and abuse problems among students and approaches for dealing with these problems in a school setting, the development of communication and leadership skills, alternatives to alcohol and drugs, needs assessment and utilization of local resources, and team building. This training will be without cost to the participating teams.

(21 U.S.C. 1002)

## § 182a.12 Eligible applicants.

Parties eligible to receive funds under this subpart are local public and private educational agencies.

(21 U.S.C. 1002)

## § 182a.13 Application requirements.

(a) Applications for assistance under this subpart shall be submitted to the regional training centers supported by the U.S. Office of Education before the closing date for such applications established annually by the Commissioner. The regional training center shall evaluate the applications on the basis of the criteria set forth in § 182a.14 and shall make recommendations to the Commissioner as to which applicants should be selected to receive training.

(b) Applications for assistance under this subpart shall contain the following information and other information the Commissioner may from time to time prescribe:

(1) A description of the applicant agency's size, number of students, and number of schools;

(2) A description of the community in which the applicant agency is located in terms of:

(i) Geographic size;

(ii) Whether it is urban, suburban, or rural;

(iii) Number and types of ethnic groups residing in the area;

(iv) The number of persons with limited English-speaking ability residing in the area; and

(v) Community socioeconomic profile.

(3) An assessment of the extent of the alcohol and drug abuse problem in the schools and community to be served;

(4) A description of the applicant's present alcohol and drug abuse education program;

(5) A list of the groups or organizations which will participate in the implementation of the program;

(6) A description of the team members including their current positions and experience which will enable them to carry out an alcohol and drug abuse prevention program effectively;

(7) A description of how team members will be utilized after training to develop a new or modify an existing alcohol and drug abuse prevention program; and

(8) A description of the support, both administrative and financial, which the



applicant will make available to the team to facilitate its alcohol and drug abuse prevention activities after training.

(c) Applicants shall assure that: (1) Team members will be available to participate on a team basis in the development and administration of school alcohol and drug abuse education programs in the local school district upon completion of training at the regional training centers;

(2) Reports shall be submitted in such a form and containing such information as the Commissioner may reasonably require;

(3) They will maintain records and afford access to them as the Commissioner may find necessary to assure the correctness and verification of the reports; and

(4) Federal funds made available under this subpart will be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of the Federal funds, be made available by the applicant for the purposes of this program, and in no case supplant these funds.

(d) An applicant local educational agency shall submit a copy of its application to its State educational agency. The State educational agency shall, not more than thirty days after the date of receipt of the application, submit its written comments on the application to the Commissioner and to the applicant.

(21 U.S.C. 1002)

#### § 182a.14 Funding criteria.

(a) In addition to the criteria set forth in 45 CFR 100a.26(b), the Commissioner will utilize the following additional criteria in evaluating applications for funds under this subpart:

(1) The extent of the alcohol and drug abuse problem in the schools and local community to be served;

(2) The extent to which team membership includes persons who have demonstrated leadership capabilities;

(3) The extent to which the proposed alcohol and drug abuse prevention and early intervention program activities of the applicant are addressing or will address unmet alcohol and drug abuse problems in the schools and local communities to be served;

(4) The extent to which alcohol and drug abuse prevention and early intervention efforts by the applicant will be coordinated with related efforts in the schools and communities served by the applicant;

(5) The degree of the applicant's commitment to support and facilitate the alcohol and drug abuse education activities of the team after training is completed as demonstrated by the applicant's stated intent to support these activities administratively and financially; and

(6) The extent and manner in which the team will be utilized after training in the development and administration of alcohol and drug abuse prevention and early intervention programs in the schools of the applicant educational agency.

(b) In the awarding of funds under this subpart, the Commissioner will take into consideration the extent to which the funds will be distributed throughout the Nation among school systems of varying characteristics such as geographic size, ethnic composition, concentration of persons with limited English-speaking ability, and socioeconomic levels in urban, suburban, and rural areas.

(21 U.S.C. 1002)

#### § 182a.15 Composition of teams.

(a) Teams for which assistance is provided to receive training in alcohol and drug abuse prevention and early intervention at regional training centers supported by the U.S. Office of Education shall be composed of educational personnel including school administrators, counselors, teachers, psychologists, school board members, paraprofessionals, and other persons providing education services in the school system on a full-time basis regardless of whether they are employees of the school system.

(b) Each team shall be composed of five persons except that a six-member team will be permitted if one of the persons is a school board member.

(c) Each team shall include at least one administrator, one teacher, and one counselor or school psychologist. Team members may represent various schools within the educational agency.

(21 U.S.C. 1002)

#### § 182a.16 Team activities.

After training, teams will return to their school districts to develop and carry out alcohol and drug abuse prevention programs to meet local needs. Programs developed by the teams could include activities such as: Peer counseling, individual counseling, inservice training for teachers, workshops for parents, alternatives to alcohol and drug abuse, community education workshops, alternative education activities, curriculum development, communication skills and problem-solving workshops, referral services, drop-in centers, fund raising and resource mobilization.

(21 U.S.C. 1002)

#### § 182a.17 Coordinator.

One team member, who shall be a full-time employee of the grantee, shall be designated as the program coordinator. He or she shall:

(a) Coordinate the planning and implementation of alcohol and drug abuse and early intervention education programs in the school or schools of the grantee agency;

(b) Serve as liaison on matters relating to the implementation of the program between the regional training center and the grantee; and

(c) Submit to the training center quarterly progress and final technical reports so that the center may provide appropriate technical assistance.

(21 U.S.C. 1002)

#### § 182a.18 Allowable costs.

(a) Funds received by local educational agencies under this subpart may be used to pay:

(1) The cost of travel of team members to and from the U.S. Office of Education supported regional training centers;

(2) The cost of providing substitute teachers, thereby permitting the teacher members of the team to be trained;

(3) An amount to be determined annually by the Commissioner not exceeding \$6,000 to permit the grantee to pay for part of the salary of the coordinator and/or team members to implement the program in the grantee agency for twelve months following training; and

(4) Hardship expenses for individual team members deemed to be reasonable by the Commissioner; i.e., expenses which, if not reimbursed, would prevent a team member from participating, such as baby sitting expenses.

(b) Funds received under this subpart by a private educational agency may be used to pay:

(1) The cost of travel of team members to and from the U.S. Office of Education supported regional training centers; and

(2) Hardship expenses for individual team members deemed to be reasonable by the Commissioner; i.e., expenses which, if not reimbursed, would prevent a team member from participating, such as baby sitting expenses.

(21 U.S.C. 1002)

#### Subpart C—Help Communities Help Themselves Program

#### § 182a.21 Purpose.

The purpose of this subpart is to provide leadership training and technical assistance to teams from local communities in order that they may develop and implement alcohol and drug abuse prevention programs to effectively deal with alcohol and drug abuse problems in their communities. The training that these team members will receive will emphasize leadership, communication, and planning skills needed to:

(a) Assess alcohol and drug abuse problems in their communities;

(b) Mobilize community resources; and

(c) Develop and administer coordinated community programs. The training will be without cost to the participating teams.

(21 U.S.C. 1002)

#### § 182a.22 Eligible applicants.

Parties eligible for participation under this subpart are community-based public and private nonprofit agencies, institutions, and organizations.

(21 U.S.C. 1002)

#### § 182a.23 Selection of applications.

(a) Applications for assistance under this subpart shall be submitted to the regional training centers supported by the U.S. Office of Education before the closing date for these applications established annually by the Commissioner. The regional training center shall evaluate the applications on the basis of the

criteria set forth in § 182a.25 and shall make recommendations to the Commissioner as to which applicants should be selected to receive training.

(b) In the selection of applicants under this subpart, the Commissioner will take into consideration the recommendations of the training centers and the extent to which the applicants selected will reflect a distribution throughout the Nation among communities of varying characteristics such as geographic size, ethnic composition, concentration of persons with limited English-speaking ability, and socioeconomic levels in urban, suburban, and rural areas.

(21 U.S.C. 1002)

#### § 182a.24 Application requirements.

(a) Applications for assistance under this subpart shall contain the following information and such other information as the Commissioner may from time to time prescribe:

(1) A description of the applicant agency in terms of its organization, size, and capability to administer an alcohol and drug abuse prevention program;

(2) A description of the community in which the applicant agency is located in terms of:

(i) Geographic size;

(ii) Whether it is urban, suburban, or rural;

(iii) Number and types of ethnic groups residing in the area;

(iv) The number of persons with limited English-speaking ability residing in the area; and

(v) Community socioeconomic profile;

(3) A description of the alcohol and drug abuse problem in the community and a description of the activities of the organizations, agencies, or institutions which are dealing with the present alcohol and drug abuse problems;

(4) A list of the groups or organizations which will participate in the implementation of the program, following the training of team members;

(5) A list of the population groups within the community which would be affected by the implementation of alcohol and drug abuse prevention programs by the team;

(6) A description of the team members including their current positions and their experience and leadership capabilities which will enable them to carry out an alcohol and drug abuse prevention program effectively;

(7) A description of how team members will be utilized after training to develop a new or modify an existing alcohol and drug abuse prevention program; and

(8) A description of the support, both administrative and financial, which the applicant will make available to the team to facilitate its alcohol and drug abuse prevention activities after training.

(b) Applicants shall assure that:

(1) Reports shall be submitted in such a form and containing information the Commissioner may reasonably require; and

(2) They will maintain records and afford access to them as the Commissioner may find necessary to assure the correctness and verification of the reports.

(21 U.S.C. 1002)

#### § 182a.25 Funding criteria.

In addition to the criteria set forth in 45 CFR 100a.26(b), the following additional criteria will be utilized in evaluating applications for selection under this subpart:

(a) The extent of the alcohol and drug abuse problem in the local community to be served;

(b) The extent to which team membership includes persons who have demonstrated leadership capabilities;

(c) The extent to which the proposed program activities address unmet alcohol and drug abuse prevention needs in the local community to be served;

(d) The extent to which alcohol and drug abuse prevention efforts by the applicant will be coordinated with related efforts in the schools and communities served by the applicant;

(e) The degree of the applicant's commitment to support and facilitate the alcohol and drug abuse education activities of the team after training is completed as demonstrated by the applicant's stated intent to support these activities administratively and financially; and

(f) The extent and manner in which the team will be utilized after training in the development and administration of drug abuse prevention programs in the community.

(21 U.S.C. 1002)

#### § 182a.26 Composition of teams.

(a) Teams for which assistance is provided to receive training at regional training centers supported by the U.S. Office of Education shall be composed of five to seven members representing a variety of professions and experience, who are representatives of the community and are capable of functioning together as a team within the community.

(b) In the selection of team members, priority should be given to persons who have demonstrated leadership within their community prior to selection and who, in the past, have demonstrated concern for or interest in alcohol and drug abuse problems.

(c) Each team selected shall have:

(1) One member who is directly involved with elementary and secondary education, preferably in a decision-making capacity; and

(2) At least one but not more than two youth representatives, these youth representatives shall not be less than 18 years of age.

(d) The applicant organization will be responsible for the selection of team members and alternate team members. If a person selected as a team member is unable to undergo training, his or her place shall be taken by an alternate with similar attributes and experiences.

(e) Each person selected by the applicant organization shall be available to work with the leadership team in the development and administration of an alcohol and drug abuse education program upon returning from the training sessions.

(f) The applicant organization will designate one member of the team as liaison between the applicant organization and the regional training development resource center, and between the applicant organization and the Office of Education.

(21 U.S.C. 1002)

#### § 182a.27 Team activities.

After training, teams will return to their communities to develop and carry out alcohol and drug abuse prevention programs to meet local needs. The following types of activities may be carried out: Community education workshops, drop-in centers, group and individual counseling, parent workshops, alternatives to alcohol and drug abuse, communication skills and problem-solving workshops, court diversion, teacher training, interagency coordination, student training, referral services, fund raising and resource mobilization.

(21 U.S.C. 1002)

#### § 182a.28 Allowable costs.

The Commissioner will pay the following costs through the regional training centers:

(a) Travel of team members to and from the regional training centers; and

(b) Hardship expenses for individual team members deemed to be reasonable by the Commissioner; i.e., expenses which, if not reimbursed, would prevent a team member from participating, such as baby sitting expenses.

(21 U.S.C. 1002)

[FR Doc. 76-14338 Filed 5-17-76; 8:45 am]

#### FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16; Docket No. 76-27]

#### RULES OF PRACTICE AND PROCEDURE

##### Notice of Proposed Rulemaking

The Commission has been engaged in a continuing effort to improve its rules of practice and procedure with a special view toward expediting proceedings. In the area of rate proceedings, for instance, the Commission observed that despite the statutory requirement that such proceedings be expedited and the fact that the Commission's authority to suspend rate changes is limited to a four-month period, such proceedings consume months and even years to complete. In some instances, furthermore, a carrier may even file new rates before the lawfulness of the preceding rates under investigation can be determined.

Accordingly, the Commission proposed a rule in Docket No. 75-36, Miscellaneous Amendments to Rules of Practice and Procedure, 40 FEDERAL REGISTER 43925,

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which would have established a specially expedited procedure designed to avoid lengthy evidentiary hearings, if possible, where it appeared that the issues were primarily legal rather than factual. The proposed rule was criticized in certain respects regarding specific standards incorporated therein although it was acknowledged that the basic purpose of the proposed rule was salutary. Therefore, by separate notice issued in Docket No. 75-36, we are withdrawing that proposed rule. However, since the Commission believes that there continues to be a need to improve procedures in these proceedings, the Commission is now proposing a revised rule eliminating the objectionable features of the previous one. Essentially, the procedure established by this rule would require the carrier to submit additional information in the form of its direct case, comparable information would be submitted by parties protesting the rate changes, underlying materials would be exchanged, and discussions held with a view toward resolving as many issues as possible and making appropriate recommendations to the Commission as to what, if any, subsequent proceedings would be necessary to determine unresolved issues.

Another source of delay which the Commission has observed is that caused by uncertainty as to the extent of the authority of the presiding officer to delineate the scope of a proceeding instituted by order of the Commission and to limit the issues framed therein. Although presently the presiding officer is authorized to interpret the Commission's order, in some instances parties may be able to circumvent his rulings by asking the Commission itself to "clarify" its order. In other instances, it is not clear whether the presiding officer has merely interpreted the order rather than modified or amended it or whether the parties are seeking interpretations, amendments, or modifications. Consequently no one is certain as to the proper means of disposing of the problems involved. Furthermore, if the parties are free to seek relief directly from the Commission whenever such problems arise without leave of the presiding officer, the orderly progress of the proceeding is disrupted. By authorizing the presiding officer to make definitive rulings as to the scope of the proceeding and the issues, whether by modifying, amending, interpreting, or clarifying the Commission's order, this uncertainty is eliminated and the parties are able to proceed under the presiding officer's rulings forthwith.<sup>1</sup> Like any other of his rulings, of course, any party may seek his leave to appeal pursuant to Rule 10(m), 46 CFR 502.153, and in case the ruling constitutes a dismissal of the proceeding in whole or in

<sup>1</sup> It is especially important that he be able to make definitive rulings regarding the scope of the proceeding at an early phase of the proceeding since such rulings will govern the use of the Commission's prehearing discovery procedures. He will not, of course, be authorized to alter any Commission decision to exercise or refrain from exercising the Commission's suspension authority.

part, an aggrieved party has an automatic right to appeal.

Finally, the Commission has become aware of a defect in its rules pertaining to the issuance of subpoenas in connection with the taking of depositions. The problem arises because under the present rules, a person to be deposed may file a motion to quash a subpoena within 10 days after service thereof or apparently even at the time specified for the taking of the deposition (Rule 9(b), 46 CFR 502.132(a)) or may file a motion for a protective order if the motion is "seasonably made" (Rule 12(b), 46 CFR 502.204(b)). The latter rule also requires no minimum notice for the taking of a deposition, since the party desiring to take a deposition need only give "reasonable notice in writing" to the proposed deponent and the parties. The rules as presently constituted give no consideration to problems which may arise when a party seeks to take a deposition but makes no allowance for the possibility that an opposing motion may be filed within 10 days after service of a subpoena or "seasonably" or even at the time of the deposition. Usually, rulings should be made by the presiding officer well in advance of the time scheduled for the taking of the deposition so that parties intending to participate in the deposition proceeding, which may be at a distant location, will know before making travel plans whether the deposition will be taken as scheduled and, if so, under what conditions. Nevertheless, the rules, as presently constituted, are so unstructured as to leave the parties without guidelines as to how they are supposed to obtain necessary rulings in sufficient time in the event that the parties cannot agree on the time, location, and conditions under which the deposition is to be taken.<sup>2</sup> In order to aid parties in the use of the deposition device, the proposed rules would establish such procedural guidelines. In the event that the normal time requirements established by the rule cannot be met (such as when a witness is about to leave the country) or if delay in the mails interferes with the timely receipt of pertinent pleadings of if the parties request or circumstances warrant more rapid resolution of issues, the presiding officer is not prevented by the proposed rules from utilizing other procedures, e.g., by summoning the parties to a meeting for the purpose of making rulings necessary to prevent delay or undue inconvenience, pursuant to Rule 12(a), 46 CFR 502.201(b)(2).

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C.

<sup>2</sup> Good practice would seem to dictate that any counsel desiring to take a deposition especially where travel is involved, would contact opposing counsel to arrange a convenient time and location and to resolve other issues which may arise or agree upon a procedure to seek appropriate rulings in advance of the taking of the deposition. The proposed rules are necessary, however, because counsel have not always followed such practice in which event the present rules establish no procedures which would insure that timely rulings could be obtained.

553), sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841(a)), and section 3 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 845), Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as set forth below.

1. Section 502.67 is proposed to be amended by adding a new paragraph (c) as follows:

§ 502.67 Proceedings under section 3 of the Intercoastal Act.

(c) Whenever a carrier files with the Federal Maritime Commission a tariff or tariffs containing rate increases or decreases as defined in § 512.3(d) (1) of this chapter, the Commission may determine that the matter will be decided under a specially expedited procedure and will issue an order to that effect. Such order will require that the carrier furnish by a specified date information supplemental to that required by § 512.3(d) and consisting of the exhibits and statements of direct testimony in support of the rate changes and, if warranted, other information responsive to the issues raised by the Commission's staff or protestants, if any, and may also require that parties protesting the rate changes file by the same or a later date comparable information supporting their positions supplemental to that required by paragraph (a) of this rule. Such order may additionally require that the parties exchange the above materials among themselves and provide each other access to underlying materials in support thereof and direct the parties to discuss the issues, attempt to reach stipulations or settlements, and submit individual or joint recommendations to the Commission by a specified date identifying all unresolved issues and specifying the type of procedure best suited to resolve them. After consideration of these recommendations, the Commission will issue an appropriate order limiting the issues and establishing the procedure for their resolution or, alternatively, refer the matter to the Office of Administrative Law Judges for the establishment of such a procedure. To the extent possible, evidentiary hearings, if such are necessary, shall be held in one continuous session and shall be completed and the record closed no later than four months after the carrier's proposed effective date of the rate changes.

§ 502.147 [Amended]

2. Section 502.147(a) is proposed to be amended by inserting the following words between the semicolon following the word "pleadings" and the word "Hold": "delineate the scope of a proceeding instituted by order of the Commission by amending, modifying, clarifying or interpreting said order, except with regard to that portion of any order involving the Commission's suspension authority set forth in Section 3, Intercoastal Shipping Act, 1933."

§ 502.132 [Amended]

3. a. Section 502.132(a) is proposed to be amended by inserting the following

words between the comma following the word "hearing" and the word "within": "or in connection with the taking of a deposition."

b. Section 502.132 is proposed to be amended further by adding a new paragraph (c) as follows:

(c) If served in connection with the taking of a deposition pursuant to § 502.204, unless otherwise ordered by the presiding officer, the party who has requested the subpoena shall arrange that it be served at least twenty (20) days prior to the date specified in the subpoena for compliance therewith, the person to whom the subpoena is directed may move to quash or modify the subpoena within ten (10) days after service of the subpoena, and a reply to such motion shall be served within five (5) days thereafter.

§ 502.204 [Amended]

4. a. Section 502.204(a) is proposed to be amended by revising the first sentence to read as follows:

(a) *Notice of examination: time and place.* A party desiring to take the deposition of any person upon oral examination shall, unless otherwise ordered by the presiding officer, give at least 20-days' notice in writing to such person and to every other party to the action. . . .

b. Section 502.204(b) is proposed to be amended by revising the first sentence through and including the word "shown" to read as follows:

(b) *Orders for the protection of parties and deponents.* After notice is served for taking a deposition by oral examination, unless otherwise ordered by the presiding officer, upon motion by any party or by the person to be examined made within ten (10) days after date of service of the notice of deposition, after consideration of replies to such motion served no later than five (5) days thereafter, and upon notice and for good cause shown, . . .

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 18, 1976, an original and fifteen copies of their views or arguments pertaining to the proposed rule.

Since the proposals set forth in this rulemaking proceeding concern procedural matters limited to the conduct of formal proceedings before the Commission, their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently no environmental assessment will be undertaken and no environmental impact statement will be issued in this proceeding.

By Order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 76-14430 Filed 5-17-76; 8:45 am]

## FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Docket No. R-0036 Reg. Z]

### TRUTH IN LENDING

#### Description of Transactions; Miscellaneous Amendments

On September 19, 1975, the Board published in the FEDERAL REGISTER amendments to Regulation Z setting forth disclosure requirements for identifying transactions reflected on open end credit account periodic statements and for other purposes (40 FR 43200). Since those amendments were adopted, questions have been raised which may require further amendment of the Regulation. Accordingly, the Board is publishing for comment these proposed amendments to Regulation Z which are intended to clarify certain requirements of the Regulation, add flexibility to the requirements as necessary, and insure that consumers are able to procure complete information regarding their open end credit accounts quickly and without undue expense. Although the proposed amendments would have some impact on so-called "country club" billing systems, their main effect would be on creditors who use the so-called "descriptive" billing systems.

#### IDENTIFICATION OF TRANSACTIONS

Under the proposal the requirements for identifying transactions on open end credit periodic statements as required by § 226.7(b)(1)(ii) would be changed in the following ways:

1. To enhance the clarity of the text, a new § 226.7(k) would be added to the Regulation. This new section would contain the requirements for identifying transactions. Section 226.7(b)(1)(ii) would merely reference § 226.7(k) and require that the disclosures set forth therein be made.

2. Presently, § 226.7(b)(1)(ii)(D) requires that, after October 28, 1977, the creditor must provide a reference number or identifying symbol (such as a sales voucher number) which appears on the document evidencing the transaction in those cases in which the primarily required information is not available. Questions have been raised regarding the usefulness in many cases of such a number or symbol to the consumer and regarding the cost to creditors of instituting a capability to capture the number or symbol for potential transmission in all transactions when it may, in fact, be needed for only a few. The proposed amendment would permit a creditor, as at present, to provide an identifying number or symbol when any of the primarily required information is not available. Alternatively, it would permit the creditor to disclose only that information which is available and treat any inquiry regarding the description or identification of the transaction as a billing error and an erroneous billing subject to the provisions of § 226.14. Further, the creditor would be required to provide documentary evidence of the transaction without charge.

This addition to the Regulation is designed to provide an alternative to the requirement that an identifying number or symbol be provided when the primarily required information is not available. It is designed to insure a better and more complete description to the consumer without financial disadvantage, to provide creditors with an alternative to the costly requirement of developing the capability to provide a voucher number for all transactions and to supply an incentive for the creditor to provide a complete description in the first instance. The creditor remains obligated under the proposed language to maintain procedures reasonably adapted to procure the primarily required information.

3. The proposed amendment would provide an alternative similar to that discussed in paragraph 2 for the transition period provided to creditors to adjust forms, procedures, and computer programs which last until October 28, 1977. The regulation as published on September 19, 1975, would have required the creditor to provide an identifying number or symbol when the information regarding the seller's name and address or description of merchandise or services purchased was not available. Further, it would have required the creditor to disclose the date of debiting the credit transaction to the customer's account when the primarily required date is unavailable. This proposal would allow the creditor the alternative of providing that information which is available to him while requiring the creditor to treat any inquiry regarding the identification of the transaction as a billing error and an erroneous billing when the primarily required information is not available of supplying the identifying number or symbol when primarily required information is not available during the transition period.

4. The language regarding the transition period for compliance, which ends October 28, 1977, has been changed in two other respects. First, the language has been changed to further clarify the fact that the alternatives provided in this section are generally available and that creditors do not need to institute procedures reasonably adapted to procure the information which will be required to be disclosed after October 28, 1977, in the first instance during this transition phase.

Second, by a separately adopted amendment of even date, the Board suspends the July 1, 1976, beginning date for the changeover to the transition period which is due to expire October 28, 1977. This is done, because the amendatory process may not be completed in time, without rescinding or repealing the entire § 226.7(b)(1)(ii). Consequently, the requirements currently imposed by § 226.7(b)(1)(ii)(E)(3) will remain in effect until dates for the transition period can be established in accordance with the outcome of the amendatory processes. The Board will supply a new date to be not later than September 1, 1976, for the beginning of this transition



period when this amendatory process is completed. This new date will take into account the added flexibility which may be added by these amendments when determining the lead time necessary for compliance.

5. The proposed amendments would also provide guidance regarding the disclosure of an address in certain types of transactions which are not encompassed within the usual scenario of a purchase made at a fixed seller location. Recognizing that it is often problematic to assign one address or designation which is helpful to customers in all situations. Where the transaction occurs, for example, by telephone or mail order, in the customer's home or at a non-fixed location, such as aboard a public conveyance, the proposed amendments would provide some flexibility. They would permit the creditor to (a) omit the address, which would be especially helpful in cases where supplying an address could, in itself, be misleading, or (b) supply an address or appropriate designation, such as "mail order," which, in the creditor's opinion, is helpful in identifying the transaction or in relating the transaction to a document previously furnished. Use of the disclosure provisions of this paragraph should not be for the purpose of evading or circumventing the Act or Regulation Z, however.

6. Guidance for disclosing the seller's name in certain cases is also provided by the amendment. It would permit the creditor to provide a more complete spelling of a seller's name which has been alphabetically abbreviated on the document evidencing the transaction.

Additionally, when a seller's name has been encoded in a way which is not meaningful to consumers (for example, where only a store number is supplied on a sales voucher), the creditor must provide the code symbol and a more complete spelling of the seller's name. This is intended to provide a basis for identifying the transaction if copies of sales vouchers are not retained or allowing the customer to relate the description to a sales voucher which he may have retained.

7. Proposed footnote 9d (footnote 7c as currently written) has been positioned within the regulation to indicate that all references to "the same person or related persons" in proposed § 226.7(k) are governed by the guidelines set forth in that footnote.

8. The language regarding the disclosure of an identifying number or symbol which appears on the document evidencing the transaction has been changed to indicate that such a number or symbol need be supplied only once even though more than one of the primarily required pieces of information may be unavailable.

9. Recognizing the difficulties of procuring the primarily required information for transactions in foreign countries, the amendment would (a) allow the creditor to disclose the date the amount of the transaction is debited to the customer's account and (b) use the error resolution procedure as discussed

in paragraph (2) in all cases without the obligation to maintain procedures adapted to procure the information in every instance. This provision is meant to be permissive and a creditor may, of course, disregard it and fully comply with the requirements otherwise imposed by § 226.7(k).

#### MISCELLANEOUS AMENDMENTS

1. The proposal would amend § 226.7(b)(1)(ii) to provide that the date of crediting a payment or credit to the customer's account need not be disclosed in those situations where the failure to credit on any particular day will not result in the imposition of any finance charges or other charges upon the customer. This amendment is proposed in the belief that such a disclosure is of little or no value or economic concern to the consumer but does impose a substantial cost upon creditors to make the necessary changeover for their billing systems if they have not provided such a date heretofore. The requirement that payments to a customer's account be credited promptly, however, would not be changed or suspended thereby.

2. The proposal would amend § 226.7(c)(1) to clarify the Board's intent in its publication of September 19, 1975. The proposed language for § 226.7(c)(1) permits certain information to be disclosed other than on the face of a periodic statement provided that the totals of the respective debits and credits under each of the paragraphs referenced therein are disclosed on the face of the periodic statement. Concern had been expressed that the section, as amended by the September 19 publication, requires disclosure of a total of all purchases or other loan transactions and finance charges on the face of the periodic statement. This was not the Board's intent.

3. The proposal amends § 226.13(i) by adding a footnote to paragraph 4 specifically permitting a creditor to report disputed amounts under § 226.13(i) as "in dispute" but not as "delinquent." This is consistent with the treatment of credit reports under § 226.14 and avoids the implication that a creditor must have a dual credit reporting system which would have to reflect the different kinds of disputes that may be raised.

The Board invites written comment on the proposed amendments. In particular, the Board would like to receive comments or information concerning the following:

1. The impact of the proposed changes to the regulation on problems that some consumers and creditors may have regarding transactions which occur in foreign countries.

2. Identification of any special or unusual types of transactions which may present problems of disclosure under the proposed regulations and which should be addressed at this time.

3. The problems of creditors in describing on periodic statements property or services obtained from sellers providing a homogeneous merchandise line or property or services which are difficult to describe by departmental category,

because purchases are made at a central cash register location or for other reasons. Any proposed solutions to those problems should be included.

4. The problems or suggestions consumers may have regarding identifying transactions on their open end credit account statements in general.

The deadline for receipt of written comments on the proposed amendments is June 18, 1976. Comments should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments should include a reference to Docket No. R-0036.

Pursuant to the authority granted in 15 U.S.C. § 1604 (1970) the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. To fully implement § 411, Title IV, Pub. L. 93-495, § 226.7(b)(1)(ii) would provide, and a new § 226.7(k) would be added, as follows:

§ 226.7 Open End Credit Accounts—  
Specific Disclosures.

(b) Periodic statements required (1) . . . . .

(ii) The information required by § 226.7(k) . . . . .

(k) Identification of transactions (1) . . . . .

Each extension of credit for which an actual copy of the document evidencing the credit transaction (which does not include a so-called "facsimile draft") accompanies the periodic statement on which the transaction is first reflected shall be identified by disclosing on the periodic statement, or on accompanying statement(s) or document(s), the amount of the transaction and either the date of the transaction or the date the transaction is debited to the customer's account.

(2) Each extension of credit for which an actual copy of the document evidencing the credit transaction does not accompany the periodic statement shall be identified by disclosing on or with the periodic statement on which that credit transaction is first reflected at least:

(i) The date on which the transaction took place, and the amount of the transaction; and

(ii) A brief identification of any property or services purchased for trans-

With respect to transactions which are not billed in full on any single statement but for which precomputed installments are billed periodically, the date the transaction takes place for purposes of this paragraph shall be deemed to be the date on which the amount is debited to the customer's account.

For purposes of this paragraph, designations such as "merchandise" or "miscellaneous" shall not be considered sufficient identification of property or services, but a reference to a department in a sales establishment which accurately conveys the identification of the type(s) of property or services which are available in such department shall be sufficient under this paragraph. Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

actions in which the creditor and the seller are the same person or related persons, or the seller's name (as disclosed on the document evidencing the transaction provided to the customer) and the address (city and State or foreign country, using understandable and generally accepted abbreviations if the creditor so desires) where the transaction took place for transactions in which the creditor and the seller are not the same person or related persons.

(3) Notwithstanding the provisions of §§ 226.7(k)(1) and 226.7(k)(2), transactions involving nonsale credit, such as a cash advance or an overdraft or other checking plan transactions, shall be identified on or with the periodic statement upon which the transaction is first reflected by providing at least:

(i) An actual copy of the document evidencing the transaction which shows the amount of the transaction and either the date of the transaction, the date the transaction was debited to the customer's account, or the date placed on the document or instrument by the customer (if the customer signed the document or instrument); or

(ii) A description of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount of the transaction and the date of the transaction or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument).

(4) (i) For any transaction for which any of the information required to be disclosed under §§ 226.7(k)(1), (2), or (3), as applicable, is not available the creditor shall disclose that information which is available and shall:

(A) Without affecting the customer's ability to make inquiry under § 226.14, disclose an identifying number or symbol which appears on the document evidencing the transaction given to or used by the customer at the time of or in connection with the transactions, which identifying number or symbol need only be disclosed once for any transaction; or

For purposes of paragraph 226.7(k) a person is not related to the creditor simply because the person and the creditor have an agreement or contract pursuant to which the person is authorized to honor the creditor's credit card under the terms specified in the agreement or contract. Franchised or licensed sellers of a creditor's product shall be considered to be related to the creditor for purposes of paragraph 226.7(k). Sellers who assign or sell open end customer sales accounts to a creditor or arrange for such credit under an open end credit plan which allows the customer to use the credit only in transactions with that seller shall be considered related to the creditor for purposes of § 226.7(k).

In cases in which an amount is debited to a customer's open end credit account under an overdraft checking plan, the date of debiting the open end credit account shall be considered the date of the transaction for purposes of this paragraph.

(B) Treat the absence of the information required by §§ 226.7(k)(1), (2), or (3), as applicable, as a billing error, as provided in §§ 226.2(j) and 226.14. If a customer submits a proper written notification of a billing error relating to the absence of such information and the information was, in fact, not disclosed as required by §§ 226.7(k)(1), (2), or (3) as applicable, the transaction shall be treated as an erroneous billing under § 226.14(b) and documentary evidence of the transaction must be furnished whether or not the customer requests it (despite the provisions of §§ 226.2(j) and 226.14(a)(2)), within the time period allowed in § 226.14 for resolution of a billing error, without charge to the customer.

(i) The provisions of § 226.7(k)(4)(i) shall not relieve the creditor of responsibility for maintaining procedures reasonably adapted to enable the creditor to obtain the primarily required information at the time the amount of the transaction is transmitted to the creditor for debiting to the customer's account.

(5) In any case in which a transaction occurs other than in a State:

(i) The creditor may disclose the date of debiting the amount of the transaction to the open end credit account in place of any other date required elsewhere in § 226.7(k); and

(ii) The provisions of § 226.7(k)(4)(i) shall apply and the creditor need not maintain procedures reasonably adapted to procure the information otherwise required by § 226.7(k). (6) In complying with the disclosure requirements of paragraphs 226.7(k)(1), (2), (3), or (4):

(A) The creditor may rely upon and disclose the information supplied by the seller with respect to the date and amount of transactions for which the creditor and the seller are not the same person or related persons.

(B) With regard to disclosing the seller's address where the transaction took place for purposes of § 226.7(k)(2)(ii), the creditor may omit the address or provide an address or other suitable designation which, in the creditor's opinion, will assist the customer in identifying the transaction or in relating the transaction, as reflected, to a document(s) evidencing the transaction previously furnished when no meaningful address is readily available because the transaction took place at a location which is not fixed (for example, aboard a public conveyance), or in the customer's home (in which case "customer's home" or a similar description is sufficient) or because the transaction was the result of a mail or telephone order (in which case "telephone order," "mail order," or similar description is sufficient); provided that any such disclosure made or omitted shall not be for the purpose of circumvention or evasion of this Part.

(iii) (A) If the seller's name as required by § 226.7(k)(2)(ii) is alphabetically abbreviated or otherwise incomplete on the document evidencing the

transaction, the creditor may provide a more complete spelling of the seller's name.

(B) If the seller's name as required by § 226.7(k)(2)(ii) is encoded other than by alphabetic abbreviation (for example, by number or symbol not meaningful to the customer) on the document evidencing the transaction, the creditor must disclose the encoded symbol as well as a more complete designation of the seller's name in terms understandable by customers.

(7) (i) As an alternative to the provisions of §§ 226.7(k)(1) through 226.7(k)(5), from [date to be supplied upon completion of amendatory process] until October 28, 1977: (A) the creditor may disclose the date of debiting the amount of the transaction to the customer's account for the date of the transaction or the date placed on the document evidencing a credit transaction if, due to operational limitations, either such date is unavailable to the creditor for purposes of billing; and the creditor may disclose an identifying number or symbol which appears on the document evidencing the credit transaction given to or used by the customer at the time of or in connection with the credit transaction in place of the seller's name and address or description of the property or services purchased if, due to operational limitations, such information is unavailable to the creditor for purposes of billing; or (B) the creditor may identify the transaction by disclosing such information as is reasonably available and treating the absence of the information required by §§ 226.7(k)(1), (2), or (3), as applicable, as a billing error, as provided in §§ 226.2(j) and 226.14. If a customer submits a proper written notification of a billing error relating to the absence of such information and the information was, in fact, not disclosed as required by §§ 226.7(k)(1), (2), or (3), as applicable, the transaction shall be treated as an erroneous billing under § 226.14(b) and documentary evidence of the transaction must be furnished whether or not the customer requests it (despite the provisions of §§ 226.2(j) and 226.14(a)(2)), within the time period allowed in § 226.14 for resolution of a billing error, without charge to the customer.

(ii) The effective date of §§ 226.7(k)(1) through 226.7(k)(6)(i), inclusive, is [date to be supplied upon completion of amendatory process]. Until [date to be supplied upon completion of amendatory process], the creditor shall disclose the date of each extension of credit or the date to the account during the billing cycle, date such extension of credit is debited the amount of such extension of credit and, unless previously furnished, a brief identification of any goods or services purchased or the extension of credit.

2. Section 226.7(b)(1)(iii) would be amended by the deletion of the period at

\* Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.



the end thereof and the addition of the following: "except that the date of crediting to the customer's account need not be provided if a delay in crediting does not result in the imposition of any finance charges, late payment charges, or other charges for that billing cycle or a later billing cycle."

3. Section 226.7(c)(1) would be amended to read as follows:

§ 226.7 Open end credit account—specific disclosures.

(c) . . . . .

(1) The information required to be disclosed under paragraph (b)(1)(ii) of this section and itemization of the amounts and dates required to be disclosed under paragraph (b)(1)(iii) of this section and of the amount of any finance charge required to be disclosed under paragraph (b)(1)(iv) of this section may be made on the reverse side of the periodic statement or on a separate accompanying statement(s), provided that the totals of the respective debits and credits under each of those paragraphs are disclosed on the face of the periodic statement.

4. Section 226.13(1)(4) would be amended to add a footnote as follows:

§ 226.13 Credit card transactions—special requirements.

(1) Right of cardholder to assert claims or defenses against card issuer. . . . .

(4) If the cardholder refuses to pay the amount of credit outstanding with respect to the property or services which gave rise to the claim(s) or defense(s) under this section, the creditor may not report to any person that particular amount as delinquent until the dispute is settled or judgment is rendered.<sup>22</sup>

By order of the Board of Governors,  
May 7, 1976.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 76-14363 Filed 5-17-76; 8:45 am]

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Part 901]

### ENROLLMENT OF ACTUARIES

#### Proposed Procedures and Requirements

By a notice of proposed rulemaking, published in the Federal Register for Wednesday, August 27, 1975, (40 FR 38171), regulations with respect to rules establishing requirements for eligibility to perform actuarial services under the Employee Retirement Income Security Act of 1974 (ERISA) were proposed to be prescribed by the Joint Board for the Enrollment of Actuaries. In such proposed regulations, § 901.13 was reserved to deal with the eligibility for enrollment

<sup>22</sup> Nothing in this paragraph prohibits a creditor from reporting the disputed amount or account as being in dispute.

of individuals applying for enrollment on or after January 1, 1976. Notice is hereby given that the regulations set forth below in tentative form are proposed to be prescribed by the Joint Board for the Enrollment of Actuaries in order to provide rules dealing with the eligibility for enrollment of individuals applying for enrollment on or after January 1, 1976.

Consistent with the legislative history of ERISA, § 901.13 would require individuals applying for enrollment on or after January 1, 1976, to meet more stringent requirements than those applying for enrollment before January 1, 1976.

The experience requirement for individuals applying on or after January 1, 1976 is the same as for pre-1976 applicants, except only experience during the 10 year period immediately preceding the date of application will be considered as satisfying the post-1975 requirements, compared to 15 years for the pre-1976 requirements.

The regulations proposed herein set forth a basic actuarial knowledge requirement, as indicated in section 3042 of ERISA. The basic actuarial knowledge requirement may be satisfied by successful completion of an examination prescribed by the Joint Board, successful completion of a proctored examination given by an actuarial organization and determined by the Joint Board to be equivalent to its examination, or by having received a bachelor's or higher degree with a major in actuarial mathematics or the equivalent.

In addition to the basic actuarial knowledge requirement, the regulations set forth a pension actuarial knowledge requirement to assure knowledge in specialized areas of actuarial knowledge relating to pension plans. The pension actuarial knowledge requirement may be satisfied by successful completion of an examination prescribed by the Joint Board or by successful completion of a proctored examination given by an actuarial organization and determined by the Joint Board to be equivalent to its pension examination.

Successful completion of these actuarial knowledge requirements will require a higher level of competence than that required for individuals applying for enrollment before January 1, 1976.

To be enrolled under the Joint Board examinations will require passing two examinations, one in basic actuarial mathematics and one in pension actuarial mathematics, compared to a single Joint Board examination for pre-1976 applicants. The basic actuarial mathematics examination will cover areas not covered by the test for pre-1976 applicants. The pension actuarial mathematics examination will cover the same general subject matter as the pre-1976 examination except that it will also include the calculations to be made on plan terminations. Further, the Joint Board contemplates that the post-1975 examination will require a higher level of competence than the pre-1976 examinations.

Successful completion of proctored examinations of actuarial organizations will be allowed in place of Joint Board examinations only if, after careful analysis, the Joint Board determines such examinations are at least equivalent to Joint Board examinations. Although examinations of actuarial organizations were recognized for pre-1976 applicants, there was no requirement that such examinations be determined equivalent to Joint Board examinations.

An educational requirement in the form of a bachelor's or higher degree in actuarial mathematics or a degree with equivalent course content will be accepted in lieu of the basic actuarial examination of the Joint Board (or the equivalent examinations of an actuarial organization). Actuarial degree programs vary, and fall into several patterns. It is contemplated that an individual claiming to have an equivalent degree will be required to provide a transcript of his academic work, which will be compared with various degree programs in actuarial mathematics.

The pre-1976 requirements had an educational requirement of a degree in actuarial science or a degree in mathematics, statistics or computer science with at least 6 semester hours or 9 quarter hours of courses in life contingencies. This alternative, available for pre-1976 applicants, did not require the equivalent of a degree in actuarial mathematics, but was designed only to assure at least minimal knowledge of certain subjects used in actuarial science.

An applicant with a degree in actuarial mathematics will not be required to take the basic actuarial examination of the Joint Board, (or the equivalent examinations of an actuarial organization) but will be required to take a pension actuarial examination. Pre-1976 applicants with a degree in actuarial science were not required to pass any actuarial examination of the Joint Board or any actuarial organization.

In addition, the proposed rules providing for denial of an application for enrollment if the applicant is found to have engaged in disreputable conduct are different than the rules applicable to pre-1976 applicants.

Before final adoption of the proposed rules set forth below, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably seven copies) to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, on or before June 17, 1976. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Executive Director on or before June 17, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a

hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 3042, Subtitle C of Title 3 of the Employee Retirement Income Security Act of 1974. (88 Stat. 1002, 29 U.S.C. 1241, 1242.)

As proposed § 901.13 reads as follows:

§ 901.13 Eligibility for enrollment of individuals applying for enrollment on or after January 1, 1976.

(a) *In general.* An individual applying on or after January 1, 1976, to be an enrolled actuary, must fulfill the experience requirement of paragraph (b) of this section, and the pension actuarial knowledge requirement of paragraph (c) of this section, and the pension actuarial knowledge requirement of paragraph (d) of this section.

(b) *Qualifying experience.* Within a 10 year period immediately preceding the date of application, the applicant shall have completed either:

(1) A minimum of 36 months of responsible pension actuarial experience, or

(2) A minimum of 60 months of responsible actuarial experience, including at least 18 months of responsible pension actuarial experience.

(c) *Basic actuarial knowledge.* The applicant shall demonstrate knowledge of basic actuarial mathematics and methodology by one of the following:

(1) *Joint Board basic examination.* Successful completion, to a score satisfactory to the Joint Board, of an examination, prescribed by the Joint Board, in basic actuarial mathematics and methodology including compound interest, principles of life contingencies, commutation functions, multiple-decrement functions, and joint life annuities.

(2) *Organization basic examinations.* Successful completion, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board basic examination referred to in subparagraph (C)(1) of this section.

(3) *Qualifying formal education.* Receipt of a bachelor's or higher degree from an accredited college or university after the satisfactory completion of a course of study:

(i) In which the major area of concentration was actuarial mathematics, or

(ii) Which included at least as many semester hours or quarter hours each in mathematics, statistics, actuarial mathematics and other subjects as the Board determines represent equivalence to paragraph (1) of this section.

(d) *Pension actuarial knowledge.* The applicant shall demonstrate pension actuarial knowledge by one of the following:

(1) *Joint Board pension examination.* Successful completion, to a score satisfactory to the Joint Board, of an examina-

tion, prescribed by the Joint Board, in actuarial mathematics and methodology relating to pension plans, including the provisions of ERISA relating to the minimum funding requirements and allocation of assets on plan termination.

(2) *Organization pension examinations.* Successful completion, to a score satisfactory to the Joint Board, of one or more proctored examinations which are given by an actuarial organization and which the Joint Board has determined cover substantially the same subject areas, have at least a comparable level of difficulty, and require at least the same competence as the Joint Board pension examination referred to in paragraph (1) of this section.

(e) *Denial of enrollment.* An applicant may be denied enrollment if:

(1) The Joint Board finds that the applicant, during the 15-year period immediately preceding the date of application and on or after the applicant's eighteenth birthday has engaged in disreputable conduct. The term disreputable conduct includes, but is not limited to:

(i) An adjudication, decision, or determination by a court of law, a duly constituted licensing or accreditation authority (other than the Joint Board), or by any federal or state agency, board, commission, hearing examiner, administrative law judge, or other official administrative authority, that the applicant has engaged in conduct evidencing fraud, dishonesty or breach of trust.

(ii) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Department of the Treasury or the Department of Labor or any officer or employee thereof in connection with any matter pending or likely to be pending before them, knowing such information to be false or misleading.

(iii) Willfully failing to make a federal tax return in violation of the revenue laws of the United States, or evading, attempting to evade, or participating in any way in evading or attempting to evade any federal tax or payment thereof, knowingly counseling or suggesting to a client or prospective client an illegal plan to evade federal taxes or payment thereof, or concealing assets of himself or another to evade federal taxes or payment thereof.

(iv) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Department of the Treasury or the Department of Labor by the use of threats, false accusations, duress or coercion, by the offer of any special inducement or promise of advantage or by the bestowing of any gift, favor, or thing of value.

(v) Disbarment or suspension from practice as an actuary, attorney, certified public accountant, or public accountant by any state, possession, territory, Commonwealth, the District of Columbia, or by any Federal Court of record.

(vi) Contemptuous conduct in connection with matters before the Department of the Treasury, or the Department of

Labor, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(2) The applicant has been convicted of any of the offenses referred to in section 411 of ERISA.

(3) The applicant has submitted false or misleading information on an application for enrollment to perform actuarial services or in any oral or written information submitted in connection therewith or in any report presenting actuarial information to any person, knowing the same to be false or misleading.

Approved for publication in the FEDERAL REGISTER.

Dated: May 4, 1976.

[SEAL] ROWLAND E. CROSS,  
Chairman, Joint Board for  
the Enrollment of Actuaries.

[FR Doc. 76-14445 Filed 5-17-76; 8:45 am]

## VETERANS ADMINISTRATION

[38 CFR Part 21]

### VETERANS EDUCATION

#### Counseling; Change or Reentrance

The following regulatory change is made to modify existing provisions.

Section 21.4106 is amended to delete the requirement that the Veterans Administration counselor shall refer to the Vocational Rehabilitation Board recommendations disapproving reentrance into training or changes of programs of a veteran or eligible person following discontinuance due to unsatisfactory progress or conduct.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before June 17, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make these changes effective on the date of final approval.

In § 21.4106, paragraph (b) is revised to read as follows:

§ 21.4106 Counseling; change or reentrance.

(b) *Approval.* The counselor will recommend approval of a change of pro-

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gram or reentrance into the same program, if he or she finds that the program which the veteran or eligible person proposes to pursue is suitable to his or her aptitudes, interests, and abilities; and where the veteran's or eligible person's program has been interrupted, or he or she has failed to progress in, his or her

program due to his or her own misconduct, neglect or lack of application, the cause for the unsatisfactory conduct or progress has been removed and there exists a reasonable likelihood that there will not be a recurrence of such an interruption or failure to progress. Subject to this approval criteria, approval for

changes of program subsequent to the second change may be recommended.

Approved: May 11, 1976.

(SEAL) R. L. ROUDEBUSH,  
Administrator.

[FR Doc.76-14469 Filed 5-17-76;8:45 am]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

### INCOME TAX TREATY NEGOTIATIONS

The Treasury Department today announced the countries with which it is engaged in income tax treaty negotiations, released the text of its current "model" income tax treaty, and invited comments.

The Treasury Department has a general policy of announcing initial income tax treaty negotiations with particular countries, and giving an opportunity for comment. However, often negotiations are scheduled on short notice, making notice impractical, and often negotiations extend over a period of several years, so that earlier comments no longer reflect current problems. In order to give better guidance and in order to obtain comments from interested persons, the Treasury Department today announced that negotiations are currently in process (or contemplated in the near future) with the following countries:

Australia	Jamaica
Bangladesh	Malta
Botswana	Morocco
Brazil	Netherlands
Canada	Singapore
Costa Rica	Spain
Denmark	Tunisia
India	Yugoslavia
Iran	Zambia

The Treasury Department would welcome amendments to previous comments, or new or supplemental comments concerning negotiations with those countries. Comments should be sent in writing to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220. In addition, the Treasury Department always welcomes comments with respect to the advisability of entering into or revising income tax treaties with any country.

The Treasury Department also made available today the text of its current "model" income tax treaty. The Treasury Department is currently suggesting this model as a starting point for negotiations. The model conforms closely to the revised draft treaty now being developed by the Organization for Economic Co-operation and Development. Any comments on this model may also be sent to Charles M. Walker.

The Treasury Department also announced today that negotiations are completed or are approaching completion with the following countries:

Indonesia	Republic of China
Kenya	(Taiwan)
Philippines	South Korea

Income tax treaties with Cyprus, Egypt, Israel, and the United Kingdom

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

were signed on April 19, 1974, October 28, 1975, November 20, 1975, and December 31, 1975, respectively. The treaties with Egypt and Israel have been submitted to the Senate for approval.

Dated: May 13, 1976.

ROBERT J. PATRICK, Jr.,  
International Tax Counsel and  
Director, Office of International Tax Affairs.

[FR Doc.76-14444 Filed 5-17-76;8:45 am]

[Department Circular, Public Debt Series  
No. 13-76]

### TREASURY NOTES OF SERIES M-1978

Dated and Bearing Interest From  
June 1, 1976

#### I. INVITATION FOR TENDERS

Due May 31, 1978.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for \$2,250,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series M-1978. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 19, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 6 percent Treasury Notes of Series M-1976 maturing May 31, 1976, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

#### II. DESCRIPTION OF NOTES

1. The notes will be dated June 1, 1976, and will bear interest from that date, payable on a semiannual basis on November 30, 1976, May 31, 1977, November 30, 1977, and May 31, 1978. They will mature May 31, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

#### III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 19, 1976. Each tender must state the face amount of notes bid for, which must be \$5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed \$500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.



3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be determined at a  $\frac{1}{8}$  of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above 99.750. That rate of interest will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.943, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the \$2,250,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for \$500,000 or less without stated yield from any one bidder will be accepted in full at the average price<sup>1</sup> (in three decimals) of accepted competitive tenders.

## IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before Tuesday, June 1, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated May 31, 1976, should be detached), in other funds immediately available to the Treasury by June 1, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, May 26, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, May 24, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

## V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series M-1978 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series M-1978 to be delivered to \_\_\_\_\_." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

## VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON,  
Acting Secretary of the Treasury.  
[FR Doc. 76-14533 Filed 5-14-76; 1:34 pm]

<sup>1</sup> Average price may be at, or more or less than 100.000.

## DEPARTMENT OF DEFENSE

## Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE  
ON NET TECHNICAL ASSESSMENT

## Advisory Committee Meeting

The Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 9-10 June 1976 at the Central Intelligence Agency, Langley, Virginia.

The overall mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for US technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining critical intelligence technical requirements of the Department of Defense, the ways in which answers to these requirements would influence future US R&D/operational actions, any time urgency associated with the requirements and collection methods for satisfying these requirements.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptroller).

MAY 12, 1976.

[FR Doc. 76-14404 Filed 5-17-76; 8:45 am]

## DEPARTMENT OF JUSTICE

## Antitrust Division

UNITED STATES V. HALLIBURTON  
COMPANY CIVIL NO. 73 CIV. 1806

## Extension of Public Comments

Notice is hereby given that the time for public comment on a proposed consent judgment in the above-captioned action has been extended until 10 A.M., June 4, 1976. The proposed consent judgment and competitive impact statement were published in the FEDERAL REGISTER for April 5, 1976, Vol. 41, No. 66, FR Doc. 76-9609.

Dated: May 13, 1976.

CHARLES F. B. McALEER,  
Assistant Chief, Judgments and  
Judgment Enforcement Section.

[FR Doc. 76-14454 Filed 5-17-76; 8:45 am]

Law Enforcement Assistance  
AdministrationNATIONAL ADVISORY COMMITTEE ON  
CRIMINAL JUSTICE STANDARDS AND  
GOALS

## Notice of Change of Meeting

This is to provide notice of change of meeting for the Juvenile Justice and De-

linquency Prevention Task Force of the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels previous meeting dates of May 21 and 22, 1976.

The Juvenile Justice and Delinquency Prevention Task Force will meet on June 4-5, 1976. The meeting will be held at the Airport Marina Hotel, 1380 Bayshore Highway, Burlingame, California. The meeting will be open to the public.

The tentative agenda includes the following items:

## REPORT OF THE NAC MEETING

## REVIEW OF THE DRAFT STANDARDS VOLUME

Part I—Introduction  
Part II—Delinquency Prevention  
Part III—Police  
Part IV—Judicial Process  
Part V—Corrections  
Part VI—Planning and Evaluation in the Juvenile Justice System

Meeting Times: June 4 & 5—8:30 a.m.—5 p.m.

For further information, contact Richard VanDuizend, General Attorney, National Institute of Juvenile Justice Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,  
Attorney-Advisor,  
Office of General Counsel.

[FR Doc. 76-14401 Filed 5-17-76; 8:45 am]

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## MOHAVE TRIBE OF INDIANS

Plan for the Use and Distribution of Mohave Judgment Funds Awarded in Dockets 283 and 295 Before the Indian Claims Commission

MAY 6, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Mohave Tribe of Indians in Indian Claims Commission Dockets 283 and 295. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated January 23, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on February 2, 1976, and by the Senate on February 3, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 12, 1976, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of January 3, 1974, 87 Stat. 1071, in satisfaction of the award granted to the Mohave Indians who are members of the Colorado

River Indian Tribes and to the Fort Mojave Tribe in Dockets 283 and 295 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and expenses, shall be used and distributed as herein provided.

## DIVISION OF THE JUDGMENT FUNDS

A roll shall be prepared in accordance with the procedures enacted by the tribal governing body and approved by the Secretary of the Interior (hereinafter "Secretary"), of all members of the Fort Mojave Tribe of the Fort Mojave Reservation who were born on or prior to and living on the effective date of this plan.

In addition, pursuant to rules and regulations published in the FEDERAL REGISTER, the Secretary shall prepare a separate roll of those members of the Colorado River Indian Tribes of the Colorado River Indian Reservation who are lineal descendants of the aboriginal Mohave Tribe, who did not share in the funds distributed by the Chemehuevi Distribution Act of September 25, 1970, 84 Stat. 868, and who were born on or prior to and living on the effective date of this plan.

After the completion of both rolls, the Secretary shall divide the funds, except for an amount of \$131,641.93, including all interest and investment income accruing thereon, between the Fort Mojave Tribe and the eligible Mohave members of the Colorado River Indian Tribes on a proportional basis as determined by the number enrolled with each group as of the effective date of this plan.

The above-expected sum of \$131,641.93, including all interest and investment income accruing thereon, shall be divided between the two groups on an inverse proportional basis as determined by the number enrolled with each group as of the effective date of this plan.

## THE FORT MOJAVE TRIBE

The entire amount of the Fort Mojave Tribe's share of these funds shall be utilized by the tribe for the purposes and in the percentages described below, as approved by the Secretary.

Forty (40) percent for community and commercial development. To be used as matching funds for the construction of a community hall and a building to house the small businesses of the tribal members; priorities for construction shall be determined by the tribal governing body.

Fifteen (15) percent for consultant and legal fees.

Ten (10) percent for an emergency medical fund and for health benefits for elderly tribal members.

Ten (10) percent for a bus to provide transportation for tribal members.

Ten (10) percent for educational purposes.

Fifteen (15) percent for a reserve fund for tribal programs. Should the funds in any of the above-cited categories be determined to be in excess of needs, the tribal governing body, on an annual budgetary basis, may make appropriate adjustments from one category to another, subject to the approval of the Secretary.

## MOHAVE DESCENDANTS OF THE COLORADO RIVER INDIAN TRIBES

The Secretary shall make a per capita distribution of the totality of the Colorado River Mohave share of the funds, in a sum as equal as possible, to each eligible Mohave descendant enrolled pursuant to the provisions of this plan.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5.

The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares, in excess of \$100, including all investment income accruing thereto, will be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, will be placed in a private trust as approved by the Secretary. In those cases where a minor would reach the age of eighteen within six months after establishment of a trust, such funds shall instead be retained in IIM accounts. Upon reaching the age of eighteen, unless under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5. If a minor's per capita share is not in excess of \$100, it may be expended for the minor's benefit as provided in 25 CFR 104.4."

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc. 76-14392 Filed 5-17-76; 8:45 am]

## Bureau of Land Management

[OR 15675 (Wash.)]

## WASHINGTON

Proposed Withdrawal and Reservation of  
Land

MAY 7, 1976.

The Corps of Engineers, U.S. Department of the Army, has filed application, serial No. OR 15675 (Wash.), for withdrawal of the land described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and mineral leasing laws.

The applicant desires the land for the Box Canyon Public Use Site, Chief Joseph Dam Project, on the Columbia River in Washington.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than June 12, 1976, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 N.E. Oregon Street), Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not

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the land will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is as follows:

WILLAMETTE MERIDIAN  
BOX CANYON PUBLIC USE SITE

T. 30 N., R. 27 E.,  
Sec. 19, lot 7;  
Sec. 20, lot 5;  
Sec. 27, lot 4;  
Sec. 28, lots 2, 3, 4, 5, and 6, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, lots 1 and 2 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 34, lots 3, 4, 5, and 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described includes approximately 867.59 acres in Douglas County, Washington.

HAROLD A. BERENDS,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 76-14393 Filed 5-17-76; 8:45 am]

#### National Park Service NATIONAL REGISTER OF HISTORIC PLACES

##### Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 13, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before May 28, 1976.

WILLIAM J. MURTAGH,  
Acting Director, Office of Archeology and Historic Preservation

#### ARIZONA

##### Pima County

Tucson, Armory Park Historic Residential District, E. 12th St. to 19th St., Stone Ave. to 2nd Ave.

#### HAWAII

##### Mauai County

Keoniloa vicinity, Hoapili Trail, E of Keoniloa near Pihai Highway (HI 31).

#### INDIANA

##### Ada County

Boise, Immanuel Evangelical Lutheran Church, 707 W. Fort.

##### Bonneville County

Idaho Falls vicinity, Wasden Site (Owl Cave), W of Idaho Falls off U.S. 20.

## NOTICES

### IOWA

#### Buena Vista County

Albert City, Albert City Depot, Main and Railway Sts.

#### Clayton County

Elkader, Elkader Keystone Bridge, Bridge St.

#### Clinton County

Stinton, Young, W. J., Company Machine Works, 10th Ave. S. and 1st St.

#### Jasper County

Lynnville, Lynnville Mill and Dam, East St.

#### Johnson County

Iowa City, C.S.A. (Czechoslovakian Association) Hall, 524 N. Johnson St.  
Iowa City, McCallister, James, Farmstead, SE of Jct. of U.S. 6 and U.S. 218.

#### Linn County

Cedar Rapids, Paramount Theater Building, 121-127 3rd Ave., SE, 305-307 2nd St., SE.

#### Madison County

Winterset, Madison County Courthouse, City Square.

#### Polk County

Des Moines, Iowa State Capitol Building, Grand Ave. and E. 12th St.

### LOUISIANA

#### Orleans Parish

New Orleans, Williams Mansion (Milton H. Latta Memorial Library), 5120 St. Charles Ave.

### MARYLAND

#### Cecil County

Colons, Colons Meeting House, 14pencott Rd.

### MINNESOTA

#### Blue Earth County

Mankato, Hubbard, R. D., House, 806 S. Broad St.

#### Dodge County

Kasson, Kasson Water Tower, 4th Ave. NW.

#### Goodhue County

Red Wing, Sheldon, Theodore B., House, 805 W. 4th St.

#### Hennepin County

Edina, Edina Mills Site, Browndale Ave. and W. 50th St.  
Minneapolis, Jones, Harry W., House (Elmwood), 5101 Nicollet Ave.  
Minneapolis, Legg, Harry F., House, 1801 Park Ave. S.

#### Rice County

Northfield, Old Main, St. Olaf College, St. Olaf College campus.

#### St. Louis County

Duluth, Bergetta Moe Bakery, 716 E. Superior St.

#### Stearns County

St. Cloud, St. Cloud Post Office/City Hall, 314 St. Germain St.

#### Steele County

Owatonna, Owatonna Free Public Library, 105 N. Elm St.  
Owatonna, Steele County Courthouse, 111 E. Main St.

#### Washington County

Cottage Grove vicinity, Severance, Cordenio, House, NE of Cottage Grove.  
Scandia vicinity, Erickson, Johannes, Log House, S of Scandia on CR 3.

### Winona County

Winona, Choate Building, 51 E. 3rd St.

### MISSISSIPPI

#### Adams County

Natchez vicinity, Elizabeth Female Academy Site, E of Natchez.

#### Chickasaw County

Houston vicinity, Bynum Mounds, E of Houston.

#### Claiborne County

Port Gibson vicinity, Mangum Mound, 6 mi. NE of Port Gibson.

#### Itawamba County

Kirkville vicinity, Pharr Mounds, 4 mi. E of Kirkville (also in Prentiss County).

#### Madison County

Ridgeland vicinity, Boyd Mounds, NE of Ridgeland.

#### Tishomingo County

Tishomingo vicinity, Bear Creek Site, 5 mi. E of Tishomingo.

### MISSOURI

#### Dunklin County

Kennett vicinity, Kennett Archeological Site, W of Kennett.

### NEW HAMPSHIRE

#### Cheshire County

Nelson, Nelson Schoolhouse, Old Sullivan Road, E of Nelson common.

#### Rockingham County

Exeter, Gilman Garrison House, 12 Water Street.

Hampton Falls, Edgerly Archeological Site, Depot Ave.

Portsmouth, Rogers, George, House, 76 Northwest St.

Portsmouth, Rundlet-May House, 364 Middle St.

#### Sullivan County

Claremont vicinity, Hunter Archeological Site, NW of Claremont at Ascutney Bridge.

### NEW YORK

#### Suffolk County

Miller Place, Miller Place Historic District, North Country Rd.

#### Westchester County

Ossining, Jug Tavern, Revolutionary Rd. and Rockledge Ave.

### NORTH CAROLINA

#### Durham County

Durham, St. Joseph's African Methodist Episcopal Church, Fayetteville St. and Durham Expressway.

### NORTH DAKOTA

#### Burleigh County

Bismarck, Bismarck Civic Auditorium, 201 N. 6th St.

### OHIO

#### Defiance County

Hicksville, St. Paul's Episcopal Church, High St.

#### Ottawa County

Genoa, Genoa Town Hall, Main and 6th Sts.

#### Wayne County

Wooster, Beal, Gen. Reasin, House, 46 E. Bowman St.

## NOTICES

### PENNSYLVANIA

#### Dauphin County

Harrisburg, McAllister, Archibald, House, 5300 N. Front St.

### RHODE ISLAND

#### Washington County

Narragansett, Narragansett Pier Life Saving Station, 40 Ocean Rd.

### SOUTH CAROLINA

#### Aiken County

Alden vicinity, Dawson-Vanderhorst House, Wire Rd. and New Bridge Rd.

#### Calhoun County

Fort Motte vicinity, Zante Plantation, SE of Fort Motte off SC 601.

#### Darlington County

Hartsville, Hartsville Passenger Station, 114 S. 4th St.

#### Hampton County

Brunson vicinity, Oak Grove, SW of Brunson.

#### McCormick County

McCormick, Dorn's Flour and Grist Mill, SC 28.

#### Newberry County

Newberry, Newberry College Historic District, 2100 College St.

#### Union County

Union, Meng House, 117 Academy St.

### TEXAS

#### Bexar County

San Antonio, San Antonio Loan and Trust Building, 235 E. Commerce St.

#### Brazoria County

East Columbia, Underwood, Ammon, House, Main St.

#### Colorado County

Columbus, Colorado County Courthouse, bounded by Milam, Spring, Travis, and Walnut Sts.

#### Crockett County

Ozona vicinity, Turkey Roost Petroglyph Site, 13 mi. NW of Ozona.

#### DeWitt County

Yorktown, Eckhardt Stores, Eckhardt and Main Sts.

#### Galveston County

Texas City, Davidson, Frank B., House, 109 3rd Ave. N.

#### Goliad County

Goliad, Goliad County Courthouse Historic District, SW of Jct. of Pearl St. and U.S. 183.

#### Kendall County

Boerne, Kendall Inn, off U.S. 87.

#### Medina County

Castroville vicinity, D'Hanis Historic District, 25 mi. W of Castroville off U.S. 90.

#### Nacogdoches County

Nacogdoches, Sterne, Adolphus, House, 211 S. Llanana St.

#### Nueces County

Corpus Christi, Nueces County Courthouse, Mesquite and Belden Sts.

#### Panola County

Carthage, Panola County Jail, 110 N. Shelby St.

### Presidio County

Presidio vicinity, La Junta de Los Rios Archeological District, Rio Grand and U.S. 67.  
Shafter vicinity, Fortin de la Cienega, about 15 mi. NE of Shafter.

### Runnels County

Miles, Thiele, J., Building, Robinson and 2nd Sts.

### Shackelford County

Albany, Shackelford County Courthouse Historic District, Courthouse Square.

### Tarrant County

Fort Worth, Fort Worth Stockyards Historic District, roughly bounded by 23rd, Houston, 28th Sts., and railroad tracks.

### Travis County

Austin, Austin Moonlight Towers, most located in southern part of city.  
Austin, Clarksville Historic District, bounded by W. Lynn, Waterston, W. 10th and Mo-Pac Expressway.  
Austin, Paramount Theatre, 713 Congress Ave.  
Austin, Sheeks-Robertson House, 610 W. Lynn.

### Washington County

Brenham, Giddings-Stone Mansion, 204 E. Stone St.  
Independence vicinity, Horry, Asa, House, W of Independence.

### UTAH

#### Sanpete County

Moreau, Farr, Jabez, House and Barn, UT 132.

#### Sevier County

Redmond, Redmond Town Hall, 18 W. Main St.

### VERMONT

#### Addison County

Vergennes, Vergennes Historic District, U.S. 7.

#### Rutland County

Rutland, Rutland Courthouse Historic District, U.S. 7.

### VIRGINIA

#### Albemarle County

Scottsville, Scottsville Historic District, VA 6 (also in Fluvanna County).

#### Norfolk (independent city)

Fort Norfolk, 803 Front St.

#### Page County

Luray vicinity, Massanutten Heights, U.S. 211.

#### Petersburg (independent city)

Appomattox Iron Works, 20-28 Old St.

Friend, Nathaniel, House, 27-29 Bollingbrook St.

#### Richmond (independent city)

Jackson Ward Historic District, roughly bounded by Duval, Board, 6th, and Gilmer Sts.

Pace-King House, 205 N. 19th St.

#### Scott County

Maces Spring vicinity, Carter, A. P., Homeplace, S of Maces Spring off VA 614.

#### Smyth County

Baltville, Preston House, off VA 107.

### WASHINGTON

#### Clallam County

Port Angeles vicinity, James Ranch Cabin, SE of Port Angeles on Elwha River.

#### King County

Seattle, Ballard Avenue Historic District, Ballard Ave. from NW Market to NW Dock Sts.  
Seattle, Holyoke Building, 1018-1022 1st Ave.

### WISCONSIN

#### Grant County

Bloomington, Ballantine, James, House, 4th St.

#### Kenosha County

Kenosha, Kemper Hall, 6501 3rd Ave.

#### Rock County

Fulton, Fulton Congregational Church, Fulton St.

### PUERTO RICO

#### Manati County

Manati vicinity, Inocencio Esperanza, PR 616.

[FR Doc. 76-14276 Filed 5-17-76; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### ADVISORY COMMITTEE ON REGULATORY PROGRAMS

#### Notice of Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770) notice is hereby given of a meeting of the Advisory Committee on Regulatory Programs established March 5, 1976, by Secretary's Memorandum No. 1895. The Committee will meet at the U.S. Department of Agriculture, Washington, D.C., on June 8-9, 1976. The meeting will begin at 9 a.m. on June 8 in Room 218A, Administration Building, 14th Street and Independence Avenue, SW, and is scheduled to end by 4 p.m. on June 9.

The purpose of this meeting is to review selected regulatory programs and formulate recommendations to the Secretary of Agriculture. The agenda includes a summary and current analysis of USDA regulatory programs.

The meeting is open to the public. The Chairman may invite public participation to the extent time permits. Written statements may be submitted to the Committee either before or after the meeting. Anyone wishing further information pertaining to the agenda or the meeting should contact Donald E. Wilkinson, Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-5115.

Dated: May 13, 1976.

DONALD E. WILKINSON,  
Administrator.

[FR Doc. 76-14446 Filed 5-17-76; 8:45 am]

### Animal and Plant Health Inspection Service SALMONELLA ADVISORY COMMITTEE

#### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-



463), notice is hereby given that a meeting of the Salmonella Advisory Committee will be held on June 17, 1976, beginning at 9 a.m. in Room 3109, South Building, U.S. Department of Agriculture, Washington, D.C.

The following Committee reports will be presented: (1) Processors and Distribution, (2) Breeder and Hatchery, (3) Production, (4) Consumer Education, (5) Research, and (6) Feeds and Feed Ingredients. The Committee will also discuss methods other countries have used to reduce Salmonella and other matters relating thereto.

Space will be reserved for Committee members and scheduled speakers. The public will be admitted on a first come, first serve basis. Comments of interested persons may be filed with the Committee before or after the meeting.

Information pertaining to the meeting may be obtained from Room 2165-South, Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. 20250, Area Code (202) 447-3840.

Dated: May 13, 1976.

W. H. DUBBERT,  
Executive Secretary.

[FR Doc.76-14456 Filed 5-17-76; 8:45 am]

#### Forest Service

##### DIAMOND CREEK PLANNING UNIT Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Diamond Creek Planning Unit, Caribou National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-76-15.

A draft environmental statement has been prepared on four possible surface management alternatives for the Diamond Creek Planning Unit. Lands in the Diamond Creek Planning Unit contain extensive, high-grade phosphoria deposits. Three assumed levels of phosphate development on National Forest and nearby lands are presented. Variations of the four surface management alternatives are discussed under each phosphate development level. Pending applications for 71,500 acres of phosphate prospecting permits, 1,770 acres of fringe lease applications, and 4,280 acres of competitive lease applications are also discussed in the Environmental Statement.

The Diamond Creek Environmental Statement closely relates to the U.S. Geological Survey, U.S. Bureau of Land Management, and U.S. Forest Service Interagency Task Force Environmental Statement, entitled "Development of Phosphate Resources in Southeastern Idaho," No. 76-45.

This draft environmental statement was transmitted to CEQ on May 10, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW, Washington, D.C. 20250.  
Forest Supervisor, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.

District Forest Ranger, Soda Springs Ranger District, 420 E. Second South, Soda Springs, Idaho 83276.  
Regional Planning Office, USDA, Forest Service, Federal Bldg., Room 4408, 324-25th St., Ogden, Utah 84401.  
District Forest Ranger, Montpelier Ranger District, 431 Clay, Montpelier, Idaho 83254.

A limited number of single copies are available upon request to Forest Supervisor Adrian E. Dalton, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Adrian E. Dalton, Caribou National Forest, 427 North Sixth Avenue, Pocatello, Idaho 83201, by July 27, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: May 10, 1976.

P. M. REES,  
Director,  
Regional Planning and Budget.

[FR Doc.76-14381 Filed 5-17-76; 8:45 am]

##### LAMB-UPPER WEST BRANCH PLANNING UNIT

##### Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Lamb-Upper West Branch Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-76-.

The environmental statement concerns a proposed land use plan for Lamb-Upper West Branch Planning Unit, Pend Oreille County, Washington, and Bonner County, Idaho. Approximately 101,820 acres are included in the planning unit of which 94,490 acres are National Forest land. This plan allocates resources and specifies land use prescriptions for National Forest land only. Resource information for lands in other ownership is also included for owners/managers to use as they wish.

With the exception of private holdings generally located in meadows and along major creeks, most of the National Forest ownership is continuous. For five of the

seven management units the proposed plan would emphasize varying combinations of timber management, wildlife habitat, and recreation. Wildlife habitat and primitive recreation are the only land uses which would be allocated for a sixth management unit. Appropriate interim land uses would be allocated for the management unit adjacent to a portion of the Priest River being studied as a potential addition to the Wild and Scenic Rivers System.

This draft environmental statement was transmitted to CEQ on April 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.

USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

USDA Forest Service, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

USDA Forest Service, Priest Lake Ranger District, Route No. 5, Priest River, ID 83856.

A limited number of single copies are available upon request to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Ralph Kizer, Idaho Panhandle National Forests, P.O. Box 310, Coeur d'Alene, ID 83814.

Comments must be received by June 30, 1976 in order to be considered in the preparation of the final environmental statement.

RALPH D. KIZER,  
Forest Supervisor.

APRIL 30, 1976.

[FR Doc.76-14380 Filed 5-17-76; 8:45 am]

##### Packers and Stockyards Administration MORGAN LIVESTOCK MARKETING, DELTA, COLORADO, ET AL

##### Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

CO-146 Morgan Livestock Marketing, Delta Colorado  
CO-147 Stratton Livestock Marketing Center, Stratton, Colorado  
KY-160 Bullitt County Stockyards, Shepherdsville, Kentucky  
MN-163 Gibbon Feeder Pig Market, Gibbon, Minnesota  
MS-166 Wilbanks Stockyard, Carthage, Mississippi  
NM-116 Spear Cross Ranch, Tijeras, New Mexico

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by June 2, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 12th day of May 1976.

EDWARD L. THOMPSON,  
Chief, Registrations, Bonds, and  
Reports Branch, Livestock  
Marketing Division.

[FR Doc.76-14443 Filed 5-17-76; 8:45 am]

##### Rural Electrification Administration CAJUN ELECTRIC POWER COOPERATIVE, INC., NEW ROADS, LOUISIANA Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$629,000,000 to Cajun Electric Power Cooperative, Inc., of New Roads, Louisiana. These loan funds will be used to finance a project consisting of two (2) 540 MW coal-fired generating units, railroad coal cars and other items associated with the generating units.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Merle L. Burgin, Manager, Cajun Electric Power Cooperative, Inc., P.O. Box 578, New Roads, Louisiana 70760.

In order to be considered, proposals must be submitted (within 30 days from the date of this notice) to Mr. Burgin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cajun Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of May, 1976.

DAVID A. HAMILL,  
Administrator, Rural  
Electrification Administration.  
[FR Doc.76-14206 Filed 5-17-76; 8:45 am]

##### Office of the Secretary ADVISORY COMMITTEE ON HOG CHOLERA ERADICATION Meeting

A meeting of the Advisory Committee on Hog Cholera Eradication will be held at 9:00 a.m., on June 17, 1976, in Room 509-A, Administration Building, Washington, DC.

The purpose of the committee is to advise and counsel the Secretary of Agriculture regarding program operations or measures to eradicate hog cholera from this country.

The purpose of this meeting is to review program progress, problems, and recommended actions.

The meeting is open to the public; however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316E, Washington, DC 20250, telephone number (202) 447-3668.

Dated: May 12, 1976.

JOHN W. WALKER,  
Executive Secretary.  
[FR Doc. 76-14375 Filed 5-17-76; 8:45 am]

##### ADVISORY COMMITTEE ON FOREIGN ANIMAL AND POULTRY DISEASES Notice of Meeting

A meeting of the Advisory Committee on Foreign Animal and Poultry Diseases will be held at 8:30 a.m., on June 2 and 3, 1976, in the Emergency Programs Information Center on the 7th floor of the Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

The purpose of the committee is to advise the Secretary of Agriculture

regarding program operations or measures to prevent, suppress, control or eradicate an outbreak of foot-and-mouth disease (FMD) or other destructive foreign animal and poultry diseases in the event such diseases should enter this country.

The purposes of this meeting are to review the status of the Pan American Highway and the Fleming Key Animal Import Center, Fleming Key, Florida, and to discuss other pertinent subjects relating to the threat of introduction and dissemination of foreign animal and poultry diseases into the United States.

The meeting is open to the public, however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. E. C. Sharman, United States Department of Agriculture, Emergency Programs, Veterinary Services, Room 757, Federal Building, Hyattsville, Maryland 20782, telephone number (301) 436-8087.

Dated: May 17, 1976.

E. C. SHARMAN,  
Executive Secretary.

[FR Doc.76-14650 Filed 5-17-76; 9:38 am]

#### DEPARTMENT OF COMMERCE

##### Office of Import Programs

##### APPLICATIONS

##### Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 7, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00384. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, NY 12201. Article: MS 30 Double Beam Mass Spectrometer. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended Use of Article: The article is intended to be used for studies of epoxy and phenolic metabolites of polychlorinated biphenyl (PCB) arising from metabolism by liver microsomal mixed functional oxidases of commercially produced PCB plasticizer mixtures. Investigations



will be conducted (a) to determine the metabolites and intermediates produced in liver metabolism of PCB, (b) to determine which oxidase is responsible for metabolism of PCB and (c) to determine whether the metabolites characterized are implicated in the toxicity of PCB preparations. In another research project, phenolic and alcoholic metabolites of "warfarin" produced by liver metabolism in the rat and human will be studied in pursuit of the following:

(a) Elucidation of the path of detoxification of warfarin in rodents.

(b) A search for possible substitutes for warfarin for rodent control and also in human medicine, and

(c) Elucidation of the mechanism of liver mixed functional oxidase metabolism of aromatic compounds. Organic constituents of lake and stream water extracted from large volumes of natural waters at different pH and with different extracting solvents will also be investigated. Application received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00385. Applicant: University of California, Lawrence Livermore Laboratory, Post Office Box 808, Livermore, California 94550. Article: Monochromator type THRP and accessories. Manufacturer: Jobin-Yvon, France. Intended Use of Article: The article is intended to be used in a laser isotope separation program. Specifically the unit will be used in the laser stabilization system as an absolute standard for the setting of the laser array wavelengths. Investigations will be conducted for evaluation of laser stabilization schemes suitable for use in commercial processes for laser photoseparation of isotopes. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00886. Applicant: Virginia Institute of Marine Science, Route 17, Gloucester Point, Virginia 23062. Article: Turbidity Monitor Console consisting of two electronic consoles (modules). Manufacturer: Partek Ltd., United Kingdom. Intended Use of Article: The article is intended to be used to determine the extent, thickness and rate of movement of the fluid mud which is detrimental to ecology. The unit will be deployed both for time-series measurements and for vertical profiles near the bed. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00387. Applicant: The Pennsylvania State University, Department of Biochemistry & Biophysics, 618 Life Sciences Building, University Park, PA 16802. Article: Cryokit, Model LKB 14800-1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used for producing frozen thin-sections of (a) the epiphyseal plate of normal and vitamin D deficient young rats and/or chicks, (b) intestinal mucosa of the same animals, (c) avian shell gland at various phases of the laying cycle, (d) possibly developing teeth of young rats which will be studied in the electron microscope with particular attention being given to the existence and

location of the mineral inclusions. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00388. Applicant: Medical College of Ohio, P.O. Box 6190, Arlington at South Detroit, Toledo, Ohio 43614. Article: Scanning Electron Microscope, Model S180. Manufacturer: Cambridge-Imanco, United Kingdom. Intended use of article: This article is intended to be used in various research projects by faculty and students which include the following:

1. Yeast Survival: An Indicator of Environmental Health.

2. Bacterial Control of Aquatic Blue-Green Algae.

3. Quantitative Analysis of Scanning Electron Microscopic Images.

4. Scanning Transmission Electron Microscopy of Autoradiographs.

5. Sertoli Cell-Germ Cell Association.

6. Detection and Measurement of Extracellular Material (Seminiferous Tubules).

7. Structural difference of chemically-treated and untreated normal and abnormal human sperm without any artifact due to a prolonged waiting period.

8. Detecting and estimating the low level of radioactivity in autoradiographs of very small intracellular structures of mouse and sea urchin sperm.

9. Study of mouse egg fertilized under in vitro and in vivo conditions.

10. Other research in anatomy, pathology, obstetrics and gynecology, and surgery.

In addition, the article is intended to be used for educational purposes in the following courses: Electron Microscopy, Scanning Electron Microscopy, Advanced Techniques in Microscopy for anatomy, pathology, microbiology and physiology; and Graduate M.D. training. Application received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00389. Applicant: College of Medicine & Dentistry of New Jersey-Rutgers Medical School, Anatomy Department, P.O. Box 101, Piscataway, New Jersey 08854. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section tissues primarily of embryonic or neonatal origin. Experiments to be conducted include a comparison of normal in vitro tissue with treated and/or pathological tissue cultures. These studies will determine the degree of ultrastructural changes as a result of the various treatments. The entire degenerative process characteristic of, for example, Amyotrophic Lateral Sclerosis will be studied at an ultrastructural level. The article will also be used for educational purposes in the course Investigative Methods in Cytology in which students learn to section material for electron microscopy. Application received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00390. Applicant: DHEW/FDA, National Center for Toxi-

cological Research, Jefferson, Arkansas 72079. Article: Mass Display and Marker—accessory for CH-5 mass spectrometer. Manufacturer: Varian-MAT, West Germany. Intended Use of Article: The articles are accessories which will be added to an existing Field-Desorption Mass Spectrometer that is currently being utilized to investigate the chemical structural identity of carcinogenic residues from animal tissue, blood, urine and feces. These accessories are required for determining exact mass starting values and mass peak apex determination for data acquisition which is now necessary under current research protocols. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00391. Applicant: Laboratory of Neuro-otology, NINCDS, National Institutes of Health, Building 36, Room 5D32, Bethesda, Maryland 20014. Article: Manipulator frame with pneumatic locking device and coordinate adjustment and Insulated Base Plate with animal mounting frame. Manufacturer: AB Transvertex, Sweden. Intended Use of Article: The articles are accessories to an existing micromanipulator which will be used to record activity from single cells of the organ of Corti and from single nerve fibers of the auditory nerve in the cat, in other mammals, and in organ culture. Application Received by Commissioner of Customs: April 27, 1976.

Docket Number: 76-00392. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Weather Station, RIMCO MKIII and accessories. Manufacturer: Rauchfuss Instruments and Staff Pty. Ltd., Australia. Intended Use of Article: The article is intended to be used to accomplish the objectives of National Science Foundation Grant ATM75-15513, "The Paleoclimate of the Quelccaya Ice Cap, Peru, and its relationship to Paleoclimate in high latitudes." The following specific observations will be conducted:

At one or, preferably, two sites on the ice cap (at the top of the main and southern domes) long-period self-recording weather stations will be erected. Records of wind velocity and direction, dry-bulb temperature, sunshine duration, atmospheric pressure and humidity will be recorded over the following 12-month period.

During the period of the field work on the ice cap standard surface meteorological observations will be made at synoptic hours, including surface wind velocity and direction (handheld instrument), dry- and wet-bulb temperatures (sling psychrometer), atmospheric pressure (aneroid), and sunshine duration (sunshine recorder). The primary purpose of these observations is to calibrate and establish the reliability of the self-recording systems, but they will also be of value, when used in conjunction with satellite photographs, for preliminary interpretations of the variations of data obtained on the 1975 specimens.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Application Received by Commissioner of Customs: April 27, 1976.

RICHARD M. SEPPA,  
Director, Special Import  
Programs Division.

[FR Doc.76-14333 Filed 5-17-76; 8:45 am]

#### National Oceanic and Atmospheric Administration CLIMATE AND HEALTH WORKSHOP Notice of Workshop

Announcement is made of the following interagency workshop:

Name: Climate and Health Workshop.  
Dates and Times: June 8, 1976 (0900-1700);  
June 9, 1976 (0900-1500).

Place: Conference room, National Institute for Environmental Health Sciences, Research Triangle Park, N.C.

Topics to be Discussed: Climatic data formats needed by the health and biomedical communities. The planning and coordination of data bases. Data needed by workers in health and climatology.

Sponsors: Department of Commerce, NOAA, Environmental Data Service; Department of Health, Education and Welfare, National Institute for Environmental Health Sciences, The Office of Human Development, the Public Health Service, and the National Center for Health Statistics; Environmental Protection Agency, National Environmental Research Center; and Energy Research and Development Administration, Division of Biomedical and Environmental Research.

The workshops are open to public attendance. However, since space is limited, seating of the public will be on a "first come, first serve" basis.

For further information, contact the Director, National Climatic Center, NOAA, EDS, Federal Building, Asheville, NC 28801.

T. P. GLEITER,  
Assistant Administrator  
for Administration.

[FR Doc.76-14382 Filed 5-17-76; 8:45 am]

#### Office of the Secretary CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS Renewal

In accordance with the provisions of the Federal Advisory Committee Act, Public Law 92-463, and Office of Management and Budget Circular A-63 of March 1974, and after consultation with OMB, the Secretary of Commerce has determined that the renewal of the Census Advisory Committee on the Black Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in September 1974, with an initial termination date of June 30, 1976. Its purpose is to provide an organized and continuing channel of communication between the black population and the Bureau of the Census on problems and opportunities of the Twentieth Decennial Census as they relate to the black popu-

lation of the United States. Major efforts to improve decennial census data are necessary since such data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication has been helpful to the Census Bureau in its efforts to develop the procedures and techniques which are expected to result in a reduction in the undercount of the black population. To the extent that these efforts are successful, there will be direct and substantial gains to the black population.

The Committee will continue to draw on the knowledge and expertise of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the black population, expanding the dissemination of census results among present and potential users of census data in the black community, and generally maximizing the usefulness of the census product to the Nation's largest minority group.

As initially established (39 FR 34314, 9-24-74), the Committee will consist of 21 members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, such as neighborhood council members, elected public officials, executives of minority organizations, marketing and media people, and clergymen from inner cities. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (revised March 27, 1974).

Copies of the Committee's revised charter will be filed with appropriate Committees of Congress and with the Library of Congress 15 days after the date this notice appears.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Clifton S. Jordan, Demographic Census Staff, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Maryland 20233, telephone number (301) 763-5169.

Dated: May 11, 1976.

JOSEPH E. KASPUTYS,  
Assistant Secretary  
for Administration.

[FR Doc.76-14334 Filed 5-17-76; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE National Institutes of Health; National Cancer Institute

#### COMBINED COMMITTEES OF THE BREAST CANCER TASK FORCE Meeting

Notice is hereby given of the meeting of the Combined Committees of the

Breast Cancer Task Force, National Cancer Institute, July 7, 1976, Holiday Inn, Versailles Rooms I and II, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to adjournment on July 7, 1976, for a program on the diagnosis of breast cancer. Attendance by the public will be limited to space available.

For additional information, please contact: D. Jane Taylor, Ph. D., Landow Building Room A-422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-6718.

Dated: May 11, 1976.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

[FR Doc.76-14384 Filed 5-17-76; 8:45 am]

#### CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

##### Notice of Establishment

The Director, National Institutes of Health, announces the establishment on May 5, 1976 of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Clearinghouse on Environmental Carcinogens.

Purpose: The Committee provides to the Director, NCI, and the Director, Division of Cancer Cause and Prevention, advice concerning matters relating to the identification and evaluation of environmental carcinogens. Authority for this committee will expire May 5, 1978.

Dated: May 11, 1976.

DONALD S. FREDRICKSON, M.D.,  
Director,  
National Institutes of Health.

[FR Doc.76-14385 Filed 5-17-76; 8:45 am]

#### National Institutes of Health NIH PUBLIC ADVISORY COMMITTEES Committee Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

##### COMMITTEE AND TERMINATION DATE

Aging Review Committee, June 30, 1978.  
Artificial Kidney-Chronic Uremia Advisory Committee, May 31, 1977.  
Automation in the Medical Laboratory Sciences Review Committee, May 31, 1978.



Biomedical Library Review Committee, May 31, 1977.  
 Board of Scientific Counselors, NIAMDD, May 31, 1977.  
 Mammalian Cell Lines Committee, May 31, 1978.  
 Maternal and Child Health Research Committee, May 31, 1977.  
 Mental Retardation Research Committee, May 31, 1977.  
 National Advisory Environmental Health Sciences Council, May 31, 1977.  
 Pharmacology-Toxicology Research Program Committee, May 31, 1978.

Authority for these committees will expire on the dates indicated unless the Secretary formally determines that continuance is in the public interest.

Dated: May 11, 1976.

DONALD S. FREDRICKSON, M.D.,  
*Director,*  
*National Institutes of Health.*  
 [FR Doc.76-14389 Filed 5-17-76;8:45 am]

**National Institute of General Medical Sciences**  
**NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL**  
**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, June 15-16, 1976, Building 31C, Conference Room 8, and in the Westwood Building, Room 9A10. This meeting will be open to the public on June 15 from 9:00 a.m. to 12 noon in Building 31C, for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 15 from 1:30 p.m. to 5:00 p.m. in the Westwood Building, and on June 16 from 9:00 a.m. to adjournment in Building 31C for the review, discussion and evaluation of initial pending, supplemental, and renewal grant applications; and applications for the National Research Service Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of proprietary or confidential nature, including detailed research protocols; designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 919, Bethesda, Maryland 20014, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of Council members.

Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, Building 31, Room 4A52, Telephone: 301, 496-5231, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13-859, 13-860, 13-861, 13-862, 13-863, National Institutes of Health.)

Dated: May 12, 1976.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc.76-14387 Filed 5-17-76;8:45 am]

**National Institute of General Medical Sciences**  
**PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE**  
**Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, June 17, 1976, National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. for opening remarks and general administrative business.

In accordance with the provisions set forth in Sections 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:00 a.m. to 5:00 p.m. for the review, discussion and evaluation of renewal center applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 909, Bethesda, Maryland 20014, Telephone: 301, 496-7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Raymond E. Babor, Executive Secretary, Westwood Building, Room 9A03, Bethesda, Maryland 20014, Telephone: 301, 496-7707.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: May 12, 1976.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc.76-14388 Filed 5-17-76;8:45 am]

**National Eye Institute**  
**VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE OF THE NATIONAL ADVISORY EYE COUNCIL**  
**Meeting**

Pursuant to Pub. L. 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee

tee of the National Advisory Eye Council, National Eye Institute, on Thursday, June 10, 1976, National Institutes of Health, Building 31, Room 6A-21, Bethesda, Maryland.

The meeting will convene at 7:30 p.m. and will be open to the public until adjournment, approximately 10:00 p.m. The meeting will be devoted to review of the status of ongoing vision research program planning activities. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: May 11, 1976.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*

[FR Doc.76-14386 Filed 5-17-76;8:45 am]

**National Institutes of Health**  
**PUBLIC ADVISORY COMMITTEES**  
**Notice of Renewal**

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 88 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

**COMMITTEE AND TERMINATION DATE**

National Advisory Child Health and Human Development Council, May 31, 1977.  
 National Advisory General Medical Sciences Council, May 31, 1978.

Authority for these committees will expire on the date indicated unless the Secretary formally determines that continuance is in the public interest.

The following committees which are established by an Act of Congress shall file a charter upon the expiration of each successive two-year period in accordance with P.L. 92-463. That rechartering date is indicated below.

**COMMITTEE AND RECHARTERING DATE**

National Arthritis, Metabolism, and Digestive Diseases Advisory Council, May 31, 1977.  
 Board of Regents of the National Library of Medicine, May 31, 1977.  
 National Advisory Council on Aging, June 30, 1978.

Dated May 11, 1976.

DONALD S. FREDRICKSON,  
*Director,*  
*National Institutes of Health.*  
 [FR Doc.76-14389 Filed 5-17-76;8:45 am]

**WORKING GROUP ON SAFER HOSTS AND VECTORS RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE**  
**Meeting**

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Working Group on Safer Hosts and Vectors of the Recombinant DNA Molecule Program Advisory Committee at the time of the Tenth Miles International Symposium, Massachusetts Institute of Technology, Cambridge, Massachusetts on June 8-10, 1976.

The entire meeting will be open to the public to evaluate putative safer hosts and vectors for research involving recombinant DNA molecules. Attendance by the public will be limited to space available.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Westwood Building, Room 922, Bethesda, Maryland 20014, telephone (301) 496-7714, will provide information on the date, time and place of the meeting, summaries of the meeting, rosters of committee members and substantive program information.

Dated: May 11, 1976.

SUZANNE L. FREMEAUX,  
*Committee Management Officer,*  
*National Institutes of Health.*  
 [FR Doc.76-14390 Filed 5-17-76;8:45 am]

**Office of Education**  
**NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION**  
**Meeting**

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the Research Task Force of the National Advisory Council on Vocational Education will be held on June 8, 1976 from 7:00 P.M. to 9:00 P.M., local time at Stouffer's University Inn, Columbus, Ohio; and on June 9, 1976, from 9:00 A.M. to 5:00 P.M., local time and June 10, 1976, from 9:00 A.M. to 12:00 Noon, local time, at the Ohio State University Center for Vocational Education.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

June 8, 1976: Briefing on Staff Activities.  
 June 9, 1976: Discussion of OE Priorities, Review of Council Member Activities, Briefing by Center for Vocational Education Staff.  
 June 10, 1976: Report on Legislation, Report of Duplication Study, Discussion of Council Activities.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425 13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 13, 1976.

REGINALD PETTY,  
*Executive Director.*  
 [FR Doc.76 14368 Filed 5-17-76;8:45 am]

**POSTSECONDARY EDUCATION COMPREHENSIVE STATEWIDE PLANNING GRANTS PROGRAM**  
**Allocation Formula and Program Guidelines**

On Pages 9002 and 9003 of the FEDERAL REGISTER of March 2, 1976, there was published a notice of proposed allocation formula, and program guidelines which set forth both the formula to be used in allocating the fiscal year 1976 funds available for the Postsecondary Education Comprehensive Statewide Planning Grants Program among the State Postsecondary Education Commissions and certain guidelines for use of program funds. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed allocation formula and program guidelines.

**Comment and Response.** Only one comment was received. The commenter suggested that the program guidelines be clarified to indicate that the State Postsecondary Education Commissions should coordinate their planning in student guidance, counseling and financial assistance with other organizations involved in these areas. No change in the guidelines is deemed necessary. The statute (20 U.S.C. 1142b) provides that one of the purposes of grants to the Commissions is planning for the coordination of public and private postsecondary educational resources in the States. Furthermore, the program guidelines specifically provide that comprehensive studies and inventories funded by grants under the Statewide Comprehensive Planning Grants Program should be developed in coordination with all segments of postsecondary education in the State.

**Effective Date.** Pursuant to Section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this notice of allocation formula and program guidelines has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of

such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.550: State Postsecondary Education Commissions)

Dated: April 16, 1976.

DUANE J. MATTHEIS,  
*Acting U.S. Commissioner*  
*of Education.*

Approved: May 12, 1976.

MARJORIE LYNCH,  
*Acting Secretary of Health,*  
*Education, and Welfare.*

Pursuant to the authority contained in Title XII, section 1203, of the Higher Education Act of 1965, as amended (20 U.S.C. 1142b), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, adopts the allocation formula and program guidelines set forth below for the Postsecondary Education Comprehensive Statewide Planning Grants Program in fiscal year 1976.

1. **Allocation formula.** Such funds as may become available for grant awards during fiscal year 1976 under the Postsecondary Education Comprehensive Statewide Planning Grants Program will be allocated in the following manner among those State Postsecondary Education Commissions which have filed the required information concerning establishment with the Office of Education and which have applied for funds:

(a) A base amount of \$30,000 will be distributed to each such State Commission.

(b) The balance of the funds available will be distributed on the basis of the ratio of the population of a postsecondary age, namely 17 and above (as indicated in the latest data available from the U.S. Bureau of the Census), in a given State to the total population of a postsecondary age in all States with such Commissions.

2. **Program guidelines.** Grants made under these provisions must be used by a State Commission to conduct comprehensive inventories of, and studies with respect to, all public and private postsecondary educational resources in the State, including planning necessary for such resources to be better coordinated, improved, expanded, or altered so that all persons within the State who desire, and who can benefit from, postsecondary education may have an opportunity to do so. Such comprehensive studies and inventories should be developed in coordination with all segments of postsecondary education in the State and should be of such a nature as will assist the State Commission in planning for:

(a) Maximizing the development of human resources within the State through encouragement of student entrance to postsecondary education and the provision to the students of needed guidance, counseling and financial assistance;



(b) Providing comprehensive post-secondary education programs and services;

(c) Achieving efficient operation and orderly growth;

(d) Providing the fullest possible financial support together with efficient use of resources;

(e) Attracting and retaining qualified faculty and professional personnel; and

(f) Providing adequate and appropriate facilities and instructional equipment and securing efficiency in their use.

(20 U.S.C. 1142b)

[FR Doc.76-14434 Filed 5-17-76; 8:45 am]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-428]

Office of the Secretary  
ACTING INSURING OFFICE DIRECTOR  
Coral Gables, Memphis, and Tampa  
Region IV (Atlanta); Designation

Each of the officials appointed to the following positions is designated to serve as Acting Insuring Office Director during the absence of, or vacancy in the position of, the Insuring Office Director, with all the powers, functions, and duties redelegated to the Insuring Office Director: Provided, That no official is authorized to serve as Acting Insuring Office Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. Deputy Director.
2. Assistant to the Director.
3. Chief Underwriter.
4. Director, Housing Management Division.

This designation supersedes the designation effective August 21, 1974.

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966); Delegation of Authority effective July 20, 1970 (35 FR 12031, July 25, 1970))

Effective date. This designation shall be effective as of March 15, 1976.

M. BRUCE NESTLEHUTT,  
Deputy Regional Administrator,  
Region IV (Atlanta).

[FR Doc.76-14396 Filed 5-17-76; 8:45 am]

[Docket No. D-76-427]

ACTING INSURING OFFICE DIRECTOR  
Nashville Insuring Office, Region IV  
(Atlanta); Designation

Each of the officials appointed to the following positions is designated to serve as Acting Insuring Office Director during the absence of, or vacancy in the position of, the Insuring Office Director, with all the powers, functions, and duties redelegated to the Insuring Office Director: Provided, That no official is authorized to serve as Acting Insuring Office Director unless all officials listed before him in this designation are unavailable

to act by reason of absence or vacancy in the position:

1. Deputy Director.
2. Chief Underwriter.
3. Director, Housing Management Division.
4. Administrative Officer.

This designation supersedes the designation effective August 21, 1974.

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Departmental Interim Order II (31 FR 815, January 21, 1966); Delegation of Authority effective July 20, 1970 (35 FR 12031, July 25, 1970))

Effective date. This designation shall be effective as of March 15, 1976.

GEORGE N. GRAGSON,  
Insuring Office Director, Nash-  
ville Insuring Office, Region  
IV (Atlanta).

M. BRUCE NESTLEHUTT,  
Deputy Regional Administrator,  
Region IV (Atlanta).

[FR Doc.76-14397 Filed 5-17-76; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 29237]

ALASKA INTERNATIONAL AIR  
CERTIFICATION PROCEEDING  
Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on August 10, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 16, 1976, and the other parties on or before July 30, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., May 12, 1976.

[SEAL] ROBERT L. PARK,  
Chief Administrative Law Judge.  
[FR Doc.76-14441 Filed 5-17-76; 8:45 am]

[Docket 27592; Agreement C.A.B. 25776, R-1 and R-2; Agreement C.A.B. 25774; Order 76-5-53]

INTERNATIONAL AIR TRANSPORT  
ASSOCIATION  
Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of May, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at a composite currency conference held in Geneva during March 1976.

Agreement C.A.B. 25776 relates to prior Agreement C.A.B. 25159 which proposed the framework for a new system of fare and rate specification based on the International Monetary Fund's Special Drawing Right (SDR).<sup>1</sup> The new agreement provides that in the event the next currency conference, expected to take place this autumn, fails to reach unanimous agreement to revalidate the SDR resolutions in Agreement C.A.B. 25159, such resolutions shall expire 30 days after the commencement of such conference. The agreement would also amend the SDR fare adjustment resolution to provide a uniform, three-percent tolerance for both appreciating and depreciating currencies. The adjustment resolution as originally adopted had proposed a 2½ percent tolerance for depreciations, which would require a fare increase, and a five-percent tolerance for appreciations, which would require a fare decrease. The Board, in Order 76-4-135 (April 26, 1976) disapproved the five-percent tolerance for appreciations on the basis that there was no reason for such a difference in the tolerances which appeared to tilt the proposed system in favor of fare increases only. The subject agreement would now establish a uniform, three-percent tolerance for both appreciating and depreciating currencies, and additionally expands the time for operation of the tolerance from 15 to 20 consecutive business days. These provisions appear much more reasonable than those incorporated in the original agreement, and accordingly will be approved herein. Action on the tolerance provisions of any final SDR agreement presented to the Board for approval will, of course, reflect the prevailing conditions in foreign exchange markets at that time.

Agreement C.A.B. 25774 would amend the rounding-off provisions for cargo rates in Afghanistan "Afghan" and will also be approved herein.

The Board, acting pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a) and 412 thereof, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

<sup>1</sup> Agreement C.A.B. 25159 was approved by the Board, with certain conditions and exceptions, in Order 76-4-135, April 26, 1976.

Agreement CAB	IATA No.	Title	Application
25776:			
R-1	001aa	Special Effectiveness Resolution (Amending)	1; 2; 3
R-2	033	Conversion Rates and Tariff Level Factor Administrative Provisions (Amending)	1; 2; 3
25774	028b	Rounding-off Cargo Rates (Amending)	1; 2; 3; 1/2; 3/1; 1/2/3

Accordingly, it is ordered, That: Agreements C.A.B. 25776, R-1 and R-2, and C.A.B. 25774, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.  
[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-44442 Filed 5-17-76; 8:45 am]

[Docket 28837]

PAN AMERICAN WORLD AIRWAYS, INC.,  
PROPOSED GIT FARES (NEW YORK-  
DALLAS/FT. WORTH-HAWAII)

Postponement of Hearing and Other  
Procedural Dates

Upon consideration of the request of Pan American World Airways, Inc., dated May 12, 1976, the hearing in this proceeding, now assigned to be held on May 20, 1976, (41 FR 18541, May 5, 1976), and all other procedural dates are hereby postponed pending action by the Board on Pan American's motion to terminate the investigation since the tariffs at issue are being withdrawn.

Dated at Washington, D.C., May 12, 1976.

[SEAL] RALPH L. WISER,  
Administrative Law Judge.  
[FR Doc.76-14440 Filed 5-17-76; 8:45 am]

COMMISSION ON CIVIL RIGHTS  
COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the Colorado Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 12:00 noon on June 3, 1976, at the Federal Office Building, Room 2330, 1961 Stout St., Denver, Colorado 80202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to release the report, Access to the Legal Profession in Colorado by Minorities and Women.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.76-14336 Filed 5-17-76; 8:45 am]

## ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Subcommittee to this Commission will convene at 10:00 a.m. and end at 3:00 p.m. on June 9, 1976, at 230 South Dearborn St., Conference Room 3251, Chicago, Illinois.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review the first year implementation of Springfield's Housing Community Development Program and discuss the second year application.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.76-14343 Filed 5-17-76; 8:45 am]

## KANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 2:00 p.m. on June 7, 1976, at Room 206, Twente Hall, Lawrence, Kansas.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to review the affirmative action efforts of the Kansas Department of Corrections.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.76-14337 Filed 5-17-76; 8:45 am]

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.76-14341 Filed 5-17-76; 8:45 am]

COLORADO ADVISORY COMMITTEE  
Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the Colorado Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 12:00 noon on June 2, 1976, at the Federal Office Building, Room 2330, 1961 Stout Street, Denver, Colorado 80202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Executive Tower Inn, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to release the report, Access to the Medical Profession in Colorado by Minorities and Women.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc.76-14340 Filed 5-17-76; 8:45 am]

DISTRICT OF COLUMBIA ADVISORY  
COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the District of Columbia Advisory Committee (SAC) to this Commission will convene at 12:00 noon and end at 3:00 p.m. on June 8, 1976, at 1121 Vermont Ave., NW., 5th Floor Conference Room, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Rm. 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss future Committee projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.



# KANSAS/MISSOURI ADVISORY COMMITTEES

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas/Missouri Advisory Committees (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on June 2, 1976, at the St. James Gregory United Methodist Church, 3000 E. Gregory, Kansas City, Missouri.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Bldg., Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is a planning session for the Bi-State (Kan./Mo.) Committee on Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 76-14442 Filed 5-17-76; 8:45 am]

# NEW YORK ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) to this Commission will convene at 4:00 p.m. and end at 11:00 p.m. on June 9, 1976, at Phelps Stokes Fund, New York, New York.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss progress made on standing Committee reports and consider new project proposals.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 76-14338 Filed 5-17-76; 8:45 am]

# PENNSYLVANIA/DELAWARE ADVISORY COMMITTEES

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Pennsylvania/Delaware Advisory Committees (SAC) to this Commission will convene at 10:00 a.m. and end at 1:00 p.m. on June 10, 1976, at the Federal

# NOTICES

Building, Room 7306, 600 Arch Street, Philadelphia, Pennsylvania 19106.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Rm. 510, Washington, D.C., 20037.

The purpose of this meeting is to discuss third draft of Mushroom Worker's Report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 76-14344 Filed 5-17-76; 8:45 am]

# SOUTH CAROLINA ADVISORY COMMITTEE

## Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 4:00 p.m. on June 10, 1976, at the S.C. Human Affairs Commission, 1111 Bellevue, Columbia, South Carolina 29211.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Rm. 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to plan for the next project in South Carolina and review of the case study in Williamsburg County.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 12, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc. 76-14339 Filed 5-17-76; 8:45 am]

# CIVIL SERVICE COMMISSION

## FEDERAL EMPLOYEES PAY COUNCIL Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 on Tuesday, June 1, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Commit-

tee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,  
Advisory Committee Management  
Officer for the President's Agent.  
[FR Doc. 76-14379 Filed 5-17-76; 8:45 am]

# FEDERAL ENERGY ADMINISTRATION Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Director, Office of Planning and Evaluation, Assistant Administrator for Management and Administration.

[SEAL] JAMES C. SPRY,  
UNITED STATES CIVIL SERVICE COMMISSION,  
Executive Assistant to  
the Commissioners.

[FR Doc. 76-14268 Filed 5-17-76; 8:45 am]

# DEPARTMENT OF JUSTICE

## Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General (First Assistant), Office of the Assistant Attorney General, Tax Division.

[SEAL] JAMES C. SPRY,  
UNITED STATES CIVIL SERVICE COMMISSION,  
Executive Assistant to  
the Commissioners.

[FR Doc. 76-14269 Filed 5-17-76; 8:45 am]

# DEPARTMENT OF JUSTICE

## Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant to the Attorney General, Office of the Attorney General.

[SEAL] JAMES C. SPRY,  
UNITED STATES CIVIL SERVICE COMMISSION,  
Executive Assistant to  
the Commissioners.

[FR Doc. 76-14270 Filed 5-17-76; 8:45 am]

# FEDERAL EMPLOYEES PAY COUNCIL Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, June 2, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,  
Advisory Committee Management  
Officer for the President's Agent.  
[FR Doc. 76-14552 Filed 5-17-76; 8:45 am]

# CONSUMER PRODUCT SAFETY COMMISSION

[Petition Number CP 76-7]

## BICYCLE SAFETY STANDARD

### Notice of Denial of Petition Requesting Issuance of a Consumer Product Safety Standard for Bicycles

The purpose of this notice is to announce that the Consumer Product Safety Commission has denied a petition, CP 76-7, to issue a consumer product safety standard for bicycles under the Consumer Product Safety Act.

Background. In a petition dated December 12, 1975, the Bicycle Manufacturers Association of America, Inc.; Raleigh Industries, Ltd.; Raleigh Industries of America, Inc.; and Schwinn Bicycle Company, under section 10 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051, 2059), petitioned the Commission to commence a proceeding for the issuance of a consumer product safety standard for bicycles and to hold a public hearing thereon. The petitioners also requested that, if the Commission granted the petition, it should then consider whether its existing bicycle regulation (16 CFR Part 1512, July 16, 1974, as amended November 13, 1975) under the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261 et seq.) would, if published under the CPSA, eliminate or reduce the unreasonable risk of injury associated with bicycles. The petitioners stated that if such a finding could be made, under section 7(c) of the CPSA (15 U.S.C. 2056(c)), the Commission

could publish the FRSA regulation as a proposed consumer product safety standard under the CPSA.

An important issue underlying the petition concerns the interpretation and applicability of section 30(d) of the CPSA (15 U.S.C. 2079(d)). Section 30(d) requires in part that "[a] risk of injury which is associated with consumer products and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act . . . may be regulated by the Commission only in accordance with the provisions of [the FHSA]." In order for the Commission to grant the petition and commence a proceeding to issue a consumer product safety standard for bicycles under the CPSA, it must find that it cannot sufficiently reduce or eliminate the risk of injury presented by bicycles by action taken under the FHSA.

In support of their petition, the petitioners make the following contentions:

1. The promulgation of the bicycle regulation under the FHSA is illegal because (a) it exceeds the Commission's statutory authority under the FHSA by regulating both adult and children's bicycles; (b) The Commission lacks the authority to promulgate a safety standard under the FHSA; and (c) the Commission has "grafted" certain provisions of the CPSA, such as sections 14(c), 15(b), and 16, onto the FHSA and has thus explicitly recognized, in accordance with section 30(d) of the CPSA, that the FHSA is inadequate to sufficiently eliminate or reduce many risks of injuries associated with bicycles.

2. The risk of injury from bicycles cannot be eliminated or reduced to a sufficient extent by an FHSA regulation, and the Commission should therefore regulate bicycles under the CPSA, in accordance with section 30(d) of the CPSA.

3. The provisions of the CPSA are "stronger and more appropriate" than those of the FHSA.

Response of the Commission. A. *Contention number 1.* Regarding the contention that promulgating the bicycle regulation which regulates both adult and children's bicycles exceeds the Commission's statutory authority under the FHSA, the Commission disagrees that simply because the bicycle standard issued under the FHSA may regulate both adult and children's bicycles it is illegal. In regulating bicycles under the FHSA, the Commission is limited by sections 2 and 3 of that act (15 U.S.C. 1261, 1262) to regulating bicycles "intended for use by children." The Commission is of the opinion that most of the bicycles on the market today could be shown to be bicycles "intended for use by children." The fact that many of those bicycles are also used by adults does not alter the Commission's obligations under the law. (The Commission has discussed this issue fully at pages 16-17 of its July 8, 1975 "Majority Opinion Regarding the Regulation of Bicycles and Toys under the Federal Hazardous Substances Act," available from the Office of the Secretary.)

Further, the Commission disagrees with the petitioners' contention that the Commission lacks the authority to promulgate a safety standard under the FHSA. The Commission is authorized under the FHSA to classify as a "hazardous substance" "any toy or other article intended for use by children which . . . presents an electrical, mechanical, or thermal hazard" (section 2(f)(1)(D), 15 U.S.C. 1261(f)(1)(D)). According to section 2(q)(1)(A) (15 U.S.C. 1261(q)(1)(A)), all such children's articles are further classified as "banned hazardous substances" and the introduction or delivery for introduction into interstate commerce of such articles is prohibited by section 4(a) of the FHSA (15 U.S.C. 1263(a)). The Commission issued its bicycle regulation (15 CFR Part 1512, July 16, 1974, as amended November 13, 1975) under section 2(q)(1)(A) on the basis of mechanical hazard.

The FHSA section 2(s) definition of "mechanical hazard" is general and applies to any type of children's article which could present a hazard from propulsion, protrusion, instability, or any of the other specifically-named hazards, including the general hazard covering "any other aspect of the article's design or manufacture" (15 U.S.C. 1261(s)). In authorizing the banning of children's articles that present a mechanical hazard, Congress anticipated that the Commission (originally the Secretary of HEW) would clarify the definition of "mechanical hazard" so that it could be applied to specific categories of children's articles, such as bicycles. The Senate Committee on Commerce stated in 1969 in Senate Rep. No. 91-237, 91st Cong., 1st Sess., June 19, 1969 at 6:

It is intended that most determinations made by the Secretary will be in the form of general prescriptive rules, further amplifying the definitions of electrical, mechanical, and thermal hazards set forth in the bill or other categories of hazardous substances where necessary.

The House Committee on Interstate and Foreign Commerce explained that the Secretary could ban a children's article as a hazardous substance "because of the presence of an electrical, mechanical, or thermal hazard which would result from application of the statutory definitions of electrical, mechanical, and thermal hazards and any clarification of those definitions by regulations prescribed under section 10 of the Act" (House Rep. No. 91-389, 91st Cong., 1st Sess., July 24, 1969 at 10). (Section 10 of the FHSA provides authority "to promulgate regulations for the efficient enforcement" of the FHSA (15 U.S.C. 1269).)

As long as a children's article presents a mechanical hazard, the Commission can ban it. To define "mechanical hazard," the Commission may, by regulation, issue criteria that particular products must meet to avoid classification as a "banned hazardous substance." This authority was specifically clarified by the U.S. District Court for the District of Columbia in the case of *Tuchinsky v. CPSC*, Civil Action No. 219-73 (D.C. D.C.,



November 14, 1974) (unreported) when it said at page 3 of the slip opinion, "... the court concludes that the agency is under an obligation to promulgate general prescriptive regulations."

By issuing such safety specifications as proposals and considering comments from the public, the Commission gives manufacturers of potentially banned children's articles and other interested persons prior notice of what the Commission will consider to be a mechanical hazard for a particular category of products. This course of action was followed by the Commission in its regulation of bicycles, although any bicycle could be banned under section 2(q)(1)(A) without the clarifying regulation if the Commission determines it to present a "mechanical hazard" according to the section 2(s) definition. The Senate Committee on Commerce specifically anticipated that the mechanical aspects of bicycles might be regulated under the FHSA without an outright ban of bicycles:

There are numerous toys and other articles on the market which can cause personal injury because of their mechanical aspects but would probably not as a class be banned. Bicycles are one example. (Senate Rep. No. 91-237 at 7.)

(The Commission's July 8, 1975 "Majority Opinion Regarding the Regulation of Bicycles and Toys under the Federal Hazardous Substances Act" discusses this issue at pages 4-11.)

Finally, the Commission disagrees with the petitioners' contention that the Commission has illegally "grafted" remedial provisions of the CPSA, such as sections 14(c), 15(b), and 16, onto the FHSA and that therefore the Commission has already determined, under section 30(d) of the CPSA, that it cannot regulate under the FHSA the risk of injury presented by bicycles. The petitioners characterize the Commission's issuance of requirements for "Substantial Product Hazard Notifications" (16 CFR Part 1115 as amended and clarified December 17, 1975, 40 FR 56449) under section 15(b) of the CPSA as an attempt to "graft" certain provisions of the CPSA onto the FHSA. Section 15(b) of the CPSA requires that manufacturers, distributors, and retailers of consumer products report to the Commission information concerning possible "substantial product hazards."

In the preamble to the Federal Register publication issuing final regulations under section 15(b), the Commission made a finding under section 30(d) of the CPSA that "the numerous possibilities of risk to the consuming public by products falling within the authority of [other acts which the Commission administers] ... can neither be eliminated nor reduced to a sufficient extent in a timely fashion unless the Commission is notified under section 15(b) of the CPSA." (39 FR 6062, February 19, 1974). This preamble also specifically discussed the effect that the section 30(d) finding concerning section 15(b) notification of products within the au-

thority of other acts administered by the Commission might have on the regulation of those products. The Commission stated in that discussion and re-emphasizes here that it "... intends to regulate those products subject to the [other] acts according to the provisions of such acts; the requirement of section 15(b) notification does not carry with it automatic regulation of the product under the Consumer Product Safety Act" (39 FR 6062-6063, February 19, 1974). Application of the CPSA reporting requirements to bicycles and other products within the jurisdiction of other acts administered by the Commission, therefore, was clearly not a determination by the Commission that regulations issued under the FHSA cannot sufficiently reduce or eliminate the risk of injury presented by bicycles.

The petitioners also assert that "grafting" of other CPSA provisions onto the FHSA affects the Commission's authority to address under the FHSA the risk of injuries presented by bicycles. However, those other provisions involve either proposed regulations or staff-level draft proposed regulations. The Commission has made no final determination to issue the proposed recordkeeping regulations under section 16 of the CPSA, cited in the petition. The Commission has not yet even preliminarily considered whether the CPSA section 14 provision on labeling, also cited, is applicable to products falling within the jurisdiction of other acts administered by the Commission. The Commission is not persuaded that any preliminary actions toward issuing regulations under these sections affect in any way its authority to issue bicycle regulations under the FHSA.

For all of the above reasons, petitioners' contention No. 1 is without merit, and the Commission concludes that it is acting within its statutory authority by issuing broad prescriptive banning regulations for bicycles under sections 2(f)(1)(D), 2(q)(1)(A), and 3(e) of the FHSA.

B. Contentions numbers 2 and 3. The second contention of the petitioners, that the risk of injury from bicycles cannot be eliminated or reduced to a sufficient extent by a regulation issued under the FHSA, has been addressed in detail by the Commission on its July 8, 1975 "Majority Opinion" (see pages 3-4). The Commission concluded on page 3 of that opinion that "the risks of injury [presented by bicycles] can be reduced to a sufficient extent by utilizing the FHSA," and that it is therefore "directed by section 30(d) of the CPSA" to regulate bicycles under the FHSA. The petitioners have not presented any new arguments or evidence that have persuaded the Commission that its earlier finding is no longer an accurate, justifiable, and appropriate interpretation of section 30(d) as it applies to the regulation of bicycles.

In view of the Commission's findings that it can sufficiently reduce the risk of injury presented by bicycles by utiliz-

ing the FHSA, the third contention of the petitioners, that the provisions of the CPSA are "stronger and more appropriate" than those of the FHSA, need not be reached by the Commission.

Conclusion. Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (15 U.S.C. 2059(d)), notice is given of the Commission's denial of the petition dated December 12, 1975.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C. 20207.

Dated: May 12, 1976.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc.76-14398 Filed 5-17-76; 8:45 am]

#### COMMISSION ON FEDERAL PAPERWORK PUBLIC HEARINGS

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Indiana. The first hearing will be held on June 1, 1976, in the Wittenberger Auditorium on the Indiana University campus in Bloomington. The second hearing will be held on June 2, 1976, in the Krannert Auditorium on the Purdue University campus in Lafayette.

The hearings will commence each day at 8:30 a.m. and end at 1:00 p.m. The Commission will receive comments about the impact of Federal paperwork upon manufacturing, retailing, State and local governments, health services, primary and higher education, community services, contractors, pharmaceuticals, insurance, and energy.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 1111 20th Street, N.W., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,  
Chairman.

[FR Doc.76-14387 Filed 5-17-76; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 544-4, OPP-30111A]

#### PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern

#### Correction

In FR Doc. 76-8552 published on March 25, 1976 (41 FR 12335) the name "ZORIAL" in line 5 of paragraph 1 and

in line 25 of paragraph 3 should be corrected to read "EVITAL".

Dated: May 11, 1976.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14550 Filed 5-17-76; 8:45 am]

[FRL 544-8; OPP-50141]

#### Issuance of Experimental Use Permit to Elanco Products Company

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471-EUP-44) allows the use of 1,387.5 pounds A.I. of the herbicide Oryzalin on fruit and nut trees to evaluate control of annual and broadleaf weeds. A total of 925 acres is involved; the program is authorized only in the States of Arizona, California, Colorado, Florida, Georgia, New Mexico, North Carolina, Oregon, South Carolina, Texas and Washington. The experimental use permit is effective from April 26, 1976, to April 26, 1977. Temporary tolerances for residues of the active ingredient in or on almonds, figs, nuts, pistachios, citrus fruits, pome fruits, small fruits, and stone fruits have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 11, 1976.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14346 Filed 5-17-76; 8:45 am]

[FRL 545-1; OPP-50142]

#### Issuance of Experimental Use Permit to PPG Industries, Inc.

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Fed-

ERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 748-EUP-10) allows the use of 4,300 pounds A.I. of the fungicide potassium azide on rice to evaluate control of various aquatic weeds. A total of 1,100 acres is involved; the program is authorized only in the States of Arkansas, Louisiana and Texas. The experimental use permit is effective from April 27, 1976, to April 27, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 11, 1976.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14352 Filed 5-17-76; 8:45 am]

[FRL-544-6; Opp-50144]

#### Issuance of Experimental Use Permit to PPG Industries, Inc.

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 748-EUP-12) allows the use of 2,640 pounds of the fungicide sodium azide on rice to evaluate control of various aquatic weeds. A total of 850 acres is involved; the program is authorized only in the States of Arkansas, Louisiana, and Texas. The experimental use permit is effective from April 27, 1976, to April 27, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for

inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 11, 1976.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14348 Filed 5-17-76; 8:45 am]

[FRL544-7; OPP-50145]

#### Issuance of Experimental Use Permit to Sandoz, Inc.

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Sandoz, Inc., Homestead, Florida 33030. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11273-EUP-12) allows the use of 2,880 pounds of the herbicide elemental copper in ponds, lakes, and reservoirs to evaluate control of chara, widgeongrass, southern naiad, and Brazilian elodea. A total of 300 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Missouri, North Carolina, Oregon, South Carolina, Texas, and Washington. The experimental use permit is effective from April 28, 1976, to April 28, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for the review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 11, 1976.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14347 Filed 5-17-76; 8:45 am]

[FRL 544-1; OPP-30118]

#### PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Entailing a Changed Use Pattern

Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110, has submitted to the Environmental Protection Agency (EPA) an application to register the product Dimilin W-25 for control of mosquito larvae (EPA File Symbol 148-RELO) containing 25% of the active pesticidal ingredient N-[[4-(4-chlorophenyl) amino]carbonyl]-2,6-di-



fluorobenzamide. This application proposes a change in the pesticide's use pattern from control of Gypsy moth larvae to include control of mosquito larvae in temporarily flooded areas, drainage ditches and lagoons from dairy, poultry and swine housing and feed areas, fresh water swamps and marshes, and salt water marshes. The application also proposes that the product be classified for restricted use, PM17.

Application was made by Thompson-Hayward Chemical Co. pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.) and the regulations thereunder (40 CFR 162). Notice of receipt of this application is given in accordance with the provisions of Section 3(c) (4) of FIFRA (40 CFR 162.2(b) (6)) and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before June 17, 1976, and should bear a notation indicating the EPA File Symbol 148-RELO. Comments received within the specified time period will be considered before a final decision is made with respect to the application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register Dimilin W-25 will be announced in the Federal Register. The label furnished by the applicant, as well as all written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 10, 1976.

MARTIN ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14340 Filed 5-17-76;8:45 am]

[FRL 543-2; OPP-50143]

#### PPG INDUSTRIES, INC.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to PPG Industries, Inc., Pittsburgh, Pennsylvania 15222. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the Federal Register on April 30, 1975 (40 FR 18780), and defines EPA procedures with

respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 748-EUP-11) allows the use of 945 pounds A.I. of the fungicide sodium azide on rice to evaluate control of various aquatic weeds. A total of 300 acres is involved; the program is authorized only in the States of Arkansas, Louisiana, and Texas. The experimental use permit is effective from April 27, 1976, to April 27, 1977. A temporary tolerance for residues of the active ingredient in or on rice has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 11, 1976.

MARTIN H. ROGOFF,  
Acting Director,  
Registration Division.

[FR Doc.76-14468 Filed 5-17-76;8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### FCC SCHEDULES ADDITIONAL RCC

##### Telephone Interconnection Meetings

MAY 13, 1976.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public.

The meetings will be held on Wednesday, May 19 and Friday, May 21 at the following locations:

May 19—U.S. Independent Telephone Association, 1801 K St., N.W., Suite 1201, Washington, D.C. (enter L. St. entrance). Scheduled to begin at 9:30 a.m.

May 21—FCC, 205 M Street, N.W., Room 8210, Washington, D.C. Scheduled to begin at 9:30 a.m.

Because of the possibility of last-minute room and time changes, participants should contact Mrs. Borthwick at 632-6400 on the morning of each meeting to verify the room location and time.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-14403 Filed 5-17-76;8:45 am]

#### FEDERAL ENERGY ADMINISTRATION ENVIRONMENTAL ADVISORY COMMITTEE Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law

92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, June 4, 1976, Room 5041, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

The Committee was established to provide advice and information to FEA concerning environmental aspects of FEA policies and programs.

The agenda for the meeting is as follows:

1. Introduction of new members.
2. EAC/FEA procedures:
  - a. Review of EAC subcommittees.
  - b. FEA procedures to involve EAC in FEA issues process.
  - c. Nominations by EAC members of priority issues for Committee consideration.
3. Status report on analysis of EAC PIES scenario.
4. Discussion of Btu tax as policy option; questions and answers with FEA Administrator.
5. Report and recommendations from Energy Conservation Subcommittee.
6. Report and recommendations from Coal Leasing and Mining Subcommittee.
7. Report and recommendations from OCS Development/Energy Facility Siting Subcommittee.

Subcommittees may meet informally in Washington, the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on subcommittee activities, call Lois Weeks, Director, Advisory Committee Management at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C., on May 12, 1976.

MICHAEL F. BUTLER,  
General Counsel.

[FR Doc.76-14335 Filed 5-13-76;10:16 am]

#### FEDERAL MARITIME COMMISSION

##### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

##### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the 542 of Title 46 CFR and Section 311(p) vessels indicated below, pursuant to Part

#### (1) of the Federal Water Pollution Control Act.

Certificate No.	Owner/operator and vessels
01005---	Albrecht & Boserup: <i>Sea Bird</i> .
01017---	Westfal-Larsen & Co. A/S: <i>Hosanger</i> .
01127---	Johnstone Shipping Ltd.: <i>Congar</i> , <i>Gulf Sentinel</i> .
01149---	Viet-Nam Hang-Hai Vietnam Marine Lines Co. Inc.: <i>Vietnam Thuong Tin I</i> .
01210---	A/S Brovigtank: <i>Balla Brovig</i> .
01320---	Friedrich A. Detjen: <i>Rhein</i> .
01330---	Shell Tankers (U.K.) Ltd.: <i>Venassa</i> .
01427---	The Pacific Steam Navigation Co.: <i>William Wheelwright</i> .
01755---	Hugo Stinnes Zweigniederlassung Hamburg: <i>Cap Sidero</i> .
01861---	BP Tanker Co., Ltd.: <i>British Fulmar</i> .
02000---	Rederiaktiebolaget Svenska Lloyd: <i>Dalmatia</i> .
02196---	Ulster Oil Transport Corp.: <i>Russell 105</i> .
02198---	The Peninsular & Oriental Steam Navigation Co.: <i>Strathmuer</i> .
02199---	Atlantic Richfield Co.: <i>Cuyama Valley</i> , <i>Kenai Peninsula</i> , <i>Edward L. Steineger</i> .
02234---	Gulf Mississippi Marine Corp.: <i>MCN Oil Barge No. 3</i> .
02241---	Cape Continent Shipping Co. (Proprietary) Ltd.: <i>Palabora</i> .
02295---	The Great Eastern Shipping Co., Ltd.: <i>Jag Juala</i> .
02458---	The China Navigation Co., Ltd.: <i>Woosung</i> .
02565---	American Foreign Steamship Corp.: <i>American Oriole</i> .
02611---	Franz Hagen: <i>Anneliese Porrr</i> , <i>Carlo Porrr</i> .
02929---	Softumar Societe D'Armement Fluvial & Maritime: <i>Port Vendres</i> .
02930---	Compania Sud-Americana de Vapores: <i>Ilapel</i> .
03044---	Bouchard Transportation Co., Inc.: <i>B No. 20</i> .
03069---	Alfred C. Toepfer Schiffahrtsges. MBH: <i>Carl Trautwein</i> , <i>Emma Johanna</i> .
03316---	Afran Bahamas Ltd.: <i>Gulf Briton</i> , <i>Gulf Dane</i> , <i>Gulf Finn</i> , <i>Gulf Scot</i> .
03331---	Compania Naviera Asiatic S.A.: <i>Malaya</i> .
03441---	Japan Line K. K.: <i>Daiichi Maru</i> , <i>Japan Rima</i> .
03510---	Takeda Kogyo Kabushiki Kaisha: <i>Seishomaru 6</i> .
03627---	Igert (a Corporation): <i>MBL-612</i> .
03690---	The Harbor Tug & Barge Co.: <i>H-48</i> .
03849---	Algoma Central Railway: <i>Roy A Jodrey</i> , <i>Michipicoten</i> .
03880---	Societe Maritime & Commerciale S.A.: <i>Roquebrune</i> .
03490---	Sato Kisen K. K.: <i>Nipponham Maru No. 1</i> .
03891---	Inverness Shipping Co.: <i>Inverness</i> .
03892---	Dartmouth Shipping Co.: <i>Dartmouth</i> .
03918---	Mobil Shipping & Transportation Co.: <i>Mobil Venture</i> .
04136---	Thomas Marine Co.: <i>BT-2</i> , <i>SJT-4</i> .
04332---	Transpacific Freighters Corp.: <i>Nephos</i> .
04398---	Hapag-Lloyd Aktiengesellschaft: <i>Oriental Exporter</i> .
04420---	Navigazione Alta Italia S.P.A.: <i>Nai Marcus</i> .
04456---	Venus Maritime Corp.: <i>Venus Argosy</i> .
04583---	Gatz Oswego Corp.: <i>Oswego Unity</i> .

Certificate No.	Owner/operator and vessels
04588---	Trinity Navigation Corp.: <i>Trinity Navigator</i> .
04938---	Newstar Shipping Co.—Monrovia: <i>Okay</i> .
05232---	Diamond M Drilling Co.: <i>Diamond M. Farmand</i> .
05283---	Peter Pan Seafoods Inc.: <i>Sarichef</i> , <i>Ronnie S.</i>
05342---	Ta Tong Marine Co. Ltd.: <i>Taian</i> .
05500---	Petroleos Mexicanos: <i>Ignacio Alende</i> .
05577---	Far Eastern Shipping Co.: <i>Egorjevsk</i> , <i>Erevan</i> , <i>Baku</i> , <i>Ivan Kulibin</i> , <i>Stephan Vostretsov</i> , <i>Captain Gotskiy</i> , <i>Bogatyr-2</i> .
05604---	Geraldine Transport Corp.: <i>Nico-line</i> .
05608---	Fekete & Co.: <i>Thomona</i> , <i>Karen Fekete</i> .
05811---	Boat Paramount: <i>Paramount</i> .
05845---	Shinto Kaun K. K.: <i>Shinto Maru</i> .
05904---	Tutsa Shipping Co. S. A. Panama: <i>Vista</i> .
06770---	Chiao Kuo Navigation Co., Ltd.: <i>Overseas Fruit</i> .
06771---	Great Pacific Navigation Co., Ltd.: <i>Comfort</i> .
06767---	Northsea Shipping Co., Ltd.: <i>Arietta Livanos</i> .
06904---	Overseas Navigation Co. Ltd. Taipei: <i>Oriental Queen</i> .
07073---	Seereederei Howaldt KG.: <i>Cambridge</i> .
07159---	Urgain A Steamship, Inc.: <i>Yolimar</i> .
07313---	Merivient Oy: <i>Finnsailor</i> .
07314---	Shipping Co. Avedrecht NV.: <i>Avedrecht</i> .
07362---	Primorsk Shipping Co.: <i>Leninskoye Znamya</i> .
07547---	Myers Molasses Co., Inc.: <i>FT-18</i> .
07624---	Josef Roth-Reederei: <i>Franziska Kurs</i> , <i>Gabriele Koegel</i> , <i>Charlotte Koegel</i> , <i>Elisabeth Roth</i> .
07730---	MT Oceanic Development Panama Co., S.A.: <i>Puerto Caimito</i> .
07763---	TTI, Inc.: <i>El Taino</i> .
07880---	Logicon, Inc.: <i>Logicon 2701</i> , <i>Logicon 2702</i> .
07924---	Cecil Shipping Corp.: <i>Beacon</i> .
08234---	Burmah Oil Tankers Ltd.: <i>Burmah Gem</i> .
08363---	United Bulk Carriers & Tankers Inc.: <i>Energy Transmission</i> .
08723---	Product Carriers, Inc.: <i>Stolt Vidar</i> .
09282---	Sam Won Fisheries Co., Ltd.: <i>No. 17 Sam Won</i> .
09320---	Ariana Shipping Co. Ltd.: <i>Kalliopt Antonatos</i> .
09326---	Koppers Co., Inc.: <i>UBL 364</i> .
09336---	Crain & Pushak Towing, Inc.: <i>Ravenswood</i> .
09483---	Powell Oil Co., Inc.: <i>L.C.T. No. 19</i> .
09595---	Ming Ren Navigation Co., Ltd. S.A.: <i>Mingren Investment</i> .
09732---	Great Neck Operating Corp.: <i>Brook</i> .
09972---	Panhandle Towing Co., Inc.: <i>GT-116</i> , <i>GT-118</i> .
10078---	Dalei Shipping Co., Ltd.: <i>Sun Freesia</i> .
10079---	Panoseanos Armadora S.A. of Panama: <i>Erino</i> .
10260---	Hollywood Marine, Inc.: <i>Wasson 5</i> .
10333---	United River Lines, Inc.: <i>50</i> , <i>22</i> , <i>21</i> .
10568---	Falcon Line Ltd.: <i>Falcon Friendship</i> .
10575---	Midas Star Transport, Inc.: <i>Sankostar</i> .
10580---	Thai Hwa Navigation Corp. S.A.: <i>Hongkong Truth</i> .
10583---	Madison Shipping Corp.: <i>Sunvireland</i> .

Certificate No.	Owner/operator and vessels
10609---	Azuma Kaun K. K.: <i>Tosho Maru</i> .
10763---	Halliburton Ltd.: <i>Halliburton 219</i> .
11068---	Deep Sea Carriers Co. Ltd.: <i>Karina Rio Grande</i> .

By the Commission.

—FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-14431 Filed 5-17-76;8:45 am]

#### FEDERAL POWER COMMISSION

[Project No. 349]

##### ALABAMA POWER CO.

##### Application for Change in Land Rights

MAY 12, 1976.

Public notice is hereby given that on April 8, 1976, an application was filed under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Alabama Power Company (Correspondence to: Mr. F. L. Clayton, Jr., Vice President, Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35202) for a change in land rights for the constructed Martin Project No. 349 located on the Tallapoosa River in Elmore, Tallapoosa, and Coosa Counties, Alabama. The proposed change in land rights would be located in Tallapoosa County.

Applicant seeks Commission approval for the granting of an easement to Jackson's Gap Water Authority over project lands of a sufficient width for the installation and maintenance of a water distribution system to serve approximately 303 residences within and adjacent to the project boundary. Included in the system would be nine miles of six- and eight-inch mains of which approximately 2.3 miles are within the project boundary and approximately 10.6 miles of two- and three-inch distribution lines within the project boundary. According to the application, the pipelines would be laid in a trench with a minimum depth of 30 inches. The trench will be back-filled and rolled to the original ground elevation and all angle points would be marked with permanent monuments detailing the pipeline location.

Any person desiring to be heard or to make protest with reference to said application should on or before June 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and confer-



red upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Commission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issuance of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14406 Filed 5-17-76;8:45 am]

[Docket No. CP76-221]

**ARKANSAS LOUISIANA GAS CO.  
Amendment to Application**

MAY 11, 1976.

Take notice that on April 6, 1976, Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP 76-221 an amendment to its application filed January 5, 1976, in the subject docket pursuant to Section 7(c) of the Natural Gas Act by requesting an appropriate Commission determination as may be required by law with regard to the exempt status of certain facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Arkla states that its application in this proceeding requests authorization to exchange gas with Lone Star Gas Company (Lone Star) for the purpose of supplying the needs of Arkla's distribution system in Kingston, Oklahoma, and environs, with a daily maximum gas supply of 1,000 Mcf. Arkla proposes to construct and operate approximately 4.8 miles of 3½-inch pipeline from the point of interconnection with Lone Star to the Kingston distribution system. Arkla asserts that the application noted that the facilities would be exempt either under Section 1(b) or Section 1(c) of the Natural Gas Act.

By the instant amendment it is requested that an appropriate determination as may be required by law be made with regard to the exempt status of the facilities used to receive the gas from

<sup>1</sup> Although the subject amendment was tendered for filing April 6, 1976, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 13, 1976; thus, filing was not completed until the latter date.

Lone Star, and if it is construed necessary by the Commission, Arkla requests a declaration of exemption pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests with respect to the application need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14413 Filed 5-17-76;8:45 am]

[Docket No. ER76-396]

**BANGOR HYDRO ELECTRIC CO.  
Notice Vacating Procedural Dates**

MAY 12, 1976.

By order issued May 7, 1976, in Docket No. ER76-496, the Commission consolidated the proceedings in the above captioned docket with those in Docket No. ER76-496 and fixed a date of November 9, 1976, for service of Staff's top sheets in the consolidated proceeding. Notice is hereby given that the procedural dates fixed in Docket No. ER76-396 by order of the Presiding Administrative Law Judge dated April 30, 1976, are hereby vacated in accordance with the Commission's order.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14409 Filed 5-17-76;8:45 am]

[Docket No. ER76-664]

**EMPIRE DISTRICT ELECTRIC CO.  
Tender of Amendments to Letter Agreement**

MAY 11, 1976.

Take notice that on May 3, 1976, The Empire District Electric Company (EDE) tendered for filing amendments to a letter agreement between it and Southwestern Power Administration (SPA) dated February 16, 1973, (FPC Rate Schedule No. 78, according to EDE) which letter agreement provides, according to EDE, for the delivery from SPA to EDE of excess hydro-electric energy and for a return of this energy on a Kw for Kw basis from EDE to SPA with any balance of energy owed to SPA

at the end of the exchange period being paid for under SPA rate schedule IC at the rate of 5 mills/Kwh.

EDE states that it submitted the following letters amending the letter agreement:

(1) A letter from SPA to EDE dated April 20, 1976, which provides for an extension of the letter agreement to June 30, 1977; also for a delivery from SPA to EDE up to July 1, 1976, and for a return of energy by EDE to SPA after July 1, 1976, and for a settlement of the energy account as of a July 1, 1977 audit of the account.

(2) A letter dated April 1, 1975 providing for similar extensions to July 1, 1976.

(3) A letter dated December 13, 1973 providing for similar extension to July 1, 1975.

(4) An amendment dated February 7, 1974 providing for increasing the top limit of the Energy Exchange Account from 100,000,000 Kwh to 150,000,000 Kwh.

EDE requests waiver of the 30-day notice period and that the above letters be accepted for filing by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14417 Filed 5-17-76;8:45 am]

[Docket No. CP76-289]

**FLORIDA GAS TRANSMISSION CO.  
Application; Correction**

APRIL 14, 1976.

In the Notice of Application issued March 26, 1976 (41 FR 14609, Apr. 6, 1976), in the 14th line of the first paragraph change "1975" to read "1976."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14429 Filed 5-17-76;8:45 am]

[Docket No. ER76-568]

**HARTFORD ELECTRIC LIGHT CO.  
Notice of Filing; Correction**

APRIL 26, 1976.

In the Notice of filing issued March 30, 1976, change caption reading "Connecticut Light and Power Company" to read

"Hartford Electric Light Company." Change the first sentence reading " . . . on March 19, 1976 the Connecticut Light and Power Company (CL&P) tendered for filing . . . " to read " . . . on March 19, 1976, the Hartford Electric Light Company (HELCO). . . . " Change the sentence reading "CL&P states that the aforementioned parties to the Agreements have been sent copies of it" to read "HELCO states that the aforementioned parties to the Agreement have been sent copies of this filing."

MARY KIDD PEAK,  
Acting Secretary.

[FR Doc.76-14428 Filed 5-17-76;8:45 am]

[Docket No. ER76-656]

**INDIANA & MICHIGAN ELECTRIC CO.  
Notice of Tariff Change**

MAY 11, 1976.

Take notice that American Electric Power Service Corporation (AEP) on April 29, 1976, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), Modification No. 3 dated June 1, 1976, to the Interconnection Agreement dated February 21, 1964, between I&M and Public Service Company of Indiana, Inc., designated I&M Rate Schedule FPC No. 24.

AEP states that Section 1 of Modification No. 3 provides for an increase in the Demand Charge for Short Term Power from \$0.45 to \$0.50 per kilowatt per week. AEP also states that since the use of Short Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification.

AEP states further that Section 2 of Modification No. 3 increases the Demand Charge for Limited Term Power from \$2.50 to \$2.75 per kilowatt per month. AEP requests that the said Modification No. 3 be permitted to become effective as of June 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14414 Filed 5-17-76;8:45 am]

[Docket No. ER76-660]  
**INTERSTATE POWER CO.  
Notice of Filing of Schedules**

MAY 11, 1976.

Take notice that on April 30, 1976, Interstate Power Company (Interstate) tendered for filing certain financial schedules in support of a proposed rate-increase for service to Cooperative Power Association (CPA) under Interstate's rate schedule FPC No. 88.

Interstate states that on August 8, 1975, Interstate transmitted to the Commission an application for an increase in rates for service to CPA under Interstate's rate schedule FPC No. 88 (which was accepted for filing effective May 1, 1968). By order issued September 10, 1975, the Commission rejected that filing on the basis that the filing was predicated upon "stale data." Subsequent to Interstate's filing of the Petition for Rehearing and Reconsideration and a Petition for Intervention filed by CPA, the Commission in an order issued November 5, 1975, stated that the existing contract was in effect a fixed-rate contract and that "accordingly, Interstate's proposed increase in rates is barred by the rule of Mobile-Sierra."

According to Interstate, Interstate and CPA are in negotiations with respect to a possible agreement as to an increase in the rate contained in rate schedule FPC No. 88. Interstate states that it has compiled a cost of service for the twelve months ended September 30, 1975, which it has presented to CPA for review and is a basis for the negotiations taking place. In order, however, to get this test year data on file with the Commission prior to the end of the seven month period following the end of that test year, Interstate states that it is submitting copies of the basic financial schedules consisting of Statements A through N for the twelve months ended September 30, 1975, in support of a proposed rate increase. Interstate also enclosed copies of a Stipulation signed by Interstate and CPA in which the Company sets forth the agreement of both parties as a basis for filing the basic financial schedules with the Commission in a timely manner, with this filing to be supplemented subsequently hereto with a settlement agreement between Interstate and CPA in the event such settlement agreement is consummated.

In addition, Interstate specifically requests that the Commission at this time accept this filing with a waiver of the requirements for the following: (1) The most twelve months billing information and the subsequent twelve month billing information on the proposed rates; (2) A revised rate schedule; (3) Testimony; (4) Notice of Proposed Change in Rates and Charges.

According to Interstate, due to the nature of a settlement agreement, the above information can only properly be provided in conjunction with the Stipulation for Settlement at such time as it is filed with the Commission for approval.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining an appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14411 Filed 5-17-76;8:45 am]

[Docket No. G-18419, et al.]

**MICHIGAN WISCONSIN PIPE LINE CO.  
Filing of Refund Report**

MAY 11, 1976.

Take notice that on November 3, 1975, Michigan Wisconsin Pipe Line Company filed in the above-designated proceedings a refund report as required by the Commission's order issued herein on August 8, 1975.

Michigan Wisconsin states that on September 5 and 8, 1975, it made refunds to its jurisdictional customers as required by the August 8, 1975, order. The refund amounts are listed below.

Ordering paragraph	Date of refund	Amount
(C) . . . . .	Sept. 5, 1975	\$361,500.11
(H) . . . . .	Sept. 8, 1975	1,025,791.83
Total . . . . .		1,387,291.94

Any person wishing to do so may submit comments in writing concerning Michigan Wisconsin's refund report. All comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 4, 1976. Michigan Wisconsin's refund report is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14420 Filed 5-17-76;8:45 am]



[Docket No. CP63-12, etc.]

**MISSISSIPPI RIVER TRANSMISSION CORP.  
ET AL****Order Directing Disbursement and Flow-  
Through of Refunds; Correction**

APRIL 20, 1976.

In the matter of Mississippi River Transmission Corporation, Docket No. CP63-12, et al.; United Gas Pipe Line Company, Dockets Nos. G-16380, G-16382, RP61-18, RP63-1, and RP65-1; and Natural Gas Pipe Line Company of America, Docket Nos. RP68-17 and RP67-21; Order directing disbursement and flow-through of refunds, issued March 8, 1976.

Docket No. G-16388 should be substituted in the caption of the referenced order, and in Ordering Paragraph (A) thereof, for Docket Nos. G-16380 and G-16382.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14427 Filed 5-17-76;8:45 am]

[Docket No. CP76-357]

**NATURAL GAS PIPELINE CO. OF AMERICA  
Notice of Application**

MAY 11, 1976.

Take notice that on April 30, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-357 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Iowa-Illinois Gas and Electric Company (Iowa-Illinois), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas transportation and rescheduling agreement with Northern Natural Gas Company (Northern) and Iowa-Illinois pursuant to which Applicant proposes to receive from Northern at an existing interconnection at Glenwood in Mills County, Iowa, such volumes of gas as Iowa-Illinois might release from its contract demand with Northern. It is stated that Northern would deliver up to 5,000 Mcf of gas per day, or more if mutually agreed by all parties, to Applicant from March 27 through October 28, with total deliveries during this period not to exceed 100,000 Mcf of gas. Applicant would transport and deliver the gas to Iowa-Illinois at the existing Moline Town Station No. 3 in Rock Island County, Illinois, for liquefaction and storage in Iowa-Illinois' LNG facility.

The application states that on days from October 27 through March 26 when Iowa-Illinois' firm load in its Fort Dodge district would exceed quantities available within contract demand, Iowa-Illinois would release the volumes required from volumes of gas available to it from Applicant. Applicant would deliver equivalent volumes to Northern at Glenwood for redelivery to Iowa-Illinois

at its Fort Dodge district. Total deliveries during the October 27-through-March 26 period might not exceed the net volumes of gas placed in storage in Iowa-Illinois' LNG facility under the transportation and rescheduling agreement.

Applicant proposes to utilize existing facilities to render the proposed service and states that it will not require any new or additional facilities. Applicant states further that it would have system capacity available to transport the specified volumes since Applicant's gas supply is not sufficient to utilize fully the capacity of its Amarillo main transmission line.

Applicant proposes to charge Iowa-Illinois \$700 per month for the transportation service. This rate is said to be based on an estimated unit cost of 0.031 cents per Mcf mile of haul for 100,000 Mcf of gas to be transported 260 miles.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14412 Filed 5-17-76;8:45 am]

[Docket No. CP76-353]

**NATURAL GAS PIPELINE CO. OF AMERICA  
Notice of Application**

MAY 6, 1976.

Take notice that on April 29, 1976, Natural Gas Pipeline Company of Amer-

ica (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-353 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas in interstate commerce to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) for the account of Northern Indiana Public Service Company (Nipsco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has agreed in principle that Applicant would deliver to Michigan Wisconsin for Nipsco's account 6,000,000 Mcf of gas from March 1 through October 31 of each year through 1990. Applicant would make such deliveries at existing points of interconnection of the facilities of Applicant and Michigan Wisconsin at a daily rate of up to 30,000 Mcf with an additional volume of gas for compressor fuel equal to 5 percent of the volume delivered. It is said that Applicant's deliveries would enable Nipsco to fulfill its delivery obligations under the transportation agreements dated January 23, 1976, between Nipsco and Michigan Wisconsin which are the subject of Michigan Wisconsin's application in Docket No. CP76-225<sup>1</sup> and thus allow Nipsco to avail itself of the storage service under the storage agreements dated January 23, 1976, between Nipsco and Michigan Consolidated Gas Company (Consolidated) which are the subject of Consolidated's application in Docket No. CP76-254.<sup>2</sup>

The application states that possession of the gas and title to the gas would remain together. It is said that title would pass to Michigan Wisconsin with deliveries by Applicant and that Applicant is advised that Nipsco would not receive title until the gas is delivered by Michigan Wisconsin to the intrastate system of Nipsco.

Applicant states that it would charge Nipsco for the service proposed in the instant application. Applicant states further that it and Nipsco anticipate that they will execute a formal agreement which specifies the terms and conditions under which delivery would be provided by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

<sup>1</sup> Notice published March 15, 1976 (41 FR 10957).<sup>2</sup> Notice published March 8, 1976 (41 FR 9923).

to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14405 Filed 5-17-76;8:45 am]

[Docket No. CP75-71]

**NATURAL GAS PIPELINE CO. OF AMERICA  
AND TRANSWESTERN PIPELINE CO.****Amendment to Application**

MAY 11, 1976.

Take notice that on May 3, 1976, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transwestern Pipeline Company (Transwestern), Southern National Bank Building, Houston, Texas 77002, filed in Docket No. CP75-71 an amendment to their application filed in said docket pursuant to Section 7(c) of the Natural Gas Act by which amendment Applicants request authorization to exchange natural gas at a point in Eddy County, New Mexico, in addition to the point at which they propose to exchange natural gas in the initial application, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In the initial application Applicants propose to exchange natural gas at a point in Eddy County to enable Natural to receive natural gas purchased from Perry R. Bass and Bass Enterprises Company (Bass) produced from the Big Eddy No. 40 Well during the time that Bass would perform an experimental fracture treatment of said well. The gas would be delivered to Transwestern for redelivery to Natural at the outlet of Cities Service Oil Company's Bluit Plant, a common purchase point of Applicants in Roosevelt County, New Mexico.

The instant amendment states that Natural has entered into a long-term contract with Bass to purchase gas from the Big Eddy No. 44 Area in Eddy County. It is stated that since Natural's existing facility to which the gas supply

from this area might be connected is approximately 6.5 miles away and since Transwestern has facilities in the immediate area which may be used to receive the gas, Applicant's have amended their exchange agreement to establish an additional exchange point so that Transwestern might take gas for Natural's account. Transwestern would redeliver thermally equivalent volumes of gas to Natural at the previously proposed Bluit exchange point.

In order to effectuate the exchange proposed in the instant amendment Transwestern proposes to construct and operate a tap connection on its existing pipeline in Eddy County and Natural proposes to construct and operate approximately 325 feet of 4-inch lateral pipeline and a 4-inch measuring facility. Applicants state that Natural would reimburse Transwestern for the cost of constructing the tap, estimated at \$5,520, and that the cost of Natural's facilities, estimated to be \$26,300, would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14416 Filed 5-17-76;8:45 am]

[Docket No. ER76-638]

**OHIO EDISON CO.****Filing of Supplement to Rate Schedule**

MAY 11, 1976.

Take notice that Ohio Edison Company on the 26th day of April 1976, tendered for filing a letter agreement dated March 4, 1976 with the City of Oberlin, Ohio, for additional service to Oberlin.

According to Ohio Edison, the letter agreement supplements the present provision for service under FPC No. 112.2 by temporarily permitting Oberlin to transfer load to Ohio Edison Company overnight to conserve fuel and by providing for loop supply and parallel operation at 69 KV upon conversion of existing 69 KV supply configurations.

A copy of the filing was served on the City Manager of Oberlin.

Any person desiring to be heard or to protest said proposal should file a peti-

tion to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14424 Filed 5-17-76;8:45 am]

[Docket No. ER76-672]

**ORANGE AND ROCKLAND UTILITIES, INC.****Notice of Rate Filing**

MAY 11, 1976.

Take notice that Orange and Rockland Utilities, Inc. (O&R) on May 3, 1976, tendered for filing as an Initial Rate Schedule an Electric Generating Capability Exchange Agreement between O&R and Long Island Lighting Company (Lilco). O&R states that the Agreement provides for the daily exchange of up to 100 MW of electric generating capability and associated energy between O&R and Lilco beginning April 25, 1976, and continuing until terminated by either party upon thirty days notice of its intent to terminate said Agreement.

O&R requests waiver of the notice requirements of the Commission's Regulations to permit the tendered Agreement to become effective as of April 25, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14410 Filed 5-17-76;8:45 am]

[Docket Nos. RI74-56 and RI 74-57]

**PHILLIPS PETROLEUM CO. AND  
KERR-McGEE CORP.****Extension of Time**

MAY 12, 1976.

By telegram received May 11, 1976, Kerr-McGee Corporation and Phillips Petroleum Company requested an exten-

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sion of time within which to file refund reports and make disbursements pursuant to the order issued May 10, 1976 denying petition for special relief and directing disbursement and flow through refunds.

Upon consideration, notice is hereby given that the time is extended to July 26, 1976, within which to file refund reports and make disbursements, as requested by the above order.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14498 Filed 5-17-76;8:45 am]

[Docket Nos. E-8892 and ER76-381]

**PUBLIC SERVICE COMPANY OF  
COLORADO**

**Conference on Rates and Charges**

MAY 12, 1976.

Take notice that on June 29, 1976, a conference of all parties to intervene in these proceedings, the Public Service Company of Colorado, any interested customers, and the Commission Staff will be held in Conference Room No. 5200 at the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C., at 10:00 a.m. (DST).

Copies of this notice are being mailed this date to all jurisdictional customers and interested State Commissions.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14407 Filed 5-17-76;8:45 am]

[Docket No. ER76-868]

**PUBLIC SERVICE COMPANY OF  
OKLAHOMA**

**Capacity Sale**

MAY 11, 1976.

Take notice that Public Service Company of Oklahoma (PSCO) tendered for filing by letter dated April 6, 1976, a letter agreement supplement to Rate Schedule FPC No. 97 with the Kansas Gas & Electric Company (KG&E) which provides for the sale by PSCO of 100 MW of capacity from its Northeastern Station Unit No. 2 to KG&E from the 12-month period beginning June 1, 1977 and ending May 31, 1978, according to PSCO.

PSCO requests waiver of the maximum 90-day filing period and requests an effective date of June 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14415 Filed 5-17-76;8:45 am]

[Docket No. CP76-358]

**TEXAS EASTERN TRANSMISSION CORP.**

**Notice of Application**

MAY 11, 1976.

Take notice that on May 3, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-358 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities on Production Platform A in Block 349, Eugene Island Area, South Addition, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to install and operate one 3,540 horsepower compressor unit with related metering and appurtenant facilities. Applicant states that it has entered into gas purchase contracts with Louisiana Land Offshore Exploration Company, Marathon Oil Company, and Texas Eastern Exploration Company for their interests in the Block 349 field. Applicant states that it had projected that initial purchases from the shallow sands in Block 349 would be about 70,000 Mcf of gas per day. Deliveries are said to have commenced on November 27, 1975 and during March 1976 are said to have averaged 102,000 Mcf of gas per day.

The application states that the producers are engaged in a continuing development program which is expected to provide additional well capacity. Based upon representations from the producers, Applicant states, Applicant now estimates that well capacity in Block 349 as a result of the drilling program will be increased from the current average capacity of about 100,000 Mcf of gas per day to at least 170,000 Mcf of gas per day before 1977. It is stated further that at the delivery conditions expected on January 1, 1977, the capacity of the compression facilities presently installed would be about 95,000 Mcf of gas per day.

The application states that in addition to allowing Applicant to avail itself of the additional well capacity, the proposed facilities would allow Applicant to make purchases from Block 349 at continuing higher rates over the life of reservoir. Further, it is stated, the facilities would permit Applicant to lower the pressure at the delivery point as the natural pressures decline and thereby permit more efficient and economical recovery of Applicant's gas supply.

The proposed facilities are estimated to cost \$1,670,000, which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2,

1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14425 Filed 5-17-76;8:45 am]

[Docket No. ER76-063]

**TOLEDO EDISON CO.**

**Notice of Service Agreement**

MAY 11, 1976.

Take notice that The Toledo Edison Company, on April 30, 1976 tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Bradner, Ohio and Rourth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Bradner provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedule FPC Number 6) which will expire on May 31, 1976. An effective date of June 1, 1976 has been requested for the filed Service Agreement.

Copies of this filing were served upon the Village of Bradner, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14422 Filed 5-17-76;8:45 am]

[Docket No. ER76-677]

**UNION ELECTRIC CO.**

**Revised Service Schedule**

MAY 11, 1976.

Take notice that on May 6, 1976, Union Electric Company (Union) tendered for filing revised Schedule II to the Interchange Agreement dated April 11, 1967 between Union and Missouri Public Service Company (Missouri) and a certificate of concurrence signed by Missouri.

Union requests an effective date of April 28, 1976 for the revised Schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14433 Filed 5-17-76;8:45 am]

[Docket No. ER76-665]

**VERMONT ELECTRIC POWER COMPANY,  
INC.**

**Tender of Purchase Agreements**

MAY 11, 1976.

Take notice that on May 3, 1976, Vermont Electric Power Company, Inc. (VELCO) tendered for filing purchase agreements providing for the sale of capacity and related energy to Green Mountain Power Corporation and Central Vermont Public Service Corporation. VELCO states that service under both agreements, dated July 1, 1976, commenced on December 19, 1974 and will terminate on October 31, 1976. VELCO

requests an effective date of December 19, 1974, and waiver of the requirements of Section 35.11 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14418 Filed 5-17-76;8:45 am]

[Docket No. ER76-673]

**VERMONT ELECTRIC POWER COMPANY,  
INC.**

**Tender of Bulk Transmission Contract**

MAY 11, 1976.

Take notice that on May 6, 1976, Vermont Electric Power Company (VELCO) tendered for filing a bulk power transmission contract with Vermont Electric Cooperative, Inc., dated May 31, 1975. VELCO requests an effective date of June 1, 1975, when service commenced, and waiver of Section 35.11 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14419 Filed 5-17-76;8:45 am]

[Docket No. ER76-674]

**VERMONT ELECTRIC POWER COMPANY,  
INC.**

**Tender of Purchase Agreements**

MAY 11, 1976.

Take notice that on May 6, 1976, Vermont Electric Power Company, Inc. (VELCO) tendered for filing bulk power purchase contracts with Central Ver-

mont Public Service Corporation and Green Mountain Power Corporation dated January 16, 1976. VELCO states that service under both contracts commenced on January 31, 1976 and will terminate on October 31, 1978. An effective date of February 1, 1976, and waiver of the requirements of Section 35.11 of the Commission's Regulations are requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14420 Filed 5-17-76;8:45 am]

[Docket No. ER76-675]

**VIRGINIA ELECTRIC AND POWER CO.**

**Tender of Contract Supplement**

MAY 11, 1976.

Take notice that on May 6, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated March 22, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 82-19 between Virginia and Prince George Electric Cooperative.

Said supplement requests Commission authorization for a change in transformer facilities from 1 MVA to 1.5 MVA at Wilkerson's Corner Delivery Point, located on the east side of Route 686 near Carson, Sussex County, Virginia.

Virginia requests waiver of notice requirements to permit an effective date as of the date of change of transformer facilities which is March 2, 1976.

Virginia states that copies of the filing have been mailed to the interested parties and regulatory authorities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

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filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-1442 Filed 5-17-76; 8:45 am]

# **FEDERAL RESERVE SYSTEM CLEVETRUST CORPORATION**

## **Order Approving Acquisition of Bank**

ClevTrust Corporation, Cleveland, Ohio ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Savings Deposit Bank Company, Medina, Ohio ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Ohio, controls eight banks with aggregate deposits of approximately \$3.2 billion, representing 10.8 per cent of the total deposits in commercial banks in the State.<sup>1</sup> Acquisition of Bank (deposits of \$18.3 million) would increase Applicant's share of Statewide deposits by only 0.06 per cent, and would have no appreciable effect upon the concentration of banking resources in Ohio.

Bank, which is located in the city of Medina about 25 miles south of downtown Cleveland, competes on the fringe of the Cleveland banking market<sup>2</sup> and controls about 0.2 per cent of total market deposits.<sup>3</sup> Some 37 banking organizations (including Ohio's eight largest) with a total of 432 banking offices, compete in the Cleveland banking market. Applicant is the largest banking organization in the market and holds approximately 31.1 per cent of market deposits. Bank is one of the smaller banking orga-

<sup>1</sup> Unless otherwise indicated, all banking data are as of September 30, 1975, and reflect bank holding company formations and acquisitions approved through April 30, 1976.

<sup>2</sup> The Cleveland banking market, which is the relevant banking market, is approximated by all of Cuyahoga, Lake and Geauga Counties, the northwestern quarter of Portage County, the northern third of Summit County, all but the southern-most tier of townships in Medina and Lorain Counties (which appear to have stronger ties to Akron) and the City of Vermilion which straddles the border of Lorain and Erie Counties.

<sup>3</sup> All market data are as of June 30, 1974.

nizations in the Cleveland market and ranks 26th among the banking organizations in that market. Thus, in view of Bank's relative size (Bank also ranks only 5th out of 9 banks in Medina County), its acquisition by Applicant would increase only slightly Applicant's market share and the concentration of deposits in Cleveland. However, the evidence of record shows that the Cleveland banking market has become less concentrated over time.<sup>4</sup> Applicant's banking subsidiary closest to Bank is located 11.4 miles north of Bank, in Cuyahoga County, and is separated from Bank by a number of intervening banking offices. Even though Applicant and Bank operate in the same market, the facts of record show there is no overlap of service areas nor would approval result in the elimination of any significant amount of existing competition.

In assessing the effects of the proposal on potential competition, the Board is of the view that although Applicant may possess the capabilities to enter Medina County de novo and acquisition of Bank would eliminate one independent banking alternative in the relevant market, there are several other facts of record which mitigate these slightly adverse competitive effects. Ohio's restrictive branching law, which limits branching to home office counties, prohibits Applicant's present subsidiaries from branching into the Medina County portion of the market; moreover, it appears unlikely that Applicant would enter Medina County de novo since its population and deposits-per-banking-office ratios are well below State averages. Furthermore, following approval, there would remain 19 other independent banks as possible entry points into the market for competitors. Accordingly, it is concluded that consummation of the proposal would have only slightly adverse effects on potential competition.

However, the Board's inquiry does not end here. Under the provisions of § 3(c) of the Bank Holding Company Act of 1956, as amended, the Board must determine whether these anticompetitive effects are outweighed by other positive considerations reflected in the record such as financial and managerial resources and future prospects of Applicant and Bank or the convenience and needs of the communities to be served.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as satisfactory. However, while the financial resources of Bank are satisfactory, its net earnings have been declining over time (from 1971 to 1975).<sup>5</sup> Furthermore, Bank

<sup>4</sup> During the period June 1968 to June 1974, the deposit share of the four largest banking organizations in the Cleveland banking market declined from 77.8 per cent to 72.3 per cent.

<sup>5</sup> In 1974, the average percentage of net income to total assets for member banks in the Fourth District of the same deposit-size group was 1.1 percent, while the figure for Bank was 0.45 percent.

appears to possess limited managerial resources. Affiliation with Applicant will result in the strengthening of Bank's financial and managerial base. Therefore, banking factors lend weight toward approval. Moreover, Bank's physical plant appears to be somewhat inadequate. Affiliation with Applicant will result in a remodeling and modernizing of Bank's physical plant. Other benefits to be derived from affiliation are that Applicant would enable Bank to expand and improve the range of banking services presently offered to Bank's customers. Applicant has also indicated it will make available to Bank, and Bank's customers, equipment leasing, trust management services, accounts receivable financing, and data processing services for maintaining account records. The Board concludes, therefore, that considerations relating to the convenience and needs of the community to be served outweigh the slight anticompetitive effects of the proposal. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,  
effective May 10, 1976.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc. 76-14357 Filed 5-17-76; 8:45 am]

# **MARYVILLE BANCSHARES, INC. Formation of Bank Holding Co.**

Maryville Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 94 per cent or more of the voting shares of Citizens State Bank, Maryville, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 8, 1976.

\*Voting for this action: Vice Chairman Gardner and Governors Wallich and Jackson. Voting against this action: Governor Coldwell. Absent and not voting: Chairman Burns and Governors Holland and Partee.

Board of Governors of the Federal Reserve System, May 7, 1976.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc. 76-14358 Filed 5-17-76; 8:45 am]

# **D. H. BALDWIN CO.**

## **Proposed Joint Venture Formation of FMC-Baldwin Leasing Company**

D. H. Baldwin Company, Cincinnati, Ohio, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to form de novo a joint venture partnership, FMC-Baldwin Leasing Company, Chicago, Illinois. The partners of the joint venture are to be The Baldwin Company, a wholly-owned subsidiary of the Applicant and FMC Finance Corporation, a wholly owned subsidiary of FMC Corporation; both of Chicago, Illinois. Notice of the application was published on September 17, 1975 in the Chicago Tribune, a newspaper circulated in Chicago, Illinois.

Applicant states that the proposed subsidiary would engage in the activities of personal property leasing or acting as agent, broker, or advisor in leasing such property. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 7, 1976.

Board of Governors of the Federal Reserve System, May 12, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc. 76-14359 Filed 5-17-76; 8:45 am]

# **MANUFACTURERS HANOVER TRUST COMPANY**

## **Order Approving Application for Merger of Banks**

Manufacturers Hanover Trust Company, New York, New York ("Applicant"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Manufacturers Hanover Trust Company/Mid-Hudson, Monroe, New York ("Mid-Hudson Bank"), and Manufacturers Hanover Trust Company/Suffolk, National Association, Bay Shore, New York ("Suffolk Bank"), under the charter and title of Applicant. As an incident to the proposed merger, all of the existing offices of the Mid-Hudson Bank and Suffolk Bank would become branch offices of the resulting bank. The banks involved in this proposal are subsidiaries of Manufacturers Hanover Corporation, New York, New York, a registered bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. § 1841 et seq.).

As required by the Act, notice of the proposed transaction, in a form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Applicant, with domestic deposits of approximately \$15 billion,<sup>1</sup> is the third largest commercial bank in New York City and also in the State, and controls approximately 13 per cent of the total deposits in the New York Metropolitan banking market.<sup>2</sup> Suffolk Bank (\$110 million deposits), is also located in the New York Metropolitan banking market but controls only a negligible share of the total market deposits. Mid-Hudson Bank (\$35 million deposits), is located in the Middletown banking market<sup>3</sup> where it controls approximately 6 per cent of total market deposits.

Since the three banks involved in this proposal are subsidiaries of the same bank holding company, consummation of the proposal would not eliminate any

<sup>1</sup> All banking deposit data are as of December 31, 1975.

<sup>2</sup> The New York Metropolitan banking market consists of New York City, the counties of Nassau, Putnam, Rockland and Westchester, the western portion of Suffolk County, the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, and southwestern Fairfield County in Connecticut.

<sup>3</sup> The Middletown banking market consists of Sullivan County and Orange County with the exception of the municipalities of Newburgh, Newburgh City, New Windsor, Montgomery, Cornwall, and Highlands.

existing or potential competition, or increase the concentration of banking resources, nor does it appear that it would have any adverse effect on other banks within the respective banking markets. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant are consistent with approval of the application. It is anticipated that the proposed merger would result in operational economies and a more efficient use of management skills and resources by manufacturers Hanover Corporation. In addition, public convenience in the service areas of Mid-Hudson Bank and Suffolk Bank may be enhanced somewhat as a result of the more efficient access to the range of Applicant's services. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this Order nor (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By Order of the Board of Governors,  
effective May 12, 1976.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.  
[FR Doc. 76-14361 Filed 5-17-76; 8:45 am]

# **MOUNTAIN GROVE BANCSHARES, INC. Formation of Bank Holding Company**

Mountain Grove Bancshares, Inc., Mountain Grove, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 91 percent of the voting shares of Mountain Grove National Bank, Mountain Grove, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 7, 1976.

\*Voting for this action: Vice Chairman Gardner and Governors Holland, Wallich, Jackson and Partee. Absent and not voting: Chairman Burns and Governor Coldwell.

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ing to the Reserve Bank, to be received not later than June 1, 1976.

Board of Governors of the Federal Reserve System, May 11, 1976.

[SEAL] J. P. GARBARINI,  
Assistant Secretary of the Board.  
[FR Doc.76-14364 Filed 5-17-76; 8:45 am]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 11, 1976 (FCC), and May 12, 1976 (NRC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC and NRC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 7, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

#### FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a revision of Form 303, Application for Renewal of License for Commercial Television Station. This form is required to be filed by approximately 705 Broadcast Station licensees applying for renewal of a commercial television station license pursuant to Section 1.539(d) (1) of the Commission's Rules. (Licensees applying for renewal of an AM or FM radio station license are required to use new Form 303-R, Application for Renewal of License for Commercial AM or FM Radio Station.) FCC estimates reporting burden for Form 303 to be 56 hours per response.

FCC requests clearance of a new Form 303-R, Application for Renewal of License for Commercial AM or FM Radio Broadcast Station. This form is required to be filed by 2400 licensees applying for renewal of a commercial AM or FM radio broadcast station license. Previously, FCC Form 303 was used for this purpose. (FCC Form 303 has been revised and is now titled, Application for Renewal of License for Commercial Television Broadcast Station.) FCC estimates reporting burden for Form 303-R to be 32 hours per response.

#### NUCLEAR REGULATORY COMMISSION

NRC requests clearance of a revision of Form NRC/ERDA-742, "Material Status Report", formerly Form AEC-742. This report serves as a confirmation document pertaining to the location, composition, and status of special nuclear material inventories in the possession of NRC licensees. The information called for on Form NRC/ERDA-742 is needed by the Commission to carry out its responsibilities for assuring that special nuclear materials are adequately safeguarded in the interest of the common defense and security of the United States. Respondents are 200 NRC special nuclear material licensees who file a separate Form NRC/ERDA-742 for each type of special nuclear material semi-annually. NRC estimates a reporting burden of one hour for each form.

CARL F. BOGAR,  
Assistant Director,  
Regulatory Reports Review.  
[FR Doc.76-14399 Filed 5-17-76; 8:45 am]

## INTERNATIONAL TRADE COMMISSION

[AA1921-155]

### HOLLOW OR CORED CERAMIC BRICK AND TILE

#### Amendment of Notice of Investigation and Hearing

The United States International Trade Commission's Notice of Investigation and Hearing on Hollow or cored Ceramic Brick and Tile from Canada, investigation No. AA1921-155 under section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19383), is amended by changing the time of the hearing from 10 a.m., e.d.t., to 10 a.m., p.d.t.

By order of the Commission.

Issued: May 13, 1976.

[SEAL] KENNETH R. MASON,  
Secretary.  
[FR Doc.76-14452 Filed 5-17-76; 8:45 am]

[AA1921-154]

### ACRYLIC SHEET FROM JAPAN

#### Amendment of Notice of Investigation and Hearing

The United States International Trade Commission's Notice of Investigation and Hearing on Acrylic Sheet from Japan, investigation No. AA1921-154 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), published in the FEDERAL REGISTER on May 10, 1976 (41 FR 19163), is amended by changing the date advice was received from April 23, 1976, to April 26, 1976.

By order of the Commission.

Issued: May 13, 1976.

[SEAL] KENNETH R. MASON,  
Secretary.  
[FR Doc.76-14453 Filed 5-17-76; 8:45 am]

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### PRIVACY ACT OF 1974

#### Notice of Additional Routine Use

Pursuant to the Privacy Act of 1974 (P.L. 93-579), the Joint Board for the Enrollment of Actuaries hereby gives notice of a routine use which it proposes to adopt for the systems of records described in its previously published notice (40 FR 39227):

Disclosure from the record of an individual may be made to a congressional office, in response to an inquiry which such congressional office presents as being made on behalf of, and at the request of, that individual.

Public comment is invited with respect to this routine use. Comments may be filed on or before June 17, 1976, addressed to the Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220.

ROWLAND E. CROSS,  
Chairman.

[FR Doc.76-14455 Filed 5-17-76; 8:45 am]

## MARINE MAMMAL COMMISSION MEETING

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on 22-24 July 1976 in Santa Cruz, California. Notice of the specific location, time, and agenda items of the meeting will be published in the near future.

The purpose of this notice is to invite the suggestions of interested persons concerning issues and subjects to be considered at the meetings. Suggestions should be submitted in writing to the Marine Mammal Commission, 1625 Eye Street, N.W., Washington, D.C. 20006 by 15 June 1976.

Dated: May 11, 1976.

JOHN R. TWISS, Jr.,  
Executive Director,  
Marine Mammal Commission.

[FR Doc. 76-14394 Filed 5-17-76; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 10, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

#### NEW FORMS

##### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: School Principal Telephone Interview Protocol, OE-500-1, 2, single-time, elementary school principals, Raynsford, R., 395-3814.

#### REVISIONS

##### U.S. CIVIL SERVICE COMMISSION

(This occupational supplement is a prototype for approximately 100 variations).  
Finance and Business Occupational Supplement, CSC 1203-A, on occasion, Applicants for Federal Employment, Caywood, D. P., 395-3443.

##### VETERANS ADMINISTRATION

Mobile Home Loan Claim Under Loan Guaranty (combination loan-mobile home unit and lot), 26-8630, on occasion, holder, Caywood, D. P., 395-3443.

##### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Resources Administration:  
Standard Certificates of Death, HRANCHS 020, on occasion, George Hall, 395-6140.  
Standard Certificates of Live Birth, HRANCH S020, on occasion, George Hall, 395-6140.

Application to Participate in the Nursing Capitation Grant Program, annually, accredited or reasonably assured schools human resources division, Richard Elisinger, 395-3532.

Standard Certificates of Marriage, HRANCHS020, on occasion, George Hall, 395-6140.

Standard Certificate of Fetal Death, PHS-798, on occasion, George Hall, 395-6140.  
Standard Certificates of Divorce and Annulment, HRANCHS020, on occasion, George Hall, 395-6140.

PHILLIP D. LARSEN,  
Budget and Management Officer.  
[FR Doc.76-14354 Filed 5-17-76; 8:45 am]

#### CLEARANCE OF REPORTS

##### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on 05/12/76 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be

approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

#### NEW FORMS

##### DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of the Secretary: Freedom of Information Questionnaire, single-time, requestors of grant application information, Richard Elisinger, 395-6140.

Office of Human Development: Questionnaires for Vocational Rehabilitation Agencies on use in 1976 FY par, single-time, State vocational rehabilitation agency directors & staff, Raynsford, R., 395-3814.

Office of the Secretary: Grantee request for FY 76 Handicapped Funds, single-time, approx. 1100 Head Start grantees, Caywood, D. P., 395-3443.

#### EXTENSIONS

##### TENNESSEE VALLEY AUTHORITY

Power Distributors Report (financial condition), TVA-3957, annually, electric companies who purchase power from TVA, Caywood, D.P., 395-3443.

Power Distributors (balance sheet of debits and credits), TVA-4171, monthly, electric companies who purchase power from TVA, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.76-14542 Filed 5-17-76; 8:45 am]

## OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-8]

## NATIONAL SOYBEAN PROCESSORS ASSOCIATION AND AMERICAN SOYBEAN ASSOCIATION

### Further Postponement of Hearing

A hearing in this case was originally scheduled for 10:00 a.m., on Tuesday, May 11, 1976 and a postponement was requested and granted until Thursday, May 20 at 10:00 a.m.

On request of the petitioner, the hearing has been further postponed and will be held on Tuesday, June 22, 1976, in the Office of the Special Representative, 1800 G Street, N.W., Washington, D.C. Room 730.

JOHN GREENWALD,  
Acting General Counsel.  
[FR Doc.76-14541 Filed 5-17-76; 8:45 am]

## DEPARTMENT OF LABOR

### Labor-Management Services Administration

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving Stryco Manufacturing Company Pension Trust, et al. (Application No. D-417)

Notice is hereby given of the pendency before the Department of Labor (the

Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of sections 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by sections 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c) (1) (A) through (E) of the Code. The pending exemption was requested in an application filed by Stryco Manufacturing Company (Stryco), 860 Hamilton Corporation (860 Hamilton), Ernest N. C. Moore (Moore), Christian C. E. Hoebrich (Hoebrich), Dean E. Plankenhorn (Plankenhorn) and Russell C. Arquette (Arquette) (collectively referred to as "Applicants") for a transaction involving an extension of credit by the Stryco Manufacturing Company Pension Trust (the Plan) to Stryco and for related transactions.

The Applicants are defendants in a lawsuit brought by a former participant in and vested beneficiary of the Plan. The defendants (except Plankenhorn) and the Secretary of Labor, as plaintiff-intervenor in that litigation, entered into a stipulation pursuant to which a prior alleged prohibited transaction involving the Plan and the defendants is to be revised, and it is this revised transaction for which an exemption is requested. The application was filed pursuant to section 408(a) of the Act and section 4975(a) (2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Summary of representations. The application contains representations with regard to the pending exemption which are summarized below. Interested persons are referred to the application and supporting documents on file with the Department and the Service for a complete statement of the representations of the Applicants.

1. Stryco was incorporated in California in 1957. Until the sale of its assets in 1975, it was engaged in the manufacture and sale of resistance welding equipment and related pursuits.

2. In 1966, Stryco established the Plan and continued to make contributions to it until approximately June 1971 when contributions ceased.

3. In May 1970, a fire destroyed Stryco's main manufacturing plant and its contents. A dispute with the fire insurance company regarding fire insurance coverage ensued, and Stryco eventually sued the insurance company in order to obtain a major portion of the proceeds of its fire insurance policy. Following the fire, Arquette loaned Stryco approximately \$40,000.

4. In 1971, Stryco was encountering financial difficulties. As a result, from June 1971 to November 1972, Stryco borrowed from the plan \$116,446.58, which represented substantially all of the Plan's assets. In exchange for the loans, Stryco issued a total of seven notes to the Plan, each note maturing in two years and secured by the inventory and unencumbered fixed assets of Stryco.



5. The notes were not repaid when they came due, but were renewed in September 1973. A new series of nine notes was issued in October 1974 for a principal amount of \$131,720,000, with maturity dates in 1975 and 1976. The security interest held by the Plan for the notes renewed in September 1973 and the new notes issued in October 1974 remained unchanged from the original security interest.

6. In the latter part of 1974, Moore and Hoebich, as principals in 860 Hamilton, offered to purchase the assets of Stryco subject to certain conditions, including resolution of the recurring problem of Stryco's indebtedness to the Plan. The notes then held by the Plan (i.e., the notes issued in October 1974) would begin maturing in June 1975, and it appeared that Stryco once again would not be able to pay the notes as they came due.

7. On December 6, 1974, Moore became President of Stryco, and on December 16th, Moore and Hoebich became members of the Stryco board of directors and remained as directors until the purchase of Stryco's assets by 860 Hamilton on September 30, 1975.

8. The board of directors of Stryco appoints the members of the Plan's Investment Committee. The authority of the Plan's trustee to, among other things, loan Plan assets and renew or extend the time of payment of any obligation due or becoming due can be exercised only in accordance with the written directions of the Investment Committee.

9. On January 6, 1975, Stryco agreed to sell all of its assets to 860 Hamilton, pursuant to an Agreement of Purchase and Sale of Assets (Sale Agreement). Arquette was a party to the agreement as Chairman of the Board and a principal shareholder of Stryco. Mrs. Arquette signed the agreement as an officer and a principal shareholder of Stryco. Moore and Hoebich executed the agreement on behalf of, and as principal shareholders of 860 Hamilton.

10. Pursuant to the terms of the Sale Agreement, Stryco agreed to sell its tangible and intangible assets to 860 Hamilton for \$110,000, payable as follows: (a) \$25,000 at closing; (b) a secured promissory note executed by Moore for \$5,000 plus interest payable six months after closing; and (c) a secured promissory note for \$80,000 plus interest, payable pursuant to a schedule set forth in the Sale Agreement, with the final payment due in 1981. 860 Hamilton agreed that it would assume certain liabilities of Stryco, including Stryco's indebtedness to the Plan.

11. The parties to the Sale Agreement (except Stryco) also executed, on the same date, a Business Support Agreement which provided for the payment of \$54,000 over four years by 860 Hamilton to Mr. and Mrs. Arquette for consultation, a right to inventions, and an agreement not to compete. In addition, Mr. and Mrs. Arquette were to be paid \$5,000 per year (or, at the option of Mr. and Mrs. Arquette, a percentage of profits)

for their guarantee of bank loans to 860 Hamilton. This guarantee, which was originally for \$100,000 and was subsequently increased to \$200,000, was to be in effect, at the option of Mr. and Mrs. Arquette, for at least three years after the close of the sale of Stryco's assets to 860 Hamilton.

12. Beginning approximately in December 1974, Stryco made various proposals to the Plan regarding schedules for repaying the debt owed to the Plan. On May 15, 1975, Plankenhorn, as trustee of the Plan, and Moore, as president of Stryco, executed an Amended Loan Agreement which extended the Loan repayment period. The Amended Loan Agreement provided, among other things, that the Plan agreed to the sale of Stryco's assets to 860 Hamilton and to the discharge of Stryco from any obligation to the Plan upon assumption by 860 Hamilton of Stryco's debt. On the same date, Bank of America, a creditor of Stryco, and the Plan signed an Intercreditor Agreement. This agreement set forth the respective security interests of the parties in the assets of Stryco. Under the Intercreditor Agreement, the Plan received security interests in collateral which, absent the agreement, the Plan believed might have been subordinate to the interests of the Bank of America.

13. Pursuant to the terms of the Amended Loan Agreement, Stryco was to pay \$20,000 to the Plan by no later than June 30, 1975. Any amount previously deposited in the Plan's account would be credited against this \$20,000. In addition, Stryco was to make monthly payments beginning in July 1975 of \$1,850 of principal and interest with interest at 10 percent per year on the unpaid balance. Stryco was to pay the total amount owed by no later than June 30, 1984, with the final monthly payment adjusted, if necessary, to complete the payments by that date. Under the terms of this agreement, 860 Hamilton would assume all liabilities of Stryco (including those to the Plan) after the sale of Stryco's assets to 860 Hamilton.

14. Under the Amended Loan Agreement and the Intercreditor Agreement, the Plan was to receive in return for refinancing the loan: (a) a first security interest in the equipment of Stryco; (b) a second security interest in inventory and/or the proceeds of inventory up to \$150,000; (c) a first security interest in all inventory and/or proceeds of inventory over \$150,000; and (d) the personal guarantees of Moore and Hoebich up to \$30,000. The Amended Loan Agreement further required Stryco to acquire a life insurance policy on the life of Moore under which at least \$50,000 (up to the unpaid balance of the loan) would inure to the benefit of the Plan in the event of Moore's death, and a disability insurance policy providing for payments of \$1,850 per month to the Plan for so long as Moore was unable to perform his duties as president of Stryco, if such a policy could be obtained. Stryco also agreed to limit its indebtedness to certain percentages of its accounts receivable,

inventory and equipment. In accordance with the terms of the Amended Loan Agreement, Stryco obtained the life insurance policy and a disability insurance policy providing for monthly payments of \$1,750 in case of total disability and \$875 in case of partial disability.

15. On August 29, 1975, one month before the sale of Stryco's assets to 860 Hamilton was to be closed, Joel C. Harris, a former participant in and vested beneficiary of the Plan, filed suit in Federal District Court, Northern District of California, against Stryco and 860 Hamilton and certain of their officers to enjoin the sale of Stryco's assets until the debt to the Plan had been repaid. He alleged that violations of the prohibited transaction provisions of the Act would occur if the sale were completed as planned.

16. On September 29, 1975, the District Court ordered that the sale could proceed, provided that the Amended Loan Agreement between the Plan and Stryco were further amended so that Stryco would remain liable to the Plan on its indebtedness, that any sale proceeds received by Stryco would not be disbursed except for taxes and an amount not to exceed \$5,000 distributed in the ordinary course of business, and that all payments in excess of \$5,000 under the Business Support Agreement would be made to a trustee account until further order of the court. The Amended Loan Agreement was amended on September 30 in conformity with the court order and the sale was consummated.

17. On October 14, 1975, the Secretary of Labor moved to intervene as plaintiff in this litigation. The Secretary's motion was granted, without opposition, on November 13, 1975. In his complaint, the Secretary alleged that from January 1, 1975 to September 30, 1975, defendants Arquette, Plankenhorn, Moore and Hoebich were fiduciaries with respect to the Plan and that these defendants as well as Stryco, 860 Hamilton and Dorothy Arquette were parties in interest with respect to the Plan. The Secretary further alleged that from May 15, 1975, the defendants knew or should have known that the transactions effected by the Amended Loan Agreement were prohibited by, and had not been exempted from, the prohibitions of section 406 of the Act and that the Plan was entitled to be repaid by the Plan fiduciaries for losses sustained by the Plan as a result of engaging in prohibited transactions.

18. The Secretary alleged that the transactions as set forth in the Sale Agreement, Business Support Agreement, Amended Loan Agreement and related documents had the effect, inter alia, of making available to Stryco and Arquette money which could have been, and ought to have been, applied toward the repayment of debts owed by Stryco to the Plan. The Secretary also alleged that the defendants had not made a reasonable effort to correct or remedy the situation created as a result of the prohibited transactions embodied in the Amended Loan Agreement, and requested that the defendants be required to propose to the court and other parties a scheme to re-

store the Plan's funds; that until such a proposal was approved by the court all payments owing under the Sale Agreement, Business Support Agreement and Amended Loan Agreement be deposited in an interest-bearing escrow account, and that defendants Stryco and Arquette be required to deposit in that account all monies theretofore received by them from defendants 860 Hamilton, Moore or Hoebich in connection with the sale or any other agreement.

19. The Secretary and the defendants agreed by stipulation dated January 30, 1976, that the Amended Loan Agreement, the Sale Agreement and the Business Support Agreement would be modified as provided in the stipulation to create a "New Transaction" and that the defendants would apply to the Department and the Service for an exemption for the New Transaction.

20. The New Transaction provides for repayment to the Plan by 860 Hamilton of Stryco's indebtedness by December 30, 1980, instead of by June 30, 1984. The monthly payments of \$1,850 with interest at 10 percent per annum on the unpaid balance, which is the maximum interest allowable to the Plan under applicable California law, are to remain the same. The initial payment to the Plan is to be increased by \$30,000, which is the amount that would otherwise have been paid to Stryco pursuant to the Sale Agreement. This amount is to be paid in addition to the \$20,000 payable to the Plan by June 30, 1975 pursuant to the Amended Loan Agreement.

21. The indebtedness to the Plan will be secured by a first security interest in equipment with a value approximately 100 percent of the amount outstanding on the loan, a second security interest in inventory and/or the proceeds of inventory through \$150,000, and a first security interest in all inventory and/or proceeds of inventory over \$150,000. Moore and Hoebich will increase their personal guarantees for repayment of the loan to the Plan to \$54,000, and their guarantee to Mr. and Mrs. Arquette under the Business Support Agreement will be subordinated to their guarantee to the Plan. Moore and Hoebich represent, by affidavits dated April 1, 1976, that each currently owns assets of sufficient value to cover the amount of the proposed personal guarantees to the Plan. As a result of the above security interests, the indebtedness of the Plan is more than 100 percent secured.

22. Payments to Mr. and Mrs. Arquette under the Business Support Agreement will be limited to \$20 per hour for a maximum of 600 hours actually worked by Arquette in any 12-month period, although Mr. and Mrs. Arquette are still to be paid the guarantee fee for their personal guarantee of certain bank loans. If Arquette is paid for fewer than 600 hours of work in any year, the difference between the maximum he could have been paid and the amount he is paid for work actually done is to be paid to the Plan. No payments are to be made to Arquette or Stryco other than the speci-

fied payments to Mr. and Mrs. Arquette until the indebtedness to the Plan has been liquidated.

23. The Secretary of Labor and the defendants have moved the court for a 90-day stay to permit the defendants to apply for an exemption for the New Transaction described above. The stay was granted, and defendants applied for an exemption on February 13, 1976.

24. Notice of the pending exemption as published in the FEDERAL REGISTER will be given by registered mail to all beneficiaries of the Plan, as well as to the attorneys for beneficiary Joel C. Harris and the Stryco Pension Trust Investment Committee. Such notice will be postmarked no later than five days following receipt by applicants, using all due diligence, of any notice of such publication in the FEDERAL REGISTER. Notice of the filing of the application was provided to the same persons by personal service or registered mail postmarked on or before February 18, 1976.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act or section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service are required to offer an opportunity for a public hearing where a pending exemption relates to section 406(b) of the Act and section 4975(c)(1)(E) or (F) of the Code. A public hearing has already been requested with respect to this application for exemption by the plaintiff in the pending litigation. Any other interested person may submit a written request that a hearing be held relating to the requested exemption. Such written request must be received by the Department on or before June 18, 1976, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending exemption.

All interested persons are also invited to submit written comments on the requested exemption contained herein. In order to receive consideration, such comments must be received by the Department on or before June 18, 1976.

All written comments and all requests for a hearing (preferably six copies) should be addressed to the Office of Employee Benefits Security, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. D-417. The application for exemption referred to herein, all comments relating thereto, and all requests for a hearing will be available for public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Pending exemption. Based upon the facts and representations set forth in the application, it has been requested that an exemption be granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26 so that: (1) effective May 15, 1975 the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act shall not apply to a transaction described in the Amended Loan Agreement, the Agreement of Purchase and Sale of Assets, Business Support Agreement and related documents as modified by the stipulation dated January 30, 1975, entered into by the Department, Stryco, 860 Hamilton, Moore, Hoebich and Arquette; and (II) effective February 13, 1976, the taxes imposed by sections 4975(a) and (b) of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code shall not apply to a proposed transaction described in the Amended Loan Agreement, the Agreement of Purchase and Sale of Assets, Business Support Agreement and related documents as modified by the stipulation dated January 30, 1976, entered into by the Department, Stryco, 860 Hamilton, Moore, Hoebich and Arquette.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are

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true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 13th day of May, 1976.

JAMES D. HUTCHINSON,  
Administrator of Pension and  
Welfare Benefit Programs,  
U.S. Department of Labor.

DONALD C. ALEXANDER,  
Commissioner of Internal Revenue.

[FR Doc 76-14477 Filed 5-14-76; 10:38 am]

#### Occupational Safety and Health Administration

#### NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH Meeting

Notice is hereby given that the Subgroup on Policy and Issues, National Advisory Committee on Occupational Safety and Health, will meet on June 3, 1976 in Room N-4437, Department of Labor Building, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The Subgroup will develop recommendations on the relationship of OSHA and small business. The Subgroup also will discuss possible subjects for future agendas.

Anyone wishing to submit written data or views concerning these agenda items should submit them, preferably with 20 duplicate copies, to the Committee's Executive Secretary as soon as possible. These documents will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should contact the Committee Management Office prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications as follows:

N. Huckle, Committee Management Office,  
National Advisory Committee on Occupational Safety and Health, Room N-3635,  
3rd Street and Constitution Avenue, N.W.,  
Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 10th day of May 1976.

J. GOODSELL,  
Executive Secretary.

[FR Doc 76-14434 Filed 5-17-76; 8:45 am]

#### Office of the Secretary (TA-W 802)

#### COMPLETE AUTO TRANSIT, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 19,

1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Complete Auto Transit, Inc., St. Louis, Missouri, a division of Ryder Systems, Inc., Miami, Florida (TA-W-802). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transportation services provided by Complete Auto Transit, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 28, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 23rd day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc 76-14435 Filed 5-17-76; 8:45 am]

#### MUSHROOMS

#### Industry Study Report

On March 17, 1976, the International Trade Commission determined that increased imports of mushrooms are a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 12358).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are

likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on mushrooms. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has not received any petitions for certification of eligibility to apply for worker adjustment assistance from workers engaged in the growing and processing of mushrooms.

2. Over the next twelve months some of the estimated 100 or fewer employees on layoff status from processing plants since 1975 may apply for certification of eligibility to apply for adjustment assistance and may be certified by the Department of Labor. There is no evidence of any widespread or significant unemployment among the farm workers. Since the industry has only slight seasonality, these workers would not be excluded from trade readjustment and relocation allowances by the requirement in the Act that all eligible workers must have been employed at least 26 of the 52 weeks immediately preceding their separations.

3. Somewhat fewer than 100 workers are likely to be laid off from mushroom processing plants over the next year if the decline in the industry of the past few years continues. Many of these workers can be expected to apply for adjustment assistance.

4. The workers that were separated from the industry are located primarily in southeastern Pennsylvania and northern Delaware. Local unemployment rates in all of the impacted areas were close to 7 percent or higher. In view of these high general unemployment rates and the lack of demand for these workers in other food processing plants in the impacted areas, their employment prospects are not good.

5. The Comprehensive Employment and Training Act (CETA) programs may not be capable of meeting the needs of the displaced workers, with the possible exception of northern Delaware. On balance, the actual levels of enrollment in many of these programs are very close to the expected levels, indicating few current vacancies. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C., this 12th day of May 1976.

JOEL SEGALL,  
Deputy Under Secretary,  
International Affairs.

[FR Doc 76-14436 Filed 5-17-76; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[AB 109]

#### QUANAH, ACME AND PACIFIC RAILWAY COMPANY ABANDONMENT BETWEEN ACME AND FLOYDADA, IN HARDEMAN, COTTE, MOTLEY AND FLOYD COUNTIES, TEXAS

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

*It appearing*, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

*It is ordered*, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Hardeman, Cottle, Motley and Floyd Counties, Tex., on or before May 27, 1976 and certify to the Commission that this has been accomplished.

*And it is further ordered*, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 5th day of May 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 5, 1976, it has been determined that the proposed abandonment by the Quanah, Acme and Pacific Railway Company of a line of railroad between Acme and Floydada, Tex., a distance of 104.8 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of

a detailed environmental impact statement will not be required under section 4332(2) (C) of the NEPA.

It was concluded, among other things, that diversion of rail traffic at the levels of recent years should result in only minimal increases in energy consumption, highway traffic, air pollution, and noise intrusions. Although certain efforts at economic development along the line are occurring, the abandonment is not expected to have a serious adverse effect on these efforts or on rural economic or community development in the area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 11, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc 76-14447 Filed 5-17-76; 8:45 am]

[No. 36253]

#### ROADWAY EXPRESS, INC., PETITION FOR DECLARATORY ORDER—CLASSIFICA- TION DESCRIPTION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of May, 1976.

*It appearing*, That, on September 8, 1975, a petition was filed by Roadway Express, Inc. requesting a declaratory order, concerning a commodity described in the petition as "wire protector sleeves, plastic, split."

*It further appearing*, That the issue raised by Roadway in its petition for declaratory order is whether the transportation of "wire protector sleeves, plastic, split", having a density of two pounds per cubic foot, but less than four pounds, are properly ratable according to National Motor Freight Classification Item 156600, Sub 3, as plastic articles, other than expanded, NOI, at LTL Class 250 or whether they are properly ratable as plastic tubing, in straight lengths, inside diameter two inches or less, not exceeding 21 feet in length, according to Classification Item 156994, Sub 4, at LTL Class 70.

*It further appearing*, That the petition discloses a controversy or uncertainty which would warrant the entry by the Commission of a declaratory order for the future;

*And it further appearing*, That by petitions filed October 1, 1975, and October 8, 1975, Essex International, Inc., and the National Classification Committee, respectively, seek leave to intervene should a proceeding be instituted; that the Na-

tional Classification Committee is a part of the Association which publishes the National Motor Freight Classification including the classification ratings at issue in this proceeding; and that Essex International, Inc., is a consignee receiving shipments of the commodity herein involved and will be affected by the decision herein;

Wherefore, and for good cause:

*It is ordered*, That the petition be, and it is hereby, granted to the extent of instituting this proceeding to determine the question presented.

*It is further ordered*, That the National Classification Committee and Essex International, Inc. be, and they are hereby, permitted to intervene and be treated as parties to this proceeding, provided, however, that the permission to intervene herein granted shall not be construed to allow intervenors to broaden unduly the issues raised in this proceeding.

*And it is further ordered*, That any person interested in the matter which is the subject of the petition and who wishes to participate actively in further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423, on or before May 31, 1976, an original and one copy of a statement of his intention to participate. Thereafter, this proceeding will be set for handling under the modified procedure. The petition and statements of intention to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this order will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this order in the Office of the Commission's Secretary at Washington, D.C., and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2, Commissioners Hardin, O'Neal and Clapp.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc 76-14448 Filed 5-17-76; 8:45 am]

[Notice No. 48]

#### ASSIGNMENT OF HEARINGS

MAY 13, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearing will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.



MC 41404 Sub-122, Argo-Collier Truck Lines, now being assigned July 27, 1976 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 119792 Sub-51, Chicago Southern Transportation Company, a Corporation, now being assigned July 28, 1976 (3 days), at New Orleans, La., in a hearing room to be later designated.

No. 36098, *Sterling Colorado Beef Company, Inc. v. The Atchison, Topeka and Santa Fe Railway Company*, et al., now being assigned for continued hearing on May 28, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 140902 Sub-1, DPD, Inc., now being assigned for continued hearing on May 26, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 59135 (Sub-No. 31), Red Star Lines of Auburn, Inc. DBA Red Star Express Lines now assigned July 12, 1976, at Pittsburgh, Pa. and July 19, 1976, at New York, N.Y. now being advanced to June 21, 1976 (1 week), at Pittsburgh, Pa. and June 28, 1976, at New York (1 week); in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14449 Filed 5-17-76;8:45 am]

[Notice No. 250]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 18, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 7, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76417. By order of May 13, 1976 the Motor Carrier Board approved the transfer to R. T. Truck Service, Inc., Hardinsburg, Ky., of the operating rights in Certificate No. MC 136072 issued April 12, 1972, to Scott County Freight Lines, Inc., Scottsburg, Ind., authorizing the transportation of general commodities, with exceptions, over regular routes, between Scottsburg, Ind., and Louisville, Ky., serving no intermediate points, and restricted against interchange at Scottsburg and Louisville and to the transportation of traffic originating in or destined to Scottsburg and Louisville. Rudy Yes-sin, 314 Wilkinson St., Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-76428. By order of May 12, 1976 the Motor Carrier Board approved the transfer to C. Summers, Inc., Elizabethtown, Pa., of the operating rights in Permits No. MC 129886, MC 129886 (Sub-No. 1), MC 129886 (Sub-No. 2), MC 129886 (Sub-No. 3), MC 129886 (Sub-No. 4), MC 129886 (Sub-No. 7), and MC 129886 (Sub-No. 9), issued May 8, 1969, February 10, 1970, September 4, 1970, March 24, 1972, December 21, 1970, May 16, 1973, and May 10, 1974, respectively, to Calvin E. Summers, Elizabethtown, Pa., authorizing the transportation of meats, meat products, and frozen foods from and to specified points and areas in Pennsylvania, Delaware, Maryland, New York, New Jersey, Ohio, Virginia, West Virginia, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Kentucky, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Michigan, Arkansas, Illinois, Indiana, Louisiana, Missouri, Texas, Wisconsin, and the District of Columbia. John W. Frame, 2207 Old Gettysburg Rd., Camp Hill, Pa. 17011, applicant's representative.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14450 Filed 5-17-76;8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the ap-

plication to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43161—*Newsprint Paper, Also Returned Shipments of Newsprint Paper Winding Cores, from Sheldon, Texas to Points in Illinois*. Filed by Southwestern Freight Bureau, Agent, (No. B-604), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Texas, to points in Illinois.

Grounds for relief—Rate relationship. Tariff—Supplement 68 to Southwestern Freight Bureau, Agent, tariff 306-P, I.C.C. No. 5104. Rates are published to become effective on June 12, 1976.

FSA No. 43162—*Phosphatic Fertilizer Solution to Points in Western Trunk Line Territory*. Filed by Trans-Continental Freight Bureau, Agent, (No. 503), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank-car loads, as described in the application, from Silver Bow, Montana, to points in western trunk-line territory, Illinois, and Kentucky.

Grounds for relief—Market competition, short-line distance formula and grouping.

Tariff—Supplement 196 to Trans-Continental Freight Bureau, Agent, tariff 14-P, I.C.C. No. 1785. Rates are published to become effective on June 15, 1976.

FSA No. 43163—*Joint Water-Rail Container Rates—A. P. Moller-Maersk Line*. Filed by A. P. Moller-Maersk Line (No. 4), for itself and interested rail carriers. Rates on general commodities, between rail and motor freight terminals on the U.S. Gulf and Atlantic Coasts, and ports in Japan, Hong Kong, The Philippines, Taiwan, Thailand, Singapore, Malaya, Korea and Indonesia.

Grounds for relief—Water competition. Tariff—A. P. Moller-Maersk Line tariff I.C.C. No. 8. Rates are published to become effective on May 30, 1976.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14451 Filed 5-17-76;8:45 am]

TUESDAY, MAY 18, 1976



#### PART II:

## ENVIRONMENTAL PROTECTION AGENCY

### CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards

federal register

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**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL**  
**PROTECTION AGENCY**  
**SUBCHAPTER N—EFFLUENT LIMITATIONS,**  
**GUIDELINES AND STANDARDS**  
**PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY**

[FRL 540-4]

**Interim Final Rule Making**

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 458—carbon black manufacturing point source category and will be applicable to existing sources for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process (Subpart D) of the carbon black manufacturing point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D).

(a) Legal authority. (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control

technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304 (c) of the Act, information on such processes, procedures or operating methods.

(2) New Sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the FEDERAL REGISTER regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for new sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, wastewater constituents and other factors require development of separate limitations for different segments of the point source category. This included a survey of the source, flow and volume of water used in the process employed, the sources of waste and wastewaters in the operation and the constituents of all wastewater. The constituents of the wastewaters which should be subject to effluent limitations were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspection

reports, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C), and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category.

(i) Categorization.

For the purpose of establishing effluent limitations, guidelines and standards, carbon black manufacturing was divided into four subcategories, the furnace black, thermal black, channel black and lamp black subcategories. Factors such as type of product, water requirements, type of manufacturing processing, treatability of wastewaters, and other means were used to establish effluent limitations guidelines and standards of performance for each of the specific subcategories. The largest contributing factors are processing and treatability based on production volume and specific water requirements. For example, the production of carbon black by the furnace and thermal processes are net users of water. That is, more water enters the processes than is discharged; therefore, the carbon black furnace and thermal processes subcategories operations can achieve a no discharge of process wastewater pollutants by recycling process effluent waters to the quench step. The channel and lamp black processes are dry operations also resulting in no discharge of process wastewater pollutants.

(ii) Waste characteristics.

The known significant wastewater pollutants and pollutant properties resulting from carbon black manufacturing include TDS, TSS, pH, acidity, alkalinity, iron, copper and manganese.

(iii) Origin of wastewater pollutants.

Sources of wastewater pollutants in the carbon black industry include aqueous wastes from exhaust scrubbers, process equipment cleanouts, production area washdowns, spill washdowns, and laundry operations.

Pollutant parameters for carbon black manufacturing pertain to wastewaters from process operations. Process wastewater pollutants are proportional to the level of production and it was therefore possible to establish limitations and standards on the basis of production. Other pollutant sources within carbon black manufacturing plants from non-process sources such as utilities, laboratories and others are generally not related to production unless otherwise noted.

(iv) Treatment and control technology.

Wastewater treatment and control technologies have been studied for each subcategory of this industry to determine what is the best practicable control technology currently available.

Two of the four subcategories are "dry processes", i.e., they have only facilities which do not discharge wastewaters. The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other wastewater treatment alternatives which provide equivalent or better levels of treatment.

Wastewater impoundments have been identified as a practicable pollution control technology, for all subcategories other than channel black, which is not a water user. However, if not properly designed, maintained and operated, they may be subject to runoff from their drainage area. New sources can be properly located and designed to avoid this problem. Furthermore, existing impoundments can be modified by construction of diversion ditches or by increasing the amount of surge capacity of the impoundment with either a higher dam or a lower operating water level.

The application and performance of various control and treatment technologies to reduce the quantities of pollutants discharged to navigable waters as a result of the production or processing operations in carbon black manufacturing are specific to the product manufactured or processed. However, many in-process control measures, may be generally applied to several process subcategories. Good in-process control is a significant pollution abatement technique for all products produced in the carbon black industry. Practices such as minimization and containment of spills and leaks, segregation of waste streams, monitoring process wastewater, water conservation and reuse, wastewater equalization and good housekeeping, process operation and equipment maintenance are necessary to eliminate or reduce the volume of process wastewater requiring treatment.

Most carbon black production from the furnace and thermal processes generates no effluent discharge if end-of-pipe evaporation/recycle of process waters are used. Plants in this subcategory frequently achieve no discharge by virtue of use of evaporative ponds.

The channel and lamp black processes are essentially dry, requiring no additional effluent treatment, because the existing technology averts the discharge of process wastewater pollutants under normal operating conditions. One plant employs a wet scrubber system, but this facility also achieves no discharge.

Solid waste control must be considered. Pollution control technologies generate many different amounts and types of solid wastes and liquid concentrates through the removal of pollutants. These substances vary greatly in their chemical and physical composition and may be either hazardous or non-hazardous. A variety of potential techniques may be employed to dispose of these substances depending on the degree of hazard.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, practices sim-

ilar to proper sanitary landfill technology may be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

Best practicable control technology requires disposal of the pollutants removed from wastewaters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of wastewater pollutants.

Capital and annual costs were computed for each product type/process within a subcategory on the basis of the cost per 1,000 pounds of production. Some simplifying assumptions were made to determine costs on a product by product basis. These assumptions are:

(1) that each product type/process is a discrete plant whose process wastewater is treated in a single end-of-process waste treatment system.

(2) that all wastewaters are treated by the model end-of-process system regardless of alternate disposal techniques and in-process changes.

The cost for carbon black plants using the furnace process or the thermal process is low enough to be passed on through as price changes or absorbed into the profit margin with minimum economic effects. The total investment cost to meet BPCTCA and BATEA is \$2,380,000. Annual cost for the carbon black subcategories for BPCTCA and BATEA is \$500,000. Hence, the economic impact of regulating the carbon black industry is expected to be small.

New plants being built can avoid major future waste abatement costs by inclusion of: (1) dikes, emergency holding ponds, catch basins and other containment facilities, for leaks, spills and washdowns, in those cases where it is not possible to minimize these by means of in-plant operations, (2) piping, trenches, sewers, sumps, and other isolation facilities to keep leaks, spills and process water separate from cooling and sanitary water, (3) non-contact condensers for cooling water, (4) efficient reuse, recycling and recovery of all possible raw materials and by-products and



(5) closed cycle water utilization whenever possible.

Alternate disposal methods such as incineration or like processes are also commonly used for disposal of highly concentrated and difficult wastes. In any specific case, the manufacturer can best determine the most attractive economic alternatives for in-process controls and end-of-process treatment which will meet the limitations required.

Cost information was obtained from industry, from engineering firms, equipment suppliers, government sources, and available literature. Costs are based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies. In the absence of such information, cost estimates have been developed from either plant-supplied costs for similar waste treatment installation at plants making similar products or general cost estimates for treatment technology.

(vi) Energy requirements and non-water quality environmental impacts.

There are no major nonwater quality considerations which may be associated with ultimate waste disposal since the wastes flows range from zero to quite small quantities.

Other nonwater quality aspects, such as noise levels, will not be perceptibly affected. Most chemical plants generate fairly high noise levels (85-95 decibels) within the battery limits because of equipment such as pumps, compressors, steam jets, flare stacks, etc. Equipment associated with in-process control systems would not add significantly to these levels.

Energy requirements associated with treatment and control technologies are not significant when compared to the total energy requirements for this industry. Power consumption for the in-plant recycle system would require 0.2 of one percent of the total plant power consumption for typical carbon black plants.

(vii) Economic and inflationary impact analysis.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by Agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposals has been evaluated. The Administrator has directed that all regulatory actions that are likely to result in (1) annualized costs of \$100 million, (2) additional costs of production more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil per day will require a certified inflationary impact statement. The analysis indicates that the total investment required to meet these regulations is \$2.4 million with an annualized cost of \$0.5 million. The costs as a percent of selling price are no more than 0.8%. Although the criteria for performing a certified inflationary impact statement have not been exceeded, the analysis that has been performed meets all the necessary requirements. It is

hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order 11821.

The Agency has considered the economic impact of the internal and external costs of the effluent limitations. Internal costs given in 1974 dollars are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance cost, the cost of capital, and depreciation. The cost of pollution treatment was obtained from the Development Document and is based upon water recycle technology. The costs do not include work such as storm sewer piping or changes in plant equipment that might be necessary in some plants. These plant modifications would cause the economic and inflationary impact to be greater than indicated below, but not so much as to cause a severe effect on the industry. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, production curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

The furnace black subcategory requires an investment of \$1,870,000 and incurs annual costs of \$380,000. These costs are incurred in 1977 with no additional expense required in 1983. The unit treatment costs are only 0.4% of selling price, thus limiting the price increase to a like magnitude. These furnace black plants have small washdown and stormwater runoff streams that could be segregated. This process uses fuel oil as a feedstock rather than the higher priced natural gas as used by the thermal black process, causing some growth of the furnace black process.

There is a thermal black plant which is a direct discharger, using wet scrubbers for air pollution control. This plant has significantly higher wastewater flows than the norm for the subcategory. Other plants who have no discharge also use wet scrubbers. It is possible that this thermal black plant could incur substantially higher costs for meeting the 1977 standards than the figures indicated.

The thermal black subcategory requires an investment of \$510,000 and incurs annual costs of \$120,000. These costs are incurred in 1977 with no additional expense necessary in 1983. The unit treatment costs are 0.8%, thus limiting the likely price increase to a similar amount. This manufacturing process uses natural gas as a feedstock, causing the use of the thermal black process to decline as natural gas became relatively more expensive than fuel oil. There are currently three thermal black plants that are achieving zero discharge. There appear to be no major differences in product between the one discharging and the three nondischarging plants in this subcategory. Additionally, the recent up-swing in automotive production, to which carbon black production is closely tied, has increased the demand and decreased the price elasticity. It is primarily this increase in demand cou-

pled with the relatively low treatment costs involved that cause the economic impact to this industry to be minimal.

Neither the channel black or lamp black subcategories discharged process wastewater, so there is no economic impact on these subcategories.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category" details the analyses undertaken in support of the interim final regulations set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, Washington, D.C., 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than interim form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the carbon black manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to participants and comments were solicited on that report. The following are the principal agencies and groups consulted: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); all State and U.S. Territory Pollution Control Agencies; Monsanto Company; U.S. Department of Health, Education and Welfare; Cabot Corporation; National Ecological Research Center; Office of Environmental Affairs; Ohio River Valley Sanitation Commission; The Conservation Foundation; Businessmen for the Public Interest; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National

Wildlife Federation; Carbon Adsorption Systems; American Carbon Committee; Carbon Black Producers Traffic Committee; Manufacturing Chemists Association; American Society of Mechanical Engineers; American Medical Association, Public Health Division; U.S. Water Resources Council; U.S. Department of Defense; U.S. Department of Interior; Ashland Carbon Company; Cabot Corporation; Cities Services; Continental Carbon Company; J. M. Huber Corporation; Sid Richardson Carbon and Gasoline Company; Thermoatomic Carbon Company.

It should be noted that some of the recipients of the contractor's draft documents appear to be from persons involved in manufacturing activities not covered in this regulation. This situation may be due to the fact that eight industries were handled administratively within the project called miscellaneous chemicals, and that the development document put out for public comment embraced all eight industries.

The following responded with comments: Cabot Corporation; Effluent Standards and Water Quality Information Advisory Committee; J. M. Huber Corporation; Michigan Department of Natural and Economic Resources; National Ecological Research Center; North Carolina Department of Natural and Economic Resources; State of Delaware Department of Natural Resources and Environmental Control; U.S. Department of Interior; U.S. EPA Region VI; and U.S. Water Resource Council.

The primary issues raised in the development of these interim final effluent limitations and guidelines are as follows:

(1) One commenter's concern was thermal pollution can be as drastic in groundwater as in surface water and should be considered in setting effluent limitations guidelines.

All cooling water in this industry is direct contact quench water and is vented as steam to the atmosphere; therefore thermal pollution to groundwater is not a problem in the carbon black segment.

(2) One commenter was concerned with the potential groundwater problem of landfilling solid wastes.

This is not expected to be a problem for the carbon black manufacturing point source category since all known potentially toxic or hazardous materials in carbon black are essentially inert. Some plants, due to a lack of available space and the fact that carbon is combustible, are burning the solid wastes in enclosed brick-lined pits. This is an inexpensive viable alternate to the landfill problem.

(3) Several commenters felt that the no discharge of process wastewater for the furnace black process was unrealistic. The no discharge level could not be met without product contamination resulting due to excess dissolved solids build-up resulting in high ash content on the carbon product.

This problem does not exist in the arid region of the southwest where all fifteen furnace plants have achieved no discharge of process wastewater, nor is this

expected to be a problem in the water surplus region. The EPA survey presented in the development document clearly shows that eight out of nineteen of these plants manufacturing all grades of carbon black in water surplus regions have also achieved no discharge of process wastewater pollutants without product contamination. The other eleven plants in the water surplus regions, making the same range of products, can easily convert to no discharge without product contamination. Data available at this time indicate that recycle will not cause a quality problem since the ratio of recycled water to total quench water is small.

(4) One commenter believed that dual-media filtration is not a demonstrated control technology.

It should be understood that the treatment system is presented only for a cost model. The choice of treatment is up to the individual plant. Dual-media filtration is well known and demonstrated technology, currently used in the petroleum refining, grain milling and other industries for effluent solids control. The basic characteristics of the solids in this effluent are amenable to treatment in this way.

A number of other comments were received and were considered not to be applicable to the subcategory(ies) being promulgated today and have been omitted from the preceding discussion. Appropriate consideration and responses will be made at the time of publication of the regulations applicable to those subcategories.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council v. Train et al.* (Cv. No. 1609-73) which requires the promulgation of regulations for this industry category no later than April 30, 1976. This order also requires that such regulations become effective immediately upon publication.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a 30 day comment period, and to make any necessary revisions in light of the comments received within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible,

provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before June 17, 1976 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202). In the event that the final regulation differs substantially from the interim final regulation set forth herein the Agency will consider petitions for reconsideration of any permits issued in accordance with these interim final regulations.

In consideration of the foregoing, 40 CFR Part 458 is hereby established as set forth below.

Dated: April 30, 1976.

RUSSELL R. TRAIN,  
Administrator.

#### Subpart A—Carbon Black Furnace Process Subcategory

- Sec. 458.10 Applicability; description of the carbon black furnace process subcategory.
- 458.11 Specialized definitions.
- 458.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

#### Subpart B—Carbon Black Thermal Process Subcategory

- 458.20 Applicability; description of the carbon black thermal process subcategory.
- 458.21 Specialized definitions.
- 458.22 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

#### Subpart C—Carbon Black Channel Process Subcategory

- 458.30 Applicability; description of the carbon black channel process subcategory.

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458.31 Specialized definitions.  
458.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practical control technology currently available.

**Subpart D—Carbon Black Lamp Process Subcategory**

458.40 Applicability; description of the carbon black lamp process subcategory.  
458.41 Specialized definitions.  
458.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

**AUTHORITY:** SECS. 301, 304 (b) and (c), 306 (b), 307 (b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b), and 1317(b) and (c), 86 Stat. 816 et. seq.; Pub. L. 92-500) (the Act).

**Subpart A—Carbon Black Furnace Process Subcategory**

§ 158.10 Applicability; description of the carbon black furnace process subcategory.

The provisions of this subpart are applicable to discharges resulting from the from the production of carbon black by the furnace process.

§ 158.11 Specialized definitions.

For the purpose of this subpart:  
(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.  
(b) The term "product" shall mean carbon black by the furnace process.

§ 158.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fun-

damentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the furnace process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

**Subpart B—Carbon Black Thermal Process Subcategory**

§ 158.20 Applicability; description of the carbon black thermal process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the thermal process.

§ 158.21 Specialized definitions.

For the purpose of this subpart:  
(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.  
(b) The term "product" shall mean carbon black by the thermal process.

§ 158.22 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamen-

tally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the thermal process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

**Subpart C—Carbon Black Channel Process Subcategory**

§ 158.30 Applicability; description of the carbon black channel process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the channel process.

§ 158.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.  
(b) The term "product" shall mean carbon black by the channel process.

§ 158.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence

to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the channel process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

**Subpart D—Carbon Black Lamp Process Subcategory**

§ 158.40 Applicability; description of the carbon black process subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of carbon black by the lamp process.

§ 158.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.  
(b) The term "product" shall mean carbon black by the lamp process.

§ 158.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the

State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of carbon black by the lamp process a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

[FR Doc.76-13811 Filed 5-17-76; 8:45 am]



# ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 458 ]

[ FRL 540-4 ]

## CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations, Guidelines and Standards for Existing Sources; Standards of Performance for New Sources and Pretreatment Standards for Existing and for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources, standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 458 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for the carbon black manufacturing point source category. The regulation proposed below will amend 40 CFR 458—carbon black manufacturing point source category by adding sections 458.13, 458.14, 458.15 and 458.16 to the carbon black furnace process subcategory (Subpart A), sections 458.23, 458.24, 458.25 and 458.26 to the carbon black thermal process subcategory (Subpart B), sections 458.33, 458.34, 458.35 and 458.36 to the carbon black channel process subcategory (Subpart C) and sections 458.43, 458.44, 458.45 and 458.46 to the carbon black lamp process subcategory (Subpart D) pursuant to sections 306(b) and 307(b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317(b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) Legal authority. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent

reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b) (1) (B) of the Act requires the Administrator to propose regulations establishing Federal standard of performance for categories of new sources included in a list published pursuant to section 306(b) (1) (A) of the Act. Simultaneously with the appearance of the proposed rulemaking is a Federal Register notice titled "Addition to the List of Categories of Sources." This notice adds the carbon black manufacturing point source category and is in accordance with the provisions of section 306(b) (1) (A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 458.16, 458.26, 458.36 and 458.46, proposed below, provide pretreatment standards for new sources within the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose

specific pretreatment standards at the time effluent limitations are established for point source discharges. However due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.133 requiring the Agency to proposed pretreatment standards concerning the application of effluent limitations to pretreatment at the time such effluent limitations are promulgated. The Agency may establish pretreatment standards for existing sources within the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category at a future date.

(b) Summary and basis of proposed standards of performance and pretreatment standards for new sources and pretreatment standards for existing sources. The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category at a future date.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category at a future date.

The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the carbon black furnace process subcategory (Subpart A), the carbon black thermal process subcategory (Subpart B), the carbon black channel process subcategory (Subpart C) and the carbon black lamp process subcategory (Subpart D) of the carbon black manufacturing point source category at a future date. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories; "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110).

Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 458.14, 458.24, 458.34 and 458.44 of the regulation reserved below are intended to implement the intent of § 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements at a future date.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations and guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and Proposed New Source Performance Standards for the Carbon Black Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. SW., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) Summary of public participation. A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the subcategories being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written

comments in triplicate to the Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, SW., Washington D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before June 17, 1976 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: April 30, 1976.

RUSSELL R. TRAIN,  
Administrator.

## PART 458—CARBON BLACK MANUFACTURING POINT SOURCE CATEGORY

### Subpart A—Carbon Black Furnace Process Subcategory

Sec. 458.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.14 [Reserved]

458.15 Standards of performance for new sources.

458.16 Pretreatment standards for new sources.

### Subpart B—Carbon Black Thermal Process Subcategory

458.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.24 [Reserved]

458.25 Standards of performance for new sources.

458.26 Pretreatment standards for new sources.

### Subpart C—Carbon Black Channel Process Subcategory

Sec. 458.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.34 [Reserved]

458.35 Standards of performance for new sources.

458.36 Pretreatment standards for new sources.

### Subpart D—Carbon Black Lamp Process Subcategory

458.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

458.44 [Reserved]

458.45 Standards of performance for new sources.

458.46 Pretreatment standards for new sources.

AUTHORITY: Sec. 301, 304 (b) and (c), 306 (b), 307 (b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

### Subpart A—Carbon Black Furnace Process Subcategory

§ 458.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black furnace process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable. There shall be no discharge of wastewater pollutants to navigable waters.

§ 458.14 [Reserved]

§ 458.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black furnace process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 458.16 Pretreatment standards for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black furnace process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.-

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122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation.
TSS.....	Do.
Oil and grease.....	100 mg/l.

#### Subpart B—Carbon Black Thermal Process Subcategory

§ 458.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black thermal process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

§ 458.24 [Reserved]

§ 458.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black thermal process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 458.26 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black thermal process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment

works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation.
TSS.....	Do.
Oil and grease.....	100 mg/l.

#### Subpart C—Carbon Black Channel Process Subcategory

§ 458.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black channel process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

§ 458.34 [Reserved]

§ 458.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black channel process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 458.36 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black channel process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation.
TSS.....	Do.
Oil and grease.....	100 mg/l.

#### Subpart D—Carbon Black Lamp Process Subcategory

§ 458.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black lamp process by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of wastewater pollutants to navigable waters.

§ 458.44 [Reserved]

§ 458.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the carbon black lamp process by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants to navigable waters.

§ 458.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the carbon black thermal process subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation.
TSS.....	Do.
Oil and grease.....	100 mg/l.

[FR Doc. 76-13812 Filed 5-17-76; 8:45 am]

TUESDAY, MAY 18, 1976



### PART III:

## ENVIRONMENTAL PROTECTION AGENCY

### GUM AND WOOD CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

#### Effluent Limitations Guidelines and Standards

federal register



Title 40—Protection of the Environment  
CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT LIMITATIONS,  
GUIDELINES AND STANDARDS

[FRL 540-7]

PART 454—GUM AND WOOD CHEMICALS  
MANUFACTURING POINT SOURCE  
CATEGORY

Interim Final Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form below are promulgated by the Environmental Protection Agency (EPA). The regulation set forth below establishes Part 454—gum and wood chemicals manufacturing point source category and will be applicable to existing sources for char and charcoal briquets subcategory (Subpart A); the gum rosin and turpentine subcategory (Subpart B); the wood rosin, turpentine and pine oil subcategory (Subpart C); the tall oil rosin, pitch and fatty acids subcategory (Subpart D); the essential oils subcategory (Subpart E); and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category pursuant to sections 301, 304 (b) and (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously, the Agency is publishing in proposed form effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically achievable, standards of performance for new point sources and pretreatment standards for new sources for the char and charcoal briquets subcategory (Subpart A); the gum rosin and turpentine subcategory (Subpart B); the wood rosin, turpentine and pine oil subcategory (Subpart C); the tall oil rosin, pitch and fatty acids subcategory (Subpart D); the essential oils subcategory (Subpart E); and the rosin-based derivatives subcategory (Subpart F).

(a) Legal authority. (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(2) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306 also requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306 of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category.

Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the

time effluent limitations are established for point source discharges.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. In another section of the Federal Register regulations are proposed in fulfillment of these requirements.

(b) Summary and basis of interim final effluent limitations and guidelines for existing sources, proposed effluent limitations and guidelines for existing sources to be achieved by the application of the best available technology economically achievable, proposed standards of performance for new sources, and proposed pretreatment standards for new sources.

(1) General methodology. The effluent limitations and guidelines set forth herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, wastewater constituents and other factors require development of separate limitations for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and wastewaters in the operation and the constituents of all wastewater. The constituents of the wastewaters which should be subject to effluent limitations were identified.

The existing control and treatment technologies within each segment were examined. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which exists or is capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems with each treatment and control technology also were noted. In addition, the nonwater quality environmental impact, such as the effects of the application of these technologies upon other pollution problems, including air, solid waste, noise and radiation were examined. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information outlined above was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to

the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) Summary of conclusions with respect to the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category.

(i) Categorization.

For the purpose of establishing effluent limitations guidelines and standards, the gum and wood chemicals manufacturing point source category was divided into six subcategories which facilitated the study of the gum and wood chemicals manufacturing point source category and provided a basis for the six subcategories. Factors such as type of product, raw waste loads, water requirements, type of manufacturing processing, treatability of wastewaters, and other means were used to establish effluent limitations guidelines and standards of performance for each of the specific subcategories. In general, the largest contributing factors are manufacturing operations and treatability of wastewater based on production volume and specific water requirements.

Hence, this broad base subcategorization scheme simplifies the application of effluent limitations and guidelines for a complex mix of production activity and a large number of selected chemical groupings. These categories reflect differences in the character, the volume, and the treatability of wastewater streams due to manufacturing process variables related to each grouping of chemicals.

(ii) Waste characteristics.

The known significant wastewater pollutants and pollutant properties resulting from the gum and wood chemicals manufacturing include pH, total suspended solids, BOD<sub>5</sub>, COD, TOC, metals, and pesticides. BOD<sub>5</sub>, COD, and TOC, which are primary measurements for organic pollution, are evident in wastewaters from the gum and wood chemicals manufacturing point source category.

(iii) Origin of wastewater pollutants.

Sources of wastewater pollutants from gum and wood chemicals manufacturing include aqueous wastes from reactors, filtration systems, decanting systems, distillation vacuum exhaust scrubbers, caustic scrubbers, process equipment

cleanouts, production area washdowns, refining area washdowns, formulation equipment cleanup, and spill wash-downs.

Pollutant parameters for the gum and wood chemical manufacturing pertain to wastewaters from process operations. Process wastewater pollutants are proportional to the level of production and it was therefore possible to establish limitations and standards on the basis of production. Other pollutant sources within gum and wood chemical manufacturing plants from nonprocess sources such as utilities, labs, terminals and others are generally not related to production unless otherwise noted.

(iv) Treatment and control technology.

Wastewater treatment and control technologies have been studied for each subcategory of this industry to determine what is the best practicable control technology currently available.

The following discussion of treatment technology provides the basis for the effluent limitations guidelines. This discussion does not preclude the selection of other wastewater treatment alternatives which provide equivalent or better levels of treatment.

Subcategory A (production of char and charcoal briquets via carbonization of hardwood and softwood) is a net water consumer and discharges no process wastewaters. Raw materials and intermediate char and charcoal briquets are handled in a dry form. Any materials outside of the production specification range can be reworked or disposed of in dry form. Therefore, no discharge of process wastewater pollutants is consistent with BPT for this subcategory.

For the other five subcategories both biological oxidation and carbon adsorption processes have been shown to be effective in reducing the pollution load in aqueous wastes generated by gum and wood chemicals manufacturing plants in this point source category. The primary design parameter in BPT, NSPS and BAT wastewater treatment models is BOD<sub>5</sub> removal. The BPT percent removal used is 90.

End-of-pipe treatment technologies commensurate with BPT are based on the utilization of equalization and biological treatment, including activated sludge or aerated lagoon with clarification of the effluent. These end-of-pipe systems may include additional treatment operations such as neutralization, dissolved air flotation for subcategories C and D for the separation of insoluble hydrocarbons and nutrient addition.

The parallel-train design is not normally used for treatment plants in the very low flow range because of economic considerations. For subcategories B, E and F, as flow is small, provision is made for single treatment units with adequate holding capacity. However, standby items should be provided for key process functions.

Equalization facilities are provided to minimize short interval fluctuations in the organic loading to the treatment

plant to absorb loads from reactor cleanouts, accidental spills, and other heavy loads, and to minimize the usage or neutralization chemicals. Equalization will provide for continuous (seven days per week) operation of the wastewater treatment facilities even though the manufacturing facilities may operate only five days a week.

Since many wastewater streams are of low pH, neutralization may be necessary. Alkaline neutralization is provided in the form of hydrated lime storage and feed facilities for subcategories C and D and in the form of caustic soda feed for subcategories B, E and F. Since some of the subcategories have high oil RWL concentrations, dissolved air flotation was recommended for subcategories C and D.

An activated sludge process was selected for the biological treatment portion of the system. However, many of the gum and wood chemical plants are located in the southeastern United States, where aerated lagoons could provide a viable treatment alternative. However, to make the subsequent cost estimates universally applicable, activated sludge was selected. The sludge handling scheme proposed has been developed to handle anticipated small quantities of sludge. The aerobic digester will provide a nonputrescible sludge which can be thickened and stored before being trucked for either land spreading or to a regional treatment facility for dewatering.

The BPT treatment model process includes land spreading of the digested biological sludge. If practiced correctly, this disposal method will not create health hazards or nuisance conditions. However, there is a widespread diversity of opinion over the effects of heavy metals on crop toxicity and in the food chain, and the possible nitrate contamination of the ground water. Carefully controlled sludge application should minimize these problems.

Best available technology economically achievable (BAT) is based upon the very best control and treatment technology employed by the existing exemplary plants in each industrial subcategory. In those industrial subcategories where this level of control and treatment technology was found inadequate for the purpose of defining BAT, control and treatment technologies transferable from other industries or technology demonstrated in pilot plant studies were employed.

Treatment commensurate with BAT requires the application of activated carbon adsorption and filtration to the biological treatment system described for BPT, or the use of second-stage biological treatment in series with the BPT. The specific choice of waste treatment systems should depend on the specific process, or group of processes, in operation at any given facility. The model for subcategories C and D includes dual-media filtration followed by carbon adsorption of the BPT biological treatment plant effluent. The BAT model for the subcategories B, E and F consist of BPT



treatment with addition of dual-media filtration and addition of powdered carbon to the aeration basin. A summary of the general design basis used to size the unit processes is presented in the Development Document.

Dual-media filtration was selected for the BAT treatment model to reduce suspended solids in the biological effluent and to protect the carbon column. The pulsed bed upflow carbon system was selected for subcategories C and D to minimize capital investment for a system with a relatively high carbon exhaustion rate compared to the carbon column inventory.

The BAT waste treatment models show the exhausted carbon being hauled to a sanitary landfill. This is because the amount of carbon exhausted per day is generally less than 500 pounds/day, which is considered below the break-even point for on-site carbon regeneration.

BAT effluent limitations and guidelines for subcategory A are no discharge of process wastewater pollutants. Subcategory A has no discharge and therefore end-of-pipe treatment was not applicable.

New source performance standards (NSPS) is based upon the utilization of both in-plant controls and end-of-pipe process treatment technologies, which include biological treatment as proposed for BPT and removal of additional total suspended solids via effluent filtration for subcategories B through F.

In order to evaluate the economic impact on a uniform treatment basis, end-of-pipe treatment models as described above were proposed which will provide the desired level of treatment.

The combination of in-plant controls and end-of-pipe treatment used to attain the effluent limitations and guidelines is left up to the individual manufacturer to choose on the basis of cost-effectiveness.

Wastewater impoundments may be subject to runoff from their drainage area. Some rainfall events may cause these impoundments to overflow. New sources can be properly located and designed to avoid this problem. Furthermore, existing impoundments can be modified by construction of diversion ditches or by increasing the amount of surge capacity of the impoundment with either a higher dam or a lower operating water level. Through use of these techniques, a rainfall up to the 25 year-24 hour event can be prevented from causing the discharge of process wastewater pollutants.

The application and performance of various control and treatment technologies to reduce the quantities of pollutants discharged to navigable waters as a result of the production or processing operations in the gum and wood chemicals manufacturing are specific to the product manufactured or processed. However, many in-process control measures, as well as end-of-pipe treatment systems, may be generally applied to several product subcategories.

Good in-process control is a significant pollution abatement technique for all

products produced in the gum and wood chemicals manufacturing. Practices such as minimization and containment of spills and leaks, segregation of waste streams, monitoring process wastewater, water conservation and reuse, wastewater equalization and good housekeeping, process operation and equipment maintenance are necessary to eliminate or reduce the volume of process wastewater requiring treatment. Those subcategories in which the facilities have process wastewater, i.e., those plants in subcategories other than A, which often contain suspended solids. These can be removed by sedimentation, clarification and filtration.

If thermal processing (incineration) is the choice for disposal, provisions must be made to ensure against entry of hazardous pollutants into the atmosphere. Consideration should also be given to recovery of materials of value in the wastes.

For those waste materials considered to be nonhazardous where land disposal is the choice for disposal, proper sanitary landfill technology must be followed. The principles set forth in the EPA's Land Disposal of Solid Wastes Guidelines 40 CFR Part 241 may be used as guidance for acceptable land disposal techniques.

Best practicable control technology as known today requires disposal of the pollutants removed from wastewaters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g., impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(v) Cost estimates for control of wastewater pollutants.

Capital and annual costs were computed for each product process within a subcategory on the basis of the cost per 1,000 pounds of production. Due to the complexity and degree of integration in this industry, it was necessary to make some simplifying assumptions in order to determine costs on a product by product basis. These assumptions are:

(1) that each product process is a discrete plant whose process wastewater is treated in a single end-of-process waste treatment system.

(2) that all wastewaters are treated by the model end-of-process treatment system regardless of alternate disposal tech-

niques and in-process changes which may be made.

New plants being built can avoid major future waste abatement costs by inclusion of: (1) dikes, emergency holding ponds, catch basins and other containment facilities, for leaks, spills and wash-downs, (2) piping, trenches, sewers, sumps, and other isolation facilities to keep leaks, spills and process water separate from cooling and sanitary water, (3) noncontact condensers for cooling water, (4) efficient reuse, recycling and recovery of all possible raw materials and by-products and (5) closed cycle water utilization whenever possible. Closed cycle operation eliminates all waterborne wastes to surface water.

Alternate disposal methods such as incineration or like processes are also commonly used for disposal of highly concentrated and difficult wastes. In any specific case, the manufacturer can best determine the most attractive economic alternatives for in-process controls and end-of-process treatment which will meet the limitations required.

Cost information was obtained directly from industry, from engineering firms, equipment suppliers, government sources, and available literature whenever possible. Costs are based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies. In the absence of such information, costs estimates have been developed from either plant-supplied costs for similar waste treatment installation at plants making other similar chemicals or general cost estimates for treatment technology.

(vi) Potential benefits to be achieved. The point sources in this category discharge a variety of pollutants which can seriously degrade water quality. In some instances the wastes contain materials which may have human health implications. It is estimated that the volume of wastewaters which result from operations within this category amount to 19 billion gallons each year. Besides discharging materials which reduce the oxygen in receiving waters as a result of biological or chemical reactions, substances such as phenols, phosphorus, zinc and oil and grease are released. Phenols have been identified as having serious human health implications at low levels. Oil and grease can cause taste and odor problems, and are extremely toxic to freshwater fish. Phosphorus is perhaps the greatest cause of premature aging of water bodies known as eutrophication. In small quantities it can stimulate plant growth to the nuisance level. Zinc in as low a level as 0.1 mg/l has been reported to be lethal to fish.

While the technology used to determine achievable pollution reduction for this category does not directly address the above named toxic pollutants and others present in the waste stream, it is well known that use of this technology will bring about general reduction of the level of these toxicants in the waste streams. The benefits to be achieved by compliance with these regulations are especially noteworthy in view of the rel-

ative ease with which the pollution reduction can be achieved.

(vii) Energy requirements and non-water quality environmental impacts.

The major nonwater quality consideration which may be associated with in-process control measures is the use of alternative means of ultimate disposal. As the process raw waste load (RWL) is reduced in volume, alternate disposal techniques become more attractive. Recent regulations are tending to limit the use of ocean discharge and deep-well injection because of the potential long-term detrimental effects associated with these disposal procedures. Incineration is a viable alternative for concentrated waste streams. Associated air pollution and the need for auxiliary fuel, depending on the heating value of the waste, are considerations which must be evaluated on an individual basis for each use.

Other nonwater quality aspects, such as noise levels, will not be perceptibly affected. Most chemical plants generate fairly high noise levels (85-95 decibels) within the battery limits because of equipment such as pumps, compressors, steam jets, flare stacks, etc. Equipment associated with in-process or end-of-pipe control systems would not add significantly to these levels.

Energy requirements associated with treatment and control technologies in the wastewater treatment model are less than 8 percent when compared to the total energy requirements for most plants for this industry.

(viii) Economic and inflationary impact analysis.

Executive Order 11821 (November 27, 1974) requires that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The Administrator has directed that all regulatory actions that are likely to result in (1) annualized costs of more than \$100 million, (2) additional costs of production more than 5% of the selling price, or (3) an energy consumption increase equivalent to 25,000 barrels of oil per day will require a certified inflationary impact statement. The analysis indicates that the total investment required to meet the regulations is \$5.7 million with an annual cost of \$2.1 million. The costs as a percent of selling price are no more than 2.4% of the selling price. The limits presented in the Administrator's criteria are not expected to be exceeded due to these regulations. The analysis that has been performed satisfies all the requirements for an inflationary impact statement and is certified as such.

The Agency has considered the economic impact of the internal and external costs of the effluent limitations guidelines. Internal costs given in 1975 dollars are defined as investment and annual cost, where annual cost is composed of operating costs, maintenance cost, the cost of capital and depreciation. External cost deals with the assessment of the economic impact of the internal costs in terms of price increases, produc-

tion curtailments, plant closures, resultant unemployment, community and regional impacts, international trade, and industry growth.

Subcategory A (charcoal briquets and char), as noted above, have no process wastewater dischargers. In Subcategory B (gum rosin and turpentine) there are no direct dischargers. In Subcategory C (wood rosin, turpentine and pine oil) three of the five plants have no direct discharges.

The two direct discharging plants have pollution treatment in place that should be capable of attaining the limitations required for 1977. These two plants will only be affected by the 1983 standards. The total investment required for both plants is \$806,000 and the annual cost is \$294,000. The unit cost of treatment is approximately 2.4% of the selling price. Due to the relatively low costs involved, little effect on production or employment in this subcategory is expected.

Ten of the fourteen plants manufacturing tall oil rosin (Subcategory D) are direct dischargers. The pollution treatment that is currently in place is equivalent to technology that will meet the 1977 standards. Thus, there will be no effect on the industry by the 1977 standards. An investment of \$4.1 million and an annual cost of \$1.6 million will be required by the tall oil rosin producers to meet the 1983 standards. This causes a unit cost of treatment that is approximately 0.9% of selling price. Due to the relatively small costs involved, no effect on production or employment in this subcategory is expected from these regulations.

The three plants in the essential oils subcategory (Subcategory E) have no direct discharges. Eight of the sixteen plants that produce rosin derivatives (Subcategory F) are not direct dischargers. Of the remaining eight only one plant will be affected in 1977, and all eight will be affected in 1983. The one plant will incur investment costs of \$200,000 and annualized costs of \$56,000 for meeting 1977 standards, causing a unit treatment cost that is 0.52 to 0.86% of selling price. The eight plants will incur investment costs of \$570,000 and annualized cost of \$220,000 for meeting the 1983 standards, causing a unit treatment cost that is 0.25 to 0.42% of selling cost. Since only one plant is affected in 1977 and the relative costs are quite low, the economic impact to this subcategory is expected to be minimal.

The charcoal manufacturers, gum rosin and turpentine manufacturers, and the essential oil producers will not be economically impacted by these regulations. Charcoal producers use a process that has no wastewater stream; gum, rosin and turpentine and essential oil manufacturers have achieved zero discharge or discharge to a municipal system. Hence, no costs are incurred by these subcategories due to the regulations.

The report entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Gum and Wood Chemicals Manu-

facturing Point Source Category" details the analysis undertaken in support of the interim final regulation set forth herein and is available for inspection in the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St. S.W., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 F.R. 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than interim final form, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, VA 22151.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the gum and wood chemicals industry manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); all State and U.S. Territory Pollution Control Agencies; Academy of Pharmaceutical Sciences; Relchhold Chemical, Inc.; Chemware-Champion; National Institutes of Health; H. B. Fuller Company; Union Camp Corporation; Naval Facilities Engineering Command; Olin Corporation; Mobay Chemical Corporation; Monsanto Company; Shell Chemical Company; Stauffer Chemical Corporation; Union Carbide Corporation; Bell and Howell, Inc.; Micro Photo Division; MTS Chemicals; Hercules, Inc.; Rohm and Haas Company; Defense Mapping Agency; Pfizer, Inc.; CIBA-GEIGY Corporation; U.S. Army Audio Visual Activity; U.S. Department of Health, Education, and Welfare; E. I. du Pont de Nemours and Company; Allied Chemical Corporation; Pepsi Company; Western Agricultural Chemicals Association; Tennessee Eastman Company; Cabot Corporation; CPAC Company; Diamond Shamrock, Inc.; American Cyanamid Corporation; EPAC; Lederle Laborato-



ries; National Ecological Research Center; Office of Pesticides; Dow Chemical Company; National Association of Pharmaceutical Manufacturers; Abbott Laboratories; Eastman Kodak Company; Office of Environmental Affairs; BASF Wyandotte Corporation; Ohio River Valley Sanitation Commission; The Conservation Foundation; Businessmen for the Public Interest; Environmental Defense Fund, Inc.; Natural Resources Defense Council; American Society of Civil Engineers; Water Pollution Control Federation; National Wildlife Federation; Kimberly Clark Corporation; National Pest Control Association; U.S. Army Corps of Engineers; Carbon Adsorption Systems; AFWL Envirionics; WSME; Institute of Makers of Explosives; Pulp Chemical Association; American Carbon Committee; American Hospital Association; Bureau of Explosives; Association of American Railroads; United Pesticides Formulation and Distribution Association; Technical Association of Pulp and Paper Industry; Professional Photographers of America, Inc.; Adhesive and Sealants Council; Smith, Bucklin and Associates, Inc.; Photo Marketing Association; Carbon Black Producers Traffic Committee; Arundale, Inc.; Enviroengineering, Inc.; U.S. Army Environmental Hygiene Agency; American Defense Preparedness Association; The Fertilizer Institute; National Agricultural Chemicals Association; Walden Research; American Pharmaceutical Association; Pharmaceutical Manufacturers Association; Manufacturing Chemists Association; National Microfilm Association; New England Interstate Water Pollution Control Commission; American Society of Mechanical Engineers; American Medical Association, Public Health Division; U.S. Water Resources Council; U.S. Department of Defense; U.S. Department of Interior; Atlas Powder Company; U.S. Department of the Army; National Association of Photographic Manufacturers; M&T Chemicals, Inc.; FRP Company; Swift Chemical Company; Roberts Consolidated Industries; Eli Lilly and Company; Merck and Company, Inc.; and Parke, Davis and Company.

It should be noted that some of the recipients of the contractor draft documents appear to be and are from areas of interest outside the manufacturing activities covered in this regulation. This situation results because eight industries are being handled as one administratively within the project called miscellaneous chemicals.

The following organizations responded with comments for the gum and wood chemicals manufacturing point source category: EPA, Office of Enforcement; EPA, Office of Planning and Evaluation; Effluent Standards and Water Quality Information Advisory Committee; Hercules Incorporated; North Carolina Department of Natural and Economic Resources; Reichhold Chemicals, Incorporated; Union Carbide Corporation; and United States Department of Interior.

The primary issues raised by commenters during the development of the interim final effluent limitations and guidelines and the response to these comments are as follows:

(1) One commenter stated that the effluent limitations as proposed would not be adequate to protect the water quality of low flowing streams.

The effluent limitations guidelines and new source performance standards presented herein essentially are based on the practicability and availability of control and treatment technologies. More stringent standards may be applied to a point source, pursuant to section 303 of the Act, when necessary to preserve water quality.

(2) Variability factors for treatment plant performance transferred from petroleum manufacturing is questionable is the position taken by another commenter.

The gum and wood chemicals manufacturing point source category operates in a manner very similar to the petroleum refining point source category. Both petroleum and gum and wood chemicals wastes are essentially similar in nature and are amenable to biological treatment. The available historical data and the similarity of the two industries indicate that the petroleum manufacturing variability factors are applicable to these production processes. Of course, it is preferable to have long term operating data for each specific plant. However, in this subcategory, such information does not exist, and cannot be assembled, despite repeated requests to industry from the Agency for this data.

(3) Several commenters were concerned that the potential effects on ground water as a result of landfilling wastes were not adequately addressed.

No ground water contamination from the gum and wood chemicals point source category as a result of landfilling has been found. The engineering technology required to design and operate landfill operations to prevent this problem is readily available and widely practiced.

(4) Several commenters felt that the raw waste loads as presented were not correct or were questionable.

The commenters who made this criticism were unable or unwilling to provide the Agency with supporting data. The data used to develop these numbers, derived from survey sampling and historical data, are the most reliable data available at this time.

(5) One commenter felt that an insufficient representation of the gum and wood manufacturers had been surveyed. Seven plants were observed. Of these seven, the commenter states that two discharge to publicly owned treatment plants and one discharges to landfill.

Over 40% of the direct discharging plants were examined by EPA and its contractor. These plants were chosen because they have treatment systems, have segregated wastes from readily identified product lines, have pilot treatment plants in operation and are representa-

tive in size and/or are representative in product grouping.

(6) One commenter felt that not all wastes from the gum and wood chemicals point source category were biodegradable and that the cost model treatment system was not completely applicable.

The cost model is an example of the type of treatment that can treat the wastewater generated in the manufacture of gum and wood chemicals products. It is currently in use in this category. EPA has funded studies on physical/chemical treatment of waste generated from the manufacture of gum and wood chemicals. Results from these studies should identify additional technology that can be used to meet or surpass the effluent limitations. The biological treatment system model used for cost estimating purposes is accepted and used by the manufacturers of gum and wood chemicals products. Of course, this model is not required technology; the individual plant personnel are responsible for selecting the most effective treatment system applicable in their own case.

(7) One commenter felt the recommendations of the addition of a combined filtration and carbon treatment to meet the 1983 limitations appears to have been chosen without benefit of actual performance tests.

The combined filtration and carbon treatment system is, as explained in the development document, for cost model purposes. Whatever treatment systems a company chooses is its decision. The selection of carbon adsorption as the cost model example is based on carbon sorption isotherm results and studies ongoing in the gum and wood chemicals manufacturing point source category. A full scale unit is currently operating at this time in this industry and is a part of the EPA funded ongoing studies.

(8) One commenter felt that BAT standards should be delayed until the results of the BPT regulations were known. If the water quality was acceptable, then no further standards would be necessary.

The U.S. Environmental Protection Agency is required by the Federal Water Pollution Control Act, 33 USC 1251 et seq., to establish effluent limitations, guidelines and standards of performance for point source categories for best practicable control technology currently available, new source and best available technology economically achievable at this time.

(9) One commenter felt that it is unrealistic to set a blanket average limit for BOD<sub>5</sub> reduction of 95 percent for all activated sludge systems. A more reasonable value of 90 percent reduction was suggested.

The Agency and its contractor calculated the BOD removal efficiency of 90% by reference to the historical data for plant number 54 which showed removal efficiencies of 90%. This figure is further supported by both pilot plant data and historical physical/chemical re-

moval efficiencies. The pilot plants were achieving 96 to 98.8% removal and physical/chemical was obtaining 95.4% removal. The Agency has concluded that plant number 54 is an exemplary plant, which may be used as a basis for regulation.

(10) In the contractor's draft development document it was suggested that some of the waste disposal problems be turned over to a private disposal contractor. Commenters stated that this is an ineffective way of solving problems unless the contractor is covered by the same guidelines. They said that such contractors should be covered under the category of "miscellaneous chemicals industry".

The suggestion that contract disposal systems are available was not meant to imply that the generator of the wastes is relieved of the responsibility for proper disposal.

The Agency is subject to an order of the United States District Court for the District of Columbia entered in *Natural Resources Defense Council v. Train* et al. (Cv. No. 1609-73), which requires the promulgation of regulations for this point source category no later than April 30, 1976. This order also requires that such regulations become effective immediately upon publication.

It has not been practicable to develop and publish regulations for this category in proposed form, to provide a comment period, and to make revisions within the time constraints imposed by the court order referred to above. Accordingly, the Agency has determined pursuant to 5 USC § 553(b) that notice and comment on the interim final regulations would be impracticable and contrary to the public interest. Good cause is also found for these regulations to become effective immediately upon publication.

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing an effluent limitation or guideline EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301 and 304(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Water-side Mall, 401 M Street, S.W., Washington D.C., 20460. A copy of preliminary

## Subpart E—Essential Oils Subcategory

- Sec. 454.50 Applicability; description of the manufacture of essential oils subcategory.
- 454.51 Specialized definitions.
- 454.52 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

## Subpart F—Rosin-Based Derivatives Subcategory

- Sec. 454.60 Applicability; description of the manufacture of rosin-based derivatives subcategory.
- 454.61 Specialized definitions.
- 454.62 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

AUTHORITY: Secs. 301, 304(b) and (c), 306(b), 307(b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 816 et. seq.; Pub. L. 92-500) (the Act).

## Subpart A—Char and Charcoal Briquets Subcategory

- § 454.10 Applicability; description of the manufacture of char and charcoal briquets subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of char and charcoal briquets.

## § 454.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "product" shall mean char and charcoal briquets.

- § 454.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the

Dated: April 30, 1976.

RUSSELL R. TRAIN,  
Administrator.

## Subpart A—Char and Charcoal Briquets Subcategory

- Sec. 454.10 Applicability; description of the manufacture of char and charcoal briquets subcategory.
- 454.11 Specialized definitions.
- 454.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

## Subpart B—Gum Rosin and Turpentine Subcategory

- 454.20 Applicability; description of the manufacture of gum rosin and turpentine subcategory.
- 454.21 Specialized definitions.
- 454.22 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

## Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory

- 454.30 Applicability; description of the manufacture of wood rosin, turpentine and pine oil subcategory.
- 454.31 Specialized definitions.
- 454.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

## Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory

- 454.40 Applicability; description of the manufacture of tall oil rosin, pitch and fatty acids subcategory.
- 454.41 Specialized definitions.
- 454.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.



basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of char and charcoal briquets by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available: There shall be no discharge of process wastewater pollutants to navigable waters.

#### Subpart B—Gum Rosin and Turpentine Subcategory

§ 154.20 Applicability; description of the manufacture of gum rosin and turpentine subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of gum rosin and turpentine.

#### § 154.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean gum rosin and turpentine.

§ 154.22 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment

or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of gum rosin and turpentine by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
BOD <sub>5</sub> .....	1.42	0.755
TSS.....	0.07	0.036
pH.....	Within the range 6.0 to 9.0.	

#### Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory

§ 154.30 Applicability; description of the manufacture of wood rosin, turpentine and pine oil subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood rosin, turpentine and pine oil subcategory.

#### § 154.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean products from wood rosin, turpentine and pine oil.

§ 154.32 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, de-

velop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of wood rosin, turpentine and pine oil by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
BOD <sub>5</sub> .....	2.08	1.10
TSS.....	1.34	0.475
pH.....	Within the range 6.0 to 9.0.	

#### Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory

§ 154.40 Applicability; description of manufacture of tall oil rosin, pitch and fatty acids subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of tall oil rosin, pitch and fatty acids.

#### § 154.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean tall oil rosin, pitch and fatty acids.

§ 154.42 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of tall oil rosin, pitch and fatty acids by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

(b) The term "product" shall mean essential oils.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of tall oil rosin, pitch and fatty acids by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
BOD <sub>5</sub> .....	0.95	0.520
TSS.....	0.705	0.243
pH.....	Within the range 6.0 to 9.0.	

#### Subpart E—Essential Oils Subcategory

§ 154.50 Applicability; description of the essential oils subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of essential oils.

#### § 154.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean essential oils.

§ 154.52 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the

discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of essential oils by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
BOD <sub>5</sub> .....	0.95	0.520
TSS.....	0.705	0.243
pH.....	Within the range 6.0 to 9.0.	

#### Subpart F—Rosin-Based Derivatives Subcategory

§ 154.60 Applicability; description of manufacture of rosin-based derivatives subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of rosin-based derivatives.

#### § 154.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "product" shall mean rosin-based derivatives.

§ 154.62 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategory and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result,

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these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of rosin-based derivatives by a point source subject to the provisions of this paragraph after application of the best practicable control technology currently available:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
BOD <sub>5</sub>	1.41	0.748
TSS	0.045	0.015
pH	Within the range 6.0 to 9.0.	

[FR Doc.76-13813 Filed 5-17-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 454]

[FRL 540-8]

### GUM AND WOOD CHEMICALS MANUFACTURING POINT SOURCE CATEGORY Proposed Rule Making

Notice is hereby given that effluent limitations and guidelines for existing sources, standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). The gum and wood chemicals manufacturing point source category covers products manufactured under SIC code 2861. Simultaneously with this notice of proposed rulemaking, EPA is promulgating a regulation adding Part 454 to Chapter 40 of the Code of Federal Regulations. That regulation establishes effluent limitations and guidelines for existing sources based on the best practicable control technology currently available for the gum and wood chemicals manufacturing point source category. The regulation proposed below will amend 40 CFR 454—gum and wood chemicals manufacturing point source category by adding sections 454.13, 454.14, 454.15, and 454.16 to the char and charcoal briquet subcategory (Subpart A); sections 454.23, 454.24, 454.25 and 454.26 to the gum rosin and turpentine subcategory (Subpart B); sections 454.33, 454.34, 454.35 and 454.36 to the wood rosin, turpentine and pine oil subcategory (Subpart C); sections 454.43, 454.44, 454.45 and 454.46 to the tall oil rosin, pitch and fatty acids subcategory (Subpart D); sections 454.53, 454.54, 454.55 and 454.56 to the essential oils subcategory (Subpart E); and sections 454.63, 454.64, 454.65 and 454.66 to the rosin-based derivatives subcategory (Subpart F); pursuant to sections 306(b) and 307 (b) and (c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1316(b) and 1317 (b) and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act). Simultaneously with this proposed rule making EPA is promulgating interim final regulations which establish the above listed subparts.

(a) *Legal authority.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the

## PROPOSED RULES

Administrator pursuant to section 304 (b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. Simultaneously with the appearance of the proposed rulemaking is a FEDERAL REGISTER notice titled "Addition to the List of Categories of Sources." This notice adds the gum and wood chemicals manufacturing point source category and is in accordance with the provisions of section 306(b)(1)(A) of the Act. The regulations proposed herein set forth the standards of performance applicable to new sources for the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 454.16, 454.26, 454.36, 454.46, 454.56 and 454.66

proposed below, provide pretreatment standards for new sources within the char and charcoal briquets subcategory (Subpart A), the gum rosin, turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category. Section 307(b) of the Act requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works and 40 CFR 128 establishes that the Agency will propose specific pretreatment standards at the time effluent limitations are established for point source discharges. However, due cause is found to set aside for this regulation the applicability of that portion of 40 CFR 128.133 requiring the Agency to propose pretreatment standards concerning the application of effluent limitations to pretreatment at the time such effluent limitations are promulgated. The Agency may establish pretreatment standards for existing sources within the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) of the gum and wood chemicals manufacturing point source category at a future date.

(b) *Summary and basis of proposed standards of performance and pretreatment standards for new sources.* The general methodology and summary of conclusions are discussed in considerable detail in the preamble of the interim final regulations for the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) which are being promulgated by EPA simultaneously with publication of this proposed regulation. The information contained in the preamble to the interim final regulation is incorporated herein by reference. The proposed regulation set forth below proposes pretreatment standards for pollutants introduced into publicly owned treatment works. The proposal will establish for each subpart the extent of application of effluent limitations to existing sources and to new sources which discharge to publicly owned treatment works. This regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on Novem-



ber 8, 1973 (38 FR 30982). The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the limitations and standards apply. However, the proposed pretreatment regulation applies to the introduction of pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to specific numerical pretreatment standards. However, 40 CFR 128.131 (prohibited wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants are subject generally to pretreatment standards as provided in 40 CFR 128.133.

Sections 454.14, 454.24, 454.34, 454.44, 454.54 and 454.64 of the regulation reserved below are intended to implement the intent of section 128.133, by setting forth specific numeric limitations for particular pollutants subject to pretreatment requirements.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations and guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations and guidelines to users of publicly owned treatment works.

The report entitled "Development Document for Interim Final Effluent Limitations, Guidelines and New Source Performance Standards for the Gum and Wood Chemicals Manufacturing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M St., S.W., Washington, D.C. 20460, at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available.

Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* A full listing of participants and discussion of comments and responses is included in the preamble of the interim final regulation for the char and charcoal briquets subcategory (Subpart A), the gum rosin and turpentine subcategory (Subpart B), the wood rosin, turpentine and pine oil subcategory (Subpart C), the tall oil rosin, pitch and fatty acids subcategory (Subpart D), the essential oils subcategory (Subpart E), and the rosin-based derivatives subcategory (Subpart F) being simultaneously promulgated by EPA and are incorporated herein by reference.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing a standard of performance or pretreatment standard, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 306 and 307 (b) and (c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, S.W., Washington D.C. 20460. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before June 17, 1976 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning

public review procedures published on August 6, 1973 (38 FR 21202).

Dated: April 30, 1976.

RUSSELL E. TRAIN,  
Administrator.

As proposed Part 454 reads as follows:

- Subpart A—Char and Charcoal Briquets Subcategory**
- Sec. 454.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 454.14 [Reserved]
- 454.15 Standards of performance for new sources.
- 454.16 Pretreatment standards for new sources.
- Subpart B—Gum Rosin and Turpentine Subcategory**
- 454.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 454.24 [Reserved]
- 454.25 Standards of performance for new sources.
- 454.26 Pretreatment standards for new sources.
- Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory**
- 454.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 454.34 [Reserved]
- 454.35 Standards of performance for new sources.
- 454.36 Pretreatment standards for new sources.
- Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory**
- 454.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 454.44 [Reserved]
- 454.45 Standards of performance for new sources.
- 454.46 Pretreatment standards for new sources.
- Subpart E—Essential Oils Subcategory**
- 454.53 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 454.54 [Reserved]
- 454.55 Standards of performance for new sources.
- 454.56 Pretreatment standards for new sources.
- Subpart F—Rosin-Based Derivatives Subcategory**
- 454.63 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 454.64 [Reserved]
- 454.65 Standards of performance for new sources.
- 454.66 Pretreatment standards for new sources.

AUTHORITY: Sec. 301, 304(b) and (c), 306 (b), 307(b) and (c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251,

1311, 1314 (b) and (c), 1316(b) and 1317(b) and (c), 86 Stat. 616 et. seq.; Publ. L. 92-500 (the Act).

**Subpart A—Char and Charcoal Briquets Subcategory**

§ 454.13 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the char and charcoal briquets manufacturing subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process wastewater pollutants.

§ 454.14 [Reserved]

§ 454.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the char and charcoal briquets manufacturing subcategory by a new source subject to the provisions of this subpart: There shall be no discharge of process wastewater pollutants.

§ 454.16 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the char and charcoal briquet manufacturing subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation.
TSS .....	Do.

**Subpart B—Gum Rosin and Turpentine Subcategory**

§ 454.23 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from

the gum rosin and turpentine subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD .....	1.36	1.09
BOD <sub>5</sub> .....	0.28	0.22
TSS .....	0.01	0.005
pH .....	Within the range 6.0 to 9.0.	

§ 454.24 [Reserved]

§ 454.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the gum rosin and turpentine subcategory by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD .....	3.94	3.15
BOD <sub>5</sub> .....	0.86	0.70
TSS .....	0.026	0.013
pH .....	Within the range 6.0 to 9.0.	

§ 454.26 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the gum rosin and turpentine subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation.
TSS .....	Do.

**Subpart C—Wood Rosin, Turpentine and Pine Oil Subcategory**

§ 454.33 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the wood rosin, turpentine and pine oil subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD .....	2.04	1.63
BOD <sub>5</sub> .....	0.41	0.33
TSS .....	0.19	0.065
pH .....	Within the range 6.0 to 9.0.	

§ 454.34 [Reserved]

§ 454.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the wood rosin, turpentine and pine oil subcategory by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD .....	5.92	4.74
BOD <sub>5</sub> .....	1.25	1.02
TSS .....	0.48	0.24
pH .....	Within the range 6.0 to 9.0.	

§ 454.36 Pretreatment standard for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the wood rosin, turpentine and pine oil subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the pur-



## PROPOSED RULES

pose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation
TSS.....	Do.

#### Subpart D—Tall Oil Rosin, Pitch and Fatty Acids Subcategory

§ 454.43 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the tall oil rosin, pitch and fatty acids subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD.....	1.14.....	0.91
BOD <sub>5</sub> .....	0.20.....	0.16
TSS.....	0.098.....	0.049
pH.....	Within the range 6.0 to 9.0.	

#### § 454.44 [Reserved]

#### § 454.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the tall oil rosin, pitch and fatty acids subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD.....	3.32.....	2.66
BOD <sub>5</sub> .....	0.60.....	0.49
TSS.....	0.24.....	0.12
pH.....	Within the range 6.0 to 9.0.	

#### § 454.46 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the tall oil rosin, pitch and fatty acids subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation
TSS.....	Do.

#### Subpart E—Essential Oils Subcategory

§ 454.53 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the essential oils subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD.....	14.1.....	11.3
BOD <sub>5</sub> .....	4.45.....	3.61
TSS.....	1.25.....	0.63
pH.....	Within the range 6.0 to 9.0.	

#### § 454.54 [Reserved]

#### § 454.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the essential oils subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD.....	40.8.....	32.6
BOD <sub>5</sub> .....	13.7.....	11.1
TSS.....	3.10.....	1.55
pH.....	Within the range 6.0 to 9.0.	

#### § 454.56 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the essential oils subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation
TSS.....	Do.

#### Subpart F—Rosin-Based Derivatives Subcategory

§ 454.63 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the rosin-based derivatives subcategory by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD.....	1.40.....	1.12
BOD <sub>5</sub> .....	0.28.....	0.22
TSS.....	0.006.....	0.003
pH.....	Within the range 6.0 to 9.0.	

## PROPOSED RULES

#### § 454.64 [Reserved]

#### § 454.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged from the rosin-based derivatives subcategory by a new source subject to the provisions of this subpart:

[Metric units, kg/kg of product;  
English units, lb/1,000 lb of product]

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
COD.....	4.04.....	3.23
BOD <sub>5</sub> .....	0.85.....	0.69
TSS.....	0.018.....	0.008
pH.....	Within the range 6.0 to 9.0.	

#### § 454.66 Pretreatment standard for new sources.

The pretreatment standard under section 307(c) of the Act for a new source within the rosin-based derivatives subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132 and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties controlled by this section which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart:

Pollutant or pollutant property	Pretreatment standard
BOD <sub>5</sub> .....	No limitation
TSS.....	Do.

[FR Doc.76-13814 Filed 5-17-76;8:45 am]

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# **federal register**

**TUESDAY, MAY 18, 1976**



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**PART IV:**

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Secretary**

**Office of the Assistant  
Secretary for Community  
Planning and Development**

■

## **COMMUNITY DEVELOPMENT BLOCK GRANTS**

**Urban Renewal Provisions**

**V41197**

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Title 24—Housing and Urban Development  
SUBTITLE A—OFFICE OF THE SECRETARY  
[Docket No. R-76-297]

PART 58—ENVIRONMENTAL REVIEW PRO-  
CEDURES FOR THE COMMUNITY DE-  
VELOPMENT BLOCK GRANT PROGRAM

Financial Settlement of Urban Renewal  
Projects—Environmental Review

On February 11, 1976, the Department of Housing and Urban Development published in the *FEDERAL REGISTER* (41 FR 6204) a proposed § 58.20 of Title 24 of the Code of Federal Regulations. 24 CFR Part 58 sets forth environmental review requirements and procedures to be observed by applicants for assistance under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383, 42 U.S.C. 5301 et seq.) and implements section 104(h) of said Title I. The proposed 24 CFR § 58.20 set forth environmental review requirements and procedures for financial settlements of Urban Renewal Projects under authority of section 112(b) of said Title I and the preamble to the proposed § 58.20 as published, invited interested persons to submit comments on the proposed section on or before March 12, 1976.

A number of comments on the proposed § 58.20 were submitted to the Department in response to the invitation. The comments were to the effect (1) that the proposed section was confusing as a whole and that subsection (d) thereof was particularly confusing; (2) that the requirement for environmental review of an applicant's proposed uses of capital grant funds surplussed by financial settlement of an urban renewal project prior to submission of its application for the Department's approval of such financial settlement was unnecessary; (3) that the proposed section required unnecessary or duplicative environmental review of urban renewal activities which had been federally approved prior to the effective date of the National Environmental Policy Act of 1969 or which had been federally approved after adequate environmental review; and (4) that since deduction of community development block grant funds by HUD for the purpose of urban renewal loan repayment pursuant to section 112(a)(1) of Title I, was not subject to environmental review, the requirement for environmental review of an applicant's proposal to use such funds for loan repayment pursuant to section 105(a)(10) of Title I, should be eliminated. In addition, review of the proposed § 58.20 by Department staff resulted in comments that (5) certain minor technical errors should be corrected; and (6) that a complete definition of the term "substantial completion" in relation to urban renewal projects, should be added which accords with existing Department policy.

Evaluation of all comments received resulted in the following determinations:

(1) That proposals for the use of community development block grant funds for urban renewal loan repayment, whether at the initiative of HUD or of the applicant, should not be subject to environmental review, except in cases

where the proposal would implement a modification of the particular urban renewal project;

(2) That 24 CFR 58.3 and 58.20 should be revised to implement determination (1);

(3) That minor changes and corrections should be made in § 58.20 in order to provide greater clarity;

(4) That the requirement for early environmental review of proposed uses of capital grant funds to be surplussed by an urban renewal project financial settlement is necessary in order to preserve the legal basis for the applicant's environmental review of the proposed financial settlement, and cannot be changed;

(5) That a complete and correct definition of the term "substantial completion" in relation to urban renewal projects should be added to § 58.3; and

(6) That § 58.20(d) should be rewritten to clearly state that an environmental assessment is not required for the financial settlement of an urban renewal project which is substantially completed.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made for the changes to § 58.3 and for the modified § 58.20 in accordance with Department procedures (HUD Handbook 1390.1, 38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10245, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of the changes to § 58.3 and of the modified § 58.20 have been evaluated in accordance with OMB Circular No. A-107.

Accordingly, Title 24, Part 58 is amended as follows:

1. The definition of the term "project" in § 58.3 is revised and two new definitions are added to read as follows:

§ 58.3 Terminology.

**Project.** An activity, or a group of activities, as determined by the applicant in its sole discretion, to be assisted under Title I. A project is an "action" within the meaning of the CEQ guidelines, 40 CFR 1500.5. However, the following activities or groups of activities assisted under Title I are not regarded as projects for purposes of this Part: (1) The payment of reasonable administrative costs related to the planning and execution of community development and housing activities, as permitted by Section 105(a)(13) of Title I and 24 CFR 570.200(a)(13); or (2) the payment, under authority of Section 105(a)(10) of Title I, of principal and interest on outstanding urban renewal project loans as defined in 24 CFR 570.800(b) where such payment does not fall within the coverage of § 58.20 of this part and/or where such payment is not associated with a change in the related urban renewal project.

**Urban Renewal Project.** A project as defined in § 110(c) of the Housing Act

of 1949, as amended, or a Neighborhood Development Program as defined in § 131(b) of the Housing Act of 1949, as amended.

**Substantial Completion.** As applied to an Urban Renewal Project, this term means that:

(i) Ninety percent (90%) or more of site improvement work has been completed and the remainder is under contract;

(ii) Ninety percent (90%) or more of demolition work has been completed and the remainder is under contract;

(iii) Relocation of all occupants of at least ninety-eight (98%) of the housing units in the relocation workload, or of all but five (5) such housing units, whichever is the lesser, has been completed;

(iv) Relocation for at least ninety-five percent (95%) of all cases in the nonresidential relocation workload, or for all but ten (10) such cases, whichever is the lesser, has been completed;

(v) At least ninety percent (90%), by estimated cost, of all relocation payments have been made;

(vi) With respect to each park, playground, public building or other public facility to be provided as a noncash local grant-in-aid:

A. All land necessary for the provision thereof has been conveyed to or is in the ownership of the providing entity or is covered by an unconditional purchase, or similar, agreement;

B. All necessary planning agency or other public body approvals have been obtained;

C. All, or virtually all, of the funds necessary for the provision thereof have been authorized by the governing body of the providing entity and all and any necessary bond referendums or other public approvals have been obtained;

D. Complete working drawings and specifications have been prepared for the construction thereof and firm supportable estimates of the costs incident to provision thereof have been developed, and

E. A firm assurance exists of timely completion and, in any event, of completion within five (5) years from the date of the assurance;

(vii) With respect to dwelling units not to be demolished, at least ninety-five percent (95%) comply with applicable codes and at least seventy-five percent (75%) comply with applicable property rehabilitation standards established for the Urban Renewal Project; *Provided* that in any event, project activities may be deemed complete in regard to dwelling units not to be demolished where the following conditions exist

A. Area decline has been arrested and stability and self-generating renewal assured;

B. Public facilities and services have been, and will continue to be, provided to support continued stability;

C. Local financial institutions are making property loans in the area, and

D. The community will continue an adequate level of code enforcement activities in the area;

(viii) All project land acquisition has been completed; and

(ix) An amount equal to the HUD approved land disposition value of all acquired project land has been credited to the urban renewal project account(s); *Provided*, that for all project land actually sold, the full sale price thereof shall be so credited and for all leased or unsold project land, the full amount of the HUD approved estimate of the disposition value thereof shall be so credited from community development block grants or local funding sources.

3. A new § 58.20 is added to read as follows:

§ 58.20 Financial settlement of urban renewal projects.

(a) *Project undertaken to facilitate early financial settlement.* If an applicant proposes to submit an application for financial settlement of an urban renewal project prior to substantial completion thereof pursuant to 24 CFR 570.804, which will be coupled with a proposal to use Title I grants pursuant to 24 CFR 570.801 for the purpose of facilitating such financial settlement, the latter proposal shall be deemed a project which is subject to the following additional requirements and conditions:

(1) Section 58.19(c) shall be inapplicable to such project;

(2) The environmental review for such project shall include an assessment of the environmental consequences of the financial settlement of the Urban Renewal Project prior to substantial completion thereof;

(3) The applicant shall insert the following sentence immediately after the first sentence set forth after the word "indicated" in § 58.30(a)(6):

Applicant will use the project to establish a financial basis, and will apply to the Secretary of HUD, for financial settlement prior to substantial completion of the (identify urban renewal project or NDP) pursuant to 24 CFR 570.803 and 570.804.

(b) *Financial settlement prior to substantial completion of Urban Renewal Project involving surplus of capital grant funds.* A financial settlement pursuant to 24 CFR 570.803 and 570.804 of an Urban Renewal Project prior to substantial completion thereof which would result in a surplus of capital grant funds, \$500 or more of which will be devoted to eligible Title I activities other than exempt activities under § 58.21, together with the proposed use(s) of the surplus shall be deemed a project and shall be subject to the following additional requirements and conditions:

(1) Section 58.19(c) shall be inapplicable to such project;

(2) The environmental review for such project shall include an assessment of the environmental consequences of the financial settlement of the Urban Renewal Project prior to substantial completion thereof, and of the proposed use(s) of the surplus except any use(s) set forth in § 58.21;

(3) The application for financial settlement pursuant to 24 CFR 570.803 and 570.804 and use of the surplus resulting therefrom shall be treated as a request for release of funds and shall be subject to the requirements of Subpart C of this

part. However, the applicant shall use the following sentence in lieu of the first sentence set forth after the word "indicated" in § 58.30(a)(6):

(Name of Applicant) will apply for financial settlement prior to substantial completion of (identify urban renewal project or NDP) and will undertake certain activities, all as described above, with surplus capital grant funds resulting from financial settlement.

(4) The surplus of capital grant funds resulting from such financial settlement may be used for a project which consists entirely of exempt activities under § 58.21 and/or activities which are subjected to environmental assessment pursuant to § 58.20(b) without further compliance with this part.

(c) *HUD environmental review of certain financial settlements.* Prior to acting upon any application submitted pursuant to 24 CFR 570.803 and 570.804 for financial settlement of an Urban Renewal Project which is not substantially completed and for which the environmental consequences of financial settlement prior to substantial completion thereof have not been assessed by the applicant pursuant to § 58.20(a) or (b), HUD shall itself conduct an assessment of the environmental consequences of the proposed financial settlement. However, if HUD finds that the applicant should have conducted an environmental assessment pursuant to § 58.20(a) or (b) but failed to do so, the application for financial settlement shall be rejected and the applicant shall be required to comply with the environmental assessment requirements of § 58.20(a) or (b) as appropriate, on a catch-up basis, as a condition precedent to resubmission of its application.

(d) *Financial settlement after substantial completion of Urban Renewal Project.* Notwithstanding any other provision of this Part an assessment of the environmental consequences of financial settlement pursuant to 24 CFR 570.803 and/or 570.804, of an Urban Renewal Project which is substantially completed, is not required. However, the applicant or HUD, as appropriate, shall prepare and maintain in its records a written finding as to the substantial completion of the Urban Renewal Project.

**Effective date.** These regulations are effective on May 18, 1976.

CARLA A. HILLS,  
Secretary of Housing and  
Urban Development.

[FR Doc.76-14273 Filed 5-18-76; 8:45 am]

CHAPTER V—OFFICE OF ASSISTANT SEC-  
RETARY FOR COMMUNITY PLANNING  
AND DEVELOPMENT, DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT  
BLOCK GRANTS

Urban Renewal Provisions

On February 11, 1976, the Department of Housing and Urban Development published in the *FEDERAL REGISTER* (41 FR 6202) a notice of proposed rulemaking

concerning the urban renewal provisions of the Housing and Community Development Act of 1974. Interested persons were given until March 12, 1976, to submit written comments. All comments received were given careful consideration and many of the changes incorporated in the final regulations reflect the suggestions received from the public.

The following enumerates the changes which are being made and states the reasons for those changes which are substantive.

1. Section 570.800 is revised to include definitions of the terms "unearned grant" and "surplus grant." This clarifies that the costs of any unliquidated claims, which would include relocation costs, must be taken into account in determining the amount of grant funds which are available for loan repayment and the amount which would become surplus.

2. Section 570.801(b)(1) is revised to specify further limitations on the use of block grant funds to pay the costs of noncash local grants-in-aid not otherwise eligible under the block grant program, namely: (a) The noncash local grants-in-aid must be necessary to effectuate project completion and financial settlement, and (b) the use of block grant funds must not exceed the percent of benefit approved in the financing plan, and the statutory limitations on communitywide supporting facilities in the Housing Act of 1949. The purpose of these changes is to conform to the authorization and intent of Section 105(a)(10) of the Act. That section makes eligible the cost of completing a project, and this is construed to mean only the cost of items actually required for completion and financial settlement, and only to the extent of the percentage of benefit previously recognized. This section also makes clear that after financial settlement the eligibility provisions of the block grant program apply to the use of any surplus funds for such facilities.

In addition, this section now incorporates rules pertaining to acquisition of urban renewal project land by the local government with block grant funds and subsequent disposition of such land.

3. Most of the public comments received referred to section 570.802 and this section is most substantially revised.

Section 570.802(a) states that the Secretary will review urban renewal projects in consultation with LPA's and units of general local government to determine whether the Federal financial interest in such projects is protected. Thus, review of the financial status of projects, and consultation on means to repay loans can be carried out at any time and is not limited to the annual 75-day review period for block grant applications. Comments were received objecting to the deduction of block grant funds for loan repayment subsequent to approval of an application. These comments have been noted, and it is the Department's intention to make such deductions during the annual application review and approval period in almost all cases. Nevertheless, it is deemed prudent and reasonable to



reserve the statutory authority to make deductions at other times where necessary and appropriate to protect the Federal financial interest. This authority will be exercised sparingly and only after meaningful consultations as required by the statute.

Section 570.802(a)(1) now refers to temporary loans "made or authorized to be made." This clarifies that the statutory authority to make deductions also applies to providing for repayment of additional borrowing to be made in cases where there is unutilized loan availability remaining under the Loan and Grant contract. This section now also makes clear that all sources of funds will be considered in determining whether the Federal financial interest is adequately protected.

Many comments were made about the Fiscal Year 1978 base period for estimating land proceeds and computing deficits in resources available for loan repayment. Section 570.802(a)(2) has been reformulated in response to those comments. This section now enumerates the factors to be considered by the Secretary in estimating the value and marketability of remaining land. Further, criteria have been incorporated for use of the 1978 base year which makes it applicable to those types of cases where the Federal financial interest is most likely to be adversely affected. This base period may be waived by the Secretary even in such cases, and is optional in others. These criteria are intended to insure that deductions are not made in an arbitrary or inappropriate fashion.

The Fiscal Year 1978 cutoff for estimating land proceeds was adopted based on two considerations: (a) the impossibility of projecting into the indefinite future and the consequent necessity to establish some reasonable cutoff date; (b) the period of maximum hold harmless grants available for loan repayment. This base year applies to determinations to be made in Fiscal Years 1976 and 1977. Contrary to the impression many commentators had, this provision is not intended to result in any mandate by the Department to accelerate land disposition merely to effectuate financial settlements of renewal projects.

A number of commentators questioned the possibility that HUD would make deductions in cases where applicants had already budgeted block grant funds for loan repayment. In response, it is noted that in calculating the amount of deductions for loan repayment HUD will take into account amounts budgeted by the applicant for the same purpose, and the total would generally not exceed 20 percent of the entitlement grant without the consent of the applicant.

4. Section 570.803 has been reorganized for greater clarity. § 570.803(a) defines financial settlement of projects pursuant to the authority of Section 112(b) of the Act and enumerates the classes of projects which are governed by that authority. This enumeration includes projects which have exhausted all funds prior to completion of the approved project activities, and projects

which have completed all activities other than the sale of land. Section 570.803(b) consolidates all conditions on the release of surplus funds, including satisfaction of audit exceptions, repayment of temporary loans, and completion of certain approved activities such as relocation. Section 570.803(c) refers to the environmental review requirements of 24 CFR 58.20 which is adopted concurrently with this Subpart. Section 570.803(d) states the requirement for a close-out agreement for projects covered by this section. Section 570.803(e) now separately enumerates the requirements which apply only to some classes of projects, namely those with incomplete activities which would otherwise be completed, including noncash local grants-in-aid. Section 570.803(e)(5) adds a requirement regarding maintenance of occupied residential property owned by the LPA at the time of financial settlement.

5. Section 570.804 includes a number of minor changes in language for purposes of clarity. In addition, § 570.804(b) has been changed to indicate that an application for financial settlement may be submitted in conjunction with an application for block grant funds, but is not part of such application, and that the statutory 75 day review limit does not apply to such requests. Section 570.804(b)(6) now requires both a Community Development Program and a Budget showing the use of surplus funds. Section 570.804(b)(7) incorporates the rule pertaining to disposition of remaining project land after financial settlement and provides that where local funds other than block grants are used to repay loans, land proceeds subsequently received may be used to reimburse such local expenditures.

6. Section 570.200(a)(10) is revised to include a cross-reference to § 570.801.

In connection with the environmental review of these amendments, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

(Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Accordingly, 24 CFR Part 570 is revised as set forth below.

1. Section 570.200(a)(10) is amended to read as follows:

§ 570.200 Eligible activities.

(a) . . . . .

(10) Payment of the cost of completing a project funded under Title I of the Housing Act of 1949 as amended, including an urban renewal project pursuant to the provisions of § 570.801 (b), (c), and (d).

2. Subpart I is amended to read as follows:

#### Subpart I—Urban Renewal Provisions

Sec. 570.800 General.

570.801 Payment of the cost of completing project.

570.802 Repayment of temporary loans.

570.803 Financial settlement of projects prior to completion.

570.804 Application for approval of financial settlement.

#### Subpart I—Urban Renewal Provisions

##### § 570.800 General.

This subpart contains regulations governing the use of funds available under this Part for the completion of urban renewal projects and neighborhood development programs; deductions authorized to be made from such funds for the repayment of temporary loans outstanding in connection with such projects and programs; and procedures for the financial settlement of projects and programs meeting the requirements of this subpart. For purposes of this subpart:

(a) A "project" or "urban renewal project" means an urban renewal project or neighborhood development program being carried out in the jurisdiction of the unit of general local government under a contract with HUD pursuant to the provisions of Title I of the Housing Act of 1949, as amended.

(b) A "temporary loan" means any outstanding direct loan or pledge of temporary loan rights for private market financing, including accrued interest, authorized under the HUD contract for the project.

(c) An "unearned grant" means that portion of the total project grant allocation, including any relocation and rehabilitation grant allocation, in excess of the grants payable with respect to the costs incurred and any remaining unliquidated, contingent, or disputed claims or obligations.

(d) A "surplus grant" means the unearned grant remaining after full repayment of the temporary loans.

§ 570.801 Payment of the cost of completing a project.

(a) Urban renewal projects may be continued under their existing contracts with available project funds.

(b) In addition, units of general local government may use funds made available under this Part for payment of the following costs to continue or complete such projects:

(1) Payment of the cost of activities approved under the HUD contract for the project with respect to which the budgeted project funds are insufficient, and non cash local grants-in-aid which either (i) were included in a HUD approved urban renewal financing plan dated prior to August 22, 1974, and which are required to effectuate project completion and financial settlement,

(ii) Are otherwise eligible under § 570.200; provided, however, that funds available under this Part shall not be used to pay the cost of local grants-in-aid with respect to which other funds were expended, obligated or otherwise set aside

by official action of the unit of general local government prior to approval of the application for the funds under this Part. Payment of the cost of noncash local grants-in-aid under this paragraph which are not otherwise eligible under § 570.200 shall not exceed the percent of benefit approved in the project financing plan or, with respect to supporting facilities, the 25 percent benefit or \$3,500,000 maximum cost limitation applicable under section 110(d) of Title I of the Housing Act of 1949. The use of funds under this paragraph is not authorized with respect to incomplete project activities or noncash local grants-in-aid remaining after the financial settlement of a project under § 570.803(a)(1), except to the extent completion is required by the Secretary to comply with the provisions of § 570.803(d)(3) or (4).

(2) Repayment of temporary loans.

(c) Funds made available under this Part for use pursuant to paragraph (b) shall be identified in the Community Development budget as funds for completion of urban renewal projects and their use shall be governed by the procedures under this Part.

(1) The unit of general local government may use funds made available under this Part to acquire cleared project land from the local public agency for a public use or for subsequent disposition to redevelopers. Such acquisition shall be at the fair use value of the property provided under section 110(c)(4) of Title I of the Housing Act of 1949, as amended, and subject to covenants under the provisions of which:

(i) The use of the property by the unit of general local government or its assignees shall be in accordance with the applicable urban renewal plan;

(ii) Any improvements on such property required by the urban renewal plan shall be begun within a reasonable time after the property is acquired for purposes of redevelopment by the unit of general local government or its assignees.

(iii) Any proposed reconveyance of such property by the unit of general local government for purposes of redevelopment shall be subject to the public disclosure requirements otherwise applicable to local public agencies in the disposition of project land to redevelopers under section 105(e) of Title I of the Housing Act of 1949, as amended.

(iv) Discrimination upon the basis of race, color, religion, sex, or national origin, in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected or to be erected thereon shall be prohibited, and the unit of general local government and the United States shall be beneficiaries of and entitled to enforce such covenant.

(2) In the subsequent disposition of project land acquired by the unit of general local government pursuant to paragraph (1) of this section, the provisions of section 110(c)(4) of Title I of the Housing Act of 1949, as amended, regarding fair use value, shall not apply. Any proceeds received by the unit of general local government in the event of

such disposition shall be treated as program income pursuant to § 570.508;

(d) Use of funds made available under this Part for the completion of urban renewal projects shall not increase the maximum loan or grant amount or the requirements for the contribution of local grants-in-aid under the HUD contract for the project.

§ 570.802 Repayment of temporary loans.

(a) *Determination of Federal Government's financial interest.* The Secretary will review urban renewal projects in consultation with local public agencies and units of general local government to determine whether the Federal Government's financial interest in such projects will be sufficiently protected. The Secretary may request submission of a local plan for repayment of temporary loans in connection with such determinations.

(1) The Federal Government's financial interest in existing urban renewal projects shall be determined to be sufficiently protected if the Secretary finds that all temporary loans made or authorized to be made can be repaid without additional project grants, taking into consideration the costs incurred or to be incurred, the estimated proceeds upon any sale or disposition of property, grants approved under the HUD contract for the project, and any other funds which are to be provided for completion of the projects, including the repayment of temporary loans.

(2) In estimating the property disposition proceeds pursuant to paragraph (a)(1), the Secretary will consider the land marketing history of the project, recent appraisals and market studies, the length of time land has been available for sale, comparable sales data, and other generally available data relevant to the value and marketability of remaining land; Provided, however, that with respect to the determinations for Fiscal Years 1976 and 1977, the Secretary shall take into consideration only those proceeds reasonably expected to be paid into the Project Temporary Loan Repayment Account by the end of Fiscal Year 1978 in the event that—

(i) the project has unsold land which has been available for at least three years and is not under contract of sale; or

(ii) twenty percentum of the unit of general local government's entitlement grant will be insufficient over a three year period to provide for any current or anticipated deficit.

The Fiscal Year 1978 base year for estimating land proceeds may be waived if the Secretary determines that the Federal financial interest is otherwise sufficiently protected.

(b) *Deductions at the initiative of the Secretary.* The Secretary may, after consultation with the chief executive of the unit of general local government and the local public agency, deduct up to 20 percent of the funds made available under this Part in any fiscal year to the unit of general local government from allocations pursuant to § 570.101, for appli-

cation to the repayment of temporary loans if the Secretary determines that the Federal financial interest will not otherwise be sufficiently protected. In determining the amount to be deducted, the Secretary shall take into consideration the factors considered in making the findings under § 570.802(a)(1).

§ 570.803 Financial settlement of projects.

(a) Upon written request of the local public agency carrying out the project, approved by resolution of the governing body of the unit of general local government, the Secretary shall approve a financial settlement of any project subject to the requirements of this section and § 570.804, which will result in full repayment of all temporary loans. Up to the full amount of the unearned grant, as well as any additional funds made available for such purpose under the provisions of § 570.801(b)(2) may be applied to repayment of the temporary loans so as to effect the financial settlement. Such financial settlements may be approved by the Secretary pursuant to a financing plan revised on the basis of the noncash local grants-in-aid actually provided. Subject to the requirements of paragraph (b) of this section, any surplus grant funds remaining after settlement will be made available to the unit of general local government for use in accordance with the provisions of this Part.

The provisions for financial settlement under this section are authorized for any project with respect to the settlement of which one or more of the following conditions apply.

(1) All approved project activities (other than the sale of land) for which project funds are available, or noncash local grants-in-aid which would otherwise have been required, will not have been substantially completed prior to the date of the financial settlement;

(2) All available project funds have been exhausted prior to completion of the approved project activities;

(3) The approved project activities have been completed except for the sale of all project land;

(4) The approved project activities have been completed and the settlement will result in a surplus grant.

(b) The release of surplus grant funds may be subject to completion of an audit and satisfaction of any audit exceptions with respect to the project, or any other projects located in the unit of general local government; provided, that the surplus grant funds or other funds available under the provisions of this Part shall not be used for payment of ineligible project costs.

The Secretary may require the application of surplus grant funds to any of the following purposes as a condition to financial settlement:

(1) Activities eligible for funding under § 570.801(b) in any other projects located in the unit of general local government for which the Secretary determines insufficient project funds may be available, consisting of (i) the



repayment of temporary loans; (ii) the completion of approved project activities which are deemed essential to protect the Federal interest in housing for which Federal subsidies have been committed or loans or mortgage insurance provided; (iii) the completion of approved project activities which are deemed essential to assure compliance with any applicable low and moderate income housing requirements under sections 105(f) and 105(h) of Title I of the Housing Act of 1949, as amended; and (iv) the payment of any obligations under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(2) With respect to the settlement of projects authorized under paragraph (a) (1), the completion of any approved project activities or noncash local grants-in-aid which are deemed essential to meet the requirements of paragraph (c) (3) and (4) and are eligible for funding under § 570.801(b).

(c) The financial settlement of a project under this section shall be subject to the environmental review requirements of 24 CFR § 58.20.

(d) Prior to financial settlement, the local public agency carrying out the project, and the unit of general local government in which the project is located, must execute a closeout agreement pursuant to the requirements of § 570.804(b) (7).

(e) Approval of requests for financial settlement under paragraph (a) (1) of this section shall be subject to the following additional requirements with respect to: any incomplete approved project activities which would otherwise be continued or completed with available project funds; any noncash local grants-in-aid which would otherwise be provided under the HUD contract for the project; and the use of any surplus grant funds remaining after the settlement:

(1) The proposed action must not be plainly inappropriate to meeting the needs and objectives stated in the unit of general local government's Community Development Plan;

(2) The proposed action must be subjected to the citizen participation requirements under this Part, and must be reviewed by the Urban Renewal Project Area Committee where one exists;

(3) Any proposed changes in the scope of renewal treatment must not adversely affect housing for which Federal subsidies have been committed or loans or mortgage insurance provided;

(4) Any proposed change in the scope of renewal treatment must not be inconsistent with the satisfaction of any remaining low and moderate income housing requirements under Sections 105(f) and 105(h) of Title I of the Housing Act of 1949, as amended;

(5) The maintenance of any occupied residential project property owned by the local public agency at the time of the settlement, including such property thereafter transferred for use or disposition to the unit of general local government, with respect to which relocation activities have not been completed, must be consistent with property management

standards applicable to the local public agency under urban renewal requirements.

(6) The unit of general local government shall be responsible to assess the effect of the proposed action on any third party obligations under State and local law.

§ 570.804 Application for approval of financial settlement.

Financial settlement will be approved if the Secretary finds that all applicable requirements of § 570.803 have been met after completion of the following actions:

(a) *Preliminary request.* A preliminary request shall be submitted in order to determine what actions will be necessary to comply with the requirements of § 570.803. The request shall include a report on the status of project activities, an estimate of the amount of surplus grant funds which may remain after financial settlement, and information regarding the financial status of any other projects in the locality of the unit of general local government. The Secretary will review the request and will advise the applicant whether any approved project activities must be completed or noncash local grants-in-aid provided in order to comply with requirements of § 570.803(e) (3) and (4) if the settlement is for a project authorized under § 570.803(a) (1), and whether any surplus grant funds will be required to be applied under the provisions of § 570.803(b). The applicant may then proceed to prepare a formal application, including performance of any environmental reviews required pursuant to 24 CFR Part 58.20.

(b) *Application for financial settlement and release of surplus funds.* The application for financial settlement and release of any surplus funds may be submitted either as a program year amendment described in § 570.305 or in conjunction with the unit of general local government's application for funds under this Part, submitted in accordance with § 570.303, provided, however, that the review and approval requirements of § 570.306(c) shall not apply. A unit of general local government which receives no entitlement amount under Subpart B shall submit an original application in accordance with the requirements of § 570.303. The application shall include:

(1) A written request for financial settlement submitted by the local public agency carrying out the project and concurred in by the governing body of the unit of general local government in which the project is located.

(2) A description of the steps the applicant has taken to comply with the applicable requirements of § 570.803 and any conditions required by HUD pursuant to review of the preliminary request.

(3) A statement indicating the extent to which incomplete activities are proposed to be continued or completed after financial settlement of a project under § 570.803(a) (1).

(4) A Certificate of Completion and Gross and Net Project Costs for the project, with appropriate modifications, reflecting the authority and nature of

the settlement under the applicable provisions of § 570.803(a), and which includes the cost of any remaining incurred, disputed, contingent and unliquidated relocation or other claims and obligations.

(5) A certification that environmental review required of the applicant pursuant to 24 CFR Part 58.20 has been completed, and that the citizen participation requirements under § 570.803(d) (2) have been complied with.

(6) A Community Development Program and Budget which identifies the activities to be carried out with any surplus funds or other funds included in the letter of credit for the purpose of liquidating costs identified pursuant to § 570.804(b) (4).

(7) A closeout agreement for concurrence by the Secretary, executed by the local public agency carrying out the project and by the unit of general local government in which the project is located, under the provisions of which:

(i) All remaining project property owned by the local public agency shall be identified and the proceeds from the sale or lease of such property after financial settlement shall be treated as program income of the unit of general local government under the provisions of § 570.506; provided, however, that such proceeds may be applied to the reimbursement of any funds of the unit of general local government, other than funds made available under this Part or cash local grants-in-aid required on the basis of incurred net project costs, which were used for the payment of temporary loans for the project. Any remaining project land may be retained for disposition by the local public agency, or transferred to the unit of general local government for use or disposition subject to the covenants specified in § 570.801(c) (1) (i), (ii), (iii) and (iv). In the disposition of such land, the provisions of section 110(c) (4) of Title I of the Housing Act of 1949, as amended, regarding fair use value shall not apply.

(ii) All low- and moderate-income housing required to be provided due to the demolition or removal of residential structures with project funds, pursuant to Section 105(h) of Title I of the Housing Act of 1949, as amended, shall be set forth, and the units actually provided shall be identified as to general location and total number. To the extent such housing has not been provided, it shall be incorporated and identified in the unit of general local government's Housing Assistance Plan, described in § 570.303(c).

(iii) All low- and moderate-income housing requirements with respect to which a predominantly residential project was obligated, pursuant to Section 105(f) of the Title I of the Housing Act of 1949, as amended, shall be set forth, and the units actually provided shall be identified as to general location and total number. To the extent such housing has not been provided, it shall be incorporated and identified in the unit of general local government's Housing Assistance Plan. Any change in such remaining housing obligations, or in previ-

ously approved land uses affecting the remaining housing obligations, shall require the approval of the Secretary as long as the area remains predominantly residential under the provisions of the applicable urban renewal plan.

(iv) Any costs or obligations incurred in connection with the project with respect to claims which are disputed, contingent, unliquidated or unidentified, and for the payment of which insufficient project funds have been reserved under the financial settlement, shall be borne by the unit of general local government. Such additional expenses may be paid from funds made available under this Part.

(v) Provision is made for any special conditions regarding the obligations of the local public agency and the unit of general local government with respect to the requirements of § 570.803.

(vi) The obligations under the closeout agreement are made specifically sub-

ject to the Program Management requirements of Subpart J.

(c) *Staged use of surplus funds.* If the unit of general local government wishes to stage the use of surplus urban renewal funds over a period of years, it may request the Secretary to make the funds available on a schedule specified by the unit of general local government. In this event, the community development plan summary included in the application or amendment shall specify the total usage of funds, and the annual Community Development Program and budget submissions shall include only the surplus funds proposed to be used in the program year.

*Effective date.* This regulation shall be effective on May 18, 1976.

DAVID O. MEEKER, Jr., FAIA, AIP,  
Assistant Secretary for  
Community Planning and Development.  
[FR Doc. 76-14272 Filed 5-17-76; 8:45 am]

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# **federal register**

**TUESDAY, MAY 18, 1976**



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**PART V:**

**COMMUNITY  
SERVICES  
ADMINISTRATION**

**■**

**COMMUNITY ACTION  
PROGRAMS**

**Summer Youth Recreation Programs**

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**V**



Title 45—Public Welfare  
CHAPTER X—COMMUNITY SERVICES  
ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF  
SPECIFIC COMMUNITY ACTION PRO-  
GRAMS

Subpart—Summer Youth Recreation  
Programs

The Director of the Community Services Administration hereby revises the rules, regulations and grant application procedures set forth below relative to the Summer Youth Recreation Program authorized under Section 222(a) (13) of the Community Services Act of 1974. Interested persons are invited to submit comments on these revisions to James R. King, Chief, Manpower Team, Office of Operations, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506. Inasmuch as this program is designed to begin as soon as possible after spring closing of schools and of the deadline for submission of applications is May 31, 1976, comments should be received by June 4, 1976 in order to be considered with regard to further revision of this subpart. In the interim, this subpart will serve as the basis for initiating the grant application process.

Effective date: June 4, 1976.

1. In 45 CFR Chapter X, Part 1061, the table of contents for §§ 1061.20-1 through 1061.20-11 is revised to read as follows:

Subpart—Summer Youth Recreation Programs	
Sec.	
1061.20-1	Applicability.
1061.20-2	Definitions.
1061.20-3	Purpose.
1061.20-4	Summer Youth Recreation Program—description and components.
1061.20-5	Eligible sponsors/alternates.
1061.20-6	Eligible participation.
1061.20-7	Funding.
1061.20-8	Application process.
1061.20-9	Expenditure of funds.
1061.20-10	Coordination with other programs.
1061.20-11	General requirements.

APPENDIX A  
APPENDIX B—Narrative Description of Program

APPENDIX C—Instructions for Preparation of Summer Youth Recreation Documents

APPENDIX D  
APPENDIX E

APPENDIX F—Summer Youth Recreation Program, Prime Sponsors

REFERENCES:

- OEO Instruction 6801-1—Grantee Fiscal Responsibility and Auditing.
- CSA Manual 2410-1—Accounting System Survey and Audit Guide for CSA Grants.
- OEO Instruction 6807-2—Grantee Quarterly Financial Reports.
- OEO Instruction 6807-2, Ch. 1—Grantee Quarterly Financial Reports.
- OEO Instruction 7001-01a—Grantee Property Administration.
- OEO Instruction 6809-1—Bond Coverage of Officials.
- OEO Instruction 7031-1—Grantee Program Progress Review.
- CSA Instruction 7850-1a—Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects.

SAMUEL R. MARTINEZ,  
Director.

2. In 45 CFR Chapter X, Part 1061.20-1 through 1061.20-11 is revised to read as follows:

Subpart—Summer Youth Recreation  
Programs

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2342.

§ 1061.20-1 Applicability.

This subpart applies to grantees funded under section 222(a) (13) of the Community Services Act of 1974 if the assistance is administered by the Community Services Administration.

§ 1061.20-2 Definitions.

(a) "Act" shall mean the "Headstart, Economic Opportunity, and Community Partnership Act of 1974" (Pub. L. 93-644).

(b) "Allocation" shall mean the distribution of funds among prime sponsors designated by the Secretary of Labor under section 102 of the CETA Act according to the formulas contained in the Act.

(c) "Certification" shall mean a legally binding statement that certain requirements have been fulfilled.

(d) "CETA Act" shall mean the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203).

(e) "Chief Elected Official" and "Chief Executive Officer" shall include their designees.

(f) "Community Action Agency" shall mean a political jurisdiction, public agency, or private non-profit agency which has the power and authority and will perform the functions set forth in section 212 of the Act and is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action program by the Director.

(g) "CSA Regional Director" shall mean the ten Regional Directors of the Community Services Administration in specified geographical areas of the country.

(h) "Director" shall mean the Director of the Community Services Administration.

(i) "Economically Disadvantaged" shall mean a person who is a member of a family as defined under CETA income poverty guidelines.

(j) "Summer Youth Program" shall mean the Summer Program for Economically Disadvantaged Youth funded under Title III, section 304(a) (3) of the Comprehensive Employment and Training Act of 1973 and administered by the U.S. Department of Labor.

§ 1061.20-3 Purpose.

This subpart sets forth the policies, rules and regulations of the Community Services Administration (CSA) in implementing and administering Summer Youth Recreation Programs authorized under section 222(a) (13) of the Community Services Act of 1974.

§ 1061.20-4 Summer Youth Recreation Program—description and components.

(a) Description. (1) The Summer Youth Recreation Program is designed to provide recreational opportunities for economically disadvantaged children during the summer months. The programs will be conducted in conjunction with the Summer Youth Program administered by the U.S. Department of Labor, Summer Youth enrollees should be utilized to the maximum extent possible in the conduct of this program.

(2) The programs shall begin as soon as possible after the Spring closing of school and shall not continue beyond September 30, 1976.

(3) To the maximum extent possible, Summer Youth Recreation Program sites shall be located directly in low-income communities or areas to ensure that disadvantaged youth are the beneficiaries of the programs. Activities shall be conducted in as many low-income areas of the sponsor's jurisdiction and designed to serve as many low-income children as possible within the constraints of effective program management and support.

(b) Components. (1) Summer Youth Recreation Programs will consist of the following components:

(i) Recreation support programs will provide recreation opportunities such as playground activities, organized sports and games, arts and crafts, informational tours, cultural field trips, instruction in the creative arts and special events.

(ii) Transportation support programs will provide transportation services to such cultural, recreational, educational, or employment activities.

§ 1061.20-5 Eligible sponsors/alternates.

(a) Eligible Agencies. Agencies eligible to receive summer recreation funds shall be prime sponsors under Title I of the CETA Act. (See Appendix F.)

(b) Alternative Sponsors. The CSA Regional Director may make provision for the funding of an alternative sponsor if a sponsor, for any reason, is unable or fails to establish or maintain an acceptable Summer Youth Recreation Program.

(c) Delegate Agencies/Subgrants. A Summer Youth Recreation sponsor may enter into contracts or subgrants under the provision set forth in OEO Form 280, Agreement for Delegation of Activities.

§ 1061.20-6 Eligible participation.

Participants in a Summer Youth Recreation Program shall be youth too young to obtain employment and be economically disadvantaged. The main target group for the Summer Youth Recreation Program shall be disadvantaged youth between the ages of eight and thirteen.

§ 1061.20-7 Funding.

(a) Allocation of Funds. Section 222 (a) (13) of the Community Services Act of 1974 provides for the allocation of funds for the Summer Youth Recreation

Program by the Director after consultation with the Secretary of Labor. Funds are allocated on the basis of (1) the relative number of public assistance recipients in the areas served by such prime sponsor or agency, as compared to the Nation; (2) the relative number of unemployed persons in such area as compared with the Nation; and (3) the relative number of related children living with families with incomes below the poverty line in such area, as compared to the Nation. That part of any allotment which the Director determines will not be needed may be reallocated at such dates during the fiscal year as the Director may fix, to the extent feasible in proportion to the original allotments. In making Summer Youth Recreation allocations under the Act, the Director shall insure, to the maximum extent possible, that for the program commencing in the fiscal year ending June 30, 1975, and for the program in each succeeding fiscal year no sponsor shall receive an amount less than the amount received for such programs during the fiscal year ending June 30, 1973, or the fiscal year ending June 30, 1974, whichever is higher.

(b) Non-Federal Share; Waiver of. Non-Federal share required by section 225(c) is waived for all programs funded under section 222(a) (13), Summer Youth Recreation Programs and does not require a request for waiver from applicants for grants.

§ 1061.20-8 Application process.

(a) Role of the CAA. The Community Action Agency or Agencies operating within the jurisdiction of the Summer Youth Recreation Program sponsor shall be given an opportunity to formally comment on the Summer Youth Recreation Program grant application and to recommend approval or disapproval to the CSA Regional Director. Community Action Agencies shall be provided with a copy of the Summer Youth Recreation Program grant application at the same time that the proposal is submitted to the CSA Regional Director. The CAAs will have five days within which to recommend approval or disapproval to the CSA Regional Director. The Community Services Administration retains final approval authority.

(b) Forms/Documentation Required. The forms and other documents to be used in applying for Summer Youth Recreation Programs will be made available to eligible sponsors by the CSA Regional Directors. The forms to be used in applying for a Summer Youth Recreation Program are as follows:

- OEO Form 301, Summary of Grant Application.
- OEO Form 325, Budget Summary.
- OEO Form 325A, Budget Support.
- OEO Form 394, Checkpoint Procedure for Coordination.
- CAP Form 84, Participant Characteristics Plan.
- Statement of Accounting System Certification, Appendix A to this Instruction (for use by public agencies).
- OEO Form 280, Agreement for Delegation of Activities.

(8) Program Narrative Description (See Appendix B).

Note: Detailed instructions for the preparation of the above documents can be found in Appendix C.

(c) Deadline for Submission of Applications. Summer Youth Recreation grant applications shall be submitted to CSA Regional Offices no later than May 31, 1976.

(d) Checkpoint Coordination. A procedural variance in the procedures normally followed in the Project Notification and Review System (A-95) will be in effect. Applicants should simultaneously forward a copy of their applications to the appropriate CSA Regional Office and the appropriate clearinghouse. Applicants should indicate in their clearinghouse submissions that any comments should be forwarded directly to the appropriate CSA Regional Office as soon as possible and no later than June 7, 1976.

§ 1061.20-9 Expenditure of funds.

(a) Allowable Costs. (1) Administration, including salaries, wages and fringe benefits of program administrators (but not program staff); consumable office supplies; rent and utilities; telephone and postage; travel of program administrators and audit costs. Funds in this category are subject to the administrative cost limitations as defined in OEO Instruction 6807-2, Grantee Quarterly Financial Reports.

(2) Recreation services including but not limited to: Purchase of recreation equipment<sup>1</sup> and supplies up to \$200 per unit cost to be used in support of the program; rental of recreational equipment and supplies to be used in support of the program; admission to special events; field trip expenses; salaries; wages, fringe benefits and orientation of program staff, such as art instructors and playground supervisors; transportation for participants and program staff; lunches or food provided as an integral part of a recreation activity; recreation clothing and insurance. The standards to be used for the procurement of supplies, equipment and other material and services with Federal grant funds are described in OEO Instruction 7001-01a, Grantee Property Administration.

(3) Charges above operating costs for the use of grantee owned facilities will not be made to the SYRP program except with the written authorization of the appropriate CSA Regional Director.

(4) Transportation services, including but not limited to: bus tokens, and rental of charter buses, taxis, cars and vans.

(b) Non-Allowable Costs. (1) Summer Youth Recreation Program funds shall not be expended on office equipment, in-place installations, capital improvements, to compensate participants in the program or to purchase transportation vehicles or equipment such as cars, vans, or buses.

<sup>1</sup> Disposition of property will be in accordance with the policy stated in CSA Instruction 7001-01a.

(2) Summer Youth Recreation funds shall not be used to finance any other program activities and services not authorized under the Summer Youth Recreation Program such as, but not limited to, work experience, on-the-job training or public service employment activities.

(3) Summer Youth Recreation Program funds shall not be used to finance trips outside a 100-mile radius of the sponsor's jurisdiction unless the trip has received the specific written approval of the CSA Regional Director or his designee.

§ 1061.20-10 Coordination with other programs.

(a) The Summer Youth Recreation Programs will be closely coordinated with the anti-poverty programs of the Community Action Agency serving the jurisdiction covered by the Summer Youth Recreation Program with a view of minimizing possible duplication of effort and providing efficiencies in the use of common facilities and services.

(b) Sponsors should coordinate Summer Youth Recreation Programs with manpower and social service programs, including the Summer Youth Employment Program and other CETA manpower activities.

(c) The extensive outreach and intake capability of the Community Action Agencies should be utilized to the maximum extent possible. The CAA network of Neighborhood Service Centers in disadvantaged communities provide a ready means of assuring that the disadvantaged are effectively served by the program. In addition, transportation services may be provided as services for participants in the Summer Youth Program and thus supplement transportation support activities carried out under the Summer Youth Recreation Program.

(d) Sponsors may utilize the Summer Feeding Program for low-income children which provides meals (and recreational activities as well in most instances) in schools, community centers, parks, playgrounds, storefronts and other settings. (See Appendix E for listing of State School Lunch Directors who can assist sponsors in applying for the program.)

(e) Participants in the Summer Youth Program and other manpower programs, including public service jobs incumbents under the CETA Act, should be utilized as program and administrative staff in the Summer Youth Recreation Program to the maximum extent feasible by using the Summer Youth Recreation Program sites as work stations.

§ 1061.20-11 General requirements.

(a) Maintenance of Effort. No sponsor shall, because of funds granted under section 222(a) (13) of the Act, reduce or decrease funds already planned for Summer Youth Recreation activities of a nature similar to those provided under the aforementioned section.

(b) Insurance. General liability insurance, including automobile liability insurance must be obtained, in amounts which assure the adequate protection of



## RULES AND REGULATIONS

program participants and the grantee. The required minimum liability coverage shall be \$300,000 per accident and per person and the minimum property damage coverage shall be \$25,000. In the case of those organizations which could raise the defense of sovereign immunity, the insurance policy shall provide that this defense will not be raised by the organization of the insurer.

(c) **Bonding.** Prior to the release of funds to any grantee, public or private, CSA must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. (See Appendix D for CSA's policy statement on Bond Coverage of Officials.)

(d) **Program Progress Report and Evaluation.** Sponsors shall submit a program progress report as outlined in CSA Instruction 7031-1 on the results of the Summer Youth Recreation Program to the appropriate CSA Regional Office no later than October 20, 1976. All grantees are also required to undertake self-evaluations. In addition, CSA may undertake on-site evaluations of selected projects.

(e) **Financial Reporting.** A financial report is to be submitted by October 20, 1976, to the appropriate CSA Regional Office in accordance with the requirements and procedures set forth in OEO Instruction 6801-1, Grantee Fiscal Responsibility and Auditing and OEO Instruction 6807-2, Ch. 1, Grantee Quarterly Financial Reports.

(f) **Auditing.** Audit requirements for this program are to be met by complying with OEO Instruction 6801-1 and Appendix A of this instruction for public agencies and any special conditions that are a part of the grant award.

(g) **Safety and Health Conditions.** Participants shall not be exposed to conditions which are unsanitary or hazardous or dangerous to their safety of health.

(h) **Licensing.** All transportation services under this program will be from sources properly licensed and insured to provide carriage of the public, and which are operated in compliance with all applicable local, State and/or Federal statutes covering public transportation.

## APPENDIX A

STATEMENT TO BE SUBMITTED BY APPROPRIATE PUBLIC FINANCIAL OFFICERS WHEN THE APPLICANT IS A PUBLIC AGENCY OR WHEN THE ACCOUNTING SYSTEMS OF A PRIVATE-NON-PROFIT AGENCY WILL BE MAINTAINED BY A PUBLIC AGENCY

(Address of Regional or Program Office of CSA, as appropriate)

DEAR SIR: I am the chief financial officer of (name of public body) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the (name of applicant), which is a public (or non-profit) agency charged with carrying out a CSA program in (name of community). The accounting system will have internal controls adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

Signature of financial officer

Name of financial officer

Title

Name of public body

STATEMENT TO BE SUBMITTED WHEN APPLICANT IS A PRIVATE-NONPROFIT AGENCY (OR A PUBLIC AGENCY) WHOSE ACCOUNTING SYSTEM WILL NOT BE MAINTAINED BY A PUBLIC AGENCY

(Address of Regional or Program Office of CSA, as appropriate)

DEAR SIR: I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the (name of applicant), which is a private-nonprofit organization (or public agency) carrying out a CSA program in (name of community).

I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

Signature of accountant

Name of accountant

Name of firm

## APPENDIX B—NARRATIVE DESCRIPTION OF PROGRAM

The above narrative description will be prepared as shown below. Applicants should present a clear and concise description of each item addressed in the narrative using charts, graphs, maps, etc.

## NARRATIVE DESCRIPTION OF PROGRAM

A. Prepare a statement regarding the purpose of the Summer Youth Recreation Program. This statement should focus on the recreational needs of the economically-disadvantaged youth residing in the area covered by this project.

B. Describe the types of recreational activities and services that will be provided to the youth served by the program. Include an estimate of the costs for each activity or service in the program. Specify any field trips, sports, events, cultural, recreational or educational trips outside the jurisdiction(s) covered by the applicant agency.

C. Provide a list of the recreational equipment and supplies that will be purchased for the program, particularly any equipment costing over \$200.00.

D. Describe the community or geographic area(s) that will be served by the recreational opportunities of the program.

E. Prepare an estimate of the number of recreational opportunities to be offered in the program. Include an estimate of the number of opportunities that each type of activity or service described in B above will provide.

F. Prepare a statement describing the results and benefits to be derived from the recreation program in terms of both the community and participants served, in relation to the recreational needs of the community.

G. Describe how the program will be coordinated and linked with other manpower and social service programs. For example, utilizing administrative staff of Summer Youth Program to administer the recreation program. Using the local CAAs assistance in outreach, intake capability and other support services. In addition, transportation services may be provided through the Summer Youth Program and thus supplement transportation support activities carried out under this program.

H. Describe the method in which participants will be recruited, selected and eligibility is determined (to ensure that those most in need are served by the program).

The sponsors application for funding must be consistent with the requirements as outlined in CSA Instruction 7850-1a, Standards for Evaluating the Effectiveness of CSA-Administered Programs and Projects.

Applicants are encouraged to discuss the narrative requirements as well as any other application requirements with CSA Regional Office representatives to ensure that the application is as complete and accurate as possible before it is submitted for approval.

## APPENDIX C—INSTRUCTIONS FOR PREPARATION OF SUMMER YOUTH RECREATION DOCUMENTS

Eligible applicants should submit the original and two copies of all required forms and documents to the appropriate CSA Regional Director by May 1976. One copy of the grant application shall be submitted to the CAA/s serving the jurisdictions covered by the Summer Youth Recreation program at the same time as the application is submitted to the Regional Office. The following instructions are provided to assist applicants in completing grant application forms:

## SUMMARY OF GRANT APPLICATION, OEO FORM 301

Item 1. Type of Application—check "new."

Item 2. Name of OEO Project Manager—to be provided by CSA Regional Office.

Item 3. Name of Applicant Agency—enter the name of the applicant, the name of the primary organizational unit which will undertake the grant supported activity.

Item 4. Address—enter the complete address of the applicant.

Item 5. Applicant Agency Program Manager—enter the name of person(s) directly assigned to this project.

Item 6. Telephone Number of Program Manager—enter the telephone number of person(s) directly assigned to this project.

Item 7. Political Jurisdiction in Which OEO Funded Activities Will Take Place:

a. Counties—enter the counties to be served by this project. If the applicant is the state or "balance of the state," the area served may be indicated as the "balance of the state."

b. Cities—enter the cities or city to be served by the project (e.g., City of Chicago, City of Boston, etc.). If the project is serving balance of state, indicate balance of state.

c. Congressional District—enter the congressional district(s) in which the applicant is located.

Item 8. Type of Area Served by Project—check the appropriate block(s) defined in Item 8 to be served by this project.

Item 9. Total Population in Area Served—enter the total population residing in the area to be served by this project.

Item 10. Type of Agency—"not applicable for this project."

Item 11. Internal Revenue Services Employer Identification Number—enter the employer identification number assigned by the U.S. Internal Revenue Service.

Item 12. Applicant Type—check the appropriate block in which the applicant is located (e.g., city government, county government, etc.); check other if applicant type is not shown in Item 12 and specify type of applicant.

Item 13. Applicant Function—check the most applicable block(s). Check "other" if applicant function is not defined in Item 13 and specify function of applicant.

Item 14. Will the Administration of Any Part of the Work Program be Delegated to Another Agency?—check the appropriate block. If "yes" applicant must submit the required form shown in Item 14.

Item 15. Funding Period For Which Funds Are Requested:

a. Beginning Date—enter the approximate date the project is expected to begin.

b. Ending Date—enter the approximate date the project is expected to end. (All projects will terminate by September 30, 1976).

Item 16. Total Requested Budget Per OEO Form 325:

a. OEO Federal—enter the amount allocated by the Director. CSA Regional Director will provide eligible applicants the amount allocated by the Director.

b. Non-Federal—not applicable.

Section III. Former Office of Economic Opportunity Employees—not applicable.

Sections IV-VII. These Sections are applicable and binding by the applicant on the signature of the chief elected official or the authorized representative of the applicant agency.

The following special instructions for completing the remaining forms are set forth only in those cases where data required is not considered to be self-explanatory.

## BUDGET SUMMARY, OEO FORM 325

Item 3A. Grant No.—this number to be entered by the CSA Regional Office.

Item 3C. Program Account Title and No.—to be provided by CSA Regional Office.

Section I. Budget Summary—eligible applicants will complete Column C only. Column C corresponds with Columns A (Cost Category No.) and B (Cost Category). Enter the estimated expenditures in Columns C.1 (OEO Federal) and C.2 (Non-Federal), based upon the amount of funds allocated by the Director in each applicable cost category. Total for Column C.1 should agree with the amount allocated the applicant. Column C.2—not applicable.

Section II. Estimated Future Costs—not applicable.

Budget Support Sheet, Part I (Salaries and Wages) and Part II (Budget Support Data), OEO Form 325a.

Part I. Salaries and Wages (Itemization of Cost Category No. 1.1)—enter the appropriate data as specified based upon the amount allocated (e.g., estimate expenditures in support of this project).

Part II. Budget Support Data (Itemization of Cost Categories Other Than Salaries and Wages. Show Subtotal for Each Cost Category)—enter the estimated expenditures for each item as specified.

## CHECKPOINT PROCEDURE FOR COORDINATION, OEO FORM 394

This form is to be used to solicit comments from the Community Action Agency in the jurisdiction in which the applicant agency is located.

## APPENDIX D

Bond coverage of officials. Prior to the release of funds to any grantee, public or private, for the first initial grant, OEO must receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may either take the form of a statement that no bond is needed (in line with the conditions noted below) or it may consist of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond that has been obtained.

A bond does not need to be provided by a grantee, public or private, if funds are to be deposited in a public treasury and disbursed and audited by local or State public officials who normally perform these duties. In this case, the financial role of the officials of the

## RULES AND REGULATIONS

grantee agency must be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. Nor does a grantee which is a public agency need to provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded, in an amount consistent with local requirements and practices.

In all other situations, grantees—whether public or private agencies—must take steps to secure fidelity bond coverage in line with the following guides:

(1) Coverage should be secured in the aggregate amount of \$25,000 for persons authorized to sign or countersign checks or to disburse sizeable amounts of cash (such as for payrolls). Persons who handle only petty cash need not be bonded. Nor is it necessary to bond officials who are authorized to sign Payment Vouchers, but who are not authorized to sign or countersign checks or to disburse cash.

(2) Grantees normally should obtain a 3 year bond, payable annually, with an option to cancel in the event the program terminates before three years. Such terms are available from the most surety companies.

(3) Grantees are responsible for assuring that appropriate officials of delegate agencies are bonded. Existing bond coverage on officials of delegate agencies which are public agencies shall be considered acceptable. Coverage for officials of delegate agencies which are private organizations shall be equal to the average of funds to be expended each month (up to an aggregate amount of \$25,000). If a delegate agency will expend less than \$1,000 per month in program funds, on the average, bond coverage is not required.

(4) Copies of bonds secured by the grantee and by delegate agencies should be filed by the grantee and need not be submitted to OEO.

## APPENDIX E

T. G. Smith  
205-269-6011  
Food Services & Local Accounting  
Administrative & Finance  
State Department of Education  
460 State Office Building  
Montgomery, Alabama 36104

Mr. Marge Dawes, Coordinator  
School Lunch Services  
State Department of Education  
Alaska Office Building—Pouch P  
Juneau, Alaska 99801

Mrs. Frances Sullivan, Supervisor  
School Lunch Programs  
Department of Education  
Pago Pago, Tutuila, American Samoa 96920

Joanne Hurley, Director  
602-271-5198  
School Lunch Program  
State Department of Public Instruction  
Suite 165, State Capitol  
Phoenix, Arizona 85007

J. A. Niven, State Director  
School Lunch Division  
West Central  
USDA Regional Office  
State Department of Education

Mr. Webber, Supervisor  
School Lunch Program  
State Department of Education  
721 Capitol Mall  
Sacramento, California 95814

Mr. Pohle H. Wolfe, Consultant  
School Food Services  
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Cambridge, Massachusetts 02139

Mr. William Taupier  
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Hillsborough County Courthouse  
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Passaic County Administration Building  
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Board of Chosen Freeholders  
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East State Street  
Trenton, New Jersey 08608

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Union County  
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Mr. James Sparano  
Title II & VI  
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County Administration Building  
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Mr. Philip Gumbs  
Director  
Board of Chosen Freeholders  
Monmouth County  
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Freehold, New Jersey 07728

Mrs. Leanna Brown  
Board of Chosen Freeholders  
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Morristown, New Jersey 07960

Honorable Kenneth A. Gibson  
Mayor of Newark  
City Hall  
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Mr. Jeremiah O'Connor  
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Bergen County  
Administration Building  
Hackensack, New Jersey 07601

Mr. Louis Katz  
Board of Chosen Freeholders  
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Courthouse  
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County Courthouse  
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Jersey City, New Jersey 07306

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Board of Chosen Freeholders  
Burlington County  
County Office Building  
Mt. Holly, New Jersey 08060

Honorable Brendan T. Byrne  
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State House  
Trenton, New Jersey 08603

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Atlantic County  
727 Guarantee Trust Building  
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Chautauqua County  
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Honorable Arch A. Moore, Jr.  
Governor of West Virginia  
Charlestown, West Virginia 25305

REGION IV

Honorable Jim Robinson  
City of Montgomery  
Autauga, Elmore and Montgomery Consor-  
tium  
P.O. Box 1111  
Montgomery, Alabama 36102

Mr. Tom J. Ventress, Director  
State of Alabama  
Department of Industrial Relations  
Industrial Relations Building  
Montgomery, Alabama 36104

Honorable David J. Vann  
City of Birmingham  
Birmingham Area Manpower Consortium  
City Hall  
Birmingham, Alabama 35203

Honorable Joe W. Davis  
City of Huntsville  
Huntsville/Madison County Consortium  
P.O. Box 308  
Huntsville, Alabama 35804

Mr. Howard E. Yeager  
Mobile County Commission  
P.O. Box A  
Mobile, Alabama 36601

Mr. John M. Puryear, Chairman  
Tuscaloosa County Commission  
P.O. Box 113  
Tuscaloosa, Alabama 35401

Mr. John Wershow  
Chairman, Board of County Commissioners,  
Alachua County  
County Courthouse, Room 402  
Gainesville, Florida 32601

Honorable Reubin Askew  
Governor of Florida  
State Capitol  
Tallahassee, Florida 32304

Mr. Lee Wenner  
Chairman, Board of County Commissioners  
Brevard County  
P.O. Box 1498  
Titusville, Florida 32780

Honorable David R. Keating  
Mayor, Fort Lauderdale  
650 N. Andrews Avenue  
Fort Lauderdale, Florida 33311



## RULES AND REGULATIONS

Mr. R. Ray Goode, County Manager  
73 W. Flagler Street  
Room 911  
County Courthouse  
Miami, Florida 33139

Mr. John C. Martin, Chairman  
Board of County Commissioners  
Escambia County  
P.O. Box 1591  
Pensacola, Florida 32597  
Mr. Frank B. Smith, Jr.  
Chairman, Board of County Commissioners  
P.O. Box 60  
Bartow, Florida 33840

Mr. L. H. Whan, Chairman  
Board of County Commissioners  
Lee County—P.O. Box 398  
Fort Myers, Florida 33901

Mr. Travis Marchant  
Chairman, Board of County Commissioners  
Leon/Gadsden Consortium  
Leon County Courthouse  
Tallahassee, Florida 32304

Mr. Dan P. McClure, Chairman  
Board of County Commissioners  
Manatee County  
Manatee County Courthouse  
Bradenton, Florida 33505

Honorable Hans G. Tazler, Jr.  
Mayor, Jacksonville  
220 E. Bay Street  
Jacksonville, Florida 32202

Mr. John C. Martin, Chairman  
Board of County Commissioners  
Orange County  
P.O. Box 2243  
Orlando, Florida 32802

Mr. W. H. Medlen, Chairman  
Board of County Commissioners  
Palm Beach County  
P.O. Box 1989  
West Palm Beach, Florida 33401

Mr. K. M. Olson, Chairman  
Board of County Commissioners  
Pasco County  
Custom Commerce Building  
200 Commerce Avenue  
Port Richey, Florida 33568

Mr. William A. Muirhead, Chairman  
Board of County Commissioners  
Sarasota County  
P.O. Box 8  
Sarasota, Florida 33578

Mr. J. Michael Hathaway, Chairman  
Seminole County Board of Commissioners  
Courthouse, N. Park Avenue  
Sanford, Florida 32771

Mr. G. Patrick Iley, Chairman  
Board of County Commissioners  
Pinellas County  
315 Haven Street  
Clearwater, Florida 33516

Mr. James O. Simmons  
Manpower Director  
Tampa/Hillsborough Manpower Consortium  
Suite 404, 915 N. Ashley Drive  
Tampa, Florida 33602

Dr. Thomas C. Kelly  
County Manager  
Volusia County  
P.O. Box 429  
Deland, Florida 32720

Honorable George D. Busbee  
Governor of Georgia  
State Capitol  
Atlanta, Georgia 30334

Mr. Edward McIntyre, Chairman  
Board of County Commissioners  
Richmond County  
Room 805, 530 Greene Street  
Augusta, Georgia 30902

Honorable Maynard H. Jackson  
Mayor, City of Atlanta  
Atlanta, Georgia 30303

Mr. Jack Wells, Chairman  
Board of County Commissioners  
Clayton County  
Clayton County Courthouse  
McDonough Street  
Jonesboro, Georgia 30236

Honorable Ernest W. Barrett  
Chairman, Board of County Commissioners  
Cobb County  
P.O. Box 649  
Marietta, Georgia 30061

Honorable Jack P. Mickle  
Mayor of Columbus  
Government Center  
P.O. Box 1340  
Columbus, Georgia 31902

Ms. C. Leslie Dawson, Secretary  
Department for Human Resources  
200 Capitol Annex Building  
Frankfort, Kentucky 40601

Honorable H. Foster Pettit  
Chairman, Bluegrass Manpower Consortium  
Municipal Building  
Lexington, Kentucky 40507

Honorable Harvy I. Sloane  
Mayor of Louisville  
101 City Hall  
Louisville, Kentucky 40202

Honorable L. J. Hollenback, III  
Judge, Jefferson County Fiscal Courthouse  
Louisville, Kentucky 40202

Mr. Virgil Osborne  
Executive Director  
Eastern Kentucky CEP  
P.O. Box 1035  
569 N. Main Street  
Hazard, Kentucky 41701

Honorable James A. Dressman, Jr.  
Judge, Kenton County Fiscal Court  
City-County Building, Room 408  
Covington, Kentucky 41011

Honorable Russell C. Davis  
Mayor, City of Jackson  
P.O. Box 17  
Jackson, Mississippi 39205

Dr. Milton B. Baxter  
Executive Director  
Office of the Governor, Education and Training  
P.O. Box 4300  
Jackson, Mississippi 39216

Mr. Harvey R. Newlin, Chairman  
Alamance County Board of Commissioners  
124 West Elm Street  
Graham, North Carolina 27253

Honorable James E. Holshouser, Jr.  
Governor of North Carolina  
P.O. Box 1350  
Raleigh, North Carolina 27602

Mr. R. Curtis Ratcliff, Chairman  
Buncombe County Board of Commissioners  
Buncombe County Courthouse  
P.O. Box 7435  
Asheville, North Carolina 28807

Honorable John M. Belk  
Mayor of Charlotte  
City Hall, Room 200  
600 East Trade Street  
Charlotte, North Carolina 28202

Honorable Jyles J. Coggins  
Mayor of Raleigh  
P.O. Box 590  
Raleigh, North Carolina 27602

Honorable Franklin R. Shirley  
Mayor of Winston-Salem  
City of Winston-Salem  
P.O. Box 2511  
Winston-Salem, North Carolina 27101

Mr. Luther N. Packer, Sr.  
Chairman  
Cumberland County Board of Commissioners  
P.O. Drawer 1829  
Fayetteville, North Carolina 28302

Honorable Wade L. Cavin  
Mayor, Durham  
Durham, North Carolina 27702

Mr. C. G. Beam, Chairman  
Board of Commissioners  
P.O. Box 1578  
Gastonia, North Carolina 28052

Honorable E. S. Melvin  
Mayor of Greensboro  
Greensboro/High Point/Guilford County Consortium  
P.O. Drawer W-2  
Greensboro, North Carolina 27402

Mr. Ormond Barbee, Chairman  
Onslow County Board of Commissioners  
107 New Bridge Street  
Jacksonville, North Carolina 28540

Mr. Vassar P. Shearon, Chairman  
Wake County Board of Commissioners  
P.O. Box 550  
Raleigh, North Carolina 27602

Honorable James B. Edwards  
Governor of South Carolina  
Division of Administration  
Edgar A. Brown Building  
Columbia, South Carolina 29201

Mr. J. D. Wallace, Commissioner  
Tennessee, Department of Employment Security  
500 Cordell Hall Building  
Nashville, Tennessee 37219

Honorable Charles A. Rose  
Mayor, City of Chattanooga  
City Hall, E. Eleventh Street  
Chattanooga, Tennessee 37402

Honorable Wyeth Chandler  
Mayor, City of Memphis  
Memphis-Shelby Manpower Consortium  
Room 308, 125 N. Main Street  
Memphis, Tennessee 38103

Honorable Don Moore  
Judge, Hamilton County  
201 Courthouse  
Chattanooga, Tennessee 37402

Honorable Randell L. Tyree  
Mayor, City of Knoxville  
Knoxville/Knox County Manpower Consortium  
City Hall, City Hall Park  
Knoxville, Tennessee 37902

Honorable Richard H. Fulton  
Mayor  
Metropolitan Government of Nashville/Davidson County  
107 Metropolitan Courthouse  
Nashville, Tennessee 37201

Honorable Lon V. Boyd  
Judge, Sullivan County  
P.O. Box 155  
Blountville, Tennessee 37617

## REGION V

Mr. Wesley M. Schwengel  
Chairman  
Champaign County Board  
County Office Building  
Urbana, Illinois 61801

Honorable Richard J. Daley  
City Hall  
121 N. La Salle Street  
Chicago, Illinois 60602

Mr. George W. Dunne  
President  
Cook County Board  
118 North Clark Street  
Chicago, Illinois 60602

Mr. Gerald R. Weeks  
Chairman  
Du Page County Board  
421 N. County Farm Road  
Wheaton, Illinois 60187

Mr. William E. Mason  
Mayor  
City of E. St. Louis  
City Hall, No. 7 Collinsville Avenue  
East St. Louis, Illinois 62201

Mr. Phillip B. Elfstrom  
Chairman  
Kane County Board  
719 S. Batavia Avenue  
Geneva, Illinois 60134

Mr. John Balen  
Chairman  
Lake County Board  
Administration Building  
Waukegan, Illinois 60085

Mr. Edward Lambert  
Chairman of the Board  
County Courthouse  
Ottawa, Illinois 61350

Mr. Bennett Bradley, Jr.  
Chairman  
Macon County Board  
253 E. Wood, Room 506-A  
Decatur, Illinois 62523

Mr. Nelson Hagnauer  
Chairman  
Madison County Board  
County Courthouse  
Edwardsville, Illinois 62025

Mr. Walter J. Dean  
Chairman  
McHenry County Board  
Malleny Co. Courthouse  
Woodstock, Illinois 60098

Mr. Jake Ringger  
County Board Chairman  
McLean County  
303 Courthouse  
Bloomington, Illinois 61701

Honorable Richard E. Carver  
City Hall  
419 Fulton Street  
Peoria, Illinois 61602

Honorable Robert W. McGaw  
City Hall  
425 E. State Street  
Rockford, Illinois 61104

Mr. Marcel De Jaegher  
Chairman  
Rock Island Co. Board  
1504 Third Avenue  
Rock Island, Illinois 61201

Mr. Paul Bitschenauer  
Chairman  
Sangamon County Board  
Room 301, County Building  
Springfield, Illinois 62701

Mr. C. E. Farris, Chairman  
Alexander County Board of Commissioners  
2000 Washington Avenue  
Cairo, Illinois 62914

Mr. Lawrence King, Chairman  
Johnson County Board of Commissioners  
Johnson County Courthouse  
Vienna, Illinois 62995

## RULES AND REGULATIONS

Mr. John W. Taylor, Chairman  
Massac County Board of Commissioners  
Massac County Courthouse  
Metropolis, Illinois 62950

Mr. A. M. Huddleston, Chairman  
Pulaski County Board of Commissioners  
Pulaski County Courthouse  
Mound City, Illinois 62963

Honorable Daniel P. Walker  
Governor, State of Illinois  
State Office Building  
Springfield, Illinois 62706

Mr. Victor Canty, Chairman  
St. Clair County Board  
#1 South Church Street  
Suite 204  
Belleville, Illinois 62220

Mr. Jack Cranwill  
Chairman  
Tazewell County Board  
Pelvin, Illinois 61554

Mr. Ted Grabavoy  
Chairman  
Will County Board  
Will County Courthouse  
Joliet, Illinois 60431

Honorable Otis R. Bowen, MD  
Governor of Indiana  
State Capitol Building  
Indianapolis, Indiana 46204

Mr. John Isonbarger  
President  
Delaware County Board of Commissioners  
100 West Main Street  
Muncie, Indiana 47305

Mr. Hal Doriot, President  
Attn: Thomas Ramberger  
Elkhart County Commissioners  
County Courts Building  
315 South Second Street  
Elkhart, Indiana 46514

Mayor Russell G. Lloyd  
Chairman  
S. W. Indiana Manpower Consortium, Room 219  
Administration Building  
Civic Center Complex  
Evansville, Indiana 47708

Honorable Robert Armstrong  
Mayor of Fort Wayne  
Mayor's Office  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Honorable Richard G. Hatcher  
Mayor of Gary  
Municipal Building  
401 Broadway  
Gary, Indiana 46402

Honorable Edward J. Raskosky  
Mayor, City of Hammond  
5925 Calumet Avenue  
Hammond, Indiana 46320

Honorable William H. Hudnut  
Mayor, The City of Indianapolis  
2501 City-County Building  
Indianapolis, Indiana 46204

Mr. N. Atterson Spann, Jr.  
President, Board of Commissioners of the  
County of Lake  
2293 North Main Street  
Crown Point, Indiana 46307

Mr. Richard O. Knoll  
President  
La Porte County Commissioners  
Circuit Courthouse  
La Porte, Indiana 46016

Mr. George Baker, President  
Madison County Commissioners  
16 East 9th Street  
Madison County Government Center  
Anderson, Indiana 46016

Honorable Peter J. Nemeth  
Mayor, City of South Bend  
City-County Building  
227 West Jefferson Street  
South Bend, Indiana 46601

Mr. Richard Larrison  
Chairman  
St. Joseph County Commissioners  
Room 720, County-City Building  
227 West Jefferson Street  
South Bend, Indiana 46601

Mr. Bruce Osborn, President  
Tippecanoe County Board of Commissioners  
Tippecanoe County Commissioners Court-  
house  
Lafayette, Indiana 47902

Mr. John Scott, President  
Vigo County Board of Commissioners  
Room 25, Vigo County  
Courthouse  
Terre Haute, Indiana 47807

Honorable Albert Wheeler, Mayor  
City of Ann Arbor  
100 North Fifth Avenue  
Ann Arbor, Michigan 48108

Honorable William G. Milliken  
Governor  
State of Michigan  
Capitol Building  
Lansing, Michigan 48905

Mr. Louis L. Neal, Chairperson  
Bay County Board of Commissioners  
Bay County Building  
Bay City, Michigan 48706

Honorable James Rutherford, Mayor  
City of Flint  
1101 South Saginaw Street  
Flint, Michigan 48502

Honorable Abe L. Drasin, Mayor  
City of Grand Rapids  
300 Monroe Avenue, N.W.  
Grand Rapids, Michigan 49502

Mr. Donald Mitchell, Commissioner  
Lenawee County Drain Commission  
County Building  
Adrian, Michigan 49221

Mr. Ronald Bushouse, Chairperson  
Kalamazoo County Board of Commissioners  
227 West Michigan Avenue  
Kalamazoo, Michigan 49006

Mr. Donald C. Gilson, Chairperson  
Tri-County Administration Board  
601 South Oakland  
St. James, Michigan 48810

Honorable Edward H. McNamara, Mayor  
City of Livonia  
33001 Five Mile Road  
Livonia, Michigan 48154

Mr. Robert A. VerKullen, Chairperson  
Macomb County Board of Commissioners  
Macomb County Courthouse, 2nd Floor  
Mount Clements, Michigan 48043

Mr. Leslie H. Fisher, Chairperson  
Berrien County Board of Commissioners  
Berrien County Courthouse  
811 Port Street  
St. Joseph, Michigan 49085

Mr. Frank P. Wilcox, Chairperson  
Calhoun County Board of Commissioners  
315 West Green Street  
Marshall, Michigan 49068

Honorable Orville L. Hubbard, Mayor  
City of Dearborn  
13615 Michigan Avenue  
Dearborn, Michigan 48126



Honorable Coleman A. Young, Mayor  
City of Detroit  
1128 City-County Building  
Two Woodward Avenue  
Detroit, Michigan 48228

Mr. Michael Carr, Chairperson  
Genesee County Board of Commissioners  
1101 Beach Street, Room 312  
Flint, Michigan 48502

Mr. Edmund Blue, Chairperson  
Lapeer County Board of Commissioners  
County Courthouse  
Lapeer, Michigan 48446

Mr. Clarence Hasselbring, Chairperson  
Shiawassee County Board of Commissioners  
1903 Corunna Avenue  
Owosso, Michigan 48868

Mr. Arden T. Westover, Sr.  
Chairperson  
Monroe County Board of Commissioners  
106 East Front Street  
Monroe, Michigan 48161

Mr. Herman Ivory, Chairperson  
Muskegon County Board of Commissioners  
County Building  
Muskegon, Michigan 49440

Mr. Alexander C. Perinoff  
Chairperson  
Oakland County Board of Commissioners  
1200 North Telegraph Road  
Pontiac, Michigan 48053

Mr. Kenneth Raab, Chairperson  
Ottawa County Board of Commissioners  
County Building  
Grand Haven, Michigan 49417

Mr. Benjamin Schrader, Chairperson  
Saginaw County Board of Commissioners  
Saginaw County Courthouse  
Saginaw, Michigan 48602

Mr. James A. Dougherty, Chairperson  
St. Clair County Board of Commissioners  
County-City Building  
201 McMorran Boulevard  
Port Huron, Michigan 48060

Honorable Ted Bates, Mayor  
City of Warren  
29500 Van Dyke Avenue  
Warren, Michigan 48093

Mr. Larry Buboltz, Director  
Rural Minnesota CEP, Inc.  
819 Lincoln Avenue  
Detroit Lakes, Minnesota 56501

Honorable Wendell Anderson  
Governor  
Capitol Square Building  
St. Paul, Minnesota 55101

Honorable Lawrence D. Cohen, Mayor  
Suite #340—Lowry Hotel  
St. Paul, Minnesota 55102

Honorable John S. Ballard  
Mayor of Akron  
City Hall  
Akron, Ohio 44308

Mr. Robert L. Townsend, Jr.  
President  
Allen County Commissioners  
Post Office Box 1243  
Courthouse  
Lima, Ohio 45801

Ms. Gale L. Logsdon, President  
Board of County Commissioners  
141 Court Street  
Hamilton, Ohio 45011

Honorable Stanley A. Cmilch  
Mayor of Canton  
City Hall Building  
218 Cleveland Avenue, SW  
Canton, Ohio 44702

Mr. Roscoe L. Bobo, Chairperson  
Wayne County Board of Commissioners  
726 City-County Building  
Detroit, Michigan 48226

Mrs. Meri Lou Murray, Chairperson  
Washtenaw County Board of Commissioners  
County Building  
Ann Arbor, Michigan 48108

Mr. Gerald Hollenkamp, Chairman  
Board of Commissioners  
Dakota County Government Center  
1560 Highway #55 West  
Hastings, Minnesota 55033

Mr. Robert C. Beaudin, Mayor  
City Hall  
Duluth, Minnesota 55802

Mr. Thomas Olson  
Executive Chairman  
2506 Park Avenue South  
Minneapolis, Minnesota 55404

Mr. John Finley, Chairman  
Board of Commissioners  
Ramsey County Courthouse  
St. Paul, Minnesota 55102

Mr. Edward Hoff, Chairman  
St. Louis County Courthouse  
Duluth, Minnesota 55802

Mr. William V. Donaldson  
City Manager  
City Hall  
801 Plum Street  
Cincinnati, Ohio 45202

Mr. Howard O. Hohn, Jr.  
Commissioner for Manpower Programs  
County Building Number 1  
Springfield, Ohio 45502

Honorable Ralph J. Perk  
City Manager  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Honorable Tom Moody  
Mayor of Columbus  
90 W. Broad Street  
Columbus, Ohio 43215

Mr. James A. Ford, Sr., President  
Greene County Board of Commissioners  
69 Greene Street  
County Office Building  
Xenia, Ohio 45385

Mr. Robert Wood, President  
Board of County Commissioners  
Hamilton County Courthouse  
Room 224  
Cincinnati, Ohio 45202

Mr. Donald D. Hill, President  
Licking County Board of Commissioners  
Licking County Courthouse  
Newark, Ohio 43055

Mr. Jeresmo J. Keron, President  
Board of County Administrators  
County Administration Building  
Elyria, Ohio 43035

Mr. Charles V. Simms, President  
Miami Valley Manpower Consortium  
County Government Plaza  
West Third & St. Marys  
Dayton, Ohio 45402

Mr. John Palermo  
Mahoning County Commissioner  
900 Wick Building  
34 West Federal Plaza West  
Youngstown, Ohio 44503

Mr. Stanley F. Cann, President  
Clemont County Board of Commissioners  
270 E. Main Street  
Batavia, Ohio 45103

Mr. James B. Daken  
City Manager  
City Hall  
Toledo, Ohio 43624

Honorable James A. Rhodes  
Governor, State of Ohio  
State House  
Broad and High Streets  
Columbus, Ohio 43215

Mr. Paul R. Soglin, Mayor  
City Hall  
210 Monona Avenue  
Madison, Wisconsin 53709

Mr. Gordon Gunderson, Chairman  
Marathon County Board  
Marathon County Courthouse  
Wausau, Wisconsin 54401

Mr. James Bowney  
Executive Director  
Northwest Wisconsin CEP  
618 West Second Street  
Ashland, Wisconsin 54806

Mr. John Doyne  
Office of the County Executive  
Courthouse, Room 306  
901 North 9th Street  
Milwaukee, Wisconsin 53233

Mr. Eugene L. Higgins, Executive  
Office of County Executive  
Outagamie County Courthouse  
Appleton, Wisconsin 54911

Mr. Gordon L. Hill  
Board Chairman  
Rock County Courthouse  
51 South Main Street  
Jamestown, Wisconsin 53545

Mr. Gerald Weston, Chairman  
Tri-County Manpower Planning  
524 Main Street, Suite #310  
Racine, Wisconsin 53403

Mr. Lloyd G. Owens, Chairman  
Waukesha County  
515 W. Moreland Blvd.  
Waukesha, Wisconsin 53186

Mr. Orrin King, Executive  
Winnebago County Courthouse  
Oshkosh, Wisconsin 53186

Mr. Patrick J. Lucey, Governor  
State Capitol Building  
Madison, Wisconsin 53702

## REGION VI

Honorable David Pryor  
Governor of Arkansas  
State Capitol  
Little Rock, Arkansas 72201

Mr. Carleton E. McMullin  
City Manager  
City of Little Rock  
City Hall  
Little Rock, Arkansas 72201

Mr. David Davies  
City Manager  
City of Texarkana, Arkansas  
108 State Line  
Texarkana, Arkansas 75501

Honorable Edwin Edwards  
Governor  
State of Louisiana  
State Capitol  
Baton Rouge, Louisiana 70804

Honorable W. W. Dumas  
Mayor and President  
City of Baton Rouge/E. Baton Rouge Parish  
Municipal Building, P.O. Box 1471  
Baton Rouge, Louisiana 70821

Mr. Fred Godwin  
President  
Calcasieu Parish Police Jury  
P.O. Box 1583  
Lake Charles, Louisiana 70601

## REGION VI

Mr. Thomas F. Donelon, President  
Jefferson Parish  
P.O. Box 9, Gretna Courthouse  
Gretna, Louisiana 70053

Mr. Walter Comeaux, Jr., President  
Lafayette Parish Police Jury  
Lafayette Courthouse  
Lafayette, Louisiana 70501

Honorable Moon Landrieu  
Mayor, City of New Orleans  
1300 Perdido Street  
New Orleans, Louisiana 70112

Mr. Huey Lenard, President  
Ouachita Parish Police Jury  
P.O. Box 550  
Monroe, Louisiana 71201

Mr. L. B. Henry, President  
Rapides Parish Police Jury  
P.O. Box 1150  
Alexandria, Louisiana 71301

Honorable L. Calhoun Allen  
Mayor, City of Shreveport  
P.O. Box 1109  
Shreveport, Louisiana 71130

Honorable Jerry Apodaca  
Governor of New Mexico  
Executive Legislative Bldg.  
Santa Fe, New Mexico 87501

Honorable Harry Kinney  
Mayor, City of Albuquerque  
400 Marquette, NW  
Albuquerque, New Mexico 87101

Honorable Robert J. LaFortune  
Mayor of Tulsa  
200 Civic Center  
Tulsa, Oklahoma 74103

Mr. Frank White, Chairman  
Comanche County Board of Commissioners  
Room 303, County Courthouse  
Lawton, Oklahoma 73501

Honorable David L. Boren  
Governor, State of Oklahoma  
State Capitol Station  
Oklahoma City, Oklahoma 73105

Honorable Patience Latting  
Mayor, City of Oklahoma City  
200 North Walker  
Oklahoma City, Oklahoma 73102

Mr. Frank T. Lynch, Chairman  
Oklahoma County Commissioners  
119 County Courthouse  
Oklahoma City, Oklahoma 73102

Honorable Lila Cockrell  
Mayor  
City Hall  
P.O. Box 9066  
San Antonio, Texas 78285

Honorable R. A. (Ray) Ramon  
County Judge  
P.O. Box 431  
Brownsville, Texas 78520

Mr. Dan H. Davidson  
City Manager  
City of Austin  
Municipal Building  
124 W. 8th Street  
Austin, Texas 78767

Honorable Harold F. Harris  
County Judge  
Bell County Courthouse  
Belton, Texas 76513

Honorable Don Henderson  
Mayor, City of El Paso  
500 E. San Antonio  
El Paso, Texas 79901

Honorable Udell Moore  
County Judge of El Paso  
500 E. San Antonio  
El Paso, Texas 79901

Honorable Wes Wise  
Mayor, City of Dallas  
City Hall  
2014 Main Street  
Dallas, Texas 75202

Honorable Fred Hofheinz  
Mayor, City of Houston  
City Hall  
300 Brazos Street  
Houston, Texas 77001

Honorable Jason Luby  
Mayor, City of Corpus Christi  
and Chairperson,  
Costal Bend Manpower Consortium Executive  
Board  
P.O. Box 9277  
Corpus Christi, Texas 78408

Honorable John Whittington  
County Judge  
400 Records Building  
Dallas, Texas 75202

Honorable Ramiro Guerra  
Judge, Hidalgo County  
Hidalgo County Courthouse  
Edinburg, Texas 78539

Honorable Dolph Briscoe  
Governor  
Capitol Station  
Austin, Texas 78711

Honorable Ray Holbrook  
County Judge  
201 County Courthouse  
Galveston, Texas 77550

Honorable Jon Lindsay  
County Judge  
Family Law Center  
1115 Congress Street  
Houston, Texas 77002

Mr. Lester J. Cranek  
President, Houston-Galveston Area Council  
Gulf Coast Manpower Consortium  
P.O. Box 22777  
3701 West Alabama  
Houston, Texas 77027

Honorable Calvin Ashley  
County Judge  
Wichita County Courthouse  
Wichita Falls, Texas 76309

Honorable Bob L. Thomas  
County Judge  
County Courthouse  
Waco, Texas 76701

Mr. Howard McDaniel  
City Manager  
City of Beaumont  
P.O. Box 3827  
City Hall  
Beaumont, Texas 77704

Honorable Mike Moncrief  
County Judge  
Tarrant County  
Courthouse  
100 W. Weatherford  
Fort Worth, Texas 76102

Honorable Dolph Briscoe  
Governor  
Capitol Station  
Austin, Texas 78711

Mr. George Loudder  
Executive Director  
c/o Panhandle Regional  
Planning Commission  
P.O. Box 9257  
Amarillo, Texas 79105

Honorable Alberto A. Santos  
Judge, Webb County  
Webb County Courthouse  
Laredo, Texas 78040

Honorable Robert D. Ray  
Governor of Iowa  
State Capitol  
Des Moines, Iowa 50319

Ms. Lynn Cutler  
Chairperson  
Black Hawk County Courthouse  
Waterloo, Iowa 50701

Mr. Terry Smith  
Executive Director  
CIRALG  
104 1/2 East Locust  
Des Moines, Iowa 50309

Honorable Donald T. Canney  
Mayor of Cedar Rapids  
City Hall  
Cedar Rapids, Iowa 52401

Mr. George R. Thuenen, Chairman  
Scott County Board of Supervisors  
Scott County Courthouse  
416 W. 4th Street  
Davenport, Iowa 52801

Honorable Robert F. Beunett  
Governor of Kansas  
State Capitol Bldg.  
Topeka, Kansas 66612

Honorable Jack Reardon  
Mayor of Kansas City  
Number One Civic Plaza Bldg.  
Kansas City, Kansas 66101

Mr. William B. Springer, Chairman  
Johnson County Board of Commissioners  
Johnson County Courthouse  
Santa Fe and Kansas  
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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
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(The items in this list were editorially compiled as an aid to **FEDERAL REGISTER** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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## rules and regulations

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### Title 7—Agriculture

#### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 528, Amdt. 1]

#### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Minimum Size Requirement

This amendment to Valencia Orange Regulation 528 extends from May 21, 1976, through January 15, 1977, the current minimum size regulation of 2.32 inches in diameter for shipments of Valencia oranges grown in Districts 1 or 3 of the California-Arizona production area, and establishes the same size requirement for the same period for Valencia oranges grown in District 2 of such area. More than ample quantities of the larger more desirable sizes of Valencia oranges are available to fill fresh market demand. Hence, the specified minimum size requirement is consistent with the size composition and available supply of the 1975-76 crop of Valencia oranges.

Notice was published in the FEDERAL REGISTER on April 26, 1976 (41 F.R. 17396), that consideration was being given to a continuation of the size regulation for Valencia oranges grown in District 1 or District 3 and to the establishment of the same minimum diameter requirement for oranges grown in District 2, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that written data, views, or arguments in connection with the proposed amendment be submitted by May 10, 1976. None were received.

The minimum size requirement specified herein reflects the Department's appraisal of the crop and current and prospective marketing conditions. The 1975-76 season crop of Valencia oranges is currently estimated at 49,000 cartons. The demand in regulated market channels will require about 36 percent of this volume, and the remaining 64 percent

will be available for utilization in export, processing and other outlets. Fresh shipments of California-Arizona Valencia oranges are now in progress. The volume and size composition of the crop of Valencia oranges grown in the production area are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged \$0.68 per carton for the season through April 1976 or 28 percent of the equivalent parity price. The regulation herein specified is necessary to assure shipment of Valencia oranges of the more desirable sizes in the interest of both growers and consumers, and it would contribute to the establishment and maintenance of orderly marketing conditions.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of Valencia oranges, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER on April 26, 1976 (41 F.R. 17396), and no objection to it was received; (2) the regulatory provisions are the same as those contained in said notice; (3) the recommendation and supporting information for regulation of Valencia oranges were submitted to the Department after open meetings of the committee in each of the three districts of the production area which were held to consider recommendations for regulation, after giving due notice of such meetings, and interested persons were afforded an opportunity to submit their views at these meetings; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; and (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 908.828 (Valencia Orange Regulation 528; 41 F.R. 14859) the provisions of paragraphs (a) and (b) are amended to read as follows:

#### § 908.828 Valencia Orange Regulation 528.

(a) During the period May 21, 1976, through January 15, 1977, no handler shall handle any Valencia oranges grown in District 1, District 2, or District 3, which are of size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler", "handler", "District 1", "District 2", and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 14, 1976, to become effective May 21, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.76-14584 Filed 5-18-76; 8:45 am]

[Nectarine Regulation 7]

#### PART 916—NECTARINES GROWN IN CALIFORNIA

##### Minimum Grade and Size Requirements

This regulation for California nectarine shipments sets a minimum grade of U.S. No. 1, except that (1) a slightly smaller area of the surface of each fruit may be affected by fairly light colored, fairly smooth scars, and (2) an additional tolerance is provided for individual fruit not well formed but not badly misshapen. It also prescribes minimum sizes for 45 named varieties. These regulatory requirements are necessary to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Findings. (1) Pursuant to the amended marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other information, it is hereby found that the regulation of shipments of nectarines, as hereinafter set forth, will tend to effectuate the declared policy of the act.



(2) This regulation is based upon an appraisal of the current and prospective market conditions for California nectarines. The committee estimates that 9,957,000 packages of nectarines will be available for shipment in the 1976 season compared to actual shipment of 9,595,000 packages last season. Industry reports indicate that 1976 shipments of fresh California peaches will total 9,655,000 packages, 657,000 packages more than last year. Likewise, fresh California plum shipments during 1976 are estimated at 9,317,000 packages, 517,000 packages more than last year. The estimated larger crop of California peaches and plums will provide strong market competition for California fresh nectarines. The grade and size requirements hereinafter set forth are necessary to prevent the handling of California nectarines of a lower grade or smaller size than specified herein for such nectarines so as to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines, which are currently regulated pursuant to Nectarine Regulation 6 (40 F.R. 21693, 28462, 18804), must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date of this regulation; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been

disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 29, 1976.

#### § 916.319 Nectarine Regulation 7.

**Order.** (a) During the period June 1, 1976, through July 20, 1976, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1; *Provided*, That nectarines 2 inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle  $\frac{3}{8}$  inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle  $\frac{1}{2}$  inch in diameter; *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 118 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 5 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers packed as specified in subdivisions (i) and (ii) of this subparagraph (2), measure not less than  $1\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(3) Any package or container of Crimson Gold or Mayfair variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers packed as specified in subdivisions (i) and (ii) of this subparagraph (3), measure not less than  $1\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(4) Any package or container of June Belle, June Grand, May Grand, Red June, Spring Grand, Sunbright, Armking, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack; or

(iii) Such nectarines, when packed in any container other than the containers packed as specified in subdivisions (i) and (ii) of this subparagraph (4), measure not less than 2 inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(5) Any package or container of Early Sungrand, Grandandy, Independence, Moon Grand, Star Grand I, Star Grand II, Sun Flame, Summer Grand, Sun Grand, Rose, or Kent Grand variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in molded forms in a No. 22D standard lug box, measure not less than  $2\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(6) Any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flamekist, Flavortop, Gold King, Granderril, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richards Grand, Royal Grand, September Grand, Fairlane, Grand Giant, Red Free, Bob Grand, or Tom Grand variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines, when packed in any container other than in molded forms in a No. 22D standard lug box, measure not less than  $2\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the nectarines in any container may fail to meet such diameter requirement.

(7) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the United States Standards for Grades of Nectarines (7 CFR 51.3145-51.3160); the terms "standard basket" and "No. 22D standard lug box" shall have the same meanings as set forth in § 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and all other terms shall have the same

meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 14, 1976, to become effective June 1, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.76-14583 Filed 5-18-76; 8:45 am]

[Peach Reg. 7]

#### PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA Regulation by Grades and Sizes

This regulation, effective during the period May 20 through July 2, 1976, requires that fresh shipments of California peaches grade at least U.S. No. 1. It also establishes minimum sizes for certain specified varieties and a minimum size for all other varieties. This action is necessary to assure that the peaches shipped will be of suitable quality and size in the interest of consumers and producers.

**Findings.** (1) Pursuant to the amended marketing agreement and Order No. 917 (7 CFR Part 917; 41 F.R. 17528), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of the current and prospective market conditions for California peaches. The committee estimates that 9,655,000 packages of peaches will be available for shipment in the 1976 season compared to actual shipment of 8,998,000 packages last season. Industry reports indicate that 1976 shipments of fresh California plums will total 9,317,000 packages, 517,000 packages more than last year. Likewise, fresh California nectarine shipments during 1976 are estimated at 9,957,000 packages—362,000 packages more than last year. The estimated larger crop of California plums and nectarines will provide strong market competition for California fresh peaches. The grade and size requirements hereinafter set forth are necessary to prevent the handling of California peaches of a lower grade or smaller size than specified herein for such peaches so as to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the ef-

fective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 20, 1976. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until April 29, 1976, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on April 30, 1976; shipments of the current crop of such peaches are currently underway; this regulation should be applicable to all such shipments during the period hereinafter specified in order to effectuate the declared policy of the act; the provisions of this regulation are identical, as to minimum grade and size, with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

#### § 917.440 Peach Regulation 7.

**Order.** (a) During the period May 20, 1976, through July 2, 1976, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Armgold, Early Amber, Desertgold, Pat's Pride, Royal April, Royal Gold, Springgold, Springtime or Golden Supreme variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 108 peaches in the box; or

(ii) Such peaches, when packed in any container other than molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2 inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

(3) Any package or container of Springcrest, Early Royal May, or May Lady variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches, when packed in any container other than molded forms (tray pack) in a No. 22D standard lug box, measure not less than  $2\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

(4) Any package or container of Robin, any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, Gold Dust, June Lady, Merrill Gemfree, Royal May, or Early Coronet variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches, when packed in any container other than a No. 12B standard fruit (peach) box or molded forms (tray pack) in a No. 22D standard lug box, measure not less than  $2\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

(5) Any package or container of Aurora, Coronet, Indian Red, Merrill Gem, Peterson Elberta, Redhaven, Regina, or Redtop variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches, when packed in any container other than a No. 12B standard fruit (peach) box or molded forms (tray pack) in a No. 22D standard lug box, measure not less than  $2\frac{1}{4}$  inches in diameter as measured by a rigid ring; *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

(6) Any package or container of Alamar, Angelus, Belmont, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Fortyniner, Franciscan, Halloween, John Gee, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), Madera Gem, Mardigras, Merricle,



O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss, Suncrest, Regular Elberta, Redglobe, Red Lady, Rio Oso Gem, Royal Fay, Scarlet Lady, Summerset, Summertime, Suncrest, Toreador, July Lady, Windsor, Williams Gem or Gem Crest variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches, when packed in any container other than a No. 12B standard fruit (peach) box or molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2 1/4 inches in diameter as measured by a rigid ring. *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

(b) During the period May 20 through July 2, 1976, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(2) Such peaches when packed in any container, other than molded forms (tray pack) in a No. 22D standard lug box, measure not less than 2 1/4 inches in diameter as measured by a rigid ring. *Provided*, That not more than 10 percent, by count, of the peaches in any such container may fail to meet such diameter requirement.

(c) [Reserved]

(d) Peach Regulation 6 (40 F.R. 21694, 27930) is hereby terminated as of the effective date hereof.

(e) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1" and "standard pack" shall have the same meaning, respectively, as when used in the United States Standards for Peaches (7 CFR 51.1210-1223); "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" shall have the meanings as set forth, respectively, in § 1387.11 of the "Regulations of the California Department of Food and Agriculture"; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, May 13, 1976, to become effective May 20, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc. 76-14483 Filed 5-18-76; 8:45 am]

#### Title 18—Conservation of Power, Water Resources

#### CHAPTER VI—WATER RESOURCES COUNCIL

#### PART 701—COUNCIL ORGANIZATION

##### Procedural Changes

On pages 15425 and 15426 of the FEDERAL REGISTER of April 13, 1976, 41 FR 15425 there was published a notice of proposed rulemaking to amend Part 701 of the Council's rules and regulations. No objections have been received and the proposed rulemaking is hereby adopted without change.

This rulemaking is done by authority of section 402 of the Water Resources Planning Act of 1965 (Sec. 402, Public Law 89-80; 79 Stat. 254, as amended (42 USC 1962d-1)).

*Effective date.* This rulemaking is effective on May 13, 1976.

WARREN D. FAIRCHILD,  
Director, Water Resources Council.

In consideration of the foregoing, it is proposed to amend Part 701, Council Organization, of Chapter VI of Title 18 of the Code of Federal Regulations as follows:

1. By revising § 701.2 to read as follows:

##### § 701.2 Creation and basic authority.

The Water Resources Council was established by the Water Resources Planning Act of 1965 (Pub. L. 89-80, 79 Stat. 244, as amended (42 U.S.C. 1962-1962d-5)). The rules and regulations of this part are promulgated by authority of section 402 of the Act (42 U.S.C. 1962d-1).

2. By revising paragraph (b) of § 701.5 to read as follows:

##### § 701.5 Organization pattern.

(b) The Water Resources Council consists of the following Members: The Secretary of the Interior; the Secretary of Agriculture; the Secretary of the Army; the Secretary of Commerce; the Secretary of Housing and Urban Development; the Secretary of Transportation; the Administrator of the Environmental Protection Agency; and the Chairman of the Federal Power Commission.

3. By revising paragraph (a) of § 701.52 to read as follows:

##### § 701.52 Definitions.

(a) As used in this part the term "Member" means the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secre-

tary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Chairman of the Federal Power Commission, or Alternates appointed in accordance with § 701.53(a) when the Alternate is acting for one of the above-named.

4. By revising the first sentence of the first paragraph of § 701.53 and paragraph (b) of § 701.53 to read as follows:

##### § 701.53 Council decisions by Members.

Council decisions by Members with respect to the purpose stated in § 701.3 and the functions listed in § 701.4 are determined by majority vote of Members present and voting; except that decisions affecting the authority or responsibility of a Member, within the meaning of section 3(b) of the Act (42 U.S.C. 1962-1(b)), can be made only with his concurrence.

(b) A quorum for the transaction of business consists of six or more Members.

(5) By revising paragraph (e) of § 701.54 to read as follows:

##### § 701.54 Council decisions by Representatives.

(e) A quorum for the transaction of business consists of six or more Representatives of different Members and the Director or in his absence the Acting Director.

6. By revising paragraph (a) (5) of § 701.78 to read as follows:

##### § 701.78 Director—delegation of authorities.

(a) . . . . .

(5) Procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 3109), at rates not in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of Title 5 of the United States Code in the case of individual experts or consultants.

[FR Doc. 76-14491 Filed 5-18-76; 8:45 am]

#### Title 41—Public Contracts and Property Management

#### CHAPTER 14—DEPARTMENT OF THE INTERIOR

#### PART 14-3—PROCUREMENT BY NEGOTIATION

##### Small Purchase Methods

##### Correction

In FR Doc. 76-13612 appearing at page 19221 in the issue for Tuesday, May 11, 1976, on page 19222, in § 14-3.650-2, there should be a line inserted immediately after the 3rd line in column three which reads as follows:

"(3) The purchase does not exceed the . . . . ."

#### Title 24—Housing and Urban Development

#### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

[Docket No. FI-1135]

#### PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

##### List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assist-

ance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice; whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish

that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Marshall	Arab, town of	H 010345 01 through H 010345 17 H 010218A 01 through H 010218A 03	Mayor, City Hall, Arab, Ala. 33016	July 9, 1976.
Do	Jackson	Bridgeport, city of	H 050020A 01 through H 050020A 04 H 065014A 01 through H 065014A 05	Mayor, City Hall, Bridgeport, Ala. 35740	Mar. 8, 1974. May 14, 1976.
Arkansas	Boone	Harrison, city of	H 050020A 01 through H 050020A 04 H 065014A 01 through H 065014A 05	City Hall, Harrison, Ark. 72601	Mar. 29, 1974. May 14, 1976.
California	Los Angeles	Arcadia, city of	H 060047A 01 through H 060047A 02 H 060048A 01 through H 060048A 03	Director Public Works, 240 W. Huntington Dr., Arcadia, Calif. 91006	June 28, 1974. May 14, 1976.
Do	Fresno	Fowler, town of	H 060047A 01 through H 060047A 02 H 060048A 01 through H 060048A 03	Mayor, City Hall, Fowler, Calif. 93625	May 3, 1974. May 14, 1976.
Do	Lassen	Susanville, city of	H 060048A 01 through H 060048A 03 H 060049A 01 through H 060049A 03	Community Development Department, City Hall, 66 N. Lassen St., Susanville, Calif. 96130	Feb. 1, 1974. May 14, 1976.
Do	Stanislaus	Turlock, city of	H 060049A 01 through H 060049A 03 H 060049A 01 through H 060049A 03	Mayor, City Hall, 900 N. Palm, Turlock, Calif. 95380	May 24, 1974. May 14, 1976.
Connecticut	New London	Colchester, borough of	H 060049A 01 through H 060049A 03 H 060049A 01 through H 060049A 03	Borough Warden, P.O. Box 197, Colchester, Conn. 06415	June 28, 1974. May 14, 1976.
Florida	Orange	Eatonville, town of	H 120182A 01 through H 120182A 06	Mayor, P.O. 2163, Eatonville, Fla. 32751	July 19, 1974. May 14, 1976.
Do	Gulf	Port St. Joe, city of	H 120099A 01 through H 120099A 06	Mayor, P.O. Drawer A, Port St. Joe, Fla. 32456	June 28, 1974. May 14, 1976.
Georgia	Clayton	Lake City, city of	H 130044A 01 through H 130044A 06	Mayor, 5347 Jonesboro Road, Lake City, Ga. 30260	May 31, 1974. May 14, 1976.
Idaho	Kootenai	Hayden Lake, city of	H 180082A 01 through H 180082A 06	Mayor, City Hall, Hayden Lake, Idaho 83814	Sept. 6, 1974. May 14, 1976.
Illinois	Warren and Mercer	Alexis, village of	H 170674A 01 through H 170674A 06	Village President, Village Hall, Alexis, Ill. 61412	Mar. 1, 1974. May 14, 1976.
Do	Lake	Gurnee, village of	H 170385A 01 through H 170385A 03 H 170385A 01 through H 170385A 03	Mayor, 4573 Grand Ave., Gurnee, Ill. 60031	May 24, 1974. May 14, 1976.
Do	McHenry	Lakewood, village of	H 170385A 01 through H 170385A 03 H 170385A 01 through H 170385A 03	Village President, 2500 Lake Ave., Woodstock, Ill. 60014	Oct. 18, 1974. May 14, 1976.
Do	Will	New Lenox, village of	H 170706A 01 through H 170706A 02 H 170706A 01 through H 170706A 03	Village President, 201 N. Church St., New Lenox, Ill. 60451	May 14, 1976. May 14, 1976.
Do	Macon	Niantic, village of	H 170430A 01 through H 170430A 03 H 170430A 01 through H 170430A 03	Village President, Box 31, Niantic, Ill. 62551	Mar. 1, 1974. Aug. 30, 1974. May 14, 1976.
Do	Lake	Old Mill Creek, village of	H 170385A 01 through H 170385A 02 H 170385A 01 through H 170385A 03	Village President, Route No. 1, Wadsworth, Ill. 60083	May 14, 1976.
Do	Sangamon	Pleasant Plains, village of	H 170798A 01 through H 170798A 06	Village President, Village Hall, Pleasant Plains, Ill. 62677	Mar. 22, 1974. May 14, 1976.
Do	Pulaski	Ullin, village of	H 170568A 01 through H 170568A 06	Village President, Village Hall, Ullin, Ill. 62992	Apr. 12, 1974. May 14, 1976.
Indiana	Boone	Advance, town of	H 180012A 01 through H 180012A 06	Town Board President, Town Hall, Advance, Ind. 46102	Sept. 20, 1974. Nov. 30, 1974.
Do	Starke	Knox, city of	H 180242A 01 through H 180242A 06	Mayor, 101 West Washington, Knox, Ind. 46534	May 14, 1976.
Do	Putnam	Roschdale, town of	H 180217A 01 through H 180217A 06	Town Board President, Town Hall, Roschdale, Ind. 46172	July 19, 1974. Feb. 1, 1974.
Do	Henry	Springport, town of	H 180347A 01 through H 180347A 06	Mayor, P.O. Box 70, Springport, Ind. 47386	May 14, 1976.
Do	Dearborn	West Harrison, town of	H 180042A 01 through H 180042A 06	Town Board President, 200 W. Harrison Ave., West Harrison, Ind. 45080	Sept. 6, 1974. May 14, 1976.
Do	White	Wolcott, town of	H 180298A 01 through H 180298A 06	Town Board President, West School St., Wolcott, Ind. 47394	June 14, 1974. May 14, 1976.



State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Iowa	Crawford	Arion, city of	H 19092A 01	Mayor, City Hall, Arion, Iowa 51520	Sept. 6, 1974.
Do.	Taylor	Bedford, city of	H 190263A 01 through H 190263A 02	Mayor, City Hall, Bedford, Iowa 50833	May 14, 1976.
Do.	Jasper	Colfax, city of	H 190163A 01	Mayor, City Hall, Colfax, Iowa 50054	Feb. 1, 1974.
Do.	Johnson	Coralville, city of	H 190169A 01 through H 190169A 08	Mayor, City Hall, Coralville, Iowa 52241	May 14, 1976.
Do.	Dubuque and Delaware	Dyersville, city of	H 190129A 01 through H 190129A 02	Mayor, City Hall, Dyersville, Iowa 52050	June 28, 1974.
Do.	Worth	Manly, city of	H 190834 01 through H 190834 02	Mayor, City Hall, Manly, Iowa 50456	May 14, 1976.
Do.	Monona	Mapleton, city of	H 190284A 01 through H 190284A 02	Mayor, City Hall, Mapleton, Iowa 51034	July 9, 1976.
Do.	PAGE	Northboro, city of	H 190473 01	Mayor, City Hall, Northboro, Iowa 51647	Dec. 28, 1974.
Do.	Woodbury	Pierson, city of	H 190255A 01	Mayor, City Hall, Pierson, Iowa 51048	May 14, 1976.
Do.	Henry	Rome, city of	H 190114 01	Mayor, City Hall, Rome, Iowa 52642	Sept. 13, 1974.
Do.	Clarke	Stanwood, city of	H 190356A 01	Mayor, City Hall, Stanwood, Iowa 52337	July 9, 1976.
Do.	Muscatine and Scott	Walcott, city of	H 190675 01 through H 190675 02	Mayor, City Hall, Walcott, Iowa 52773	Aug. 9, 1974.
Kansas	Leavenworth	Easton, city of	H 190158 01	Mayor, City Hall, Easton, Kans. 66020	July 9, 1976.
Louisiana	Tangipahoa Parish	Independence, town of	H 190209A 01	Mayor, Town Hall, Independence, La. 70443	May 17, 1974.
Do.	Lafayette Parish	Lafayette, city of	H 190165A 01 through H 190165A 10	Mayor, City Hall, Lafayette, La. 70501	May 14, 1976.
Maine	Kent	Belgrade, town of	H 190232A 01 through H 190232A 21	Board of Selectmen, Town Office, Belgrade, Maine 04917	Jan. 31, 1975.
Do.	Aroostook	Fort Fairfield, town of	H 190018A 01 through H 190018A 24	Assessment Administration, P.O. Box 431, Fort Fairfield, Maine 04742	May 14, 1976.
Do.	Piscataquis	Guilford, town of	H 190117A 01 through H 190117A 02	Town Manager, Town of Guilford, P.O. Box 195, Guilford, Maine 04443	Sept. 6, 1974.
Do.	Kennebec	Wayne, town of	H 190188A 01 through H 190188A 13	Chairman, Board of Selectmen, Town of Wayne, Wayne, Maine 04284	May 14, 1976.
Michigan	Monroe	Erie, township of	H 190145B 01 through H 190145B 05	Township President, 2940 Macdonald, Erie, Mich. 48133	Aug. 22, 1975.
Do.	Montcalm	Greenville, city of	H 190158A 01 through H 190158A 02	Mayor, 411 South Lafayette, Greenville, Mich. 48838	June 28, 1974.
Do.	St. Clair	Ira, township of	H 190199A 01 through H 190199A 05	Supervisor, 8811 Vender Road, Fair Haven, Mich. 48023	May 14, 1976.
Minnesota	Swift	Appleton, city of	H 190460A 01 through H 190460A 02	Mayor, 133 West Thielke Ave., Appleton, Minn. 56208	Nov. 16, 1973.
Do.	Mahonomen	Bejon, city of	H 190555A 01	Mayor, City Hall, Bejon, Minn. 56516	May 14, 1976.
Do.	Wright	Delano, city of	H 190539A 01	Mayor, City Hall, Delano, Minn. 55328	May 24, 1974.
Do.	Anoka	Fridley, city of	H 190013A 01 through H 190013A 05	Mayor, 6031 University Ave., N.E., Fridley, Minn. 55432	May 14, 1976.
Do.	Kittson	Hallock, city of	H 190226A 01 through H 190226A 01	Mayor, City Hall, Hallock, Minn. 56728	May 17, 1974.
Do.	Ramsey	Roseville, city of	H 190799B 01 through H 190799B 04	Mayor, 2701 N. Lexington Ave., Roseville, Minn. 55113	May 14, 1976.
Mississippi	Tipton	Belmont, city of	H 190287 01 through H 190287 03	Mayor, P.O. Box 480, Belmont, Miss. 38827	Oct. 31, 1975.
Missouri	Benton	Cole Camp, city of	H 190028A 01 through H 190028A 02	Mayor, City Hall, Cole Camp, Mo. 65825	Jan. 24, 1975.
Do.	St. Claire	Lowry City, city of	H 190683 01 through H 190683 01	Mayor, City Hall, Box 143, Lowry City, Mo. 64763	July 9, 1976.
Do.	Montgomery	Montgomery City, city of	H 190689 01 through H 190689 02	Mayor, City Hall, 123 East 3rd St., Montgomery City, Mo. 63361	Do.
Do.	Green	Republic, city of	H 190118A 01 through H 190118A 06	City Clerk, City Hall, Republic, Mo. 65738	Apr. 5, 1974.
Montana	Hill	Fairview, town of	H 190064A 01	Mayor, Town Hall, Fairview, Mont. 59221	May 14, 1976.
Do.	Shoshone	Medicine Lake, town of	H 190098 01	Mayor, Town Hall, Medicine Lake, Mont. 59247	July 9, 1976.
Nebraska	Holmes	Ewing, village of	H 190114A 01	Village Clerk, Ewing, Nebr. 68739	May 8, 1974.
Do.	Webster	Guide Rock, village of	H 190234 01	Chairman, Village Hall, Guide Rock, Nebr. 68942	May 14, 1976.
Do.	Fillmore	Milligan, village of	H 190303 01	Chairman, Village Hall, Milligan, Nebr. 68406	July 9, 1976.
Do.	Nemaha	Nemaha, village of	H 190156A 01	Chairman, Village Hall, Nemaha, Nebr. 68414	Aug. 30, 1974.
Do.	Thayer	Orleans, village of	H 190394 01	Chairman, Village Hall, Orleans, Nebr. 68960	May 14, 1976.
N. Hampshire	Stratford	Durham, town of	H 190149A 01 through H 190149A 11	Board of Selectmen, Town Hall, Durham, N.H. 03824	Sept. 13, 1974.
Do.	Cheshire	Hinsdale, town of	H 190022A 01 through H 190022A 10	Chairman, Board of Selectmen, Box 13, Hinsdale, N.H. 03451	May 14, 1976.
New Jersey	Monmouth	Avon by the Sea, borough of	H 190287A 01	Mayor, 301 Main St., Avon by the Sea, N.J. 07717	Feb. 1, 1974.
Do.	Summit	Green, township of	H 190529A 01 through H 190529A 04	Mayor, Box 65, Tranquillity, N.J. 07879	Nov. 1, 1974.
Do.	Monmouth	Millstone, township of	H 190314A 01 through H 190314A 03	Mayor, R.D. No. 2, Box 143, Englishtown, N.J. 07726	May 14, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
New Mexico	Lea	Jal, city of	H 190030 01	Mayor, City Hall, Jal, N. Mex. 88352	July 9, 1976.
Do.	Harding and San Miguel Cos.	Mosquero, village of	H 190107 01	Mayor, Village Hall, P.O. Box 116, Mosquero, N. Mex. 87733	July 9, 1976.
Do.	Guadalupe	Vaughn, town of	H 190118 01 through H 190118 04	Mayor, Town Hall, P.O. Box 278, Vaughn, N. Mex. 88353	July 9, 1976.
New York	Washington	Granville, village of	H 190418A 01 through H 190418A 08	Mayor, Village Hall, Granville, N.Y. 12532	Apr. 12, 1974.
Do.	Monroe	Hamlin, town of	H 190418A 01 through H 190418A 08	Town Supervisor, 1658 Lake Rd., Hamlin, N.Y. 11461	May 14, 1976.
Do.	Lewis	Harrisburg, town of	H 190366A 01 through H 190366A 11	Town Supervisor, Route No. 2, Lowville, N.Y. 13367	Jan. 23, 1974.
Do.	Washington	Hudson Falls, village of	H 190105A 01	Mayor, 220 Main St., Hudson Falls, N.Y. 12839	May 14, 1976.
Do.	Greene	Hunter, town of	H 190392 01 through H 190392 12	Supervisor, Onteroa Rd., Tannersville, N.Y. 12485	July 9, 1976.
Do.	Nassau	Kensington, village of	H 190172A 01	Mayor, Village Hall, 2 Nassau St., Great Neck, N.Y. 11021	June 14, 1974.
Do.	Fulton	Kent, town of	H 190067A 01 through H 190067A 10	Town Supervisor, Kent Town Hall, Carmel, N.Y. 10512	Apr. 12, 1974.
Do.	Ulster	Kingston, town of	H 190121A 01 through H 190121A 03	Town Supervisor, Route 2, Box 116, Kingston, N.Y. 12101	May 14, 1976.
Do.	Oneida	Kickland, town of	H 190531A 01 through H 190531A 05	Town Supervisor, Box 235, Clinton, N.Y. 13323	Oct. 20, 1974.
Do.	Erie	Lancaster, village of	H 190248A 01	Mayor, Municipal Bldg., Lancaster, N.Y. 14086	Aug. 2, 1974.
Do.	Orleans	Lyndonville, village of	H 190179A 01 through H 190179A 02	Mayor, 8 N. Main St., Lyndonville, N.Y.	May 14, 1976.
Do.	Otsego	Milford, town of	H 190127A 01 through H 190127A 11	Supervisor, R.D. No. 1, Maryland, N.Y. 12116	Dec. 20, 1974.
Do.	Lewis	New Bremen, town of	H 190373A 01 through H 190373A 04	Supervisor, R.D. No. 3, Lowville, N.Y. 13367	May 14, 1976.
Do.	Oswego	Oswego, town of	H 190057A 01	Supervisor, R.D. No. 6, Oswego, N.Y. 13126	Nov. 1, 1974.
Do.	Cayuga	Sennett, town of	H 190124A 01 through H 190124A 08	Supervisor, R.F.D. 5, Auburn, N.Y. 13021	May 14, 1976.
Do.	Ulster	Shawangunk, town of	H 190085A 01 through H 190085A 05	Supervisor, Box 217, Walkkill, N.Y. 12589	June 21, 1974.
Do.	Delaware	Sidney, town of	H 190210A 01 through H 190210A 04	Supervisor, R.D. No. 1, Box 180, Franklin, N.Y. 13755	May 14, 1976.
Do.	do	Sidney, village of	H 190211A 01	Mayor, Municipal Bldg., River St., Sidney, N.Y. 13838	Apr. 12, 1974.
Do.	Oneida	Sylvan Beach, village of	H 190104B 01	Mayor, Box 508, Sylvan Beach, N.Y. 13157	Feb. 8, 1974.
Do.	Onondaga	Syracuse, city of	H 190102B 01 through H 190102B 02	Mayor, 400 City Hall, Syracuse, N.Y. 13202	May 14, 1976.
North Carolina	Columbus	Lake Waccamaw, town of	H 190059B 01 through H 190059B 08	Mayor, P.O. Box 171, Lake Waccamaw, N.C. 28450	Dec. 28, 1973.
Do.	Surry	Mount Airy, town of	H 190226A 01 through H 190226A 03	Mayor, P.O. Box 70, Mount Airy, N.C. 27030	May 14, 1976.
Do.	Caldwell	Rhodhiss, town of	H 190441A 01	Mayor, P.O. Box 129, Rhodhiss, N.C. 28667	June 21, 1974.
Do.	Wilkes	Ronda, town of	H 190258A 01	Mayor, P.O. Box 387, Ronda, N.C. 28670	May 14, 1976.
North Dakota	Wells	Harvey, city of	H 190231A 01	City Attorney, City Hall, Harvey, N. Dak. 58341	Sept. 6, 1974.
Oklahoma	Sequoyia	Roland, town of	H 190045 01	President, Town Hall, Roland, Okla. 74654	Jan. 24, 1975.
Do.	McCain	Washington, town of	H 190105 01 through H 190105 02	President, Town Hall, Washington, Okla. 73083	July 9, 1976.
Do.	Seminole	Wewoka, city of	H 190133A 01 through H 190133A 06	Mayor, 115 S. Wewoka Ave., Wewoka, Okla. 74884	Do.
Pennsylvania	Allegheny	Aspinwall, borough of	H 190065A 01	Mayor, 217 Commercial Ave., Aspinwall, Pa. 15215	June 14, 1976.
Do.	Lancaster	Bart, township of	H 190176A 01 through H 190176A 05	Chairman, R.D. No. 1, Box 311, Kirkwood, Pa. 17336	Dec. 28, 1973.
Do.	Luzerne	Black Creek, township of	H 190368A 01 through H 190368A 08	Chairman, Township Bldg., Rock Glen, Pa. 18248	Sept. 6, 1974.
Do.	Schuylkill	Bythe, township of	H 190377A 01 through H 190377A 04	Chairman, Main St., Kaska, Pa. 17940	May 31, 1974.
Do.	Wyoming	Braintrim, township of	H 190398A 01	Chairman, Township Bldg., Laceyville, Pa. 18623	Aug. 30, 1974.
Do.	Berks	Brecknock, township of	H 190103A 01 through H 190103A 03	Chairman, Route No. 2, Moulton, Pa. 19540	June 28, 1974.
Do.	Chester	Charlestown, township of	H 190175 01 through H 190175 02	Chairman, Township Bldg., DeVault, Pa. 19132	Sept. 13, 1974.
Do.	Potter	Clara, township of	H 190171A 01 through H 190171A 02	Chairman, Board of Supervisors, R.D. #1, Shinglehouse, Pa. 16748	Oct. 18, 1974.
Do.	Montour	Cooper, township of	H 190192A 01 through H 190192A 02	Chairman, R.D. #5, Danville, Pa. 17821	May 14, 1976.
Do.	Lackawanna	Dalton, borough of	H 190366A 01 through H 190366A 02	Mayor, 110 Church St., Dalton, Pa. 18114	Oct. 25, 1974.
Do.	Bucks	Doylestown, township of	H 190185A 01 through H 190185A 02	Chairman, 425 Wells Rd., Doylestown, Pa. 18001	May 14, 1976.



State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Pennsylvania	Allegheny	East Deer, township of	II 421061A 01	Township Supervisor, 527 Freeport, Creighton, Pa. 15030	Sept. 20, 1974
Do	Chester	East Goshen, township of	II 420277A 01 through II 420277A 04	Chairman, 1580 Paoli Pike, West Chester, Pa. 19380	May 14, 1976
Do	Lancaster	Forty Fort, borough of	II 420073A 01	Mayor, 5 Tripp Manor, Forty Fort, Pa. 18701	Mar. 30, 1973
Do	York	Franklin, township of	II 422220A 01 through II 422220A 08	Township Chairman of Supervisors, R.D. #1, Dillsburg, Pa. 17019	Nov. 8, 1971
Do	Chester and Allegheny	Green Tree, borough of	II 420040A 01	Mayor, 978 Green Tree Rd., Pittsburgh, Pa. 15229	May 14, 1976
Do	Greene	Greene, township of	II 421670A 01 through II 421670A 08	Chairman, Board of Supervisors, R.D. No. 1, Carmichaels, Pa. 15310	June 21, 1971
Do	Franklin and Butler	Harmony, borough of	II 420217A 01	President of Council, Borough Bldg., Harmony, Pa. 16037	Jan. 17, 1975
Do	Cherryfield	Houtzdale, borough of	II 420307A 01	Mayor, Borough Secretary, Houtzdale, Pa. 16951	May 11, 1976
Do	Cecil	Howard, borough of	II 420553A 01	Mayor, Howard Borough Council, Howard, Pa. 16811	May 17, 1974
Do	Allegheny	Indiana, township of	II 421070A 01 through II 421070A 05	Mayor, P.O. Box 153, Indiana, Pa. 15051	May 31, 1971
Do	Beaver	Industry, borough of	II 420113A 01 through II 420113A 01	Mayor, 1341 Midland Beaver Rd., Industry, Pa. 15052	Sept. 6, 1971
Do	Lackawanna	Jessup, borough of	II 420353A 01 through II 420353A 01	Mayor, 304 Second Ave., Jessup, Pa. 15434	May 11, 1976
Do	Elk	Johnsonburg, borough of	II 420311A 03 through II 420311A 01	President of Council, 600 Market St., Johnsonburg, Pa. 15845	Apr. 12, 1971
Do	Delaware	Landsdowne, borough of	II 420413A 02 through II 420413A 01	Mayor, 42 E. Baltimore Ave., Landsdowne, Pa. 19050	June 20, 1973
Do	Westmoreland	Larose, borough of	II 420418A 04 through II 420418A 05	Mayor, 321 Thompson St., Larose, Pa. 15650	May 11, 1976
Do	Berks	Leesport, borough of	II 420138A 01 through II 420138A 02	Mayor, 202 North Centre Ave., Leesport, Pa. 19533	May 21, 1971
Do	McKean	Lewis Run, borough of	II 420669A 01 through II 420669A 03	Mayor, P.O. Box 305, Lewis Run, Pa. 16738	May 14, 1976
Do	Allegheny	Liberty, borough of	II 420018A 01	Mayor, 394 Oakland Dr., McKeesport, Pa. 15133	Nov. 8, 1971
Do	Westmoreland	Ligonier, borough of	II 423180A 01	Mayor, Town Hall, Ligonier, Pa. 15658	May 14, 1976
Do	York	Lower Chanceford, township of	II 420630A 14 through II 420630A 04	Chairman Township Board, Route 1, Airville, Pa. 17302	July 26, 1974
Do	Bucks	Lower Southampton, township of	II 420192A 01 through II 420192A 04	Chairman, 1500 Desire Ave., Feasterville, Pa. 19047	May 14, 1976
Do	Schuylkill	Mahanoy City, borough of	II 420755A 01	Mayor, 27 South D St., Mahanoy City, Pa. 17948	June 15, 1973
Do	Town	Mansfield, borough of	II 420823A 01	Mayor, 87 W. Elmira St., Mansfield, Pa. 16933	July 19, 1974
Do	Perry	Marysville, borough of	II 420751A 01 through II 420751A 02	Mayor, 333 S. Main St., Marysville, Pa. 17053	Feb. 1, 1974
Do	Schuylkill	Middleport, borough of	II 420777A 01	Mayor, Walnut St., Middleport, Pa. 17933	May 14, 1976
Do	Franklin	Mont Alto, borough of	II 420473A 01 through II 420473A 03	Mayor, Borough Bldg., Mont Alto, Pa. 17337	July 26, 1974
Do	Lycoming	Montgomery, borough of	II 420916B 01	Mayor, P.O. Box 125, Montgomery, Pa. 17752	May 14, 1976
Do	Lackawanna	Moscow, borough of	II 420534A 01 through II 420534A 03	President of Council, R.D. No. 4, Moscow, Pa. 18444	Mar. 29, 1974
Do	Lancaster	Mount Joy, borough of	II 420561A 01 through II 420561A 02	Mayor, 221 E. Main St., Mount Joy, Pa. 17552	Jan. 16, 1974
Do	Charlton	New Bethlehem, borough of	II 420561A 01	President of Council, Borough Hall, New Bethlehem, Pa. 16242	May 11, 1976
Do	Cumberland	New Cumberland, borough of	II 420366A 01	President of Council, Seventh and Reno Sts., New Cumberland, Pa. 17070	Aug. 24, 1973
Do	Westmoreland	New Kensington, city of	II 420801A 01 through II 420801A 03	Mayor, 2400 Leechburg Rd., New Kensington, Pa. 15068	May 14, 1976
Do	Allegheny	North Versailles, township of	II 421231A 01 through II 421231A 05	President, Township Commissioners, 1101 Greensburg Ave., North Versailles, Pa. 15137	Sept. 6, 1971
Do	Charlton	Porter, township of	II 421510A 01 through II 421510A 01	Chairman, R.D. No. 3, New Bethlehem, Pa. 16242	May 11, 1976
Do	Bucks	Riegelsville, borough of	II 420301A 01 through II 420301A 02	President of Council, Borough Bldg., Riegelsville, Pa. 18077	Feb. 20, 1973
Do	Susquehanna	Rush, township of	II 420902A 01 through II 420902A 06	Chairman, Rushville, Pa. 18831	May 14, 1976
Do	Indiana	Shelock, borough of	II 420504A 01	President of Council, Borough Bldg., Shelock, Pa. 15774	Sept. 20, 1974
Do	Mercer	Shenango, township of	II 421875A 01 through II 421875A 08	Chairman, P.O. Box 235, W. Middlesex, Pa. 16159	Aug. 16, 1974
Do	Lancaster	Shickshinny, borough of	II 420636A 01	Mayor, 31 Furnace, Shickshinny, Pa. 18655	May 14, 1976
Do	Beaver	Shippingport, borough of	II 420117A 01 through II 420117A 02	Mayor, Box 46, Shippingport, Pa. 15077	Mar. 30, 1973

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Berks	Shoemakersville, borough of	II 420494A 01	Mayor, 506 Main St., Shoemakersville, Pa. 19555	Mar. 22, 1974
Do	Armstrong	South Bend, township of	II 421214A 01 through II 421214A 06	Chairman, R.D. No. 1, Shelocta, Pa. 15686	May 14, 1976
Do	Berks	Spring, township of	II 421108A 01 through II 421108A 03	Chairman, 2800 Shillington Rd., Cornwall Terrace, Reading, Pa. 19608	Sept. 20, 1974
Do	Allegheny	Springdale, township of	II 420071A 01	President Commission, Box 177, Harwick, Pa. 15049	May 14, 1976
Do	do	Tarentum, borough of	II 420076A 01 through II 420076A 02	Mayor, 304 Lock St., Tarentum, Pa. 15088	May 14, 1976
Do	Forest	Tionesta, borough of	II 421658A 01 through II 421658A 02	President of Council, P.O. Box 108, Tionesta, Pa. 16353	Mar. 29, 1971
Do	Westmoreland	Unity, township of	II 420644A 19 through II 420644A 19	Chairman, R.D. No. 3, Latrobe, Pa. 15650	May 11, 1976
Do	do	Vandegrift, borough of	II 420904A 03 through II 420904A 03	President of Council, Municipal Bldg., Vandegrift, Pa. 15640	July 19, 1974
Do	Crawford	Venango, borough of	II 420355A 01	President of Council, P.O. Box 196, Venango, Pa. 16440	June 14, 1976
Do	Erie	Wesleyville, borough of	II 420456A 01	President of Council, 2421 Buffalo Rd., Wesleyville, Pa. 16150	Aug. 30, 1974
Do	Jefferson	Winslow, township of	II 421215A 01 through II 421215A 01	Chairman, R.D. No. 1, Reynoldsville, Pa. 15851	May 31, 1973
Do	Northumberland	Zerbe, township of	II 421947A 03 through II 421947A 03	Chairman, 800 Mahoney St., Trevorton, Pa. 17881	Sept. 20, 1971
South Carolina	Kershaw	Camden, city of	II 450117A 01 through II 450117A 01	Mayor, 1000 Lytleton, Camden, S.C. 29201	May 14, 1976
Do	Charleston	North Charleston, city of	II 450012A 01 through II 450012A 01	Mayor, P.O. Box 5817, Charleston, S.C. 29405	Jan. 17, 1975
Do	Anderson	Pendleton, town of	II 450019A 01 through II 450019A 02	Mayor, 108 S. Depot St., Pendleton, S.C. 29670	May 14, 1976
Do	Union	Union, city of	II 450186A 01 through II 450186A 04	Mayor, Herndon St., Union, S.C. 29379	June 28, 1974
South Dakota	Haukan	Bryant, city of	II 450160A 01	M.P.O., City Hall, Bryant, S. Dak. 57231	May 14, 1976
Tennessee	Dickson	Dickson, city of	II 470335 10 through II 470335 10	Mayor, 302 S. Main St., Dickson, Tenn. 37035	July 9, 1976
Do	Hawkins	Mount Carmel, city of	II 470311 05 through II 470311 05	Mayor, 100 Main St., Mount Carmel, Tenn. 37043	Do
Texas	Hale and Lubbock	Abernathy, city of	II 480371A 01	Mayor, City Hall, 811 Avenue D, Abernathy, Tex. 79311	May 10, 1974
Do	Tarrant and Parker	Azle, city of	II 480381 01 through II 480381 01	Mayor, City Hall, 200 W. Main, Azle, Tex. 76020	May 10, 1976
Do	McClulloch	Brady, city of	II 480455A 01 through II 480455A 01	Mayor, City Hall, 212 W. Commerce, Brady, Tex. 76835	Mar. 8, 1974
Do	Hemphill	Canadran, city of	II 480455A 11 through II 480455A 11	Mayor, City Hall, 6 Main St., Canadran, Tex. 76014	June 28, 1974
Do	Fort Bend	Unincorporated areas	II 480328A 01 through II 480328A 06	County Judge, County Courthouse, Richmond, Tex. 77360	May 14, 1976
Do	Wharton	El Campo, city of	II 480328A 01 through II 480328A 01	Mayor, 315 E. Jackson, City Hall, El Campo, Tex. 77437	July 9, 1976
Do	Hood	Granbury, city of	II 480357 01 through II 480357 03	Mayor, City Hall, 111 S. Houston, Granbury, Tex. 76048	June 7, 1974
Do	Tarrant	Hurst, city of	II 480357 01 through II 480357 01	Mayor, City Hall, 1505 Precinct Line Road, Hurst, Tex. 76053	May 14, 1976
Do	Falls	Lott, city of	II 480601A 04	Mayor, Town Hall, Lott, Tex. 76656	July 9, 1976
Do	Hill	Malone, town of	II 480861 01	Mayor, Town Hall, Malone, Tex. 76660	Do
Do	Ellis	Midlothian, city of	II 480801 01 through II 480801 02	Mayor, City Hall, 235 N. 8th St., Midlothian, Tex. 76065	Do
Do	McLennan	Moody, town of	II 480930 01	Mayor, Town Hall, 606 Avenue E, Moody, Tex. 76557	Do
Do	Titus	Mount Pleasant, city of	II 480921A 01 through II 480921A 01	Mayor, City Hall, 129 W. 3rd St., Mount Pleasant, Tex. 75455	Feb. 1, 1974
Do	Hardeman	Quanah, city of	II 480823A 01 through II 480823A 01	Mayor, City Hall, 318 Mercer St., Quanah, Tex. 79252	May 14, 1976
Do	Lubbock	Slaton, city of	II 480453A 01 through II 480453A 01	Mayor, City Hall, 9th and Garza, Slaton, Tex. 79364	Aug. 9, 1974
Do	Haskell and Jones	Stamford, city of	II 480453A 04 through II 480453A 02	Mayor, City Hall, 201 E. McIlharg, P.O. Box 191, Stamford, Tex. 79553	Mar. 22, 1974
Do	Wheeler	Wheeler, city of	II 480637A 01	Mayor, City Hall, P.O. Box 98, Wheeler, Tex. 79096	May 14, 1976
Do	Wood and Franklin	Winnaboro, city of	II 480680A 01 through II 480680A 04	Mayor, City Hall, 201 Locust, P.O. Box 134, Winnaboro, Tex. 75494	Mar. 29, 1974
Do	Runnels	Winters, city of	II 480650A 01 through II 480650A 02	Mayor, City Hall, 310 S. Main St., Winters, Tex. 76767	May 14, 1976
Do	Wood	Yantis, town of	II 481167 01 through II 481167 02	Mayor, Town Hall, P.O. Box 245, Yantis, Tex. 76497	Dec. 17, 1974



State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Utah	Millard	Fillmore, city of	H 46087A 01 through H 46087A 03	Mayor, City Hall, Fillmore, Utah 84631	June 28, 1974.
Do.	Davis	Layton, city of	H 46047A 01 through H 46047A 05	Mayor, City Hall, Layton, Utah 84041	May 14, 1976.
Virginia		Bedford, city of	H 510015A 01 through H 510015A 04	Mayor, Box 37, Bedford, Va. 24523	Aug. 9, 1974.
Do.	Fauquier	Columbia, town of	H 510050A 01 through H 510050A 01	Mayor, Town Hall, Columbia, Va. 23038	May 14, 1976.
Do.	Rockingham	Dayton, town of	H 510186A 01 through H 510186A 01	Mayor, Box 215, Dayton, Va. 23831	May 31, 1974.
Do.	Buchanan	Grundy, town of	H 510077A 01 through H 510077A 02	Mayor, Box 711, Grundy, Va. 24614	May 24, 1974.
Do.	Harrison	Unincorporated areas	H 510077A 02 through H 510077A 23	County Manager, P.O. Box 27032, Richmond, Va. 23273	May 14, 1976.
Do.		South Boston, city of	H 510153A 01 through H 510153A 02	Mayor, Box 117, S. Boston, Va. 24193	Nov. 22, 1974.
Do.		Staunton, city of	H 510153A 02 through H 510153A 03	Mayor, Box 58, Staunton, Va. 24401	May 11, 1976.
Do.			H 510153A 03 through H 510153A 03		June 14, 1974.
Vermont	Washington	Cabot, village of	H 500107A 01 through H 500107A 02	Village Clerk, Cabot, Vt. 05417	May 14, 1976.
Do.	Champlain	Huntington, town of	H 500030A 01 through H 500030A 14	Chairman, Sherman Hollow Rd., Huntington Planning Commission, Richmond, Vt. 05477	Sept. 6, 1974.
Washington	Okanogan	Conceconully, town of	H 530118 01 through H 530118 01	Mayor, Town Hall, Main and Silver, Conceconully, Wash. 98816	July 9, 1976.
Do.	Yakima	Grandview, city of	H 530218A 01 through H 530218A 03	Mayor, 114 Avenue A, City Hall, Grandview, Wash. 98930	May 31, 1974.
Do.	Spokane	Northport, town of	H 530257 01 through H 530257 02	Mayor, Town Hall, Northport, Wash. 99157	May 14, 1976.
Do.	Butte	Prosser, city of	H 530012A 01 through H 530012A 03	Mayor, City Hall, 601 Seventh St., Prosser, Wash. 99350	July 9, 1976.
Do.	Whitman	Rosalia, town of	H 530012A 03 through H 530012A 03	Mayor, Town Hall, 5th and Whitman, Rosalia, Wash. 99170	Jan. 23, 1974.
West Virginia	Okeech	Valley Grove, village of	H 510151A 01 through H 510151A 03	Mayor, Box 103, Valley Grove, W. Va. 26660	May 14, 1976.
Wisconsin	Adams	Adams, city of	H 550002A 01 through H 550002A 01	Mayor, City Hall, Adams, Wis. 53910	June 28, 1974.
Do.	Jackson	Alma Center, village of	H 550185A 01 through H 550185A 01	Village President, Village Hall, Alma Center, Wis. 54611	May 14, 1976.
Do.	Beroun	Almena, village of	H 550000A 01 through H 550000A 01	Village President, Village Hall, Almena, Wis. 54111	July 19, 1974.
Do.	Marathon	Athens, village of	H 550246A 01 through H 550246A 01	Village President, Village Hall, Athens, Wis. 54111	May 14, 1976.
Do.	Iowa	Avoca, village of	H 550173A 01 through H 550173A 01	Village President, Village Hall, Avoca, Wis. 53506	Sept. 6, 1974.
Do.	Shawano	Brimmwood, village of	H 550413A 01 through H 550413A 02	Village President, 319 Towers Ave., Brimmwood, Wis. 54444	May 11, 1976.
Do.			H 550413A 02 through H 550413A 01		May 31, 1974.
Do.	Trempealeau	Blair, city of	H 550440A 01 through H 550440A 01	Mayor, City Hall, Blair, Wis. 54616	May 14, 1976.
Do.	Grant	Boscobel, city of	H 550148A 01 through H 550148A 01	Mayor, 1031 Wisconsin Ave., Boscobel, Wis. 53805	Dec. 17, 1974.
Do.	Fond Du Lac	Brandon, village of	H 550132A 01 through H 550132A 01	Village President, Box 238, Brandon, Wis. 53919	May 17, 1974.
Do.	Elaine	Burlington, city of	H 550318A 01 through H 550318A 02	Mayor, 300 North Pine St., Burlington, Wis. 53103	May 14, 1976.
Do.			H 550318A 02 through H 550318A 01		Oct. 5, 1973.
Do.	Ashland	Butternut, village of	H 550006A 01 through H 550006A 01	Village President, Box 125, Butternut, Wis. 54514	May 14, 1976.
Do.	Juneau	Cambridge, village of	H 550080A 01 through H 550080A 01	Village President, Village Hall, Cambridge, Wis. 53528	Sept. 6, 1974.
Do.	Barron	Chetek, city of	H 550012A 01 through H 550012A 01	Mayor, 103 Moore St., Chetek, Wis. 54728	May 11, 1976.
Do.	Iowa	Cobb, village of	H 550176A 01 through H 550176A 01	Village President, Village Hall, Cobb, Wis. 53526	May 31, 1974.
Do.	Manitowish	Cudahy, city of	H 550272A 01 through H 550272A 02	Mayor, 5050 South Lake Dr., Cudahy, Wis. 53110	Aug. 20, 1974.
Do.			H 550272A 02 through H 550272A 01		June 7, 1974.
Do.	Crawford	DeSoto, village of	H 550099A 01 through H 550099A 01	Village President, Village Hall, DeSoto, Wis. 54624	May 14, 1976.
Do.	Valer	Eagle River, city of	H 550461A 01 through H 550461A 01	Mayor, City Hall, Eagle River, Wis. 54521	Jan. 9, 1974.
Do.	Walworth	East Troy, village of	H 550494A 01 through H 550494A 01	Village President, Box 603, East Troy, Wis. 53120	May 14, 1976.
Do.	Pierce	Ellsworth, village of	H 550325A 01 through H 550325A 01	Village President 456 West Main St., Ellsworth, Wis. 54011	Apr. 12, 1974.
Do.	Trempealeau	Etrick, village of	H 550412A 01 through H 550412A 01	Village President, Village Hall, Etrick, Wis. 54627	May 14, 1976.
Do.	Rock	Evansville, city of	H 550366A 01 through H 550366A 01	Mayor, 31 South Madison St., Evansville, Wis. 53536	Nov. 30, 1973.
Do.	Marathon	Fenwood, village of	H 550250A 01 through H 550250A 01	Village President, Box 76, Fenwood, Wis. 54431	May 14, 1976.
Do.			H 550250A 01 through H 550250A 01		Aug. 2, 1974.
Do.	Waupaca	Fremont, village of	H 550496A 01 through H 550496A 01	Village President, Box 195, Fremont, Wis. 54940	May 14, 1976.
Do.	Adams	Friendship, village of	H 550003A 01 through H 550003A 01	Village President, Village Hall, Friendship, Wis. 53934	Nov. 30, 1973.
Do.	Walworth	Genoa City, village of	H 550463A 01 through H 550463A 01	Village President, P.O. Box 383, Genoa City, Wis. 53128	May 3, 1974.
Do.	Taylor	Gilman, village of	H 550433A 01 through H 550433A 01	Village President, Village Hall, Gilman, Wis. 54133	Jan. 9, 1974.
Do.	Lafayette	Gratiot, village of	H 550229A 01 through H 550229A 01	Village President, Village Hall, Gratiot, Wis. 53541	May 14, 1976.
Do.	Shawano	Gresham, village of	H 550418A 01 through H 550418A 01	Village President, Village Hall, Gresham, Wis. 54128	Jan. 16, 1974.
Do.	Washington	Hartford, city of	H 550473A 01 through H 550473A 02	Mayor, P.O. Box 31, Hartford, Wis. 53027	May 14, 1976.
Do.			H 550473A 02 through H 550473A 01		Jan. 9, 1974.
Do.	Waukesha	Hartland, village of	H 550451A 01 through H 550451A 01	Village President, Village Hall, Hartland, Wis. 53029	Nov. 30, 1973.
Do.	Marathon	Hatley, village of	H 550251A 01 through H 550251A 01	Village President, Village Hall, Hatley, Wis. 54440	May 14, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Rusk	Hawkins, village of	H 550373A 01 through H 550373A 01	Village President, Village Hall, Hawkins, Wis. 54530	Aug. 30, 1974.
Do.	Iowa	Hollandale, village of	H 550178A 01 through H 550178A 01	Village President, Village Hall, Hollandale, Wis. 53544	May 14, 1976.
Do.	La Crosse	Holmen, village of	H 550219A 01 through H 550219A 01	Village President, P.O. Box 253, Holmen, Wis. 54636	Sept. 20, 1974.
Do.	Brown	Howard, village of	H 550023A 01 through H 550023A 08	Village President, 2322 Memorial Dr., Green Bay, Wis. 54903	May 14, 1976.
Do.			H 550023A 08 through H 550023A 01		May 17, 1974.
Do.	Juneau	Hustler, village of	H 550202A 01 through H 550202A 01	Village President, Village Hall, Hustler, Wis. 54637	Dec. 28, 1973.
Do.	Waupaca	Iola, village of	H 550497A 01 through H 550497A 01	Village President, Village Hall, Iola, Wis. 54945	May 14, 1976.
Do.	Green Lake	Kingston, village of	H 550168A 01 through H 550168A 01	Village President, Box 23, Kingston, Wis. 53339	June 7, 1974.
Do.	Vernon	La Farge, village of	H 550456A 01 through H 550456A 01	Village President, Village Hall, La Farge, Wis. 54639	May 14, 1976.
Do.	Walworth	Lake Geneva, city of	H 550466A 01 through H 550466A 02	Mayor, P.O. Box 740, Lake Geneva, Wis. 53147	Dec. 17, 1973.
Do.			H 550466A 02 through H 550466A 01		May 14, 1976.
Do.	Iowa	Linden, village of	H 550179A 01 through H 550179A 01	Village President, Village Hall, Linden, Wis. 53553	Aug. 30, 1974.
Do.	Taylor	Lublin, village of	H 550434A 01 through H 550434A 01	Village President, Village Hall, Lublin, Wis. 54447	Sept. 20, 1974.
Do.	Juneau	Mauston, city of	H 550204A 01 through H 550204A 01	Mayor, 300 Madison St., Mauston, Wis. 53948	Dec. 17, 1973.
Do.	Ashland	Mellen, city of	H 550007A 01 through H 550007A 01	Mayor, Box 738, Mellen, Wis. 54546	May 14, 1976.
Do.	Washburn	Mnong, village of	H 550468A 01 through H 550468A 01	Village President, Box 415, Mnong, Wis. 54840	Dec. 17, 1973.
Do.	Grant	Mount Hope, village of	H 550152A 01 through H 550152A 01	Village President, Village Hall, Mount Hope, Wis. 53816	May 14, 1976.
Do.	Trempealeau	Osseo, city of	H 550445A 01 through H 550445A 01	Mayor, City Hall, Osseo, Wis. 54758	Aug. 30, 1974.
Do.	Douglas	Poplar, village of	H 550114A 01 through H 550114A 04	Village President, Box 186, Poplar, Wis. 54816	May 14, 1976.
Do.			H 550114A 04 through H 550114A 01		May 3, 1974.
Do.	Trempealeau	Whitehall, city of	H 550448A 01 through H 550448A 01	Mayor, City Hall, Whitehall, Wis. 54773	May 14, 1976.
Do.	Monroe	Wilton, village of	H 550292A 01 through H 550292A 01	Village President, Highway 17 and Main St., Wilton, Wis. 54770	Dec. 28, 1973.
Do.					May 14, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: May 10, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc.76-14322 Filed 5-18-76; 8:45 am]

[Docket No. FI-1134]  
**PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS**  
List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area

having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 days period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that

it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201 (d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:



## § 1915.3 List of communities with special hazard areas (FHBMs in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Colbert	Leighton, city of	H 010046A 01 through H 010046A 02	Alabama Development Office, Office of State Planning, State Office Bldg., 601 Dexter Ave., Montgomery, Ala. 36104.	Mayor, P.O. Drawer 308, Leighton, Ala. 35046.	June 14, 1974. Apr. 30, 1976.
Do.	Madison	Owens Cross Roads, city of	H 010218 01 through H 010218 06	Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 23, Owens Cross Roads, Ala. 35753.	June 23, 1976.
Do.	Franklin	Russellville, city of	H 010216 01 through H 010216 21	Do.	Mayor, P.O. Box 1148, Russellville, Ala. 35063.	Do.
Do.	Jackson	Section, city of	H 010362 01 through H 010362 06	Do.	Mayor, Town Hall, Section, Ala. 35771.	Do.
Do.	Lawrence	Town Creek, town of	H 010143A 01 through H 010143A 06	Do.	Mayor, P.O. Box 160, Town Creek, Ala. 35674.	June 14, 1974. Apr. 30, 1976.
Do.	Madison	Triana, city of	H 010153 01 through H 010153 02	Do.	Mayor, Box 128, Route 3, Madison, Ala. 35758.	June 25, 1976.
Do.	Morgan	Trinity, city of	H 010309 01 through H 010309 06	Do.	Mayor, P.O. Box 36, Trinity, Ala. 35763.	Do.
Do.	De Kalb	Valley Head, town of	H 010068A 01 through H 010068A 06	Do.	Mayor, Valley Head, P.O. Box 144, Valley Head, Ala. 35989.	May 3, 1974. Apr. 30, 1976.
Do.	Jackson	Woodville, town of	H 010114 01 through H 010114 08	Do.	Mayor, P.O. Box 27, Woodville, Ala. 35776.	June 25, 1976.
Arizona	Maricopa	Goodyear, town of	H 040046A 01 through H 040046A 04	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007.	Mayor, 119 North Litchfield Rd., Town Hall, Goodyear, Ariz. 85338.	Mar. 15, 1974. Apr. 30, 1976.
Do.	Navajo	Taylor, town of	H 040071A 01 through H 040071A 04	Arizona Department of Insurance, P.O. Box 7048, 718 West Glenrosa, Phoenix, Ariz. 85011.	Mayor, Town Hall, Taylor, Ariz. 85639.	May 17, 1974. Apr. 30, 1976.
Arkansas	Boone	Bergman, town of	H 050383A 01 through H 050383A 04	Division of Soil and Water Resources, State Department of Commerce, 1500 West Park Dr., Room 308, Little Rock, Ark. 72204.	Mayor, Town Hall, Bergman, Ark. 72615.	Apr. 18, 1975. Apr. 30, 1976.
Do.	Mississippi	Blytheville, city of	H 050140B 01 through H 050140B 05	Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Chairman, Code Enforcement Committee, City of Blytheville, P.O. Box 104, Blytheville, Ark. 72315.	Nov. 16, 1973. July 18, 1975.
Do.	Lonoke	Coy, town of	H 050402 01 through H 050402 05	Do.	Mayor, Town Hall, Coy, Ark. 72037.	Apr. 30, 1976.
Do.	Crawford	Kibler, town of	H 050337 01 through H 050337 02	Do.	Mayor, Town Hall, Kibler, Ark. 72921.	June 25, 1976.
Do.	Hot Springs	Perla, town of	H 050275 01 through H 050275 05	Do.	Mayor, Town Hall, Box 678, Perla, Ark. 72104.	Do.
California	Amador	Jackson, city of	H 060448 01 through H 060448 04	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802.	Mayor, City Hall, 175 Main St., Jackson, Calif. 95642.	Do.
Colorado	Montrose	Montrose, city of	H 060125A 01 through H 060125A 02	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203.	Mayor, 433 South 1st, Montrose, Colo. 81401.	Feb. 15, 1974. Apr. 30, 1976.
Florida	Osceola	Kissimmee, city of	H 120190A 01 through H 120190A 05	Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Manager, P.O. Box 310, Kissimmee, Fla. 32741.	July 19, 1974. Apr. 30, 1976.
Do.	Broward	Parkland, town of	H 120051A 01 through H 120051A 04	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301.	Mayor, 7373 Northwest 820 Terrace, Parkland, Fla. 33067.	Aug. 30, 1974. Apr. 30, 1976.
Do.	Hamilton	White Springs, town of	H 120102A 01 through H 120102A 04	State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, P.O. Drawer D, White Springs, Fla. 32096.	Jan. 16, 1974. Apr. 30, 1976.
Georgia	Walker	Chickamauga, city of	H 130151A 01 through H 130151A 03	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334.	Mayor, P.O. Box 68, Chickamauga, Ga. 30707.	Mar. 22, 1974. Apr. 30, 1976.
Do.	Baldwin	Milledgeville, city of	H 130006A 01 through H 130006A 06	Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, P.O. Box E, Milledgeville, Ga. 31061.	May 31, 1974. Apr. 30, 1976.
Do.	Catawba	Ringgold, city of	H 130024A 01 through H 130024A 03	Do.	Mayor, 105 Mountain St., Ringgold, Ga. 30736.	Mar. 22, 1974. Apr. 30, 1976.
Idaho	Lewis	Craigmont, city of	H 160193 01 through H 160193 04	Department of Water Administration, Statehouse, Annex 2, Boise, Idaho 83707.	Mayor, City Hall, 109 East Main, Craigmont, Idaho 83523.	June 25, 1976.
Do.	Shoshone	Osburn, city of	H 160116A 01 through H 160116A 04	Idaho Department of Insurance, Room 306, Statehouse, Boise, Idaho 83707.	Mayor, 921 East Mullan Ave., Osburn, Idaho 83849.	Jan. 23, 1974. Apr. 30, 1976.
Do.	Lenah	Salmon, city of	H 160063 01 through H 160063 04	Do.	Mayor, City Hall, Salmon, Idaho 83467.	June 25, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Illinois	Clinton	Albers, village of	H 170045A 01 through H 170045A 04	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610.	Village President, Village Hall, Albers, Ill. 62215.	Mar. 22, 1974. Apr. 30, 1976.
Do.	Union	Anna, city of	H 170657A 01 through H 170657A 02	Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall Bldg., 123 West Davies St., Anna, Ill. 62806.	Mar. 29, 1974. Apr. 30, 1976.
Do.	Franklin	Benton, city of	H 170237A 01 through H 170237A 02	Do.	Mayor, 500 West Main St., Benton, Ill. 62812.	June 28, 1974. Apr. 30, 1976.
Do.	Massac	Brookport, city of	H 170498A 01 through H 170498A 04	Do.	Mayor, P.O. Box 295, Brookport, Ill. 62816.	June 7, 1974.
Do.	Tazewell	Creve Coeur, village of	H 170646A 01 through H 170646A 04	Do.	Mayor, 101 North Thorncrest Ave., Creve Coeur, Ill. 61611.	Mar. 1, 1974. Apr. 30, 1976.
Do.	De Kalb	Kirkland, village of	H 170186B 01 through H 170186B 04	Do.	Village President, Village Hall, Kirkland, Ill. 60146.	May 31, 1974. Sept. 26, 1975.
Do.	Mason	Mason City, city of	H 170466A 01 through H 170466A 04	Do.	Mayor, 145 South Main St., Mason City, Ill. 62964.	Apr. 30, 1976.
Do.	Morgan	Meredosia, village of	H 170317A 01 through H 170317A 04	Do.	Village President, Village Hall, Meredosia, Ill. 62365.	Nov. 15, 1974. Jan. 9, 1976.
Do.	Cook	Merionette Park, village of	H 170126A 01 through H 170126A 04	Do.	Village President, 3165 West 115th St., Merionette Park, Ill. 60555.	Mar. 15, 1974.
Do.	Kankakee	Monmence, city of	H 170340A 01 through H 170340A 02	Do.	Mayor, 123 West River St., Monmence, Ill. 60954.	Jan. 9, 1974. Apr. 30, 1976.
Do.	Platt	Monticello, city of	H 170550A 01 through H 170550A 02	Do.	Mayor, 211 North Hamilton, Monticello, Ill. 61856.	Dec. 17, 1973. Apr. 30, 1976.
Do.	Cook	Morton Grove, village of	H 170128A 01 through H 170128A 03	Do.	Mayor, 6300 West Lincoln Ave., Morton Grove, Ill. 60063.	Mar. 1, 1974. Apr. 30, 1976.
Do.	Saline	Muddy, village of	H 170599A 01 through H 170599A 04	Do.	Village President, Village Hall, Muddy, Ill. 62965.	Mar. 22, 1974. Apr. 30, 1976.
Do.	Cook	North Riverside, village of	H 170137B 01 through H 170137B 04	Do.	Village President, 2400 South Desplaines Ave., North Riverside, Ill. 60546.	Feb. 1, 1974. Sept. 26, 1975.
Do.	Fulton	Vermont, village of	H 170581A 01 through H 170581A 04	Do.	President, Board of Trustees, Village Hall, Vermont, Ill. 61484.	Nov. 29, 1974.
Indiana	Huntington	Warren, town of	H 180065A 01 through H 180065A 04	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, Town Hall, Warren, Ind. 46792.	Nov. 23, 1973. Apr. 30, 1976.
Do.	Kosciusko	Winona Lake, town of	H 180121A 01 through H 180121A 04	Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, P.O. Box 338, Winona Lake, Ind. 46590.	May 3, 1974. Apr. 30, 1976.
Iowa	Butler	Aplington, city of	H 190335 01 through H 190335 04	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Aplington, Iowa 50604.	June 25, 1976.
Do.	Ida	Arthur, city of	H 190006 01 through H 190006 04	Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Arthur, Iowa 51487.	Do.
Do.	Jackson	Baldwin, city of	H 190128 01 through H 190128 04	Do.	Mayor, City Hall, Baldwin, Iowa 52007.	Do.
Do.	Humboldt	Bradgate, city of	H 190420 01 through H 190420 04	Do.	Mayor, City Hall, Bradgate, Iowa 50520.	Do.
Do.	Adams	Carbon, city of	H 190001 01 through H 190001 02	Do.	Mayor, City Hall, Carbon, Iowa 50539.	Do.
Do.	Jones	Center Junction, city of	H 190433 01 through H 190433 02	Do.	Mayor, City Hall, Center Junction, Iowa 52212.	Do.
Do.	Union	Cromwell, city of	H 190519 01 through H 190519 04	Do.	Mayor, City Hall, Cromwell, Iowa 50642.	Do.
Do.	Montgomery	Elliott, city of	H 190209 01 through H 190209 04	Do.	Mayor, City Hall, Elliott, Iowa 51532.	Do.
Do.	Emmet	Estherville, city of	H 190124A 01 through H 190124A 04	Do.	Mayor, City Hall, Estherville, Iowa 51334.	Mar. 29, 1974. Apr. 30, 1976.
Do.	Muscatine	Fruitland, city of	H 190212 01 through H 190212 04	Do.	Mayor, City Hall, Fruitland, Iowa 52749.	June 25, 1976.
Do.	Clayton	Garber, city of	H 190076A 01 through H 190076A 04	Do.	Mayor, City Hall, Garber, Iowa 52048.	Aug. 30, 1974.
Do.	Wright	Goldfield, city of	H 190584 01 through H 190584 02	Do.	Mayor, City Hall, Goldfield, Iowa 50532.	Apr. 30, 1976.
Do.	Warren	Indianola, city of	H 190275A 01 through H 190275A 04	Do.	Mayor, City Hall, Indianola, Iowa 50125.	June 7, 1974. Apr. 30, 1976.
Do.	Hardin	Iowa Falls, city of	H 190140A 01 through H 190140A 02	Do.	Mayor, City Hall, Iowa Falls, Iowa 50136.	June 28, 1974. Apr. 30, 1976.
Do.	Winnebago	Jackson Junction, city of	H 190533 01 through H 190533 02	Do.	Mayor, City Hall, Jackson Junction, Iowa 52150.	June 25, 1976.
Do.	Scott	Le Claire, city of	H 190243 01 through H 190243 02	Do.	Mayor, City Hall, Le Claire, Iowa 52753.	Dec. 17, 1973. Apr. 30, 1976.
Do.	Lee	Montrose, city of	H 190186A 01 through H 190186A 02	Do.	Mayor, City Hall, Montrose, Iowa 52639.	Jan. 23, 1974. Apr. 30, 1976.
Do.	Hardin	Radcliffe, city of	H 190644 01 through H 190644 04	Do.	Mayor, City Hall, Radcliffe, Iowa 50230.	June 25, 1976.
Do.	Winnebago	Rake, city of	H 190350 01 through H 190350 02	Do.	Mayor, City Hall, Rake, Iowa 50465.	Do.
Do.	Buchanan	Stanley, city of	H 190333 01 through H 190333 04	Do.	Mayor, City Hall, Stanley, Iowa 50671.	Do.
Do.	Brainer	Sumner, city of	H 190029A 01 through H 190029A 02	Do.	Mayor, City Hall, Sumner, Iowa 50674.	May 3, 1974. Apr. 30, 1976.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Allamakee	Waukon, city of	II 19068A 01	do.	Mayor, City Hall, Waukon, Iowa	Mar. 22, 1974.
Do.	Bremner	Waverly, city of	II 190630A 01	do.	Mayor, City Hall, Waverly, Iowa	Mar. 29, 1974.
Do.	Muscatine	West Liberty, city of	II 190630A 02	do.	Mayor, City Hall, West Liberty, Iowa	Jan. 16, 1974.
Do.	Wright	Woolstock, city of	II 190627 01	do.	Mayor, City Hall, Woolstock, Iowa	Apr. 30, 1976.
Kansas	Johnson	Countryside, city of	II 190627 02	Division of Water Resources, Kansas Department of Agriculture, 1750 South Topeka Ave., Topeka, Kans. 66612.	Mayor, City Hall, 5716 West 62d St., Countryside, Kans. 66202.	Aug. 23, 1974.
Do.	Leavenworth	Tonganoxie, city of	II 190627 03	Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 321 South Delaware, Tonganoxie, Kans. 66066.	Apr. 30, 1976.
Kentucky	Bath	Salt Lick, city of	II 190627 04	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601.	Mayor, City Hall, 168 East Main St., Morehead, Ky. 40351.	June 7, 1974.
Louisiana	Livingston Parish	Killbuck, village of	II 190627 05	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Killbuck, La. 70452.	Apr. 30, 1976.
Do.	Cadeo Parish	Mooringsport, town of	II 190627 06	Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Mooringsport, La. 71060.	June 25, 1976.
Do.	Bienville Parish	Saline, village of	II 190627 07	do.	Mayor, Village Hall, Saline, La. 71070.	Do.
Do.	Washington Parish	Varnado, village of	II 190627 08	do.	Mayor, Village Hall, Varnado, La. 70467.	Oct. 25, 1976.
Maine	Aroostook	Fort Kent, town of	II 190627 09	Office of Civil Emergency Preparedness, Statehouse, Augusta, Maine 04330.	Town Manager, Town Office, West Main St., Fort Kent, Maine 04743.	Apr. 30, 1976.
Do.	Lincoln	Nobleboro, town of	II 190627 10	Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Attorney at Law, Main St., Danvers, Maine 04513.	Feb. 11, 1975.
Do.	Hancock	Southwest Harbor, town of	II 190627 11	do.	Natural Resources Coordinator, Town Office, Southwest Harbor, Maine 04879.	Jan. 17, 1975.
Do.	Cumberland	Westbrook, city of	II 190627 12	do.	City Engineer, 700 Main St., Westbrook, Maine 04092.	Apr. 30, 1976.
Michigan	St. Clair	Marysville, city of	II 190627 13	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48906.	City Manager, 887 East Huron Blvd., Marysville, Mich. 48040.	Mar. 15, 1974.
Minnesota	Hennepin	Golden Valley, city of	II 190627 14	Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, City Hall, 7800 Golden Valley Rd., Golden Valley, Minn. 55427.	Mar. 8, 1974.
Do.	Mill Lake	Millaca, city of	II 190627 15	Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, 145 South Central, Millaca, Minn. 56353.	Apr. 30, 1976.
Do.	Hennepin	Minneapolis, city of	II 190627 16	do.	Mayor, City Hall, Minneapolis, Minn. 55415.	May 10, 1974.
Missouri	Boone	Ashland, city of	II 190627 17	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101.	Mayor, City Hall, Ashland, Mo. 65610.	Mar. 22, 1974.
Do.	Vernon	Bronaugh, city of	II 190627 18	Division of Insurance, P.O. Box 650, Jefferson City, Mo. 65101.	Mayor, City Hall, Bronaugh, Mo. 64728.	Apr. 30, 1976.
Do.	Clay	Gladstone, city of	II 190627 19	do.	Mayor, City Hall, Gladstone, Mo. 64118.	May 17, 1974.
Do.	St. Louis	Huntleigh, city of	II 190627 20	do.	Mayor, City Hall, 2 Radnor Rd., Huntleigh, Mo. 63131.	Apr. 30, 1976.
Do.	Johnson	Kingsville, city of	II 190627 21	do.	Mayor, City Hall, Kingsville, Mo. 64651.	June 25, 1976.
Do.	Linn	Laclede, city of	II 190627 22	do.	Mayor, City Hall, Laclede, Mo. 64651.	Do.
Do.	Schuyler	Lancaster, city of	II 190627 23	do.	Mayor, City Hall, Lancaster, Mo. 63545.	Do.
Do.	Clay	Missouri City, city of	II 190627 24	do.	Mayor, City Hall, Missouri City, Mo. 64072.	Aug. 16, 1974.
Montana	Blaine	Chinook, city of	II 190627 25	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Fwing St., Helena, Mont. 59601.	Mayor, City Hall, Chinook, Mont. 59523.	Apr. 30, 1976.
Do.	Powell	Deer Lodge, city of	II 190627 26	Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	City Council, City Hall, Deer Lodge, Mont. 59722.	June 25, 1976.
Do.	Danels	Scobey, city of	II 190627 27	do.	City Clerk, City Hall, Scobey, Mont. 59263.	Jan. 9, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Nebraska	Hall	Alda, village of	II 310242 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508.	Chairman, Village Hall, Alda, Nebr. 68810.	June 25, 1976.
Do.	Dawson	Gothenburg, city of	II 310062A 01	Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Gothenburg, Nebr. 69138.	May 3, 1974.
New Jersey	Warren	Allamuchy, township of	II 310062A 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1890, Trenton, N.J. 08625.	Mayor, Box 26, Allamuchy, N.J. 07820.	Apr. 30, 1976.
Do.	Monmouth	Allenhurst, borough of	II 310283A 01	North Jersey Department of Insurance, Statehouse Annex, Trenton, N.J. 08625.	Mayor, 125 Conlies Ave., Allenhurst, N.J. 07711.	May 24, 1974.
Do.	Cumberland	Bridgeport, city of	II 310165A 01	do.	Mayor, 710 Bangs Ave., Asbury Park, N.J. 07712.	Apr. 30, 1976.
Do.	Morris	Butler, borough of	II 310165A 03	do.	Mayor, 168 East Commerce St., Bridgeport, N.J. 08302.	May 31, 1974.
Do.	Bergen	Edgewater, borough of	II 310023A 01	do.	Mayor, 10 High St., Butler, N.J. 07405.	Feb. 1, 1974.
Do.	Atlantic	Galloway, township of	II 310068A 01	do.	Mayor, 516 River Rd., Edgewater, N.J. 07020.	Apr. 30, 1976.
Do.	Bergen	Haworth, borough of	II 310042A 01	do.	Mayor, 2468 White Horse Pike, Cologne, N.J. 08213.	Jan. 3, 1975.
Do.	Monmouth	Hazlet, township of	II 310042A 03	do.	Mayor, 300 Haworth Ave., Haworth, N.J. 07641.	Apr. 30, 1976.
Do.	Hudson	Hoboken, city of	II 310222A 01	do.	Mayor, 319 Middle Rd., P.O. Box 371, Hazlet, N.J. 07730.	Feb. 1, 1974.
Do.	Cumberland	Hopewell, township of	II 310170A 01	do.	Mayor, Washington St., Hoboken, N.J. 07030.	June 28, 1974.
Do.	Bergen	Lodi, borough of	II 310047A 01	do.	Mayor, 109 Albertson Ave., Bridgeport, N.J. 08302.	Apr. 30, 1976.
Do.	Middlesex	Old Bridge, township of	II 310047A 02	do.	Mayor, 59 Main St., Lodi, N.J. 07644.	July 27, 1973.
New Mexico	Lincoln	Captain, village of	II 310047A 03	do.	Mayor, Rural Delivery No. 1, Box 70, C. Old Bridge, N.J. 08857.	Apr. 30, 1976.
New York	Sullivan	Liberty, village of	II 310047A 04	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501.	Mayor, City Hall, Box 246, Captain, N. Mex. 88316.	June 25, 1976.
Do.	Cattaraugus	Little Valley, town of	II 310060A 01	New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, City Hall, Box 246, Captain, N. Mex. 88316.	June 25, 1976.
Do.	Livingston	Livonia, town of	II 310060A 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201.	Village President, Municipal Bldg., Liberty, N.Y. 12534.	Mar. 8, 1974.
Do.	Lewis	Lowville, village of	II 310060A 03	do.	Mayor, Municipal Bldg., Little Valley, N.Y. 14755.	Oct. 25, 1974.
Do.	Cattaraugus	Mansfield, town of	II 310060A 04	do.	Mayor, 116 Mill St., Little Valley, N.Y. 14755.	May 31, 1974.
Do.	Oneida	Marcy, town of	II 310060A 05	do.	Supervisor, 35 Commercial St., Livonia, N.Y. 14487.	Mar. 8, 1974.
Do.	Delaware	Masonville, town of	II 310060A 06	do.	Mayor, Municipal Office, Lowville, N.Y. 13367.	June 28, 1974.
Do.	Herkimer	Middleville, village of	II 310060A 07	do.	Supervisor, Box 63, Little Valley, N.Y. 14755.	May 31, 1974.
Do.	Dutchess	Millbrook, village of	II 310060A 08	do.	Supervisor, 9435 Toby Rd., Marcy, N.Y. 13103.	Sept. 20, 1974.
Do.	Livingston	Mount Morris, village of	II 310060A 09	do.	Supervisor, Town Hall, Masonville, N.Y. 13804.	Apr. 30, 1976.
Do.	Madison	Munnsville, village of	II 310060A 10	do.	Mayor, Village Hall, Middleville, N.Y. 13106.	May 17, 1974.
Do.	Montgomery	Nelliston, village of	II 310060A 11	do.	Mayor, Village Hall, Millbrook, N.Y. 12545.	May 31, 1974.
Do.	Cattaraugus	New Albion, town of	II 310060A 12	do.	Mayor, 103 Main St., Mount Morris, N.Y. 14510.	Nov. 16, 1973.
Do.	Wayne	Newark, village of	II 310060A 13	do.	Mayor, Village Hall, Munnsville, N.Y. 13109.	Aug. 30, 1974.
Do.	Tioga	Newark Valley, village of	II 310060A 14	do.	Mayor, Village Hall, Nelliston, N.Y. 13410.	Feb. 15, 1974.
Do.	Orange	New Windsor, town of	II 310060A 15	do.	Supervisor, Main St., Cattaraugus, N.Y. 14710.	May 17, 1974.



## RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Niagara	Niagara, town of	II 36057A 01 through II 36057A 04	do.	Supervisor, P.O. Box 237, La Salle Station, Niagara Falls, N.Y. 14304.	Mar. 23, 1974. Apr. 30, 1976
Do.	Tioga	Nichols, village of	II 36058A 01	do.	Mayor, Village Hall, Nichols, N.Y. 13812.	June 7, 1974.
Do.	Wyoming	Pike, town of	II 36057A 01	do.	Supervisor, R. D. Main St., Castle, N.Y. 14130.	Sept. 13, 1974. Apr. 30, 1976
Do.	do.	Pike, village of	II 36102A 01	do.	Mayor, Main Street, Pike, N.Y. 14130.	Aug. 9, 1974. Apr. 30, 1976
Do.	Oswego	Sandy Creek, village of	II 36135A 01	do.	Mayor, Village Hall, Sandy Creek, N.Y. 13145.	Nov. 15, 1974.
Do.	Nassau	Sea Cliff, village of	II 36049A 01 through II 37014A 01	do.	Mayor, Village Hall, Sea Cliff, N.Y. 11579.	Feb. 1, 1974. Apr. 30, 1976
North Carolina	Chatham	Laurens, town of	II 37014A 03	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611.	Mayor, P.O. Box 493, Laurens, N.C. 27522.	Dec. 7, 1973. Apr. 30, 1976
Do.	Lenoir	Kinston, city of	II 37014A 01 through II 37014A 17	do.	Mayor, Box 339, Kinston, N.C. 28501.	Mar. 15, 1974. Apr. 30, 1976
Do.	Lincoln	Lincolnton, city of	II 37014A 01 through II 37014A 02	do.	Mayor, P.O. Box 617, Lincolnton, N.C. 28052.	Apr. 5, 1974. Apr. 30, 1976
Do.	Burke	Morganton, city of	II 37014A 01 through II 37003A 05	do.	Mayor, P.O. Drawer 130, Morganton, N.C. 28655.	Mar. 22, 1974. Apr. 30, 1976
Do.	Beaufort	Pantego, town of	II 37001A 01	do.	Mayor, Main St., Pantego, N.C. 27840.	Sept. 8, 1974. Apr. 30, 1976
North Dakota	Morton	Mandan, city of	II 38007A 01 through II 38007A 04	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501.	President, City Hall, Mandan, N. Dak. 58534.	June 7, 1974. Apr. 30, 1976
Do.	Metcalfe	Zeland, city of	II 38021A 01	do.	Mayor, City Hall, Zeland, N. Dak. 58581.	June 25, 1976
Ohio	Cuyahoga	Bedford Heights, city of	II 39006A 01 through II 39006A 02	Ohio Department of Natural Resources, Flood Insurance Coordinating Bldg., Fountain St., Columbus, Ohio 43224.	Mayor, 5661 Perkins Rd., Bedford Heights, Ohio 44146.	Mar. 22, 1974. Apr. 30, 1976
Do.	Sandusky and Huron	Bellevue, city of	II 39007A 01	do.	Mayor, 108 West Main St., Bellevue, Ohio 44801.	Mar. 15, 1974. Apr. 30, 1976
Do.	Metcalfe	Pomeroy, village of	II 39038A 01 through II 39038A 03	do.	Mayor, P.O. Box 351, Pomeroy, Ohio 45769.	Feb. 15, 1974. Apr. 30, 1976
Do.	Lorain	Shedfield, villa	II 39038A 04	do.	Mayor, 4826 Detroit, Shedfield, Ohio 44885.	June 21, 1974. Apr. 30, 1976
Do.	Cuyahoga	Westlake, city of	II 39038A 01 through II 39038A 05	do.	Mayor, 27216 Hilliard Blvd., Westlake, Ohio 44145.	Apr. 12, 1974. Oct. 31, 1975. Apr. 30, 1976
Oklahoma	Jackson	Blair, town of	II 40038 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105.	Mayor, Town Hall, 119 M Main, Blair, Okla. 73526.	June 25, 1976
Do.	Oklahoma	Forest Park, city of	II 40039 01	Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, City Hall, Forest Park, Okla. 73121.	Do.
Do.	Okmulgee	Hoffman, town of	II 40028 01	do.	Mayor, P.O. Box 145, Hoffman, Okla. 74432.	Do.
Do.	Pittsburg	Kiowa, town of	II 40016 01	do.	Mayor, Town Hall, Kiowa, Okla. 74553.	Do.
Do.	Oklahoma	Luther, town of	II 40039 04 through II 40039 05	do.	Mayor, Town Hall, 112 South Main St., Luther, Okla. 73054.	Do.
Do.	Creek	Mounds, town of	II 40039 01 through II 40039 04	do.	Chairman, City Hall, Mounds, Okla. 74047.	Do.
Do.	Cleveland	Noble, town of	II 40045A 01 through II 40045A 04	do.	President, Town Hall, 106 South 3d, Noble, Okla. 73068.	Aug. 30, 1974. Apr. 30, 1976
Do.	Creek	Shamrock, town of	II 40039 01 through II 40039 04	do.	Mayor, Town Hall, Shamrock, Okla. 74068.	June 25, 1976
Do.	Edis	Shattuck, city of	II 40051A 01	do.	Mayor, 405 South Main, City Hall, Shattuck, Okla. 73858.	May 24, 1974. Apr. 30, 1976
Do.	Newata	South Coffeyville, town of	II 40011 01	do.	Mayor, Town Hall, 207 Broadway, Drawer C, South Coffeyville, Okla. 74072.	June 25, 1976
Do.	Haskell	Stigler, city of	II 40015 01 through II 40015 05	do.	City Manager, P.O. Box 363, Stigler, Okla. 74462.	Do.
Do.	Grady	Tuttle, town of	II 40043 01 through II 40043 09	do.	Mayor, Town Hall, P.O. Box 10, Tuttle, Okla. 73059.	Do.
Do.	La Flore	Wister, town of	II 40005 01	do.	Mayor, Town Hall, Wister, Okla. 74966.	Do.
Oregon	Multnomah	Gresham, city of	II 41018A 01 through II 41018A 09	Executive Department, State of Oregon, Salem, Ore. 97310.	Mayor, City Hall, Gresham, Ore. 97030.	Dec. 7, 1971. Apr. 30, 1976
Do.	Linn	Tangent, city of	II 41017 01 through II 41017 02	Oregon Insurance Division, Department of Commerce, 158 12th St., N.E., Salem, Ore. 97310.	Mayor, % Jean Van Cauteran, Route 1, P.O. Box 164 A, Tangent, Ore. 97389.	June 25, 1976
Do.	Marion	Woodburn, city of	II 41017A 01 through II 41017A 04	do.	Mayor, City Hall, Woodburn, Ore. 97071.	May 24, 1974. Apr. 30, 1976

## RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Montgomery	Ambler, borough of	II 420047A 01 through II 420047A 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120.	Mayor, 31 East Butler, Ambler, Pa. 19002.	May 31, 1974. Apr. 30, 1976
Do.	Schuylkill	Ashland, borough of	II 42078A 01 through II 42078A 04	do.	Mayor, 1301 Centre St., Ashland, Pa. 17921.	Jan. 23, 1974.
Do.	Westmoreland	Bolivar, borough of	II 42078A 01	do.	Mayor, P.O. Box 63, Bolivar, Pa. 15023.	June 14, 1974. Apr. 30, 1976
Do.	Luzerne	Butler, township of	II 42059A 01 through II 42059A 09	do.	Chairman, Board of Supv., Rural Delivery No. 7, Drums, Pa. 18222.	May 31, 1974. Apr. 30, 1976
Do.	Lackawanna	Carbondale, city of	II 42052A 01 through II 42052A 02	do.	Mayor, City Hall, 1 North Main St., Carbondale, Pa. 18470.	Dec. 28, 1973. Apr. 30, 1976
Do.	Clinton	Castanea, township of	II 42032A 01 through II 42032A 04	do.	Chairman, Board of Supervisors, 100 Grape St., Castanea, Pa. 17745.	Jan. 9, 1974. Apr. 30, 1976
Do.	Butler	Conter, township of	II 42147A 01 through II 42147A 07	do.	Chairman, Board of Supervisors, 160 Moore Rd., Butler, Pa. 16001.	Sept. 13, 1974. Apr. 30, 1976
Do.	Indiana	Clymer, borough of	II 42048A 01 through II 42048A 02	do.	Mayor, 99 Morris St., Clymer, Pa. 15728.	Jan. 9, 1974. Apr. 30, 1976
Do.	Chester	Coatesville, city of	II 42074A 01 through II 42074A 04	do.	Mayor, 53 South 1st Ave., Coatesville, Pa. 19330.	May 31, 1974. Apr. 30, 1976
Do.	Allegheny	Collier, township of	II 42102A 01 through II 42102A 06	do.	President of Community, Box 01, Rural Delivery No. 1, Oakdale, Pa. 15071.	July 19, 1974. Apr. 30, 1976
Do.	Lancaster	Columbia, borough of	II 42064A 01 through II 42064A 07	do.	Mayor, 438 Maple St., Columbia, Pa. 17512.	June 15, 1973. Apr. 30, 1976
Do.	Fayette	Connellsville, city of	II 42049A 01 through II 42049A 03	do.	Mayor, P.O. Box 698, Connellsville, Pa. 15425.	Nov. 30, 1973. Apr. 30, 1976
Do.	Allegheny	Crafton, borough of	II 42026A 01 through II 42026A 03	do.	Mayor, 29 Alton Ave., Pittsburgh, Pa. 15205.	Feb. 1, 1974.
Do.	Butler	Cranberry, township of	II 42121A 01 through II 42121A 03	do.	Chairman, Board of Supervisors, 1506 Rochester Rd., Rural Delivery No. 3, Mars, Pa. 16048.	Sept. 20, 1974. Apr. 30, 1976
Do.	Indiana	Creekside, borough of	II 42121A 01 through II 42121A 03	do.	Mayor, Borough Bldg., Creekside, Pa. 15732.	Aug. 9, 1974. Apr. 30, 1976
Do.	Schuylkill	Cressona, borough of	II 42076A 01 through II 42076A 02	do.	Mayor, Borough Hall, Cressona, Pa. 17929.	June 28, 1974.
Do.	Westmoreland	Derry, borough of	II 42074A 01 through II 42074A 02	do.	Mayor, 524 North Chestnut St., Derry, Pa. 15627.	June 28, 1974. Apr. 30, 1976
Do.	Blair	Duncansville, borough of	II 42016A 01 through II 42016A 02	do.	Mayor, 1146 3d Ave., Duncansville, Pa. 16835.	June 28, 1974. Apr. 30, 1976
Do.	Chester	East Brandywine, township of	II 42147A 01 through II 42147A 02	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Downingtown, Pa. 19335.	Oct. 18, 1974. Apr. 30, 1976
Do.	Lancaster	Elizabeth, township of	II 42173A 01 through II 42173A 06	do.	Chairman, Board of Supervisors, Rural Delivery No. 2, Lititz, Pa. 17543.	Sept. 6, 1974. Apr. 30, 1976
Do.	Lackawanna	Elmhurst, township of	II 42175A 01	do.	Chairman, Board of Supervisors, Rural Delivery No. 2, Moscow, Pa. 18444.	Oct. 18, 1974. Apr. 30, 1976
Do.	Mercer	Findley, township of	II 42186A 01 through II 42186A 03	do.	Chairman, Board of Supervisors, Rural Delivery No. 5, Mercer, Pa. 16137.	Sept. 13, 1974. Apr. 30, 1976
Do.	Reaver	Freedom, borough of	II 42011A 01 through II 42011A 02	do.	Mayor, P.O. Box 67, Freedom, Pa. 15042.	Feb. 1, 1974. Apr. 30, 1976
Do.	do.	Glasgow, borough of	II 42011A 01 through II 42011A 02	do.	Mayor, Rural Delivery No. 1, Midland, Pa. 15800.	Aug. 16, 1974. Apr. 30, 1976
Do.	Mercer	Hempfield, township of	II 42186A 01 through II 42186A 03	do.	Chairman, Board of Supervisors, Hempfield Township Municipal Bldg., 278 South Mercer St., Greenville, Pa. 16125.	Apr. 30, 1976
Do.	Fulton	Licking Creek, township of	II 42166A 01 through II 42166A 12	do.	Chairman, Board of Supervisors, Harrisonville, Pa. 17238.	Dec. 20, 1974. Apr. 30, 1976
Do.	Berks	Muhlenberg, township of	II 42014A 01 through II 42014A 04	do.	Chairman, Board of Commissioners, 5100 Leesport Ave., Temple, Pa. 19360.	Feb. 1, 1974. Apr. 30, 1976
Do.	Berks	Shillington, borough of	II 42014A 01 through II 42014A 02	do.	Mayor, 233 South Stanley St., Shillington, Pa. 19607.	Nov. 9, 1973.
Do.	Fulton	Taylor, township of	II 42014A 01 through II 42014A 02	do.	Chairman, Township Board of Supervisors, Houtstown, Pa. 17229.	Dec. 20, 1974. Apr. 30, 1976
Do.	Lackawanna	Throop, borough of	II 42064A 01 through II 42064A 03	do.	Mayor, 101 George St., Throop, Pa. 15122.	May 31, 1974. Apr. 30, 1976
Do.	Tioga	Tioga, borough of	II 42082A 01 through II 42082A 02	do.	Mayor, P.O. Box 352, Tioga, Pa. 16383.	June 22, 1973.
Do.	Schuylkill	Tower City, borough of	II 42079A 01 through II 42079A 01	do.	Mayor, 1615 East Grand Ave., Tower City, Pa. 17980.	Apr. 12, 1974. Apr. 30, 1976
Do.	Cumberland	West Fairview, borough of	II 42037A 01 through II 42037A 01	do.	Mayor, 22 State St., West Fairview, Pa. 17035.	Aug. 24, 1973. Apr. 30, 1976
Do.	Clearfield	Westover, borough of	II 42031A 01 through II 42031A 04	do.	Mayor, Box 295, Westover, Pa. 16892.	Mar. 8, 1974. Apr. 30, 1976
Do.	Greene	Whitely, township of	II 42186A 01 through II 42186A 02	do.	Chairman, Board of Supervisors, Rural Delivery No. 3, Waynesburg, Pa. 15370.	Dec. 27, 1974. Apr. 30, 1976
Do.	Lawrence	Wilmington, township of	II 42186A 01 through II 42186A 02	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, New Wilmington, Pa. 16142.	May 31, 1974. Apr. 30, 1976



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
South Carolina	Lexington	Cayce, city of	H 450131A 01 through H 450131A 02	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29204	Mayor, P.O. Box 4, Cayce, S.C. 29033	May 31, 1971, Apr. 30, 1976
Do.	Greenville	City View, town of	H 450060A 01 through H 450060A 02	do.	Mayor, 812 Bell St., City View, S.C. 29611	June 11, 1974, Apr. 30, 1976
Do.	Horris	Conway, city of	H 450106A 01 through H 450106A 02	do.	Mayor, Drawer 611, Conway, S.C. 29526	May 17, 1974, Apr. 30, 1976
Do.	Pickens	Easley, town of	H 450167A 01 through H 450167A 04	do.	Mayor, City Hall, Easley, S.C. 29640	June 28, 1974, Apr. 30, 1976
Do.	Lexington	Irmo, town of	H 450157A 01 through H 450157A 02	do.	Mayor, P.O. Box 121, Irmo, S.C. 29063	May 17, 1974, Apr. 30, 1976
Do.	Florence	Lake City, city of	H 450133A 01 through H 450133A 02	do.	Mayor, 100 Box 398, Lake City, S.C. 29669	May 31, 1974, Apr. 30, 1976
Do.	Newberry	Newberry, city of	H 450133A 01 through H 450133A 02	do.	Mayor, P.O. Drawer 538, Newberry, S.C. 29095	Sept. 6, 1974, Apr. 30, 1976
Do.	Dorchester	Ridgeville, town of	H 450153A 01 through H 450153A 02	do.	Mayor, P.O. Box 56, Ridgeville, S.C. 29472	May 31, 1974, Apr. 30, 1976
Do.	Greenville	Simpsonville, city of	H 450092A 01 through H 450092A 02	do.	Mayor, 465 East Curtis, Simpsonville, S.C. 29691	May 17, 1974, Apr. 30, 1976
Do.	Hampton	Varnville, town of	H 450102A 01 through H 450102A 02	do.	Mayor, P.O. Box 308, Varnville, S.C. 29481	May 24, 1974, Apr. 30, 1976
Do.	Colleton	Walterboro, city of	H 450058A 01 through H 450058A 02	do.	Mayor, P.O. Box 717, Walterboro, S.C. 29488	June 7, 1974, Apr. 30, 1976
South Dakota	Brule	Chamberlain, city of	H 450084A 01 through H 450084A 02	State Planning Bureau, Office of Executive Management, State Capitol Building, Pierre, S. Dak. 57501	Mayor, City Hall, Chamberlain, S. Dak. 57325	June 25, 1976
Do.	Bon Homme	Tabor, town of	H 450112 01	do.	Town President, Town Hall, Tabor, S. Dak. 57063	Do.
Tennessee	Hawkins	Church Hill, city of	H 470268A 01 through H 470268A 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37203	Mayor, P.O. Box 369, Church Hill, Tenn. 37642	May 10, 1974, Apr. 30, 1976
Do.	Carroll	Hollow Rock, city of	H 470365 01 through H 470365 03	Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219	Mayor, P.O. Box 116, Hollow Rock, Tenn. 38412	June 25, 1976
Do.	Lawrence	St. Joseph, city of	H 470327 01 through H 470327 06	do.	Mayor, P.O. Box 177, St. Joseph, Tenn. 38481	Do.
Do.	Houston	Tennessee Ridge, city of	H 470337 01 through H 470337 10	do.	Mayor, Route 1, Box 2A, Tennessee Ridge, Tenn. 37178	Do.
Texas	Ward	Barstow, city of	H 450012 01	Texas Water Development Board, Capitol Station, P.O. Box 13087, Austin, Tex. 78711	Mayor, Community Center Building, Barstow, Tex. 79719	Do.
Do.	Midland	Cameron, city of	H 450178A 01	do.	Mayor, City Hall, 206 South Houston, P.O. Drawer 833, Cameron, Tex. 79520	June 14, 1974, Apr. 30, 1976
Do.	Atas Cosa	Campbellton, town of	H 481008 01	do.	County Councilman, City Hall, Campbellton, Tex. 78008	June 25, 1976
Do.	Randall	Canyon, city of	H 450533A 01 through H 450533A 02	do.	Mayor, City Hall, 1600 4th Ave., Canyon, Tex. 79015	Feb. 1, 1974, Apr. 30, 1976
Do.	Wise	Decatur, city of	H 450678A 01 through H 450678A 04	do.	City Secretary, P.O. Box 281, Decatur, Tex. 76234	Feb. 15, 1974, Apr. 30, 1976
Do.	Castro	Dimmitt, city of	H 450118A 01 through H 450118A 04	do.	Mayor, City Hall, 201 E. Jones, Dimmitt, Tex. 79027	May 10, 1974, Apr. 30, 1976
Do.	Gonzales	Gonzales, city of	H 450251A 01 through H 450251A 03	do.	Mayor, 820 St. Joseph St., P.O. Box 547, City Hall, Gonzales, Tex. 78629	May 24, 1974, Apr. 30, 1976
Do.	Hardin	Kountze, city of	H 450845 01 through H 450845 02	do.	Mayor, City Hall, Kountze, Tex. 77625	June 25, 1976
Do.	Taylor	Lawn, town of	H 451015 01	do.	Mayor, Town Hall, Lawn, Tex. 79530	Do.
Do.	Cass	Marietta, town of	H 450736 01	do.	Mayor, Town Hall, P.O. Box 247, Marietta, Tex. 75566	Do.
Do.	Falls	Marlin, city of	H 450221A 01 through H 450221A 04	do.	Mayor, 100 Fortune St., P.O. Box 960, City Hall, Marlin, Tex. 76661	May 3, 1974, Apr. 30, 1976
Do.	Walker	New Waverly, town of	H 481043 01 through H 481043 02	do.	Mayor, Town Hall, New Waverly, Tex. 77358	June 25, 1976
Do.	Cotton	Panhandle, town of	H 450727 01	do.	Mayor, Town Hall, 117 Main, Panhandle, Tex. 79068	Do.
Do.	Fayette	Schulenburg, city of	H 451124 01 through H 451124 02	do.	Mayor, City Hall, 607 Upton Ave., Schulenburg, Tex. 78956	Do.
Do.	San Jacinto	Shepherd, city of	H 450554A 01 through H 450554A 02	do.	Mayor, City Hall, P.O. Box 246, Shepherd, Tex. 77371	Aug. 23, 1974, Apr. 30, 1976
Do.	Hardland	Spearman, city of	H 480282A 01	do.	Mayor, 221 Sanders, City Hall, Spearman, Tex. 79081	May 17, 1974, Apr. 30, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Dallas	Sunnyvale, town of	H 480188A 01 through H 480188A 02	do.	Mayor, Lono Creek Rd., Route 2, Box 122, Town Hall, Sunnyvale, Tex. 75149	June 28, 1974, Apr. 30, 1976
Do.	Hunt	Wolfe City, city of	H 480372A 01	do.	Mayor, 101 Main St., P.O. Box 106, Wolfe City, Tex. 75490	June 28, 1976
Utah	Davis	Clinton, city of	H 490042A 01 through H 490042A 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114	City Engineer, City Hall, Clinton, Utah 84016	Aug. 2, 1974, Apr. 30, 1976
Do.	Box Elder	Corrine, city of	H 490197 01 through H 490197 02	do.	Mayor, P.O. Box 118, Corrine, Utah 84307	June 25, 1976
Do.	Washington	Toquerville, town of	H 490180 01 through H 490180 03	do.	Town President, Town Hall, Toquerville, Utah 84774	Do.
Do.	do.	Virgin, town of	H 490181 01 through H 490181 02	do.	Town President, Town Hall, Virgin, Utah 84779	Do.
Vermont	Washington	Calais, town of	H 500109A 01 through H 500109A 12	Management and Engineering Division, Department of Water Resources, Vermont Agency of Environmental Conservation, State Office Bldg., Montpelier, Vt. 05602	Chairman, Town of Calais, Board of Selectmen, Office of the Town Clerk, Calais, Vt. 05648	June 28, 1974, Apr. 30, 1976
Do.	LaMoille	Hyde Park, village of	H 500231A 01 through H 500231A 02	do.	Chairman, Board of Trustees, Box 136, Hyde Park, Vt. 05655	Aug. 30, 1974, Apr. 30, 1976
Do.	Orange	Randolph, town of (including Randolph, village of)	H 500073A 01 through H 500073A 16	do.	Town Manager, Municipal Building, Randolph, Vt. 05660	June 28, 1974, Feb. 8, 1974, Apr. 30, 1976
Do.	Addison	Whiting, town of	H 500175A 01 through H 500175A 06	do.	Chairman, Town of Whiting, Whiting, Vt. 05778	Sept. 20, 1974, Apr. 30, 1976
Virginia	Rockingham	Broadway, town of	H 510135A 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230	Mayor, Box 231, Broadway, 23815	May 17, 1974
Do.	Fluvanna	Columbia, town of	H 510059A 01	do.	Mayor, Town Hall, Columbia, Va. 23038	Dec. 28, 1973, Apr. 30, 1976
Do.	Rockingham	Grottoes, town of	H 510138A 01 through H 510138A 02	do.	Mayor, Box 146, Grottoes, Va. 24441	June 28, 1974, Apr. 30, 1976
Do.	Oiles	Pembroke, town of	H 510069A 01	do.	Mayor, Box 5, Pembroke, Va. 24136	May 21, 1974, Apr. 30, 1976
Do.	Sussex	Stony Creek, town of	H 510159A 01	do.	Mayor, Town Office, Stony Creek, Va. 23882	Aug. 9, 1974, Apr. 30, 1976
Washington	Chelan	Chelan, city of	H 530017 01 through H 530017 04	Department of Ecology, Olympia, Wash. 98501	Mayor, City Hall, P.O. Box 1090, Chelan, Wash. 98816	June 25, 1976
West Virginia	Morgan	Paw Paw, town of	H 510252A 01	Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501	Mayor, Box 345, Paw Paw, W. Va. 25134	Nov. 15, 1974, Apr. 30, 1976
Do.	Putnam	Winfield, town of	H 510271A 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305	Mayor, Main St., Box 12, Winfield, W. Va. 25213	Nov. 15, 1974, Apr. 30, 1976
Wisconsin	Eau Claire	Augusta, city of	H 550127A 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701	Mayor, City Hall, Augusta, Wis. 54722	May 10, 1974, Apr. 30, 1976
Do.	Sauk	Lake Delton, village of	H 550394A 01 through H 550394A 02	Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703	Village President, P.O. Box 87, Lake Delton, Wis. 53440	Dec. 17, 1973, Apr. 30, 1976
Do.	Columbia	Pardeeville, village of	H 550062A 01	do.	Village President, Village Hall, Pardeeville, Wis. 53454	Dec. 28, 1973, Apr. 30, 1976
Do.	Sheboygan	Sheboygan Falls, city of	H 550131A 01	do.	Mayor, 375 Buffalo, Sheboygan Falls, Wis. 53085	Nov. 30, 1973, Apr. 30, 1976
Do.	Washington	West Bend, city of	H 550475A 01 through H 550475A 01	do.	Mayor, 100 North 6th Ave., West Bend, Wis. 53095	Dec. 28, 1973, Apr. 30, 1976
Do.	Milwaukee	Whitefish Bay, village of	H 550386A 01	do.	Village President, 5300 North Marlinborough Drive, Whitefish Bay, Wis. 53217	Feb. 22, 1974
Do.	St. Croix	Woodville, village of	H 550340A 01	do.	Village President, Village Hall, Woodville, Wis. 54025	May 24, 1974
Wyoming	Campbell	Gillette, city of	H 560007A 01 through H 560007A 05	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001	Assistant City Planner, Department of Planning and Development, P.O. Box 840, Gillette, Wyo. 82716	June 28, 1974, Apr. 30, 1976
Do.	Carbon	Medicine Bow, town of	H 560066 01 through H 560066 02	Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001	Mayor, Town Hall, Pine St., Medicine Bow, Wyo. 82201	June 25, 1976
Do.	Park	Powell, city of	H 560040 01	do.	Mayor, City Hall, P.O. Box 1008, 270 North Clark, Powell, Wyo. 82435	Do.
Do.	Weston	Upton, town of	H 560079 01 through H 560079 02	do.	Mayor, P.O. Box 233, Upton, Wyo. 82730	Do.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Jackson	Dutton, city of	H 01033 01	Alabama Development Office, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.	Mayor, P.O. Box 42, Dutton, Ala. 35744.	July 2, 1976.
Do.	De Kalb	Fyffe, town of	H 01033 01 through H 01033 11	Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 122, Fyffe, Ala. 35751.	Do.
Do.	Do.	Mentone, town of	H 01033 01 through H 01033 02	Do.	Mayor, P.O. Box 16, Mentone, Ala. 35951.	Do.
California	Orange	Garden Grove, city of	H 06020A 01 through H 06020A 07	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802.	Building Safety Manager, 11391 Acacia Parkway, Garden Grove, Calif. 92640.	June 14, 1974.
Do.	Los Angeles	Glendale, city of	H 06030A 01 through H 06030A 16	California Insurance Department, 1407 Market St., San Francisco, Calif. 94103.	Director of Public Works, 633 East Broadway, Room 204, Glendale, Calif. 91205.	Nov. 1, 1974.
Do.	San Diego	Unincorporated areas	H 06030A 01 through H 06030A 259	California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Senior Civil Engineer, County of San Diego Department of Sanitation and Flood Control, 5555 Overland Ave., San Diego, Calif. 92123.	May 7, 1976.
Do.	Yolo	Winters, city of	H 06045A 01 through H 06045A 02	Do.	Mayor, City Hall, 315 1st St., Winters, Calif. 95691.	Jan. 23, 1974.
Do.	Tulsa	Woodlake, city of	H 06071A 01 through H 06071A 03	Do.	City Engineer, City Hall, 350 North Valencia Blvd., Woodlake, Calif. 93286.	May 7, 1976.
Florida	Brevard	Rockledge, city of	H 13027A 01 through H 13027A 04	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301.	Mayor, P.O. Box 488, Rockledge, Fla. 32955.	Mar. 1, 1974.
Do.	Do.	Do.	Do.	Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Do.	May 7, 1976.
Georgia	Fannin	Mineral Bluff, city of	H 13025 01 through H 13025 02	Georgia Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30331.	Mayor, City Hall, Mineral Bluff, Ga. 30559.	July 2, 1976.
Idaho	Latah	Bovill, city of	H 16092 01	Georgia Insurance Department, State Capitol, Atlanta, Ga. 30331.	Mayor, City Hall, Bovill, Idaho 83306.	Do.
Illinois	Madison	East Gillespie, village of	H 17032A 01	Idaho Department of Water Administration, Statehouse, Annex 2, Boise, Idaho 83707.	Mayor, Box 202, Gillespie, Ill. 62033.	July 19, 1974.
Do.	Ogle	Forreston, village of	H 17032A 01	Idaho Department of Insurance, Room 106, Statehouse, Boise, Idaho 83707.	Mayor, Village Hall, Forreston, Ill. 61030.	June 7, 1974.
Do.	Kane	Gilberts, village of	H 17032A 01	Illinois Department of Transportation, Division of Water Resources, 300 North State, Room 1010, Chicago, Ill. 60610.	Village President, Railroad St., Gilberts, Ill. 60139.	Sept. 6, 1974.
Do.	Edwards and White	Grayville, city of	H 17033A 01 through H 17033A 02	Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 101 South Main St., Grayville, Ill. 62844.	May 7, 1976.
Do.	Williamson	Hurst, city of	H 17032A 01	Do.	Mayor, City Hall, Hurst, Ill. 62949.	Mar. 15, 1974.
Do.	Pulaski	Karnak, village of	H 17053A 01	Do.	Village President, Village Hall, Karnak, Ill. 62456.	May 7, 1976.
Do.	Cook	Kendallworth, village of	H 17011A 01	Do.	Village President, 419 Richmond Rd., Kendallworth, Ill. 60043.	Apr. 12, 1974.
Do.	Warren	Kirkwood, village of	H 17075A 01	Do.	Village President, Village Hall, Kirkwood, Ill. 61447.	May 7, 1976.
Do.	Knox	Knoxville, city of	H 17033A 01	Do.	Mayor, P.O. Box 205, Knoxville, Ill. 61148.	June 7, 1974.
Do.	Cook	Lynwood, village of	H 17011A 01 through H 17011A 03	Do.	Mayor, 3107 East Glenwood Dyer, Lynwood, Ill. 60411.	May 7, 1976.
Do.	Vermilion	Oakwood, village of	H 17075A 01	Do.	Village President, Scott St., Oakwood, Ill. 61858.	Mar. 29, 1974.
Indiana	Clark	Charlestown, city of	H 18092A 01	Indiana Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 701 Main St., Charlestown, Ind. 47111.	Apr. 12, 1974.
Do.	Do.	Do.	Do.	Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Do.	Do.
Iowa	Linn	Bertram, city of	H 19045 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Bertram, Iowa 50611.	July 2, 1976.
Do.	Butler	Bristow, city of	H 19070 01	Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Bristow, Iowa 50611.	Do.
Do.	Plymouth	Brunsville, city of	H 19070 01	Do.	Mayor, City Hall, Brunsville, Iowa 51008.	Do.
Do.	Linn	Columbus Junction, city of	H 19097A 01 through H 19097A 02	Do.	Mayor, City Hall, Columbus Junction, Iowa 52738.	Jan. 9, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Taylor	Conway, city of	H 190518 01	Do.	Mayor, City Hall, Conway, Iowa 50541.	July 2, 1976.
Do.	Madison	East Peru, city of	H 190450 01	Do.	Mayor, City Hall, East Peru, Iowa 50541.	Do.
Do.	Grundy	Grundy Center, city of	H 190103 01	Do.	Mayor, City Hall, Grundy Center, Iowa 50541.	Do.
Do.	Do.	Holland, city of	H 190404 01	Do.	Mayor, City Hall, Holland, Iowa 50541.	Do.
Do.	Hardin	Hubbard, city of	H 190411 01	Do.	Mayor, City Hall, Hubbard, Iowa 50541.	Do.
Do.	Cherokee	Larrabee, city of	H 190333 01	Do.	Mayor, City Hall, Larrabee, Iowa 50541.	Do.
Do.	Marion	Marysville, city of	H 190456 01 through H 190456 02	Do.	Mayor, City Hall, Marysville, Iowa 50541.	Do.
Do.	Monroe	Melrose, city of	H 190456 01	Do.	Mayor, City Hall, Melrose, Iowa 50541.	Do.
Do.	Plymouth	Merrill, city of	H 190478 01 through H 190478 02	Do.	Mayor, City Hall, Merrill, Iowa 51038.	Do.
Do.	Mitchell	Orchard, town of	H 190460 01	Do.	Mayor, Town Hall, Orchard, Iowa 50541.	Do.
Do.	Butler	Parkersburg, city of	H 190337 01	Do.	Mayor, City Hall, Parkersburg, Iowa 50541.	Do.
Do.	Winnebago	Scarville, city of	H 190331 01	Do.	Mayor, City Hall, Scarville, Iowa 50541.	Do.
Do.	Freemont and Mills	Taber, city of	H 190605 01	Do.	Mayor, City Hall, Taber, Iowa 51033.	Do.
Do.	Monona	Whiting, city of	H 190681 01	Do.	Mayor, City Hall, Whiting, Iowa 51063.	Do.
Kansas	Johnson	Leawood, city of	H 200167A 01 through H 200167A 14	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612.	Acting City Engineer, City Hall, 9615 Lee Blvd., Leawood, Kans. 66204.	May 17, 1974.
Do.	Russell	Lucas, city of	H 200519 01	Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Lucas, Kans. 67648.	July 2, 1976.
Do.	Do.	Luray, city of	H 200433 01	Do.	Mayor, City Hall, Main St., Luray, Kans. 67649.	Do.
Do.	Logan	Oakley, city of	H 200543 01	Do.	Mayor, City Hall, 209 Hudson Ave., Oakley, Kans. 67748.	Do.
Do.	Rooks	Palco, city of	H 200445 01	Do.	Mayor, City Hall, P.O. Box 257, Palco, Kans. 67657.	Do.
Do.	Linn	Pleasanton, city of	H 200199 01	Do.	Mayor, City Hall, 201 West 9th, Pleasanton, Kans. 66055.	Do.
Do.	Comanche	Protection, city of	H 200550 01	Do.	Mayor, City Hall, 111 East Walnut, Protection, Kans. 67127.	Do.
Do.	Marshall	Summerfield, city of	H 200460 01	Do.	Mayor, City Hall, Summerfield, Kans. 66541.	Do.
Do.	Neosho	Thayer, city of	H 200305 01	Do.	Mayor, City Hall, c/o Clerk, Thayer, Kans. 67776.	Do.
Kentucky	Kenton	Taylor Mill, city of	H 210246A 01 through H 210246A 04	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601.	Mayor, City of Taylor Mill, 5225 Taylor Mill Rd., Covington, Ky. 41015.	Feb. 15, 1974.
Do.	Campbell	Wilder, city of	H 210041A 01 through H 210041A 02	Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, 409 Licking Pike, Wilder, Ky. 41071.	May 7, 1976.
Louisiana	Madison	Tallulah, village of	H 220126A 01 through H 220126A 04	State Department of Public Works, P.O. Box 44155, Capital Station, Baton Rouge, La. 70804.	Mayor, Village Hall, Tallulah, La. 71282.	May 24, 1974.
Michigan	Oakland	Troy, city of	H 260180B 01 through H 260180B 12	Louisiana Insurance Commission, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, 500 West Big Beaver Rd., Troy, Mich. 48064.	May 7, 1976.
Minnesota	Crow Wing	Brainerd, city of	H 270033A 01 through H 270033A 03	Michigan Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926.	Mayor, 500 West Big Beaver Rd., Troy, Mich. 48064.	June 25, 1974.
Do.	Chippewa and Yellow Medicine	Granite Falls, city of	H 270068A 01 through H 270068A 02	Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.	Mayor, City Hall, Brainerd, Minn. 56401.	Oct. 8, 1975.
Do.	Hennepin	Hopkins, city of	H 270166A 01 through H 270166A 03	Minnesota Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55155.	Mayor, City Hall, Brainerd, Minn. 56401.	June 21, 1974.
Do.	McLeod	Lester Prairie, city of	H 270265A 01	Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 855 Prentice, City Hall, Granite Falls, Minn. 56241.	Nov. 16, 1973.
Do.	Hennepin	Mound, city of	H 270176A 01 through H 270176A 04	Do.	Mayor, City Hall, 1010 South 1st St., Hopkins, Minn. 55343.	Nov. 9, 1973.
Do.	Do.	Young America, city of	H 270356A 01	Do.	Mayor, City Hall, Lester Prairie, Minn. 55354.	Jan. 16, 1974.
Do.	Do.	Do.	Do.	Do.	Mayor, City Hall, 5341 Maywood Rd., Mound, Minn. 55364.	June 7, 1974.
Do.	Do.	Do.	Do.	Do.	Mayor, Route 1, Box 25A, Young America, Minn. 55397.	May 7, 1976.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	Scott	Chaffee, city of	II 24040A 01 through II 24040A 02	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101.	Sanitary Engineer, City Hall, North Main St., Chaffee, Mo. 65740.	Mar. 15, 1974 May 7, 1976
Do.	Clay	Holt, city of	II 24043 01	do	Mayor, City Hall, Holt, Mo. 64048.	July 2, 1976
Do.	Lincoln	Moscow Mills, city of	II 24045 01	do	Mayor, City Hall, Moscow Mills, Mo. 63062.	Do
Do.	Franklin	Parkway, village of	II 24052 01	do	Chairman, Village Hall, Parkway, Mo. 73077.	Do
Do.	Worth	Sheridan, city of	II 24053 01	do	Mayor, City Hall, Sheridan, Mo. 64186.	Do
Do.	Cedar	Stockton, city of	II 24067 01 through II 24067 02	do	Mayor, City Hall, 203 Jackson St., Stockton, Mo. 65685.	Do
Do.	St. Louis	Velda Village Hills, village of	II 24087 01	do	Clerk, Village Hall, Velda Village Hills, Mo. 63126.	Do
Do.	Lincoln	Winfield, city of	II 24013A 01	do	Mayor, City Hall, Winfield, Mo. 64389.	Dec. 28, 1973
Nebraska	Saline	Friend, city of	II 31099 01 through II 31099 05	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Neb. 68508.	Mayor, City Hall, Friend, Neb. 68330.	July 2, 1976
Do.	Lincoln	Friend, city of	II 31099 05	Nebraska Insurance Department, 1335 L St., Lincoln, Neb. 68509.	do	Do
Do.	Platte	Pharmview, city of	II 310175 01	do	City Administrator, City Hall, Pharmview, Neb. 68709.	July 2, 1976
N. Jersey	Sussex	Branchville, borough of	II 310148A 01 through II 310148A 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1840, Trenton, N.J. 08625.	Mayor, Village Ave., Branchville, N.J. 07820.	May 10, 1974 May 7, 1976
N. Mexico	San Juan	Aztec, city of	II 34093A 01	New Jersey Department of Insurance, Statehouse Annex, Trenton, N.J. 08625.	Mayor, City Hall, 201 West Chaco Ave., N. Mex. 87410.	Feb. 8, 1974 May 7, 1976
Do.	Colfax	Cimarron, village of	II 34097A 01	State Engineer's Office, Bateman Memorial Bldg., Santa Fe, N. Mex. 87501.	Administrative Officer, Village Hall, Box 391, Cimarron, N. Mex. 87714.	May 17, 1974
Do.	Torrance	Encino, village of	II 350192 01	do	Mayor, P.O. Box 163, Encino, N. Mex. 88321.	July 2, 1976
Do.	Sandoval	San Ysidro, city of	II 350138 01	do	Mayor, City Hall, P.O. Box 5, San Ysidro, N. Mex. 87053.	Do
Do.	Bernalillo	Tijeras, village of	II 350135 01	do	Mayor, Village Hall, Tijeras, N. Mex. 87051.	Do
New York	Jefferson	Adams, town of	II 360324A 01 through II 360324A 11	New York State Department of Environmental Conservation, Division of Resource Management Services, Bureau of Water Management, Albany, N.Y. 12201.	Town Supervisor, 58 East Church, Adams, N.Y. 13605.	May 31, 1974 May 7, 1976
Do.	Delaware	Andes, town of	II 360188A 01 through II 360188A 09	New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10037.	Town Supervisor, Town Hall, Andes, N.Y. 13731.	Aug. 16, 1974 May 7, 1976
Do.	Yates	Barrington, town of	II 360931B 01 through II 360931B 10	do	Supervisor, Town of Barrington, Rural Delivery 2, Penn Yan, N.Y. 14527.	Oct. 24, 1975 May 31, 1974 May 7, 1976
Do.	Cattaraugus	Carrollton, town of	II 360633A 01 through II 360633A 13	do	Town Supervisor, Town of Carrollton, Box 146, Limestone, N.Y. 14753.	Sept. 20, 1974 May 7, 1976
Do.	Cayuga	Cato, town of	II 360655A 01 through II 360655A 10	do	Supervisor, Town of Cato, Rural Delivery No. 1, Jordan, N.Y. 13080.	Aug. 2, 1974 May 7, 1976
Do.	Tompkins	Newfield, town of	II 360853A 01 through II 360853A 04	do	Supervisor, P.O. Box 65, Newfield, N.Y. 13867.	June 28, 1974 May 7, 1976
Do.	Niagara	North Tonawanda, city of	II 360608A 01 through II 360608A 05	do	Mayor, 216 Payne Ave., North Tonawanda, N.Y. 14120.	Apr. 12, 1974 May 7, 1976
Do.	Oneida	Oneonta, city of	II 360667A 01 through II 360667A 05	do	Mayor, Municipal Bldg., Oneonta, N.Y. 13820.	Jan. 16, 1974
Do.	Wyoming	Perry, town of	II 360946A 01 through II 360946A 10	do	Supervisor, Town Hall, Perry, N.Y. 14530.	June 28, 1974 May 7, 1976
Do.	Ontario	Richmond, town of	II 360604A 01 through II 360604A 14	do	Supervisor, Town of Richmond, Town Hall, Honeydew, N.Y. 14471.	May 17, 1974 May 7, 1976
Do.	Clinton	Rouses Point, village of	II 3609170A 01	do	Mayor, P.O. Box 185, Rouses Point, N.Y. 12979.	June 14, 1974
North Carolina	Avery	Elk Park, town of	II 370382 01 through II 370382 02	Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27087, Raleigh, N.C. 27611.	Mayor, Town Hall, Elk Park, N.C. 28622.	July 2, 1976
Do.	Jackson	Marshall, town of	II 370154A 01 through II 370154A 05	North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, P.O. Box 366, Marshall, N.C. 28753.	June 14, 1974 May 7, 1976
Do.	do	Mars Hill, city of	II 370385 01 through II 370385 04	do	Mayor, P.O. Box 368, Mars Hill, N.C. 28754.	July 2, 1976

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Ohio	Darke	Ansonia, village of	II 390136A 01	Ohio Department of Natural Resources, Flood Insurance Coordinating Bldg., Fountain Sq., Columbus, Ohio 43224.	Mayor, Village Hall, Ansonia, Ohio 45803.	Apr. 5, 1974.
Do.	Paulding	Antwerp, village of	II 390435A 01	Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, North Main St., Antwerp, Ohio 45813.	Mar. 29, 1974.
Do.	Chermon	Batavia, village of	II 390066A 01	do	Mayor, 289 East Main St., Batavia, Ohio 45103.	Nov. 30, 1973.
Do.	Erie	Berlin Heights, through village of	II 390650A 01 through II 390650A 02	do	Mayor, Village Hall, Berlin Heights, Ohio 44814.	May 7, 1976. Apr. 5, 1974.
Do.	Montgomery	Brookville, village of	II 390407A 01	do	Mayor, P.O. Box 8, Brookville, Ohio 45303.	Feb. 15, 1974.
Do.	Noble	Caldwell, village of	II 390430A 01	do	Mayor, P.O. Box 365, Caldwell, Ohio 43724.	May 7, 1976. June 7, 1974.
Do.	Cuyahoga	Chargin Falls, village of	II 390103A 01	do	Mayor, 21 West Washington, Chargin Falls, Ohio 44022.	Mar. 15, 1974.
Do.	Miami	Covington, village of	II 390399A 01	do	Mayor, 230 South Harrison St., Covington, Ohio 45318.	May 7, 1976. June 7, 1974.
Do.	Vinton	Hamden, village of	II 390554A 01	do	Mayor, P.O. Box 149, Hamden, Ohio 45634.	Feb. 1, 1974.
Do.	Bulter	Millville, village of	II 390041A 01 through II 390041A 02	do	Mayor, 80 Betty Dr., Hamilton, Ohio 45013.	May 7, 1976. May 7, 1976.
Do.	Brown	Mount Orab, village of	II 390621A 01 through II 390621A 02	do	Mayor, Village Hall, Mount Orab, Ohio 45154.	July 25, 1975. May 7, 1976.
Do.	Pickaway	New Holland, village of	II 390448A 01	do	Mayor, Village Hall, New Holland, Ohio 43145.	Apr. 5, 1974.
Do.	Freble	New Paris, village of	II 390463A 01	do	Mayor, 512 East Cherry St., New Paris, Ohio 45347.	Feb. 8, 1974.
Do.	Hamilton	North Bend, village of	II 390231A 01	do	Mayor, 21 Keyler Ave., North Bend, Ohio 45062.	Mar. 15, 1974. May 7, 1976.
Do.	Ross	South Salem, village of	II 390485A 01	do	Mayor, Village Hall, South Salem, Ohio 45081.	Aug. 23, 1974.
Do.	Logan	Zanesfield, village of	II 390345A 01	do	Mayor, Box 144, Zanesfield, Ohio 43360.	Oct. 18, 1974.
Oklahoma	Jackson	Eldorado, city of	II 400372 01	Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, 107 South 4th St., Eldorado, Okla. 74537.	July 2, 1976.
Do.	Kiowa	Hobart, city of	II 400084A 01	Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, 111 East 3d, P.O. Box 231, Hobart, Okla. 73651.	Dec. 7, 1973. May 7, 1976.
Do.	Hughes	Holdenville, city of	II 400244 01 through II 400244 03	do	Mayor, City Hall, Holdenville, Okla. 74848.	July 2, 1976.
Do.	Le Flore	Howe, town of	II 400091 01 through II 400091 02	do	President, Town Hall, Howe, Okla. 74940.	Do.
Do.	Choctaw	Hugo, city of	II 400040A 01 through II 400040A 04	do	Mayor, City Hall, 201 South 2d St., Hugo, Okla. 74743.	Jan. 23, 1974. May 7, 1976.
Do.	Grant	Nash, town of	II 400311 01	do	Mayor, 115 South Grand Ave., Nash, Okla. 73761.	July 2, 1976.
Do.	Mayes	Salina, town of	II 400118 01 through II 400118 02	do	President, Town Hall, P.O. Box 276, Salina, Okla. 74865.	Do.
Do.	Johnston	Tishomingo, city	II 400077A 01 through II 400077A 02	do	President, City Hall, 413 West Main St., Tishomingo, Okla. 73400.	Jan. 16, 1974. May 7, 1976.
Do.	Cotton	Walters, city of	II 400249 01	do	Mayor, City Hall, 129 East Colorado, Walters, Okla. 73752.	July 2, 1976.
Do.	Oklfuskee	Woleetka, city of	II 400139A 01	do	City Chairman, City Hall, P.O. Box 336, Weleetka, Okla. 74880.	June 14, 1974. May 7, 1976.
Oregon	Marion	Gates, city of	II 410159 01 through II 410159 02	Executive Department, State of Oregon, Salem, Ore. 97310.	Mayor, City Hall, Gates, Ore. 97046.	July 2, 1976.
Pennsylvania	Butler	Adams, township of	II 421415A 01 through II 421415A 06	Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Ore. 97310.	Chairman, Box 432, Mars, Pa. 16099.	Sept. 13, 1974. May 7, 1976.
Do.	Westmoreland	Arona, borough of	II 420571A 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120.	Mayor, Borough Hall, Arona, Pa. 15617.	Aug. 9, 1974. May 7, 1976.
Do.	Berks	Berlinville, borough of	II 421051A 01	do	Mayor, 316 Main St., Berlinville, Pa. 19306.	Sept. 13, 1974. May 7, 1976.
Do.	Allegheny	Blawnox, borough of	II 420613A 01	do	Mayor, 376 Freepoint Rd., Blawnox, Pa. 15238.	June 14, 1974.
Do.	McKean	Bradford, city of	II 420665A 01 through II 420665A 04	do	Mayor, City Hall, 24 Kennedy St., Bradford, Pa. 16701.	Apr. 5, 1974. May 7, 1976.
Do.	Bradford	Burlington, township of	II 421051A 01 through II 421051A 08	do	Chairman, Township of Burlington, Rural Delivery No. 3, Towanda, Pa. 16848.	Sept. 13, 1974. May 7, 1976.
Do.	Mifflin	Burnham, borough of	II 420684A 01 through II 420684A 02	do	Mayor, 500 First Ave., Burnham, Pa. 17009.	Aug. 31, 1973. May 7, 1976.
Do.	Indiana	Burrell, township of	II 421413A 01 through II 421413A 02	do	Chairman, Township of Burrell, Township Bldg., Black Lick, Pa. 15716.	Sept. 13, 1974. May 7, 1976.
Do.	Washington	Canonsburg, borough of	II 420849A 01	do	Mayor, 68 East Pike St., Canonsburg, Pa. 15317.	Feb. 1, 1974. May 7, 1976.
Do.	Allegheny	Carnegie, borough of	II 420015A 01 through II 420015A 02	do	Mayor, 1 Glass St., Carnegie, Pa. 15106.	Feb. 8, 1974. May 7, 1976.



## RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pa.	Washington	Charlottesville, borough of.	H 420850A 01 through H 420850A 02	do.	Mayor, Municipal Bldg., Room 209, 4th and Fallowfield Ave., Charleroi, Pa. 15033.	Jan. 23, 1974. May 7, 1976.
Pa.	Bradford	Columbia, township of.	H 421059A 01 through H 421059A 13	do.	Chairman, Board of Supervisors, Township of Columbia, Columbia Cross Roads, Pa. 16914.	Aug. 2, 1974. May 7, 1976.
Pa.	Luzerne	Conyngham, township of.	H 420600A 01 through H 420600A 12	do.	Chairman, Township of Conyngham, 10 Main St., Morsanville, Pa. 18655.	May 3, 1974. May 7, 1976.
Pa.	Dauphin	Derry, township of.	H 420376A 01 through H 420376A 05	do.	Chairman, Board of Supervisors, Township of Derry, 235 Hookersville Rd., Hershey, Pa. 17033.	May 11, 1973. May 7, 1976.
Pa.	Lackawanna	Dunmore, borough of.	H 420529A 01 through H 420529A 04	do.	Mayor, 400 South Blakely St., Dunmore, Pa. 18512.	Feb. 1, 1974. May 7, 1976.
Pa.	Lancaster	East Hempfield, township of.	H 420548A 01 through H 420548A 06	do.	Chairman, Township of East Hempfield, 501 Rohrerstown Rd., Lancaster, Pa. 17601.	July 19, 1974. May 7, 1976.
Pa.	Chester	East Nantmeal, township of.	H 420484A 01 through H 421481A 03	do.	Chairman, Board of Supervisors, Township of East Nantmeal, Box 315, Rural Delivery No. 2, Elverson, Pa. 19330.	Dec. 20, 1974. May 7, 1976.
Pa.	Lancaster	Eden, township of.	H 421772A 01 through H 421772A 04	do.	Chairman, Township of Eden, Rural Delivery 3, Box 263, Quarryville, Pa. 17566.	Aug. 30, 1974. May 7, 1976.
Pa.	McKean	Eldred, borough of.	H 420665A 01 through H 420665A 02	do.	Mayor, 181 Main St., Eldred, Pa. 16731.	Apr. 12, 1974. May 7, 1976.
Pa.	Lawrence and Beaver	Ellwood City, borough of.	H 420367A 01 through H 420367A 02	do.	Mayor, Municipal Bldg., 525 Lawrence Ave., Ellwood City, Pa. 16117.	May 31, 1974. May 7, 1976.
Pa.	Cameron	Emporium, borough of.	H 420246A 01 through H 420246A 02	do.	Mayor, Municipal Bldg., Emporium, Pa. 16834.	Mar. 29, 1974. May 7, 1976.
Pa.	Allegheny	Forward, township of.	H 421064A 01 through H 421064A 05	do.	Chairman, Township of Forward, Rural Delivery No. 3, Monongahela, Pa. 15063.	July 19, 1974. May 7, 1976.
Pa.	Schuylkill	Frackville, borough of.	H 420771A 01 through H 420771A 01	do.	Mayor, S. Balliet St., Frackville, Pa. 17931.	July 19, 1974. May 7, 1976.
Pa.	Pottsville	Galeton, borough of.	H 420792A 01 through H 420792A 01	do.	Mayor, 13 First St., Galeton, Pa. 16922.	Aug. 2, 1974. May 7, 1976.
Pa.	Schuylkill	Girardville, borough of.	H 420772A 01 through H 420772A 01	do.	Mayor, 133 West Main St., Girardville, Pa. 17935.	Apr. 12, 1974. May 7, 1976.
Pa.	Allegheny	Glenfield, borough of.	H 420639A 01 through H 420639A 02	do.	Mayor, Rural Delivery 2, 1 Hill Road, Borough of Glenfield, Sewickley, Pa. 15143.	Mar. 29, 1974. May 7, 1976.
Pa.	Schuylkill	Gordon, borough of.	H 420773A 01 through H 420773A 02	do.	Mayor, Borough Hall, Gordon, Pa. 17836.	Sept. 6, 1974. May 7, 1976.
Pa.	Clearfield	Granquinn, borough of.	H 420306A 01 through H 420306A 01	do.	Mayor, Borough Hall, Granquinn, Pa. 16838.	Apr. 12, 1974. May 7, 1976.
Pa.	Berks	Hamburg, borough of.	H 420121A 01 through H 420121A 03	do.	Mayor, 515 South 4th St., Hamburg, Pa. 16536.	Oct. 5, 1973. May 7, 1976.
Pa.	Huntingdon	Huntingdon, borough of.	H 420489A 01 through H 420489A 01	do.	Mayor, 10th and Moore Sts., Huntingdon, Pa. 16852.	Dec. 5, 1974. May 7, 1976.
Pa.	Bedford	Hyndman, borough of.	H 420121A 01 through H 420121A 01	do.	Mayor, P.O. Box 416, Hyndman, Pa. 15543.	Aug. 16, 1974. May 7, 1976.
Pa.	Clearfield	Irvona, borough of.	H 420308A 01 through H 420308A 02	do.	Mayor, Box 17, Irvona, Pa. 16650.	Apr. 12, 1974. May 7, 1976.
Pa.	Butler	Lancaster, township of.	H 421422A 01 through H 421422A 02	do.	Chairman, Township of Lancaster, Rural Delivery No. 1, Harmon, Pa. 16637.	Sept. 6, 1974. May 7, 1976.
Pa.	Armstrong	Leetsdale, borough of.	H 420047A 01 through H 420047A 02	do.	Mayor, P.O. Box 543, Leetsburg, Pa. 15656.	May 10, 1974. May 7, 1976.
Pa.	Allegheny	Leetsdale, borough of.	H 420047A 01 through H 420047A 02	do.	Mayor, 24 Riverview Rd., Leetsdale, Pa. 15056.	June 21, 1974. May 7, 1976.
Pa.	Porter	Liverpool, borough of.	H 420750A 01 through H 420750A 01	do.	Mayor, Borough Bldg., Liverpool, Pa. 17045.	May 10, 1974. May 7, 1976.
Pa.	Delaware	Lower Chester, township of.	H 421601A 01 through H 421601A 01	do.	President of Board, Township of Lower Chester, P.O. Box 1255, Linwood, Pa. 16091.	May 31, 1974. May 7, 1976.
Pa.	Montgomery	Lower Frederick, township of.	H 420954A 01 through H 420954A 04	do.	Chairman, Township of Lower Frederick, Box 258, Zelleville, Pa. 19492.	June 28, 1974. May 7, 1976.
Pa.	Dauphin	Lykens, borough of.	H 420366A 01 through H 420366A 02	do.	Mayor, 655 North 2nd, Lykens, Pa. 17048.	Nov. 2, 1973. May 7, 1976.
Pa.	Delaware	Marcus Hook, borough of.	H 420419A 01 through H 420419A 02	do.	Mayor, 672 Post Rd., Marcus Hook, Pa. 19061.	Dec. 28, 1973. May 7, 1976.
Pa.	Lackawanna	Mayfield, borough of.	H 420532A 01 through H 420532A 01	do.	Mayor, 803 Hill St., Mayfield, Pa. 15433.	Feb. 1, 1974. May 7, 1976.
Pa.	Washington	McDonald, borough of.	H 420850A 01 through H 420850A 01	do.	Mayor, 118 Fanny St., McDonald, Pa. 15057.	July 26, 1974. May 7, 1976.
Pa.	Juniata	Mifflintown, borough of.	H 420519A 01 through H 420519A 01	do.	Mayor, 311 Washington Ave., Mifflintown, Pa. 17059.	Mar. 22, 1974. May 7, 1976.
Pa.	Berks	Mohnton, borough of.	H 420142A 01 through H 420142A 02	do.	Mayor, 32 Fairview St., Mohnton, Pa. 19540.	Dec. 28, 1973. May 7, 1976.
Pa.	Snyder	Monroe, township of.	H 421020A 01 through H 421020A 06	do.	Chairman, Township Supervisors, Township of Monroe, Rural Delivery No. 1, Selinsgrove, Pa. 17870.	Feb. 1, 1974. May 7, 1976.
Pa.	Lancaster	Mountville, borough of.	H 420560A 01 through H 420560A 01	do.	Mayor, 302 South Manor St., Mountville, Pa. 17554.	July 19, 1974. May 7, 1976.
Pa.	McKean	Mt. Jewett, borough of.	H 420670A 01 through H 420670A 01	do.	Mayor, Main St., Mount Jewett, Pa. 16740.	June 28, 1974. May 7, 1976.
Pa.	Beaver	North Sewickley, township of.	H 421161A 01 through H 421161A 04	do.	Chairman, Board of Supervisors, Township of North Sewickley, Rural Delivery No. 2, Beaver Falls, Pa. 15010.	Oct. 18, 1974. May 7, 1976.

## RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Northumberland	Northumberland, borough of.	H 420739A 01 through H 420739A 03	do.	Mayor, 221 Second St., Northumberland, Pa. 17857.	June 28, 1974. May 7, 1976.
Do.	Schuylkill	Palo Alto, borough of.	H 420780A 01 through H 420780A 01	do.	Mayor, 406 West Savory St., Palo Alto, Pa. 17901.	July 26, 1974. May 7, 1976.
Do.	Luzerne	Plymouth, borough of.	H 420622B 01 through H 420622B 06	do.	Mayor, 162 West Shawnee Ave., Plymouth, Pa. 18651.	Mar. 30, 1973. Mar. 29, 1974.
Do.	Delaware	Prospect Park, borough of.	H 420427A 01 through H 420427A 01	do.	Mayor, 711 Eleventh Ave., Prospect Park, Pa. 19076.	July 26, 1974. May 7, 1976.
Do.	Jefferson	Punxsutawney, borough of.	H 420512A 01 through H 420512A 06	do.	Mayor, Mahoning East Civic Center, Punxsutawney, Pa. 15767.	July 26, 1974. May 7, 1976.
Do.	Pottier	Shinglehouse, borough of.	H 420764A 01 through H 420764A 04	do.	Mayor, Borough Bldg., Shinglehouse, Pa. 16748.	June 28, 1974. May 7, 1976.
Do.	Lehigh	Slatington, borough of.	H 420592A 01 through H 420592A 01	do.	Mayor, 215 South Walnut, Slatington, Pa. 18080.	Apr. 12, 1974. May 7, 1976.
Do.	Washington	Stockdale, borough of.	H 420859A 01 through H 420859A 01	do.	Mayor, Borough of Stockdale, 329 West Southern Ave., South Williamsport, Pa. 17701.	June 14, 1974. May 7, 1976.
Do.	Jefferson	Summersville, borough of.	H 420514A 01 through H 420514A 02	do.	Mayor, Box 277, Summersville, Pa. 18664.	May 10, 1974. May 7, 1976.
Do.	Lackawanna	Taylor, borough of.	H 420539A 01 through H 420539A 08	do.	Mayor, 608 South Main, Taylor, Pa. 18517.	Feb. 1, 1974. May 7, 1976.
Do.	Erie	Union City, borough of.	H 420453A 01 through H 420453A 02	do.	Mayor, 13 South Main, Union City, Pa. 16438.	Apr. 12, 1974. May 7, 1976.
South Dakota	Tripp	Colome, town of.	H 460064A 01 through H 460064A 01	South Dakota State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. South Dakota Dept. of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	President, Town Hall, Colome, South Dakota 57528.	May 10, 1974. May 7, 1976.
Do.	Perkins	Lemmon, city of.	H 460191 01 through H 460191 01	do.	Mayor, City Hall, Lemmon, S. Dak. 57638.	July 2, 1976. Do.
Do.	Turner	Marion, city of.	H 460197 01 through H 460197 01	do.	Mayor, Town Hall, Marion, S. Dak. 57043.	Do.
Tennessee	Sullivan	Bluff City, city of.	H 470296 01 through H 470296 01	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, P.O. Box A, Bluff City, Tenn. 37618.	Do.
Do.	Carroll	Bruceston, city of.	H 470244 01 through H 470244 04	do.	Mayor, P.O. Box 6, Bruceston, Tenn. 38317.	Do.
Do.	Unicoi	Erwin, city of.	H 470213 01 through H 470213 01	do.	Mayor, P.O. Box 59, Erwin, Tenn. 37650.	Do.
Do.	Lawrence	Ethridge, city of.	H 470244 04 through H 470244 04	do.	Mayor, P.O. Box 43, Ethridge, Tenn. 38436.	Do.
Do.	do.	Loretto, city of.	H 470301 03 through H 470301 03	do.	Mayor, P.O. Box 176, Loretto, Tenn. 38469.	Do.
Do.	do.	McEwen, city of.	H 470306 07 through H 470306 01	do.	Mayor, P.O. Box 234, McEwen, Tenn. 37011.	Do.
Do.	McNairy	Milledgeville, city of.	H 470308 03 through H 470308 01	do.	Mayor, City Hall, Milledgeville, Tenn. 38359.	Do.
Do.	Giles	Minor Hill, city of.	H 470130 03 through H 470130 03	do.	Mayor, P.O. Box 69, Minor Hill, Tenn. 38473.	Do.
Do.	Grundy	Monteagle, town of.	H 470066 09 through H 470066 01	do.	Mayor, P.O. Box 785, Monteagle, Tenn. 37356.	Do.
Do.	Marion	Orme, city of.	H 470309 07 through H 470309 01	do.	Mayor, City Hall, Orme, Tenn. 35704.	Do.
Do.	Cooke	Parrottsville, city of.	H 470314 09 through H 470314 01	do.	Mayor, City Hall, Parrottsville, Tenn. 37843.	Do.
Do.	Henderson	Scotts Hill, city of.	H 470322 01 through H 470322 06	do.	Mayor, City Hall, Scotts Hill, Tenn. 38374.	Do.
Do.	Greene	Tuscumbia, city of.	H 470329 01 through H 470329 01	do.	Mayor, P.O. Box 676, Tuscumbia, Tenn. 37743.	Do.
Texas	Dimmit	Asherton, city of.	H 470329 03 through H 470329 01	Texas Water Development Board, P.O. Box 13087, Capitol.	Mayor, City Hall, P.O. Box 368, Asherton, Tex. 78827.	Do.
Do.	Real	Camp Wood, city of.	H 480979 01 through H 480979 01	Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, P.O. Box 187, Camp Wood, Tex. 78833.	Do.
Do.	Kaufman and Dallas	Combine, city of.	H 480408 01 through H 480408 03	do.	Mayor, City of Combine, Route 2, Seagoville, Tex. 75158.	Do.
Do.	Liberty	Dalsetta, city of.	H 481101 01 through H 481101 02	do.	Mayor, City Hall, Dalsetta, Tex. 77533.	Do.
Do.	do.	Dayton, city of.	H 480440A 01 through H 480440A 06	do.	Mayor, City Hall, 111 North Church St., Dayton, Tex. 77535.	June 28, 1974. May 7, 1976.
Do.	Brasoria	Iowa Colony, town of.	H 481071 01 through H 481071 04	do.	Mayor, City Hall, Iowa Colony, Tex. 77563.	July 2, 1976. Do.
Do.	Hockley	Levelland, city of.	H 480354A 01 through H 480354A 06	do.	Mayor, City Hall, Box JJ, Levelland, Tex. 79336.	Feb. 8, 1974. May 7, 1976.



State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Floyd	Lockney, town of	H 480818 01 through H 480818 02 H 48086A 01 through H 48086A 02	do.	Mayor, Town Hall, 215 East Locust St., Lockney, Tex. 79241.	July 2, 1976.
Do.	Caldwell	Luling, city of	do.	do.	Mayor, City Hall, 509 East Crockett, Luling, Tex. 78648.	May 24, 1974. May 7, 1976.
Do.	Coleman	Novice, city of	do.	do.	Mayor, City Hall, Novice, Tex. 79538.	July 2, 1976.
Do.	Grayson	Sadler, town of	H 481160 01	do.	Mayor, Town Hall, Sadler, Tex. 76264.	Do.
Do.	Collingsworth	Wellington, city of	H 480143A 01	do.	Mayor, City Hall, 800 10th St., Wellington, Tex. 79095.	June 21, 1974. May 7, 1976.
Do.	McLennan	West, city of	H 480931 01 through H 480931 02 H 480729 01	do.	Mayor, City Hall, P.O. Box 97, West, Tex. 76791.	July 2, 1976.
Do.	Carson	White Deer, town of	do.	do.	Mayor, Town Hall, 207 South Main St., White Deer, Tex. 74097.	July 2, 1976.
Do.	Smith	Whitehouse, city of	H 480572A 01	do.	Mayor, City Hall, Main St., Whitehouse, Tex. 75791.	May 17, 1974. May 7, 1976.
Do.	Hill	Whitney, town of	H 480865 01	do.	Mayor, Town Hall, P.O. Box 236, Whitney, Tex. 76692.	July 2, 1976.
Do.	Montgomery	Willis, city of	H 480942 01	do.	Mayor, City Hall, P.O. Box 430, Willis, Tex. 75775.	Do.
Do.	Woodbranch	Woodbranch, village of	H 480694 01	do.	Mayor, City Hall, Route 1, Box 240-22, Woodbranch, Tex. 77357.	Do.
Do.	Refugio	Woodsboro, town of	H 480987 01	do.	Mayor, Town Hall, 121 Wood Ave., Woodsboro, Tex. 78393.	Do.
Do.	Tyler	Woodville, town of	H 481035 01 through H 481035 03 H 490174 01 through H 490174 02	do.	Mayor, Town Hall, 113 Charlton St., Woodville, Tex. 75759.	Do.
Utah	Washington	La Verkin, town of	do.	Utah Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Town President, Town Hall, La Verkin, Utah 84745.	Do.
Do.	Millard	Meadow, town of	H 490089 01	do.	Town President, Town Hall, Meadow, Utah 84644.	Do.
Do.	Wasatch	Wallsburg, town of	H 490168 01	do.	Town President, Town Hall, Wallsburg, Utah 84062.	Do.
Vermont	Essex	Bloomfield, town of	H 500045A 01 through H 500045A 12	Management and Engineering Division, Department of Water Resources, Vermont Agency of Environmental Conservation, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Bloomfield Planning Commission, P.O. Box 144, North Stratford, Vt. 05390.	Sept. 6, 1974. May 7, 1976.
Do.	do.	East Haven, town of	H 500209A 01 through H 500209A 12 H 500041A 01	do.	Chairman, Board of Selectmen, P.O. Box 15, East Haven, Vt. 05837.	Dec. 13, 1974. May 7, 1976.
Do.	Chittenden	Richmond, village of	do.	do.	Chairman, Village of Richmond, Board of Trustees, P.O. Box 284, Richmond, Vt. 05477.	May 10, 1974. May 7, 1976.
Virginia	Southampton	Courtland, town of	H 510152A 01 through H 510152A 02	Virginia Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Municipal Bldg., Courtland, Va. 23837.	Mar. 15, 1974. May 7, 1976.
Do.	do.	Falls Church, city of	H 510054A 01 through H 510054A 02 H 510336 01	do.	Mayor, 300 Park Ave., Falls Church, Va. 22048.	Sept. 6, 1974. May 7, 1976.
Do.	Scott	Nickelsville, town of	do.	do.	Mayor, Town Hall, Nickelsville, Va. 24271.	July 2, 1976.
Washington	Skagit	Mount Vernon, city of	H 530158A 01 through H 530158A 04	Washington Dept. of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, 320 Broadway, P.O. Box 807, Mount Vernon, Wash. 98273.	May 17, 1974. May 7, 1976.
Do.	King	North Bend, town of	H 530085A 01	do.	Mayor, 201 Main St., P.O. Box 547, North Bend, Wash. 98045.	May 17, 1974. May 7, 1976.
Do.	Thurston	Olympia, city of	H 530191A 01 through H 530191A 09 H 530212A 01 through H 530212A 07 H 530289 01	do.	Mayor, City Hall, 8th and Plum, P.O. Box 1907, Olympia, Wash. 98507.	June 28, 1974. May 7, 1976.
Do.	Whitman	Pullman, city of	do.	do.	Mayor, City Hall, Pullman, Wash. 99163.	Feb. 8, 1974. May 7, 1976.
Do.	Clark	Yacolt, town of	do.	do.	Mayor, Town Hall, 105 East Yacolt Rd., Yacolt, Wash. 98675.	July 2, 1976.
West Virginia	Nicholas	Richwood, city of	H 540147A 01	Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. West Virginia Insurance Commission, 1900 Washington St., Bldg. No. 3, Room 643, Charleston, W. Va. 25306.	Mayor, Box 549, Richwood, W. Va. 26261.	May 31, 1974. May 7, 1976.
Do.	McDowell	Welch, city of	H 540123A 01 through H 540123A 02 H 540020A 01 through H 540020A 02 H 540062A 01	do.	Mayor, P.O. Box 826, Welch, W. Va. 24801.	May 31, 1974. May 7, 1976.
Do.	Lincoln	West Hamlin, town of	do.	do.	Mayor, Box 221, West Hamlin, W. Va. 25571.	May 31, 1974. May 7, 1976.
Do.	Harrison	West Milford, town of	do.	do.	Mayor, Liberty St., West Milford, W. Va. 26451.	Aug. 9, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wyoming	Fremont	Lander, city of	H 560020A 01 through H 560020A 03	Wyoming Disaster and Civil Defense Agency, P.O. Box 1706, Cheyenne, Wyo. 82001. Wyoming Department of Insurance, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, City Hall, 183 South 4th St., Lander, Wyo. 82520.	May 3, 1974. May 7, 1976.
Do.	Platte	Wheatland, town of	H 560043A 01 through H 560043A 02	do.	City Engineer, 605 10th St., City Hall, Wheatland, Wyo. 82201.	Apr. 12, 1974. May 7, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: April 30, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator

[FR Doc.76-14323 Filed 5-18-76; 8:45 am]

#### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM PART 1916—CONSULTATION WITH LOCAL OFFICIALS

[Docket No. FI-1103]

#### Notice of Changes Made in Determinations of the City of Columbia, Tennessee, Base Flood Elevations

On January 8, 1976, at 41 FR 1476, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Columbia, Tennessee.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Columbia. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 475423A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request

through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor J. A. Morgan, City Hall, North Main Street, Columbia, Tennessee.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Columbia Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Columbia, Tennessee map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-14501 Filed 5-18-76; 8:45 am]

[Docket No. FI-1131]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for Honolulu County, Hawaii

On June 5, 1970, in 35 FR 8734, the Federal Insurance Administrator published a list of communities with special hazard areas which included Honolulu, Hawaii. Map No. H 150001 45 indicates that 46-205 Alaloa Place, Kaneohe, Hawaii, being Lot 10 of Land Court Application 1044 as shown on Map 128 of

Land Court Application 1100, recorded in the office of the Registrar of the Land Court of Hawaii, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that, with the exception of the easement area as shown on the recorded plat cited above, the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 150001 45 is hereby corrected to reflect that the above property, with the exception of the easement, is not within the Special Flood Hazard Area identified on June 5, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-14502 Filed 5-18-76; 8:45 am]

[Docket No. FI-1132]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the County of Forsyth, North Carolina

On August 31, 1972, in 37 FR 17704, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Forsyth, North Carolina. Map No. H 375349 09 indicates that a part of Lot 65, Block 4633, Vienna Township, Forsyth County, North Carolina, as recorded in Deed Book 1006, Page 521, in the office of the Register of Deeds of Forsyth County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the



## RULES AND REGULATIONS

[Docket No. FI-321]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Arcadia, California

above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 375349 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-14503 Filed 5-18-76;8:45 am]

[Docket No. FI-1133]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Township of Wayne, New Jersey

On February 20, 1973, in FR 4669, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Township of Wayne, New Jersey. Map No. H 345327 04 indicates that Lot 6, Block 478L, Preakness Valley Gardens, Wayne, New Jersey, as recorded on Map No. 1871, in the office of the Register of Deeds of Passaic County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 345327 09 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on February 16, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 23, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14604 Filed 5-18-76;8:45 am]

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included Fairfax County, Virginia. Map No. H & I 515525 19 indicates that Lot 109, Section 3, Keene Mill Station, being 8520 Etta Drive, Fairfax County, Virginia, as recorded in Deed Book 3156, Page 596 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H & I 515525 19 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 7, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14605 Filed 5-18-76;8:45 am]

[Docket No. FI-365]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Virginia

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14606 Filed 5-18-76;8:45 am]

[Docket No. FI-222]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Windsor, Connecticut

On October 11, 1973, in 38 FR 28034, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Windsor, Connecticut. Map No. H 090041 04 indicates that Lot 39, Darwyn Heights, Windsor, Connecticut, as recorded in Volume 278, Pages 283 and 284, in the office of the Town Clerk of Windsor, Connecticut, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 090041 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on October 5, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14607 Filed 5-18-76;8:45 am]

[Docket No. FI-365]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the County of New Castle, Delaware

On January 8, 1976, in 41 FR 1472, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of New Castle, Delaware. Map No. H & I 105085A 32 indicates that 304 Brookside Drive, New Castle County, Delaware, as recorded in Deed Record M, Volume 90, Page 417, in the office of the Recorder of Deeds of New Castle County, Delaware, is in its entirety within the Special Flood Hazard

Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is within Zone C, and is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H & I 105085A 32 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 7, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 14, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14608 Filed 5-18-76;8:45 am]

[Docket No. FI-310]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Davenport, Iowa

On July 12, 1974, in 39 FR 25649, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Davenport, Iowa. Map No. H 190242 10 indicates that Lots 69 through 73, and 94 through 100, Cedar Vista Annex Third Addition to the City of Davenport, Iowa, as recorded in the office of the Recorder of Scott County, Iowa, as Document Number 8564-75, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 190242 10 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 21, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14609 Filed 5-18-76;8:45 am]

## RULES AND REGULATIONS

[Docket No. FI-321]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Louisville, Kentucky

On August 6, 1974, in 39 FR 28255, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Louisville, Kentucky. Map No. H 210122 10 indicates that Lot 16, Block L, Aberdeen Subdivision Section 4, Louisville, Kentucky, as recorded in Plat Book 7, Page 94 in the office of the Clerk of the Court of Jefferson County, Kentucky, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, and further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 210122 10 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 28, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14610 Filed 5-18-76;8:45 am]

[Docket No. FI-232]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Town of Falmouth, Maine

On April 1, 1974, in 39 FR 11897, The Federal Insurance Administrator published a list of communities with special hazard areas which included the Town of Falmouth, Maine. Map No. H 230045 01 indicates that the property at 10 Ayers Court, Falmouth, Maine, as recorded in Book 2890, Page 132 in the Registry of Deeds of Cumberland County, Maine, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 230045 01 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on March 29, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR

17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14611 Filed 5-18-76;8:45 am]

[Docket No. FI-410]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 240008 28 indicates that 1631 Lakewood Road, being Lot 16 and the easternmost one-half of Lot 17, Belhaven Beach on the Bodkin, Anne Arundel County, Maryland, recorded as Plat No. 741 in Book 18, Folio 38 in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 28 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14612 Filed 5-18-76;8:45 am]

[Docket No. FI-410]

## PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Anne Arundel County, Maryland

On November 29, 1974, in 39 FR 41504, the Federal Insurance Administrator published a list of communities with special hazard areas which included Anne Arundel County, Maryland. Map No. H 240008 42 indicates that Lot 920, Sunrise Beach Section 5, being 920 Oak Drive, Crownsville, Anne Arundel County, Maryland, recorded as Plat No.

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1091 in Book No. 23, Folio 15 in the office of the Clerk of the Circuit Court of Anne Arundel County, Maryland is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that a portion of the above property which can be described as follows:

Beginning at the southwest corner of Lot 920; thence N 24°52'40" E, 182.78 feet to a point; thence S 66°52'50" E, approximately 60 feet to a point; thence S 24°52'40" W, approximately 200 feet to the southeast corner of Lot 920; thence N 44°52'20" W, approximately 64 feet to the southwest corner of Lot 920, also being the point of beginning.

Is not within the Special Flood Hazard Area. Accordingly, Map No. H 240008 42 is hereby corrected to reflect that the above portion of property is not within the Special Flood Hazard Area identified on November 15, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14613 Filed 5-18-76; 8:45 am]

[Docket No. FI-328]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the Town of Dennis, Massachusetts

On August 7, 1974, in 39 FR 28425, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Town of Dennis, Massachusetts. Map No. H 250005 04 indicates that Lot 5 through 9, in Dennis, Massachusetts, as shown on a Subdivision Plan of Land in Dennis, Massachusetts, as surveyed for Peter L. McDowell, in August of 1973, as recorded in Book 285, Page 62, in the office of the Registry of Deeds of Barnstable County, Massachusetts, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 250005 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 26, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation

#### RULES AND REGULATIONS

of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14614 Filed 5-18-76; 8:45 am]

[Docket No. FI-880]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Grandview, Missouri

On February 13, 1976, in 41 FR 6736, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Grandview, Missouri. Map No. H 290171A 04 indicates that Lot 13, Block 3, River Oaks First Plat, Grandview, Missouri, as recorded in Plat Book 33, Page 86, in the office of the Recorder of Deeds of Jackson County, Missouri, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 290171A 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on July 19, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 15, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14615 Filed 5-18-76; 8:45 am]

[Docket No. FI-880]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Grandview, Missouri

On February 13, 1976, in 41 FR 6736, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Grandview, Missouri. Map No. H 290171A 04 indicates that Lot 14, Block 3, River Oaks First Plat, Grandview, Missouri, as recorded in Plat Book 33, Page 86, in the office of the Recorder of Deeds of Jackson County, Missouri, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the

existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 290171A 04 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on July 19, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 14, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14616 Filed 5-18-76; 8:45 am]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

[Docket No. FI-577]

##### Letter of Map Amendment for the City of Genoa, Nebraska

On May 13, 1975, in 40 FR 20812, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Genoa, Nebraska. Map No. H 310153A 02 indicates that a tract of land in Genoa, Nebraska, as recorded in Deed Book 48, Page 98, in the office of the Register of Deeds of Nance County, Nebraska, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 310153A 02 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on June 14, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14617 Filed 5-18-76; 8:45 am]

[Docket No. FI-294]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Duncanville, Texas

On February 13, 1974, in 39 FR 5500, the Federal Insurance Administrator published a list of communities with special hazard areas which included the

City of Duncanville, Texas. Map No. H 480173 05 indicates that Lots 6, 13, and 15, Block F, Dannybrook Estates Installment No. 4, Duncanville, Texas, as recorded in Volume 71129, Pages 1681 through 1688 in the office of the Clerk of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above property are not within the Special Flood Hazard Area. Accordingly, Map No. H 480173 05 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on February 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14618 Filed 5-18-76; 8:45 am]

[Docket No. FI-279]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Richardson, Texas

On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Richardson, Texas. Map No. H 480184 01 indicates that Lots 10 and 11, Block 104, Canyon Creek Country Club No. 17, Richardson, Texas, as recorded in Volume 6, Page 4 in the office of the Clerk of Collin County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structures on the above lots are not within the Special Flood Hazard Area. Accordingly, Map No. H 480184 01 is hereby corrected to reflect that the structures on the above lots are not within the Special Flood Hazard Area identified on May 24, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14619 Filed 5-18-76; 8:45 am]

#### RULES AND REGULATIONS

[Docket No. FI-365]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included Fairfax County, Virginia. Map No. H & I 515525 18 indicates that Lot 102, Lakepointe Subdivision, being 9811 Lakepointe Drive, Springfield, Virginia, as recorded in Deed Book 3472, Page 369 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H & I 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 7, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14620 Filed 5-18-76; 8:45 am]

[Docket No. FI-221]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Universal City, Texas

On March 15, 1974, in 39 FR 9928, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Universal City, Texas. Map No. H 480049 03 indicates that Lots 30 and 31, Block 8, Phase I of Live Oak Village, Unit 18, Universal City, Texas, as recorded in Book Volume 7600, Page 125 in the office of the Clerk of Bexar County, Texas, are within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480049 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14621 Filed 5-18-76; 8:45 am]

[Docket No. FI-365]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for Fairfax County, Virginia

On January 8, 1976, in 41 FR 1477, the Federal Insurance Administrator published a list of communities with special hazard areas which included Fairfax County, Virginia. Map No. H & I 515525 18 indicates that Lot 28, Park Glen Heights Subdivision, being 5102 Cliffhaven Drive, Annandale, Virginia, as recorded in Deed Book 3469, Page 127 in the office of the Clerk of the Court of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H & I 515525 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 17, 1970.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14622 Filed 5-18-76; 8:45 am]

[Docket No. FI-143]

#### PART 1920—PROCEDURE FOR MAP CORRECTION

##### Letter of Map Amendment for the City of Greenfield, Wisconsin

On June 8, 1973, in 38 FR 15074, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Greenfield, Wisconsin. Map No. H 550277 01 indicates that Parcel 1, Parkway Meadows Subdivision, Greenfield, Wisconsin, as recorded on Reel 720, Images 1675 to 1677, in the office of the Register of Deeds of Milwaukee County, Wisconsin, is in its entirety within the



Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 550277 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on June 15, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administration Act of 1968), effective January 28, 1969 as amended by 39 FR 2787, January 24, 1974).

Issued: April 27, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14623 Filed 5-18-76; 8:45 am]

## Title 12—Banks and Banking CHAPTER II—FEDERAL RESERVE SYSTEM

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0012, Reg. B]

## PART 202—EQUAL CREDIT OPPORTUNITY

### Miscellaneous Amendments

On January 12, 1976, the Board of Governors of the Federal Reserve System published for comment (41 FR 1789) several proposed amendments to its Regulation B, Equal Credit Opportunity.

After review and consideration of all comments received, pursuant to its authority under section 703(a) of the Equal Credit Opportunity Act (15 U.S.C. 1691b), the Board of Governors has decided to adopt the amendments with the following changes.

#### SECTION 202.4—APPLICATIONS

The Board proposed to substitute the word "the" for the word "each" in § 202.4(d)(1), which requires creditors to furnish applicants with a notice regarding the Act. This amendment was intended to make it clear that a creditor need furnish only one such notice per transaction. Thus, where two or more applicants apply jointly for credit, the notice need be furnished to only one of them. In determining which applicant shall receive the notice, the creditor may not select an applicant who is secondarily liable such as an endorser, co-maker (when designated as a surety) or guarantor. Of course the creditor may, if it wishes, furnish the notice to all joint applicants.

The comments received indicated that the substitution of the word "the" for "each" did not convey the Board's intent with sufficient clarity. Therefore, in addition to making this substitution, the Board has decided to add a new paragraph (3) to § 202.4(d) explaining a creditor's duty to deliver the notice in

a transaction involving multiple applicants.

After consideration of the comments received, the Board determined that the proposed amendment will eliminate unnecessary duplication in the delivery of the notice and, therefore, has adopted it.

#### SECTION 202.5—EVALUATION OF APPLICATIONS

The Board proposed to delete the words "under § 202.4(c)(3)" from § 202.5(d)(2) because this language was superfluous and possibly confusing. The Board has determined that deletion of this phrase is appropriate. Therefore, this amendment has been adopted in the form proposed.

#### SECTION 202.6—FURNISHING OF CREDIT INFORMATION

The Board proposed to amend § 202.6(a)(2)(ii) to indicate that when furnishing credit information, a creditor need furnish information only about the spouse who is the subject of the inquiry. After consideration of the comments received, the Board has determined not to adopt the amendment at this time.

#### SECTION 202.9—PRESERVATION OF RECORDS

The Board proposed to amend section 202.9(a) to require creditors to retain a copy of the notification of action taken furnished to the applicant and a copy of the reasons for denial, if this document is provided to the applicant. If a creditor explains the reasons for denial orally and makes a notation or memorandum regarding this action, the creditor shall retain such notation or memorandum for the required period.

Several commentators explained that they use computer-generated form letters for purposes of complying with sections 202.5(m)(1) and (2), notification of action taken and reasons for denial. The proposed amendment was not intended to require creditors to retain "hard" copies of these form letters. The words "or recorded notation" have been added to the language of the amendment to indicate that if a creditor uses an automated system for generating form letters, the creditor need not retain copies of each letter. The requirement of the regulation is satisfied if the creditor makes a notation in the applicant's file that a particular form letter has been sent.

The Board has adopted the amendment in substantially the same form as proposed.

The Board proposed to amend § 202.9(b) to make it clear that a creditor must retain records when credit is terminated and to provide that creditors need not retain records after revoking credit when the revocation is the result of the customer's delinquency or when the creditor changes the terms of a substantial portion of its accounts.

After consideration of the comments received, the Board has adopted these amendments as proposed.

#### SECTION 202.10—CERTAIN SPECIALIZED CREDIT

The Board proposed to amend § 202.10(c), which relates to business credit, to provide that creditors need not furnish an explanation of reasons for denial in connection with applications for business credit in excess of \$100,000. The Board proposed this amendment because it felt that in large commercial transactions, the benefit to the applicant of receiving reasons for denial is outweighed by the cost to the creditor. The amendment to § 202.10(c) also provides that § 202.4(e) and § 202.5(g) shall not apply to applications for business credit. After consideration of all comments received, the Board has decided to adopt this amendment as proposed.

The Board proposed to add a new paragraph (f) to § 202.10. The new provision relates to credit extended under student loan programs. The Board proposed this amendment because lenders who extend credit under Federal student loan programs are required by the Department of Health, Education, and Welfare to inquire about an applicant's marital status, about the income of the applicant's spouse and to obtain the signature of the applicant's spouse for verification purposes. Information about the applicant's spouse is required because access to credit under these programs is determined on the basis of need. Without this amendment to Regulation B, creditors would be prohibited from making these inquiries and from obtaining the spouse's signature.

As proposed, the amendment referred only to student loan programs administered by the Department of Health, Education, and Welfare. The amendment did not mention State guarantee agencies. Public comments indicated that in certain States, State agencies administer Federal student loan guarantee programs and also administer State guarantee programs that are unconnected with the Federal program. In response to these comments, the Board has added a specific reference to State guarantee agencies to indicate that credit extended under State or Federal student loan programs administered by a State agency is not subject to the restrictions of §§ 202.4(c), 202.5(b) and 202.7(a).

The Board has adopted this amendment in substantially the same form as proposed.

#### SECTION 202.14—TRANSITION PERIODS

The Board proposed to amend § 202.14 by deleting the reference to § 202.5(d) in § 202.14(b) and adding it to § 202.14(d). This change would make the effective date of § 202.5(d) consistent with that of § 202.4(c)(3).

The portions of Regulation B that require changes in creditors' application forms become effective on June 30, 1976. Section 202.5(d)(1) also may require changes in forms and, thus, its effective date should be June 30. However, § 202.5(d)(2) does not require any alteration in application format. Therefore, the Board has decided to change the effective date

of only paragraph (1) of § 202.5(d) to June 30, 1976.

#### EFFECTIVE DATE

These amendments become effective on June 30, 1976, except for § 202.10(f). Since § 202.10(f) grants an exemption, it becomes effective on May 13, 1976.

1. Section 202.4(d) is amended by substituting the word "the" for the word "each" before "applicant" in § 202.4(d)(1) and by adding a new subsection, § 202.4(d)(3).

#### § 202.4 Applications.

(d) Equal Credit Opportunity Act notice. (1) Except where application is made by telephone, or orally for an amount of credit to exceed an existing limit on an applicant's open end account, the creditor shall provide the applicant with the following notice in writing:

(2) . . . . .  
(3) Where two or more applicants jointly apply for credit, the creditor need furnish the notice required by paragraph (1) to only one of them. In determining which applicant shall receive the notice, the creditor may not select an applicant who is secondarily liable, such as an endorser, co-maker (when designated as a surety) or guarantor.

2. The first sentence of § 202.5(d)(2) is amended to read as follows:

#### § 202.5 Evaluation of applications.

(d) Alimony, child support and maintenance income. . . . .

(2) Where an applicant chooses to disclose alimony, child support or maintenance payments, a creditor shall consider such payments as income to the extent that such payments are likely to be consistently made. . . . .

3. Section 202.9 is amended by revising §§ 202.9(a)(1) and 202.9(a)(2) by revising (b)(1)(i) and (ii) as follows, and by adding new §§ 202.9(a)(2)(i), (a)(2)(ii), (b)(2)(i) and (b)(2)(ii).

#### § 202.9 Preservation of records.

(a) For a period ending 15 months after the date a creditor gives the applicant notice of action on an application, the creditor shall retain as to each applicant:

(1) The original or a copy of any application form and all other written or recorded information used in evaluating an application; and

(2) A copy or recorded notation of the following if furnished the applicant in written form (or if furnished orally, and notation or memorandum made by the creditor):

(i) The notification of action taken, and

(ii) If applicable, the reasons for denial provided to an applicant in accordance with section 202.5(m); and

(3) Any written statement submitted by the applicant alleging discrimination prohibited by the Act or this Part.

(b) (1) For a period ending 15 months after the date a creditor adversely changes the terms or conditions of credit for an account or terminates an account, the creditor shall retain as to each account, in original form or a copy thereof:

(i) Any written or recorded information concerning such change or termination; and

(ii) Any written statement submitted by the applicant alleging discrimination prohibited by the Act or this Part.

(2) For purposes of paragraph (1), an adverse change in the terms or conditions of credit for an account does not include:

(i) A reduction of the credit limit on an account taken after the applicant has failed to make payment as provided in the credit agreement; or

(ii) A change in the terms or conditions of credit affecting all or a substantial portion of the creditor's accounts.

5. Section 202.10 is amended by revising paragraph (c) and adding a new paragraph (f) to read as follows:

#### § 202.10 Certain specialized credit.

(c) Business credit. Business credit shall be subject to the provisions specified in §§ 202.10(a), 202.5, 202.7, and 202.9, except that §§ 202.5(m)(2), 202.5(m)(3) and 202.9 shall only apply in those transactions involving an application for credit in the amount of \$100,000 or less where the applicant requests in writing that the creditor provide such reasons or retain such records. Sections 202.4(e) and 202.5(g) shall not apply to business credit extended in the name of a business firm. As used in this part, business credit is credit granted for business, commercial or agricultural purposes.

(f) Credit under student loan programs. Credit granted under student loan programs administered by the Department of Health, Education, and Welfare or by State guarantee agencies shall be subject to all the provisions of this part except that to the extent necessary or appropriate to ascertain and/or verify the applicant's marital status and the financial resources of the applicant and the applicant's spouse, if the applicant is married, §§ 202.4(c), 202.5(b) and 202.7(a) shall not apply.

6. Sections 202.14 (b) and (d) are revised as follows:

#### § 202.14 Transition periods.

Except as provided in § 202.6 with respect to that section, the provisions of this part shall take effect as follows:

(b) Sections 202.4(b), 202.4(e), 202.5(d)(2), 202.5(e), 202.5(f), 202.5(g), 202.9(a) and 202.9(b) shall take effect on November 30, 1975.

(d) Sections 202.4(c), 202.4(d), 202.5(b) and 202.5(d)(1) shall take effect on June 30, 1976.

By order of the Board of Governors,  
May 12, 1976.

[SEAL] THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 76-14551 Filed 5-18-76; 8:45 am]

## Title 17—Commodity and Securities Exchanges

### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12429]

## PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

### Director of Division of Market Regulation; Delegation of Authority

#### INTRODUCTION

The Securities and Exchange Commission hereby announces the amendment of § 200.30-3 (17 CFR 200.30-3) of the Commission's Statement of Organization, Conduct and Ethics; and Information and Requests to delegate to the Director of the Division of Market Regulation the authority to make findings that the agreements, safeguards, and provisions of registered clearing agencies are adequate for the protection of investors.

Paragraphs (g) of Rules 8c-1 and 15c2-1 under the Securities Exchange Act of 1934 (the "Act") provide that the Commission can make findings that the agreements, safeguards, and provisions of certain entities, including clearing agencies, are adequate for the protection of investors. These findings must be made in connection with any rule change submitted by a registered clearing agency pursuant to Rule 19b-4 under the Act which has an effect on the safeguarding of securities left in the care and custody of the registered clearing agency. Therefore, pursuant to Sections 8(c) and 15(c)(2) of the Act, the rules of the Commission relating to general organization are being amended to delegate authority to the Director of the Division of Market Regulation to make findings, pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1, that the agreements, safeguards, and provisions of registered clearing agencies are adequate for the protection of investors.

#### DELEGATION OF AUTHORITY

Section 200.30-3 is amended by adding paragraph (21) to read as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

(a) . . . . .  
(21) Pursuant to Sections 8(c) and 15(c)(2) of the Act (15 U.S.C. 78h(c) and 78o(2)) and paragraphs (g) of Rules 8c-1 and 15c2-1 thereunder, to make findings that the agreements, safeguards, and provisions of registered clearing agencies are adequate for the protection of investors.

The Commission finds, in accordance with sections 5 U.S.C. 553(b)(3)(B) and

\* 15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975).

\* 15 U.S.C. 78h(c) and 78o(2).

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553(d)(3) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure or practice and is effective immediately in order to provide an orderly procedure for the approval of rule submissions which require a determination pursuant to paragraphs (g) of Rules 8c-1 and 15c2-1 under the Act and that notice and public procedure are not necessary with respect to the foregoing action.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

MAY 12, 1976.

[FR Doc.76-14499 Filed 5-18-76; 8:45 am]

[Release Nos. 33-5700, 34-12386, FI-45; File No. 87-598]

#### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

##### Confidential Treatment of Information Filed With the Commission and With Any Exchange

The Commission today announced the adoption of new Rule 24b-2 (17 CFR 240.24b-2) under Section 24 of the Securities Exchange Act of 1934 relating to confidential treatment of certain information filed with the Commission. Section 24 of the Securities Exchange Act of 1934, 15 U.S.C. Section 78x, was amended by Section 19 of Public Law No. 94-29 (the Securities Acts Amendments of 1975).<sup>1</sup>

Previously, Section 24 had prohibited, in subsection (a), the disclosure of trade secrets and processes, and had authorized, in subsection (b), the nondisclosure of any other type of information filed with the Commission pursuant to the Securities Exchange Act unless the Commission found disclosure to be in the public interest. See *American Sumatra Tobacco Corp. v. SEC* 1033, affirmed, *American Sumatra Tobacco Corp. v. Securities and Exchange Commission*, 110 F. 2d 117 (C.A.D.C. 1940). As determination under former Section 24 that disclosure of information was not in the public interest could have been made in some circumstances when the information would not otherwise come within the exemptions from disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

Section 24 now defines, in subsection (a), the term "records" to include "all applications, statements, reports, contracts, correspondence, notices, and other documents filed with or otherwise obtained by the Commission pursuant to this title or otherwise." Subsection (b) of the amended Section prohibits disclosure

<sup>1</sup> Public Law No. 94-29 was signed by the President on June 4, 1975 at which time, as provided by Section 31(a) thereof, Section 19 became effective.

of any records in contravention of the rules and regulations of the Commission under the FOIA or in circumstances where the Commission has determined, pursuant to such rules, to afford confidential treatment for information contained in such records.

The amendment to Section 24 removed the statutory basis for Rule 24b-2 and the Commission rescinded it in Securities Exchange Act Release No. 11774 (40 FR 54773).

The rescinded Rule 24b-2 (17 CFR 240.24b-2), promulgated under Section 24, established a procedure whereby persons filing documents with the Commission pursuant to the Securities Exchange Act could request confidential treatment for information contained therein. Pursuant to subsection (c) of the rescinded Rule, and the former provisions of Section 24, until the Commission had made a determination regarding such a request, the information in question could not be disclosed by the staff. Under subsection (e) of the rescinded Rule, a person requesting confidential treatment could also request a hearing thereon. Subsection (h) provided that if the Commission determined that disclosure of materials filed by the issuer of a security registered on any exchange was in the public interest, the issuer could withdraw such materials by withdrawing the registration of each security to which the material filed related.

Under new Rule 24b-2, information will be entitled to confidential treatment only if it is required to be filed and considered nonpublic under the Commission's FOIA rules (17 CFR 200.80). This determination would be made at the time an application for confidential treatment is filed pursuant to Rule 24b-2, but would be reconsidered whenever appropriate, such as when a request for the information is filed under the FOIA. Persons who have applied for and received confidential treatment for information pursuant to the rule will be contacted by the staff whenever additional information is required in order to determine whether continued confidential treatment is warranted. If it is determined that a continuation of confidential treatment is not warranted, the decision to accord such treatment will be revoked and the requesting person will be so notified wherever possible.

Determinations to grant, deny or revoke confidential treatment will be made by the Directors of the Divisions of Corporation Finance and Market Regulation. Persons may petition the Commission for review of their determinations under 17 CFR 201.26 and no disclosure of information will be made until such Commission review has been completed. The Commission will accord expedited treatment to all such petitions for review to the extent necessary to respond to a pending request under the FOIA within the time limits prescribed by that statute. See 5 U.S.C. Section 552(a)(6)(A).

No provision is made in this rule for confidential treatment of information received by the Commission which is not

required to be filed pursuant to the Act. The Commission intends that any records received by the Commission which are not subject to the provisions of any specific rule governing requests for confidential treatment shall be subject to rules which it expects to publish in the near future.

Confidential treatment pursuant to Rule 485 (17 CFR 230.485) of information filed under the Securities Act of 1933 may have the effect of establishing a basis for confidential treatment under Rule 24b-2 when the same information is required to be filed under the Exchange Act. Accordingly, in considering applications for confidential treatment filed under Rule 485 the staff will consider the length of time for which confidential treatment is sought so that the information will not be kept confidential indefinitely for Exchange Act purposes unless appropriate under the FOIA. In the future, applications for confidential treatment pursuant to Rule 485 should justify the length of time for which such treatment is sought.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact that this amendment will have on competition and has determined that this rule will not impose any burden not warranted by the FOIA on competition. This amendment shall become effective June 18, 1976.

Those who in the past have requested and been granted confidential treatment under the provisions of former Rule 24b-2 are advised that, while that information will continue to be maintained in non-public files until reconsideration of its confidential status, the disclosure requirements of the FOIA are applicable.

17 CFR Part 240 is amended by adopting a new § 240.24b-2 to read as follows:

§ 240.24b-2 Nondisclosure of information filed with the Commission and with any exchange.

(a) Any person filing any registration statement, report, application, statement, correspondence, notice or other document (herein referred to as the material) pursuant to the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below. The procedure provided in this rule shall be the exclusive means of requesting confidential treatment of information required to be filed under the Act.

(b) The person shall omit from material filed the portion thereof which it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the material filed that the confidential portion has been so omitted and filed separately with the Commission. The person shall file with the copies of the material filed with the Commission:

(1) As many copies of the confidential portion, each clearly marked "Confidential Treatment," as there are copies of the material filed with the Commis-

sion and with any exchange where such material is required to be filed. Each copy shall contain an appropriate identification of the item or other requirement involved and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the material filed;

(2) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (i) an identification of the portion; (ii) a statement of the grounds of objection referring to, and containing an analysis of, the applicable exemption(s) from disclosure under the Commission's rules and regulations adopted under the Freedom of Information Act (17 CFR 200.80), and a justification of the period of time for which confidential treatment is sought; (iii) a written consent to the furnishing of the confidential portion to other government agencies, offices or bodies and to the Congress; and (iv) the name of each exchange, if any, with which the material is filed.

The copies of the confidential portion and the application filed in accordance with paragraph (b) of this section shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to The Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

(c) Pending a determination as to the objection filed the material for which confidential treatment has been applied will not be made available to the public.

(d) (1) If it is determined that the objection should be sustained, a notation to that effect will be made at the appropriate place in the material filed. Such a determination will not preclude reconsideration whenever appropriate, such as upon receipt of any subsequent request under the Freedom of Information Act (5 U.S.C. Section 552) and, if appropriate, revocation of the confidential status of all or a portion of the information in question. Where an initial determination has been made under this rule to sustain objections to disclosure, the Commission will attempt to give the person requesting confidential treatment advance notice, wherever possible, if confidential treatment is revoked.

(2) In any case where an objection to disclosure has been disallowed or where a prior grant of confidential treatment has been revoked, the person who requested such treatment will be so informed by registered or certified mail to the person or his agent for service. Pursuant to 17 CFR 201.26, persons making objections to disclosure may petition the Commission for review of a determination by the Division disallowing objections or revoking confidential treatment.

(e) The confidential portion shall be made available to the public at the time and according to the conditions specified in paragraphs (d) (1) and (2) of this section.

(1) Upon the lapse of five days after the dispatch of notice by registered or certified mail of a determination disallowing an objection, if prior to the lapse of such five days the person shall not have communicated to the Secretary of the Commission his intention to seek review by the Commission under 17 CFR 201.26 of the determination made by the Division; or

(2) If such a petition for review shall have been filed under 17 CFR 201.26, upon final disposition thereof adverse to the petitioner.

(f) If the confidential portion is made available to the public, one copy thereof shall be attached to each copy of the material filed with the Commission and with each exchange.

(Secs. 23, 24, 48 Stat. 901, as amended, 80 Stat. 383, as amended, 31 Stat. 54; 15 U.S.C. 78w, 78x, 5 U.S.C. 552).

#### AMENDMENT OF 17 CFR 200.30-3

The Commission has delegated authority to the Director of the Division of Market Regulation to process applications for confidential treatment of information filed under the Act. In order to implement procedures in Rule 24b-2, 17 CFR 200.30-3(a) is amended by adding paragraph (20) to provide as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

(20) (i) To grant and deny applications for confidential treatment filed pursuant to Section 24(b) of the Act (15 U.S.C. 78x(b)) and Rule 24b-2 thereunder (240.24b-2 of this chapter); (ii) To revoke a grant of confidential treatment for any such application.

(Sec. 4, 48 Stat. 885; sec. 1106(a), 63 Stat. 972; 15 U.S.C. 78d; (Pub. L. 87-592, 76 Stat. 394).

The Commission finds that the foregoing delegation action relates solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action, taken pursuant to Public Law 87-592, 76 Stat. 394 and to Section 4 of the Securities Exchange Act of 1934, becomes effective May 19, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

APRIL 28, 1976.

[FR Doc.76-14498 Filed 5-18-76; 8:45 am]

#### Title 20—Employees' Benefits CHAPTER II—U.S. RAILROAD RETIREMENT BOARD PART 200—PROCEDURES AND FORMS Privacy Act Implementation

On August 19, 1975, and on October 2, 1975, the Railroad Retirement Board

published notice of proposed rulemaking to implement the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1895) in the FEDERAL REGISTER (40 FR 36262 and 40 FR 45736). Interested persons were invited to comment on the proposed § 200.4 of Part 200 of the Board's regulations. The Railroad Retirement Board received two comments on its proposed rules and has given due consideration to both of these comments. One of the two comments actually concerned the Board's Notice of Systems of Records and Routine Uses which was published in the FEDERAL REGISTER on August 19, 1975. The other comment received concerned subsections (c) and (g) of the proposed § 200.4.

A commenter suggested that § 200.4(c) be revised to provide a more flexible means for an individual seeking information concerning the existence of or access to a record maintained by the Railroad Retirement Board. The Board has agreed with this proposal and has revised section 200.4(c) to include additional information to guide requesters in framing their requests. Section 200.4(c) is amended to read as follows:

An individual can determine if a particular record system maintained by the Railroad Retirement Board contains any record pertaining to him by submitting a written request for such information to the system manager of that record system as described in the annual notice published in the FEDERAL REGISTER. A current copy of the system notices, published in accordance with paragraph (1) of this section, is available for inspection at all regional and district offices of the Board. If necessary, Board personnel will aid requesters in determining what system(s) of records they wish to review and will forward any requests for information to the appropriate system manager. Also, requests for personal information may be submitted either by mail or in person to the system manager at the headquarters of the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. Prior to responding to a request for information under this subsection, the system manager shall require the individual requesting such information to provide identifying data, such as his full name, date of birth, and social security number. The system manager shall respond to a request under this subsection within a reasonable time by stating that a record on the individual either is or is not contained in the system.

The commenter also questioned the Board's authority to establish a time limit for filing an appeal of an adverse decision to amend a record (§ 200.4(g)). Since the Privacy Act is silent on time limits for appeals, the Board has reconsidered its position of specifying a time limit to appeal an adverse determination to amend a record. In the interest of fairness and the accuracy of the records that the Railroad Retirement Board maintains, the Board has deleted the time limit for appealing an adverse decision to amend a record. Section 200.4(g) (1) is amended to read as follows:

An individual, whose request for amendment of a record pertaining to him is denied, may appeal that determination to the Board by filing a written appeal with the Secretary of the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. The written notice of appeal should



include a statement of the information in the record which the individual believes is incorrect, a statement of any information not in the record which the individual believes would correct the record, if included, and a statement of any evidence which substantiates the individual's belief concerning the inaccuracy of the information presently contained in the record.

The Railroad Retirement Board hereby adopts the proposed § 200.4 of Title 20 of the Code of Federal Regulations as published in the *FEDERAL REGISTER* on August 19, 1975 and October 2, 1975, subject to the two aforementioned amendments which the Board has determined to make in accordance with the comments it received on its proposed rules, and several editorial corrections.

Dated: May 12, 1976.

Section 200.4 is added to read as follows:

§ 200.4 Protection of privacy of records maintained on individuals.

(a) *Purpose and scope.* The purpose of this section is to establish specific procedures necessary for compliance with the Privacy Act of 1974 (Pub. Law 93-579). These regulations apply to all record systems containing information of a personal or private nature maintained by the Railroad Retirement Board that are indexed and retrieved by personal identifier.

(b) *Definitions.*—(1) *Individual.* The term "individual" pertains to a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence and not to a company or corporation.

(2) *System of records.* For the purposes of this section, the term "system of records" pertains to only those records that can be retrieved by an individual identifier.

(3) *Railroad Retirement Board.* For purposes of this section, the term "Railroad Retirement Board" refers to the United States Railroad Retirement Board, an independent agency in the executive branch of the United States Government.

(4) *Board.* For purposes of this section the term "Board" refers to the three member governing body of the United States Railroad Retirement Board.

(c) *Procedure for requesting the existence of personally identifiable records in a record system.* An individual can determine if a particular record system maintained by the Railroad Retirement Board contains any record pertaining to him by submitting a written request for such information to the system manager of that record system as described in the annual notice published in the *FEDERAL REGISTER*. A current copy of the system notices, published in accordance with paragraph (1) of this section, is available for inspection at all regional and district offices of the Board. If necessary, Board personnel will aid requesters in determining what system(s) of records they wish to review and will forward any requests for information to the appropriate system manager. Also, requests

for personal information may be submitted either by mail or in person to the system manager at the headquarters of the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. Prior to responding to a request for information under this subsection, the system manager shall require the individual requesting such information to provide identifying data, such as his full name, date of birth, and social security number. The system manager shall respond to a request under this subsection within a reasonable time by stating that a record on the individual either is or is not contained in the system.

(d) *Disclosure of requested information to individuals.* (1) Upon request, an individual shall be granted access to records pertaining to himself, other than medical records and records compiled in anticipation of a civil or criminal action or proceeding against him, which are indexed by individual identifier in a particular system of records. Requests for access must be in writing and should be addressed to the system manager of that record system as described in the annual notice published in the *FEDERAL REGISTER*. Requests under this subsection may be submitted either by mail or in person at the headquarters offices of the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

(2) The system manager shall, within ten working days following the date on which the request is received in his office, render a decision either granting or denying access and shall promptly notify the individual of his decision. If the request is denied, the notification shall inform the individual of his right to appeal the denial to the Board. An individual whose request for access under this subsection has been denied by the system manager may appeal that determination to the Board by filing a written appeal with the Secretary of the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 within twenty working days following receipt of the notice of denial. The Board shall render a decision on an appeal within thirty working days following the date on which the appeal is received in the office of the Secretary of the Board. The individual shall promptly be notified of the Board's decision.

(3) In cases where an individual has been granted access to his records, the system manager shall, prior to releasing such records, require the individual to produce identifying data such as his name, date of birth, and social security number.

(4) Disclosure to an individual of his record may be made by providing him, upon written request therefor, a copy of the record or portion thereof which he reasonably describes in his request.

(5) An individual, and if such individual so desires, one other person of his choosing, may review and have a copy made of his record (in a form comprehensible to him) during regular business hours at the location described as the

repository of the record system containing such records in the annual notice published in the *FEDERAL REGISTER* or at such other location convenient to the individual as specified by the system manager. If an individual is accompanied by another person, the system manager may require written authorizations for disclosure in the presence of the other person from the individual before any record or portion thereof is released.

(e) *Special procedures—medical records.* (1) Upon receipt of a request made by an individual for access to medical records pertaining to him maintained by the Railroad Retirement Board, the system manager of the system of records containing the medical records in question shall, within ten working days following the date on which the request is received in his office, respond to such request as follows:

(i) If the system manager has received a written authorization from the physician or practitioner who supplied a particular medical record permitting the individual access to that record, the system manager shall grant the individual access to such record as provided under paragraph (d) of this section; or

(ii) If the system manager has not received a written authorization from the physician or practitioner who supplied a particular medical record permitting the individual access to that record, the system manager shall notify the individual that access to the record cannot be granted without such consent, and he shall further inform the individual of the name and address of the physician or practitioner who supplied the record.

(2) If the physician or practitioner who supplied a particular medical record should need to examine the record in order to determine whether disclosure of the record might be harmful to the individual, the system manager shall inform the individual that the physician or practitioner has requested the record and shall furnish the record or a copy thereof to the physician or practitioner.

(3) If the physician or practitioner who supplied a particular medical record is unavailable to give his authorization for access to that record, the system manager shall inform the individual who requested access that the record may be made available to a physician named by the individual for the purpose of making a determination as to whether disclosure of the record to the individual might be harmful to the individual and as to whether access to the record should be denied for that reason.

(4) Notwithstanding the provisions of subparagraphs (1), (2), and (3) of this paragraph and of paragraph (d) of this section, if a determination made with respect to an individual's claim for benefits under the Railroad Retirement Act or the Railroad Unemployment Insurance Act is based in whole or in part on medical records, disclosure of or access to such medical records shall be granted to such individual when such records are requested for the purpose of

contesting such determination either administratively or judicially.

(5) The procedures for access to medical records set forth in this paragraph shall not apply with respect to requests for access to an individual's disability decision sheet or similar adjudicatory documents, access to which is governed solely by paragraph (d) of this section.

(f) *Request for amendment of a record.* (1) An individual may request that a record pertaining to himself be amended by submitting a written request for such amendment to the system manager as described in the annual notice published in the *FEDERAL REGISTER*. Requests under this subsection may be made either by mail or in person at the headquarters offices of the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. Such a request should include a statement of the information in the record which the individual believes is incorrect, a statement of any information not in the record which the individual believes would correct the record, if included, and a statement of any evidence which substantiates the individual's belief concerning the inaccuracy of the information presently contained in the record.

(2) Prior to rendering a determination in response to a request under this subsection, the system manager shall require that the individual provide identifying data such as his name, date of birth, and social security number.

(3) The system manager responsible for the system of records which contains the challenged record shall acknowledge receipt of the request in writing within ten working days following the date on which the request for amendment was received in his office and shall promptly render a decision either granting or denying the request.

(i) If the system manager grants the individual's request to amend his record, the system manager shall amend the record accordingly, advise the individual in writing that the requested amendment has been made and where an accounting of disclosures has been made, advise all previous recipients of the record to whom disclosure of such record was made and accounted for of the fact that the amendment was made and the substance of the amendment.

(ii) If the system manager denies the individual's request to amend his record, the system manager shall inform the individual that the request has been denied in whole or in part, the reason for the denial and the procedure regarding the individual's right to appeal the denial to the Board.

(g) *Appeal of initial adverse determination on amendment.* (1) An individual, whose request for amendment of a record pertaining to him is denied, may appeal that determination to the Board by filing a written appeal with the Secretary of the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. The written notice of appeal should include a statement of the infor-

mation in the record which the individual believes is correct, a statement of any information not in the record which the individual believes would correct the record, if included, and a statement of any evidence which substantiates the individual's belief concerning the inaccuracy of the information presently contained in the record.

(2) The Board shall consider the appeal and render a final decision thereon within thirty working days following the date on which the appeal is received in the office of the Secretary of the Board. An extension of the thirty day response period is permitted for a good cause upon notification of such to the requester.

(3) If, upon consideration of the appeal, the Board upholds the denial, the appellant shall be so informed in writing. The appellant shall be advised that he may file a concise statement with the Board setting forth his reasons for disagreeing with the Board's decision and the procedures to be followed in filing such a statement of disagreement. The individual shall also be informed of his right to judicial review as provided under section 552a(g)(1)(A) of Title 5 of the United States Code. If disclosure has or will be made of a record containing information about which an individual has filed a statement of disagreement, that contested information will be annotated and a copy of the statement of disagreement will be provided to past and future recipients of the information along with which the Board may include a statement of its reasons for not amending the record in question.

(4) If, upon consideration of the appeal, the Board reverses the denial, the Board shall amend the record, advise the appellant in writing that such amendment has been made, and where an accounting of disclosures has been made, advise all previous recipients of the record to whom disclosure of such was made and accounted for, of the fact that the amendment was made and the substance of the amendment.

(h) *Disclosure of record to person other than the individual to whom it pertains.* (1) Records collected and maintained by the Railroad Retirement Board in the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act which contain information of a personal or private nature shall not be disclosed to any person or to another agency without the express written consent of the individual to whom the record pertains. Such written consent shall not be required if the disclosure is not otherwise prohibited by law or regulation and is:

(i) To officers or employees of the Railroad Retirement Board who, in the performance of their official duties, have a need for the record;

(ii) Required under section 552 of Title 5 of the United States Code;

(iii) For a routine use of such record as published in the annual notice in the *FEDERAL REGISTER*;

(iv) To the Bureau of the Census for uses pursuant to the provisions of Title 13 of the United States Code;

(v) To a recipient who has provided the Board with advance written assurance that the record will be used solely as a statistical or research record, and the record is to be transferred in a form that is not individually identifiable;

(vi) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(viii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(ix) To either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(x) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(xi) Pursuant to the order of a court of competent jurisdiction.

(2) The Railroad Retirement Board shall maintain an accounting of all disclosures of records made under paragraph (h)(1) of this section, except those made under paragraphs (h)(1)(i) and (ii) of this section. This accounting will include:

(i) Date of disclosure;

(ii) Specific subject matter of disclosure;

(iii) Purpose of disclosure; and

(iv) Name and address of the person or agency to whom the information has been released.

The Railroad Retirement Board shall maintain the accounting for five years or the life of the system of records, whichever is longer, and make such accounting, with the exception of disclosures made under paragraph (h)(1)(vii) of this section, available to the individual to whom the record pertains upon his request. If, subsequent to disclosure of a record for which disclosure an accounting has been made pursuant to this subsection, an amendment is made to that record or an individual has filed a statement of disagreement concerning that record, the person or agency to whom such disclosure was made shall be notified of the amendment or statement of disagreement.

(i) *Annual notice of systems of records.* The Railroad Retirement Board

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shall publish in the FEDERAL REGISTER on an annual basis a listing of the various systems of records which it maintains by individual identifier. That notice shall provide the following for each system:

- (1) The name and location of the system;
  - (2) The categories of individuals on whom records are maintained in the system;
  - (3) The routine uses of the system;
  - (4) The methods of storage, disposal, retention, access controls and retrievability of the system;
  - (5) The title and business address of the individual who is responsible for the system;
  - (6) The procedure whereby an individual can be notified at his request whether or not the system contains a record pertaining to him;
  - (7) The procedure whereby the individual can be notified at his request how he can gain access to any record pertaining to him which is contained in the system;
  - (8) How the individual can contest the contents of such a record; and
  - (9) The categories of sources of records in the system.
- (j) *Collection of information and maintenance of records.* With respect to each system of records indexed by individual identifier which is maintained by the Railroad Retirement Board, the Railroad Retirement Board shall:
- (1) Maintain in each system only such information about an individual as is relevant and necessary in accomplishing the purposes for which the system is kept;
  - (2) To the greatest extent practicable, collect information directly from the individual when that information may result in an adverse determination about such individual's rights, benefits or privileges under programs administered by the Railroad Retirement Board;
  - (3) Inform each individual who is asked to supply information:
- (i) The authority under which the solicitation of such information is carried out;
  - (ii) Whether disclosure of the requested information is mandatory or voluntary and any penalties for failure to furnish such information;
  - (iii) The principal purposes for which the information will be used;
  - (iv) The routine uses and transfers of such information; and
  - (v) The possible effects on such individual if he fails to provide the requested information.
- (4) Maintain all records which are used by the Railroad Retirement Board in making any determination about any individual with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual in the determination;
  - (5) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to paragraph (h) (1) (i) of this section, make reasonable ef-

orts to assure that such records are accurate, complete, timely and relevant for purposes of the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act;

(6) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual to whom the record pertains or unless pertinent to and within the scope of an authorized law enforcement activity;

(7) Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record; and

(8) At least thirty days prior to publication of information under paragraph (i) of this section, publish in the FEDERAL REGISTER notice of any new use or intended use of the information in the system and provide an opportunity for interested persons to submit written data, views or arguments to the Railroad Retirement Board.

(k) *Fees.* The Railroad Retirement Board may assess a fee for copies of any records furnished to an individual under paragraph (d) of this section. The fees for copies shall be \$10 per copy per page, not to exceed the actual cost of reproduction, and should be paid to the Director of Budget and Fiscal Operations for deposit to the Railroad Retirement Account. If payment is made by check, the check should be payable to the order of the Railroad Retirement Board. Any fee of less than \$10 may be waived by the system manager if he determines that it is in the public interest to do so.

(l) *Government contractors.* When the Railroad Retirement Board provides by a contract or by a subcontract subject to its approval for the operation by or on behalf of the Railroad Retirement Board of a system of records to accomplish an agency function, the Railroad Retirement Board shall, consistent with its authority, cause the requirements of § 552a of Title 5 of the United States Code to be applied to such system. In each such contract or subcontract for the operation of a system of records, entered into on or after September 27, 1975, the Railroad Retirement Board shall cause to be included a provision stating that the contractors or subcontractors and their employees shall be considered employees of the Railroad Retirement Board for purposes of the civil and criminal penalties provided in sections (g) and (i) of the Privacy Act of 1974 (5 U.S.C. 552a (g) and (i)).

(m) *Mailing lists.* The Railroad Retirement Board shall neither sell nor rent information containing any individual's name or address, unless authorized by statute.

(n) *Disclosure of social security account numbers.* Whenever an individual is requested by the Railroad Retirement Board to disclose his social-security account number he shall be informed as to whether such disclosure is mandatory or

voluntary. If disclosure of the individual's social security account number is mandatory, he shall be informed of the statutory authority requiring such disclosure.

(5 U.S.C. 552a)

Effective date: May 19, 1976.

By Authority of the Board.

Dated: May 12, 1976.

[SEAL] R. F. BUTLER,  
Secretary of the Board.

[FR Doc. 76-14634 Filed 5-18-76; 8:45 am]

#### CHAPTER V—MANPOWER ADMINISTRATION

#### PART 609—UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

##### Right to Hearing on Federal Findings

##### Correction

In FR Doc. 76-13228, appearing on page 18996 of the issue for May 7, 1976, on page 18998, in paragraph "(4)" of the first column, the sixth line now reading "under the USFE program. The recon-", should read "under the UCFE program. The recon-".

#### Title 40—Protection of Environment

#### CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER N—EFFLUENT LIMITATIONS, GUIDELINES AND STANDARDS

[FRL 545-5]

#### PART 418—FERTILIZER MANUFACTURING POINT SOURCE CATEGORY

##### Subpart A—Phosphate Subcategory

##### ALLOWANCES FOR CERTAIN DISCHARGES

Notice is hereby given that the Environmental Protection Agency is amending 40 CFR 418, Fertilizer Manufacturing Point Source Category, Subpart A—Phosphate Subcategory, §§ 418.11, 418.12, 418.13 and 418.15.

40 CFR 418 was promulgated on April 8, 1974 (39 FR 12832) pursuant to sections 301, 304(b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500.

On August 6, 1975 notice was published in the FEDERAL REGISTER (40 FR 33052), that the Environmental Protection Agency was proposing to amend 40 CFR Part 418, Fertilizer Manufacturing Point Source Category, Subpart A—Phosphate Subcategory, §§ 418.11, 418.12, 418.13 and 418.15.

Interested persons were invited to participate in the rulemaking by submitting written comments on the proposed amendment within 30 days of the date of publication.

The following responded to the request for written comment: Florida Department of Environmental Regulation, Mississippi Chemical Corporation and Stauffer Chemical Company. Each of the com-

ments received was carefully reviewed and analyzed.

The following is a summary of the significant comments and the Agency's response to these comments:

(1) One commenter objected to the inclusion of leaks and spills under the definition of contaminated non-process wastewater because it would discourage any incentive for good housekeeping and preventative maintenance within the plant.

Accidental spills and accidental leaks have been included in the definition of contaminated non-process wastewater but with specific limitations on maximum discharges and requirements for prompt repair and control.

(2) One commenter objected to the concentration limits for contaminated non-process wastewater because they are too lenient.

No data is available to the Agency to provide a basis for more stringent limitations for contaminated non-process wastewater.

(3) One commenter recommended that the pH range of process wastewater be 8.5 to 9.0 instead of 6.0 to 9.0.

The pH range has been set at 6.0 to 9.5 based on the performance of double lime treatment of process wastewater. Limitations on phosphorus and fluoride are set at a level where a pH in the higher part of the range will generally be required.

(4) One commenter objects to prescribing operating conditions in addition to effluent limitations.

Operating conditions are not prescribed. The regulation provides for no discharge of process wastewater. Under the conditions described in the regulation, exceptions to the no discharge requirement are made.

(5) One commenter proposes that a provision be added that process water may be discharged untreated by overflow when chronic or catastrophic precipitation events cause the water level to exceed the surge capacity.

Process wastewater pollutants from a calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 10-year, 24-hour rainfall event may be discharged, after treatment to the standards established, whenever chronic or catastrophic precipitation events cause the water level to rise into the surge capacity. Process wastewater must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity. In the unlikely event that despite adherence to the requirements of the regulation, rainfall runoff quantity is so great as to exceed this surge capacity, the bypass provision in the standard permit may apply. The standard permit language for the bypass provision is as follows:

"The diversion or bypass of any discharge from facilities utilized by the permittee to maintain compliance with

the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. The permittee shall immediately notify the permit issuing authority in writing of each such diversion or bypass in accordance with the procedure specified above for reporting noncompliance."

In addition to the above comments, phosphate fertilizer manufacturers have contended that the fluoride, phosphate and suspended solids limitations in the proposed amendment are unachievable. In response to this contention, EPA has obtained results from a program of sampling and testing of process wastewater from phosphate manufacturing facilities. Wastewater samples from nine facilities were made available to EPA and removal of fluoride and phosphate was evaluated by appropriate laboratory techniques. From the results of this study, the fluoride and suspended solids limitations have been revised. In addition, the ratio of daily maximum values to 30 day average values has been altered for phosphate, fluoride and suspended solids.

As a result of public comments, the effluent treatability study and continuing review and evaluation of the proposed amendment, the following changes have been made in the amendment:

(1) The maximum for any one day is increased to three times the average values for 30 consecutive days.

(2) The fluoride limitations for the average value for 30 consecutive days was increased to 25 mg/l.

(3) The TSS limitations were revised and a provision for relief from the limitations under conditions where chemically treated effluent is settled to meet the other pollutant limitations was added.

(4) The upper pH limitation was increased to 9.5.

The technology to achieve the limitations in this amendment is the same as in the original regulations and is described in the manual entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Basic Fertilizer Chemicals Segment of the Fertilizer Manufacturing Point Source Category" available from the Government Printing Office, Washington, D.C. 20402, for a nominal fee. Information and data collected have led to changes which have made the limitations less stringent. Therefore, the economic impact, energy consequences and non-water quality aspects are less severe than in the original regulations. A summary of these findings may be found in the preamble to the original regulations, 39 FR 12832 (April 8, 1974).

A summary of findings, the data collected and the information received will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

ton, D.C. The DEA information regulation provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N, Part 418, Fertilizer Manufacturing Point Source Category, Subpart A—Phosphate Subcategory, is amended to read as set forth below. The final regulation is promulgated as set forth below and shall be effective June 18, 1976.

Dated: May 12, 1976.

RUSSELL E. TRAIN,  
Administrator.

Subpart A is amended as follows:

1. In § 418.11, paragraph (b) is revised and (c), (d), (e) and (f) are added to read as follows:

§ 418.11 Specialized definitions.

(b) The term "process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. The term "process wastewater" does not include contaminated non-process wastewater, as defined below.

(c) The term, "contaminated non-process wastewater" shall mean any water including precipitation runoff which, during manufacturing or processing, comes into incidental contact with any raw material, intermediate product, finished product, by-product or waste product by means of: (1) precipitation runoff; (2) accidental spills; (3) accidental leaks caused by the failure of process equipment and which are repaired or the discharge of pollutants therefrom contained or terminated within the shortest reasonable time which shall not exceed 24 hours after discovery or when discovery should reasonably have been made, whichever is earliest; and (4) discharges from safety showers and related personal safety equipment, and from equipment washings for the purpose of safe entry, inspection and maintenance; provided that all reasonable measures have been taken to prevent, reduce, eliminate and control to the maximum extent feasible such contact and provided further that all reasonable measures have been taken that will mitigate the effects of such contact once it has occurred.

(d) The term "ten year 24 hour rainfall event" shall mean the maximum 24 hour precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in technical paper No. 40, "Rainfall Frequency Atlas of the United States", May, 1961, and subsequent amendments in effect as of the effective date of this regulation.

(e) The term "25 year 24 hour rainfall event" shall mean the maximum 24 hour precipitation event with a probable recurrence interval of once in 25 years as

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defined by the National Weather Service in technical paper No. 40, "Rainfall Frequency Atlas of the United States", May, 1961, and subsequent amendments in effect as of the effective date of this regulation.

(f) The term "calcium sulfate storage pile runoff" shall mean the calcium sulfate transport water runoff from or through the calcium sulfate pile, and the precipitation which falls directly on the storage pile and which may be collected in a seepage ditch at the base of the outer slopes of the storage pile, provided such seepage ditch is protected from the incursion of surface runoff from areas outside of the outer perimeter of the seepage ditch.

2. In § 418.12, paragraphs (a), (b), (c) and (d) are revised to read as follows:

§ 418.12 Effluent limitations and guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) Subject to the provision of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process wastewater pollutants from a calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 10-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) below, whenever chronic or catastrophic precipitation events cause the water level to rise into the surge capacity. Process wastewater must be treated and discharged whenever the water level equals or exceeds the mid point of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) shall not exceed the values listed in the following table:

Effluent characteristic	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P)	105	35
Fluoride	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium

sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristic	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P)	105	35
Fluoride	75	25
pH	Within the range 6.0 to 9.5	

3. In § 418.13, paragraphs (a) and (b) are revised and (c) and (d) added to read as follows:

§ 418.13 Effluent limitations and guidelines representing the degree of effluent reduction attained by the application of the best available technology economically achievable.

(a) Subject to the provision of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process wastewater pollutants from a calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level to rise into the surge capacity. Process wastewater must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristic	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P)	105	35
Fluoride	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5	

The total suspended solid limitations set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristic	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P)	105	35
Fluoride	75	25
pH	Within the range 6.0 to 9.5	

4. In § 418.15, paragraphs (a) and (b) are revised and (c) and (d) are added to read as follows:

§ 418.15 Standards of performance for new sources.

(a) Subject to the provision of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available demonstrated control technology: there shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process wastewater pollutants from a calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) below, whenever chronic or catastrophic precipitation events cause the water level to rise into the surge capacity. Process wastewater must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) shall not exceed the values listed in the following table:

Effluent characteristic	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P)	105	35
Fluoride	75	25
TSS	150	50
pH	Within the range 6.0 to 9.5	

The total suspended solid limitation set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristic	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total phosphorus (as P)	105	35
Fluoride	75	25
pH	Within the range 6.0 to 9.5	

[FR Doc.76-14466 Filed 5-18-76; 8:45 am]

#### Title 45—Public Welfare

#### CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

##### Individual Recipient Basic Data File; Revocation

Notice is given by the Acting Administrator of the Social and Rehabilitation Service with the approval of the Secretary of Health, Education, and Welfare, that 45 CFR 228.63, Individual Recipient Basic Data File, is revoked.

In the regulations published on June 27, 1975 in the FEDERAL REGISTER, § 228.63 required, as a condition for Federal financial participation (FFP), that State agencies administering title XX services programs had to assemble and maintain certain data on every individual receiving social services under title XX. When it became obvious that some States could not readily establish such a file while coping with all the other start-up problems of a new program, § 228.63 was amended on October 3, 1975 to give States until May 15, 1976 to establish the file.

The basis for now revoking § 228.63 is to eliminate the May 15, 1976 deadline for establishment of the file.

The purpose is for the Department to avoid denying FFP to States which cannot meet the May 15 deadline. In addition to this revocation, the Department is reviewing the requirement for the basic data file, including the unique identifier. Because of significant issues and strong views which have been raised, the Department will issue a Notice of Intent which will address the pro and con of a State basic data file. Broad public comment will be solicited, after which a decision will be made whether to rein-

state the requirement for a file as a compliance rather than a Federal financial participation issue, or whether the matter should be left up to the States.

The Department finds that there is good cause to dispense with proposed rule making procedures because of the immediacy of the May 15, 1976 deadline for phase-in of the file. Unless the regulation is revoked by that date, some States will be financially penalized. Because title XX is a new program, still in its first year of operation, the Department wishes to provide relief where possible while the State agencies endeavor to overcome their start-up problems.

#### § 228.63 [Reserved]

Accordingly, § 228.63 is revoked and the section vacated.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

**Effective date:** This revocation is effective upon publication (May 19, 1976) or on May 15, 1976, whichever is earlier.

(Catalog of Federal Domestic Assistance Program No. 13.754, Public Assistance—Social Services.)

It is hereby certified that the economic and inflationary effects of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: May 13, 1976.

DON WORTMAN,  
Acting Administrator, Social  
and Rehabilitation Service.

Approved: May 14, 1976.

MARJORIE LYNCH,  
Acting Secretary.

[FR Doc.76-14706 Filed 5-18-76; 8:45 am]

#### Title 46—Shipping

#### CHAPTER IV—FEDERAL MARITIME COMMISSION

##### SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 14,  
Docket No. 75-36]

#### PART 502—RULES OF PRACTICE AND PROCEDURE

##### Miscellaneous Amendments

This proceeding was instituted by notice of proposed rulemaking published in the FEDERAL REGISTER of September 24, 1975 (40 F.R. 43925). The purpose of the proceeding was to amend various sections of the Commission's rules of practice, primarily to expedite the conduct of formal proceedings.

Comments were submitted by F. Conger Fawcett of the law firm of Graham and James (Fawcett); L. A. Parish, a practitioner (Parish); Matson Navigation Company (Matson); Maritime Administrative Bar Association (MABA); Martin A. Herksher of the law firm of Duane, Morris and Hecksher (Hecksher); and the Commission's Bureau of Hearing Counsel (Hearing Counsel). We

<sup>1</sup> For further explanation of the purpose of the proposed amendments, see notice of proposed rulemaking, cited above.

have considered these comments carefully and herewith publish final rules. A section-by-section discussions of the rules and comments thereon follows.

1. Section 502.21 was proposed to be amended to provide for special appearances; to require attendance by counsel at all hearings and prehearing conferences; and to specify sanctions for failure to abide by these rules.

MABA considers the proposal inappropriate on the ground that attendance is a matter for counsel's judgment, subject to proper notice to the presiding officer. MABA further believes that special appearances are covered by the rules on intervention. Fawcett agrees, believing further that the sanctions are too harsh. Hearing Counsel point out that required attendance could lead to unnecessary expense.

We are satisfied that standards of attendance can be left to and established by the presiding officer. Accordingly, we are withdrawing so much of the proposal that relates to attendance and sanctions for failure to abide by the rules. For clarity, however, the provision for special appearances will be retained.

2. Sections 502.64, 502.71 and 502.73 were proposed to be amended by providing that filing of motions to dismiss or for bills of particulars will not stay the time for filing answer to complaint, thus eliminating an element of delay.

MABA and Fawcett suggest that, rather than following this proposal, we adopt appropriate provisions of Rule 12 of the Federal Rules of Civil Procedure. While we are still concerned with motions which appear to be made for the purpose of delay, the comments are well-taken. Accordingly, the involved sections will be modified to incorporate the time provisions of Rule 12.

3. Section 502.67 was proposed to be amended, in general, to provide for a specially expedited procedure applicable to domestic offshore rate proceedings where suspension of rates is involved.

While generally supporting the concept of the proposal, the commentators point out this is a substantive and not a procedural change and should be made the subject of a separate proceeding.

We are persuaded that the proposal should be withdrawn and a revised version will be noticed in a separate proceeding.

4. Sections 502.69 and 502.73 were proposed to be amended to clarify the procedure for treating petitions by specifying that section 502.69 does not apply to docketed proceedings and that petitions in docketed proceedings will be governed by section 502.73.

MABA and Hearing Counsel do not object to the proposal and suggest minor changes in wording.

The purpose of the proposal was to eliminate confusion in the treatment of petitions. We are satisfied that the rule, as proposed, does this and are adopting it as a final rule.

5. (a) New section 502.95 was proposed to encourage stipulations among parties to proceedings.



MABA, Parish and Hearing Counsel question the need for the proposal, citing other sections of the rules such as section 502.94.

In light of the comments received, we are of the opinion that the current rules are adequate with respect to stipulations. In withdrawing the proposal, however, we wish to stress that all parties to proceedings should, to the utmost extent possible, stipulate or admit noncontroversial matters. This, in itself would contribute significantly to expediting the hearing process.

(b) New section 502.96 was proposed to provide for the submission of prehearing statements by the parties setting forth issues, facts, witnesses, exhibits and like matters.

MABA and Fawcett question the proposal on the ground that it merely increases paperwork. Parish objects to furnishing witness and exhibit lists prior to hearing. Hearing Counsel, while supporting the concept, object to its binding effect.

We remain of the opinion that prehearing statements will contribute materially to reduce the scope of proceedings and consequent delay. Accordingly, we will adopt the proposal. We are, however, following Hearing Counsel's suggestion and permitting deviation from the prehearing statement upon a showing of good cause therefor to the presiding officer.

6. Section 502.105 was proposed to be amended to require that requests for enlargement of time on motions to postpone or cancel hearings or prehearing conferences be made at least five days prior to the appropriate date.

MABA and Hearing Counsel suggest that a "good cause" criterion be inserted in the rule.

We accept the suggestion of the commentators and the final rule will provide an exception for good cause.

7. Section 502.14 was proposed to be amended by providing that date of filing shall be the date a document is lodged with the Secretary or the date a party certified it to be deposited in the mail.

MABA takes issue with the proposal on a variety of grounds and suggests adoption of Rule 6(e) of the Federal Rules of Civil Procedure. Hearing Counsel wants it made clear that the rule does not apply to protests submitted pursuant to § 502.67. Hecksher supports the proposal.

We are satisfied that, of the myriad alternatives available, this proposal is the fairest. The final rule will be amended, however, to specify that it does not apply to complaints filed pursuant to section 22 of the Shipping Act, 1916, or to protests filed pursuant to section 3 of the Intercoastal Shipping Act, 1933. The filing of complaints is governed by statute and, to some extent, by Commission policy. With respect to filing of protests, the instant proposal would not be practicable

\* Sections 502.91, 502.94, 502.157, 502.162, and 502.208(a) (3).

given to severe time restrictions attendant to filing of rates in the domestic off-shore trades. In addition, we are revising the certificate of service set out in § 502.117.

8. Sections 501.118 and 502.201 were proposed to be amended to reduce the number of copies of discovery materials and letters to be provided to the Commission.

All commentators agreed with the purpose of the rule. MABA and Hearing Counsel go further and question whether discovery materials should be filed at all since they are not yet evidence; Fawcett suggests a different procedure for letters.

We are retaining the filing requirement to establish the fact of service. Nevertheless, to allay any fears that non-evidentiary material will find its way into the record, we are striking language in the proposed rule that such materials are for the "use" of the presiding officer or the Commission. As to letters, we believe the rule, as proposed, is most compatible with the Commission's internal procedures. As custodian of the official record, the Secretary should receive the original of any document in the first instance.

9. (a) Section 502.153 was proposed to be amended to distinguish interlocutory appeals from final appeals, to condense leave to appeal and the appeal into one pleading, and to specify that a proceeding need not be stayed pending Commission consideration of the appeal.

No party opposes the proposal but MABA suggests that it allow for oral rulings.

We have accepted MABA's suggestion and provision for oral rulings will be made in the final rule.

(b) The title of § 502.227 will be amended to reflect more accurately its content.

(c) Section 502.227 was proposed to be amended further to provide for appeals from a grant by the presiding officer of a dismissal of a proceeding in whole or in part.

MABA would limit the proposal to dismissal of a proceeding in whole, i.e., a dismissal in part would not grant an automatic leave to appeal. Fawcett suggests that the time for filing appeal be extended to 30 days, "equivalently to that actually now afforded to the filing of exceptions to initial decisions . . ." Hearing Counsel would permit a right of appeal if a petition for leave to intervene is denied or if a grant of intervention is withdrawn.

We cannot accept MABA's position on this proposal; a dismissal in part could be just as crucial to a party's case as a dismissal of the entire proceeding. Fawcett's suggestion is based on an erroneous assumption; current Commission rules only provide for 15 days for the filing of exceptions. Hearing Counsel's suggestion has merit and the final rule will include language to that effect.

(d) Section 502.231 was proposed to be amended to provide that a petition for reconsideration shall not act as a stay

of a proceeding before the presiding officer.

No comment was made to this proposal and it will be incorporated in the final rules.

10. Section 502.156 was proposed to be amended to make the new Federal Rules of Evidence (P.L. 93-595) applicable to Commission proceedings unless inconsistent with the Administrative Procedure Act (APA).

MABA would abolish the present rule and adopt the Federal rules except to the extent they are inconsistent with the APA. Parish states that the Federal Rules are too strict and contrary to the APA. Hearing Counsel are concerned that the Federal Rules not conflict with the Commission's rules as well as the APA.

We are unmoved by the arguments against this proposal. As stated in the notice of proposed rulemaking, the Federal Rules can be of great assistance in resolving evidentiary problems in administrative proceedings. We are, however, further amending the rule to indicate that the Federal Rules will not apply where in conflict with the Commission's own rules.

11. Section 502.162 was proposed to be amended to encourage stipulation during hearings as well as prior to their commencement and to clarify the use of stipulations in the event that one or more parties refuse to enter into them.

MABA and Parish present many of the same arguments which have been made to proposal 5, above. Hearing Counsel want the rule to make clear that the rights of cross-examination and rebuttal of nonsubscribing parties to stipulations are preserved.

We are discarding as unnecessary the language with respect to stipulation at hearing. This, however, should not be construed to mean that the Commission does not encourage such stipulations or admissions. Consistent with our action concerning the proposed new § 502.95 (see 5, above), we likewise are withdrawing the instant proposal. The final rule will also incorporate the suggestion of Hearing Counsel as to rights of nonsubscribing parties to cross-examination and rebuttal.

12. Section 502.166 was proposed to be amended to permit the filing of motions for corrections of transcript within 20 days after service thereof and to delete the current requirement for certification by a party as to the date of receipt.

MABA suggests the 20 days commence after last day of hearing in cases of multi-volume transcripts. Fawcett points out that provision must be made for "service" of the transcript or the time period is meaningless.

Both comments are well taken. Accordingly, we are amending the proposal to indicate that the time period shall commence after the last day of hearing or any session thereof. We are increasing the time period to 25 days in recognition of difficulties currently associated with the postal system.

13. Section 502.201(b) (2) was proposed to be amended to authorize the

presiding officer to order commencement of hearing prior to completion of discovery and inspection procedures.

MABA objects on the ground that the rule is unnecessary in that the presiding officer has the power to set time limits already. MABA also asserts that the proposal has the potential for prejudice to parties.

In the notice of proposed rulemaking instituting this proceeding, we noted that there have been instances in proceedings before the Commission where discovery procedures have been engaged in to an excessive degree causing delay. We remain of that view and are of the opinion that the proposed amendment should be made final.

14. Section 502.210(b) (2) was proposed to be amended to make clear that the presiding officer may draw adverse inferences in case of refusal to answer discovery requests pursuant to order.

Again, MABA contends the rule is unnecessary.

We are of the opinion that this specific provision should be contained in the rules and it will be published as final. MABA properly points out that the proposal refers to "person" which is inappropriate in this context; the term will be deleted in the final rule.

15. Sections 510.210(a) and 502.211(a) were proposed to be amended to require that motions to compel answers to discovery requests and responses thereto be more self-explanatory.

No objections were raised to this proposal and we are adopting it as a final rule.

16. Section 502.221 was proposed to be amended to prescribe the form and length of briefs to the presiding officer.

MABA and Fawcett oppose the page limitations. Fawcett also submits that the order of contents set forth in the proposal be rearranged.

With respect to the contents of the briefs, we do not require that they appear in the exact order in which they appear in the proposal but only that they be included. As to the 50-page limitation on briefs, we are amending the proposal to place the limitation on length of briefs in the discretion of the presiding officer.

17. Section 502.262 was proposed to be revised to permit replies to petitions for reconsideration.

MABA supports the proposal while Hearing Counsel are opposed.

In the notice of proposed rulemaking, it was pointed out that the experience of the Commission under the present rule which does not permit reply has led to confusion and delay. We remain of the opinion that permitting replies is the more practical and expeditious manner with which to process petitions for reconsideration. Accordingly, the proposed rule will be adopted as final.

18. Section 502.223 will be amended to insert the phrase "Administrative Law Judges" for the obsolete phrase "examiners of the Office of Hearing Examiners." Similarly, § 502.42 is amended to insert

"Bureau of Hearing Counsel" in lieu of "Office of Hearing Counsel."

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841(a)), Part 502 of Title 46, Code of Federal Regulations is amended as set forth herein-after.

1. Section 502.21 is amended by adding a new paragraph (c) as follows:

§ 502.21 Appearances.

(c) *Special Requirement.* An appearance may be either general, that is, without reservation, or it may be special, that is, confined to a particular issue or question. If a person desires to appear specially, he must expressly so state when he enters his appearance and at that time he shall also state the questions or issues to which he is confining his appearance; otherwise, his appearance will be considered as general.

§ 502.12 [Amended]

2. Section 502.42 is amended by deleting the word "Office" in the first sentence and substituting the word "Bureau" therefor.

§ 502.64 [Amended]

3. (a) Section 502.64 is amended by deleting the words "twenty (20) days after service of an order denying such motion" in the first sentence and substituting "ten (10) days after service of an order denying such motion."

4. Section 502.69 is amended by adding the following language at the beginning of the rule:

§ 502.69 Petitions—general.

Except when submitted in connection with a formal proceeding, . . .

§ 502.71 [Amended]

5. Section 502.71 is amended by deleting the words "twenty (20) days" in the penultimate sentence and substituting "ten (10) days."

6. Section 502.73 is amended by deleting the first three sentences and substituting the following language therefor:

§ 502.73 Motions.

In any docketed proceeding, an application or request for an order or ruling not otherwise specifically provided for in the rules in this part shall be by motion. After the assignment of a presiding officer to a proceeding and before the issuance of his recommended or initial decision, all motions shall be addressed to and ruled upon by the presiding officer unless the subject matter of the motion is beyond his authority, in which event he shall refer the matter to the Commission. If the proceeding is not before him, motions shall be addressed to and passed upon by the Commission.

7. A new section 502.95 is added as follows:

§ 502.95 Prehearing statements.

(a) Unless waiver is granted by the presiding officer, it shall be the duty of all parties to a proceeding to prepare a prehearing statement or statements at a time and in the manner to be established by the presiding officer provided that there has been reasonable opportunity for discovery. To the extent possible, joint statements should be prepared.

(b) A prehearing statement shall state the name of the party or parties on whose behalf it is presented and briefly set forth the following matters, unless otherwise ordered by the presiding officer:

(1) Issues involved in the proceeding.  
(2) Facts stipulated pursuant to the procedures together with a statement that the party or parties have communicated or conferred in a good faith effort to reach stipulation to the fullest extent possible.

(3) Facts in dispute.

(4) Witnesses and exhibits by which disputed facts will be litigated.

(5) A brief statement of applicable law.

(6) The conclusion to be drawn.

(7) Suggested time and location of hearing and estimated time required for presentation of the party's or parties' case.

(8) Any appropriate comments, suggestions or information which might assist the parties in preparing for the hearing or otherwise aid in the disposition of the proceeding.

(c) The presiding officer may for good cause shown, permit a party to introduce facts or argue points of law outside the scope of the facts and law outlined in the prehearing statement. Failure to file a prehearing statement, unless waiver has been granted by the presiding officer, may result in dismissal of a party from the proceeding, dismissal of a complaint, judgement against respondents, or imposition of such other sanctions as may be appropriate under the circumstances.

(d) Following the submission of prehearing statements the presiding officer may, upon motion or otherwise, convene a prehearing conference for the purpose of further narrowing issues and limiting the scope of the hearing if, in his opinion, the prehearing statements indicate lack of dispute of material fact not previously acknowledged by the parties or lack of legitimate need for cross-examination and is authorized to issue appropriate orders consistent with the purpose stated in this section.

8. Section 502.105 is amended by adding the following two sentences:

§ 502.105 Waiver of rules governing enlargements of time and postponements of hearings.

. . . Requests for enlargement of time or motions to postpone or cancel a prehearing conference or hearing must be received, whether orally or in writing, at least five (5) days before the scheduled date. Except for good cause shown failure to meet this requirement may



result in summary rejection of the request.

9. Section 502.114 is amended by terminating the last sentence of the rule after the word "prepaid" and adding the following sentence:

§ 502.114 Service by parties.

• • • Except with respect to filing of complaints pursuant to section 502.62 and protests pursuant to section 502.67, the date of filing shall be either the date on which the pleading, document, or paper is physically lodged with the Secretary by a party or the date which a party certifies it to be deposited in the mail.

10. Section 502.117 is amended by revising the body of the certificate of service set out therein to read as follows:

§ 502.117 Certificate of service.

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing (or by delivering in person) a copy to each such person.

11. Section 502.118 is amended by designating the present rule as paragraph (a) and adding a new paragraph (b) as follows:

§ 502.118 Copies of documents for use of the Commission.

(a) • • •

(b) In the case of documents filed, served, or exchanged in connection with discovery procedures set forth in Subpart L, except for motions filed pursuant to § 502.210 or § 502.211, the original shall be filed with the Secretary, and copies shall be served upon the parties as provided by the procedures set forth in Subpart L. In the case of letters or other written communications to the presiding officer, an original with two copies shall be filed with the Secretary for inclusion in the public docket and for the use of the presiding officer.

12. Section 502.153 is revised as follows:

§ 502.153 Appeal from ruling of presiding officer other than orders of dismissal in whole or in part.

Rulings of the presiding officer may not be appealed prior to, during the course of the hearing, or subsequent thereto if the proceeding is still before the presiding officer except where the presiding officer shall find it necessary to allow an appeal to the Commission to prevent substantial delay, expense, or detriment to the public interest, or undue prejudice to a party. Any party seeking to appeal must file a motion for leave to appeal no later than fifteen days after written service or oral notice of the ruling in question unless the presiding officer for good cause shown enlarges or shortens the time. Any such motion shall contain not only the grounds for leave to appeal but the appeal itself. If the motion is granted, the presiding officer shall certify the appeal to the Commission. Unless otherwise provided, the certification of the appeal shall not operate as a stay of the pro-

ceeding before the presiding officer. The provisions of § 502.10 [Rule 1(j)] shall not apply to this section. [Rule 10(m).]

13. Section 502.156 is amended by adding the following sentence:

§ 502.156 Evidence admissible.

• • • Unless inconsistent with the requirements of the Administrative Procedure Act and these Rules, the Federal Rules of Evidence, P.L. 93-595, effective July 1, 1975, will also be applicable.

14. Section 502.162 is amended by adding the following sentence at the end of the rule.

§ 502.162 Stipulations.

• • • A stipulation may be proposed even if not subscribed by all parties without prejudice to any nonsubscribing parties' right to cross-examine and offer rebuttal evidence.

15. Section 502.166 is amended by revising the second and third sentences to read as follows:

§ 502.166 Corrections of transcript.

• • • Motions made after the hearing to correct the record shall be filed with the presiding officer within twenty-five (25) days after the last day of hearing or any session thereof, unless otherwise directed by the presiding officer, and shall be served on all parties. Such motions may be in the form of a letter. • • •

16. Section 502.201 (a) and (b) are amended as follows:

§ 502.201 General.

(a) • • • and, except in the case of motions filed pursuant to § 502.210 or § 502.211, are not governed by the requirements of § 502.118 regarding the furnishing of fifteen (15) copies for the use of the Commission.

(b) • • •

(2) • • • Nothing herein shall be construed to preclude the presiding officer from ordering a hearing to commence before the completion of discovery and inspection procedures conducted pursuant to Subpart L.

17. Section 502.210 (a) and (b) are amended as follows:

§ 502.210 Refusal to make discovery: consequences.

(a) • • • Application for any order made pursuant to this section shall also set forth the text of the information as originally requested, the text of the response thereto, and the reason(s) why such response is deemed inadequate. Replies to such application shall specifically set forth the reason(s) why such response is deemed to be in full compliance with the request. Failure of either party to comply with this rule may result in summary denial or granting of the application.

17. Section 502.210(b) (2) is amended by adding the following language:

(b) • • •

(2) • • • or an order that with respect to matters regarding which the

order was made or any other designated fact, inferences will be drawn adverse to the person or party refusing to obey such order made under paragraph (a) of this section;

18. Section 502.211(a) is amended by adding the following sentence at the end of the section:

§ 502.211 Witnesses and evidence located in a foreign country.

• • • Application for any order made pursuant to this section shall also set forth the text of the information as originally requested, the text of the response thereto, and the reason(s) why such response is deemed inadequate. Replies to such application shall specifically set forth the reason(s) why such response is deemed to be in full compliance with the request. Failure of either party to comply with this rule may result in summary denial or granting of the application.

19. Section 502.221 is amended by revising the last three sentences to read as follows:

§ 502.221 Briefs; requests for findings.

• • • Unless otherwise ordered by the presiding officer, opening or initial briefs shall contain the following matters in separately captioned sections: Introductory section describing the nature and background of the case, proposed findings of fact in serially numbered paragraphs with reference to exhibit numbers and pages of the transcript, argument based upon principles of law with appropriate citations of the authorities relied upon, and conclusions. The Presiding Officer may limit the number of pages to be contained in a brief. All briefs shall contain a subject index or table of contents with page references and a list of authorities cited. [Rule 13(a).]

§ 502.223 [Amended]

20. Section 502.223 is amended by deleting the words "examiners of the Office of Hearing Examiners" and substituting the words "Administrative Law Judges" therefor.

21. Section 502.227 is amended by revising the title and by designating the present rule as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 502.227 Exceptions to decisions or orders of dismissal of Administrative Law Judges; replies thereto; and review of decisions or orders of dismissal by Commission.

(b) If an Administrative Law Judge has granted a motion for dismissal of the proceeding in whole or in part, any party desiring to appeal must file such appeal no later than fifteen days after service of the ruling on the motion in question. The denial of a petition to intervene or withdrawal of a grant of intervention shall be deemed to be a dismissal within the meaning of this paragraph.

22. Section 502.261 is amended by adding the following language to the last sentence of the rule:

§ 502.261 Petitions.

• • • or of an Administrative Law Judge if the proceeding is before him.

23. Section 502.262 is revised to read as follows:

§ 502.262 Reply.

Any party may file a reply to a petition for reconsideration within fifteen days in accordance with § 502.74 [Rule 5(n)]. The reply shall be served in conformity with Subpart H (Rule 8). [Rule 16(b).]

*Effective date.* Inasmuch as the expeditious adoption of these rules is desirable and inasmuch as they are procedural in nature, they shall be effective May 19, 1976, and shall be applicable to proceedings instituted on and after that date.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-14581 Filed 5-18-76; 8:45 am]

General Order 17; Amdt. 1]  
SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES  
PART 521—TIME FOR FILING AND COMMENTING ON CERTAIN AGREEMENTS  
Clarification of Statement of Policy

Section 521.2 of this Part prescribes a notice period for the filing of amendments to extend agreements containing termination dates. It has been the practice of the Commission staff to notify parties that the time for filing such applications has come due. Nevertheless, the Commission notes that, in many instances, parties have filed on less than the prescribed notice. This inhibits orderly consideration of the application and frustrates the intent of the policy and procedures set forth in this Part.

The Commission wishes to make clear that it is the duty of the policy and procedures set forth in this Part.

The Commission wishes to make clear that it is the duty of the parties to the agreement to conform to the requirements of section 521.2, irrespective of any actions taken by the Commission's staff. Accordingly, section 521.1 of this Part, Statement of Policy, is amended by addition of the following sentence:

§ 521.1 Statement of policy.

• • • Although the Commission may, from time to time, advise parties to

agreements that the agreement is due to expire, parties to agreements cannot rely on Commission notice but are themselves solely responsible for the timely filing of amendments to extend agreements containing termination dates.

Inasmuch as this amendment is merely a clarification of existing Commission policy, notice of proposed rulemaking procedure is deemed unnecessary.

*Effective date.* This amendment is effective May 19, 1976.

By the Commission May 11, 1976.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-14580 Filed 5-18-76; 8:45 am]

Title 50—Wildlife and Fisheries  
CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR  
PART 33—SPORT FISHING  
Sherburne National Wildlife Refuge

The following special regulation is issued and is effective on May 19, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA  
SHERBURNE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to public fishing. These open areas, comprising approximately 1,000 acres, are delineated on maps available at the refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing extends from May 1, 1976 to March 1, 1977, inclusive.

(2) During periods when no ice exists, fishing activity is confined to the St. Francis River.

(3) Access to all fish areas is permitted only at designated access sites.

(4) Boats, without motors, may be used on the St. Francis River only from designated access sites.

(5) The use of snowmobiles, all terrain vehicles, trail bikes, motorcycles,

mini-bikes, and other such conveyances are prohibited on the refuge at all times.

JOHN E. WILBRECHT,  
Refuge Manager, Sherburne National Wildlife Refuge, Zimmerman, Minn.

MAY 11, 1976.

[FR Doc.76-14475 Filed 5-18-76; 8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE  
PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Subpart F—Penalties and Procedures for Their Assessment

On November 24, 1975, notice of an amendment to Part 216 was published in the *Federal Register* (40 FR 54427). The amendment modified §§ 216.53, 216.54, 216.56, 216.57, 216.59 and 216.60 by deleting the term "administrative law judge" and substituting in lieu thereof the term "presiding officer." The amendment failed to effect one technical change in § 216.54. The purpose of this rulemaking is to correct that oversight.

In view of the fact that cases are awaiting a hearing, this amendment is made without notice and an opportunity for the public to comment, pursuant to 5 U.S.C. 553(b). Under 5 U.S.C. 553(d), it is effective immediately.

Issued at Washington, D.C., on May 12, 1976.

ROBERT W. SCHONING,  
Director.

Accordingly, § 216.54(a) is revised as follows:

§ 216.54 Assignment of presiding officer and agency representative; notice of hearing.

(a) If a written request for a hearing has been timely made, or the Secretary determines, pursuant to § 216.53(b), that a hearing should be held, the Secretary shall assign a presiding officer to the case. Written notice of the assignment shall be promptly given to the respondent, together with the name and address of the person who will present evidence on behalf of the Secretary at the hearing (the agency representative), and thereafter all pleadings and other documents shall be filed directly with the presiding officer, with a copy served on the agency representative or the respondent as the case may be.

[FR Doc.76-14547 Filed 5-18-76; 8:45 am]



## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

#### CHANGE OF ANNUAL ACCOUNTING PERIOD FOR FOREIGN CORPORATIONS

##### Public Hearing on Proposed Regulations

Proposed regulations under section 442 of the Internal Revenue Code of 1954, relating to the procedure foreign corporations must follow in order to change their annual accounting period, appear in the FEDERAL REGISTER for March 23, 1976 (41 F.R. 12017).

A public hearing on the provisions of such proposed regulations will be held on June 29, 1976, beginning at 10 a.m. in the George S. Boutwell Auditorium, Seventh Floor, 1400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by June 16, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by June 23, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents (\$.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of

charge at the hearing, and information with respect to its contents may be obtained on June 28, 1976, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,  
Director,

Legislation and Regulations Division.

[FR Doc. 76-14582 Filed 5-18-76; 8:45 am]

### DEPARTMENT OF TRANSPORTATION

Coast Guard

[ 33 CFR Part 183 ]

[ CGD 75-176 ]

#### BOATS AND ASSOCIATED EQUIPMENT

##### Proposed Amendments Affecting the Safe Loading and Flotation Standards

##### Correction

In FR Doc. 76-13206 appearing on page 18679 of the issue for May 6, 1976, on page 18680, in the sixth complete paragraph of the second column, the sixth line now reading "ceived before 1976, will be considered be", should read "ceived before June 21, 1976, will be considered be-".

### CIVIL AERONAUTICS BOARD

[ 14 CFR Parts 207, 208, 296 ]

[ EDR-297; Docket 28256; Dated May 5, 1976 ]

#### CHARTERING BY COOPERATIVE SHIPPERS ASSOCIATIONS AND JOINT LOADING BETWEEN COOPERATIVE SHIPPERS ASSOCIATIONS AND AIR FREIGHT FORWARDERS

##### Notice of Proposed Rulemaking

##### Correction

In FR Doc. 76-13661, appearing at page 19227 in the issue of Tuesday, May 11, 1976 in the second column on page 19228 the third full paragraph should read as follows:

We have also decided that this proceeding will consider whether Part 296 of our Economic Regulations should be amended to allow cooperative shippers associations to engage in joint loading with air freight forwarders. This second matter also was raised by HACSA, in an application for exemption to allow it to joint load with a particular forwarder, filed in Docket 27267 on December 16, 1974. In that application HACSA alleged that the Board's original purpose in prohibiting joint loading between forwarders and cooperative shippers associations was to prevent the joint-loading forwarder from gaining undue influence over the members of such associations,

thus resulting in tariff abuses and in that forwarder obtaining an undue competitive advantage over other forwarders. These potential problems, HACSA alleges, would not arise with respect to its operations, since it is a strong association and has no business connections with any forwarder.

### FEDERAL RESERVE SYSTEM

[ 12 CFR Part 217 ]

[ Docket No. R-0024; Reg. Q ]

#### INTEREST ON DEPOSITS

##### Pooling of Funds; Extension of Comment Period

By notice published in the FEDERAL REGISTER of March 15, 1976 (41 FR 10917), the Board of Governors proposed to amend Regulation Q (12 CFR 217) to prohibit member banks from paying interest on time deposits of \$100,000 or more at rates in excess of those established by Regulation Q for deposits of less than \$100,000, where the bank knows or has reason to know that such time deposits consist of funds acquired or solicited for the purpose of pooling such funds primarily to obtain the exemption from interest rate ceilings provided in § 217.7(a).

This proposal was based in part upon the belief that the practice of pooling violates Regulation Q interest rate ceiling limitations and upon the belief that pooling may have potentially adverse effects on member and nonmember financial institutions due to potentially disruptive shifts of funds.

Public comments on this proposal were to have been received no later than May 10, 1976. Requests from the public have been received by the Board to extend the comment period. These requests state that they plan to submit additional economic and statistical data that should prove of assistance to the Board in this matter and that such data will not be available until after May 10, 1976. The Board has reviewed these requests and has decided that it is in the public interest to extend the period for receipt of comments from the public for an additional 60 days. Accordingly, the comment period for receipt of submissions from the public on the Board's proposal of March 8, 1976, to prohibit the payment of interest on pooled funds by member banks in excess of the rate established for deposits of less than \$100,000 is hereby extended to July 9, 1976.

To assist the Board in its consideration of this matter, interested persons are invited to submit relevant data,

views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, and should be received not later than July 9, 1976. All material sub-

mitted should include the docket number R-0024. Such information will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors,  
May 12, 1976.

[SEAL]

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 76-14550 Filed 5-18-76; 8:45 am]

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# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

Comptroller of the Currency  
**MERCANTILE NATIONAL BANK,  
 ATLANTA, GEORGIA**  
 Suspension of Trading

It appearing that the summary suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby suspended for the ten-day period commencing at 9:00 a.m. (e.d.t.) on May 13, 1976, and terminating at midnight (e.d.t.) on May 22, 1976.

Dated: May 13, 1976.

[SEAL] **JAMES E. SMITH,**  
 Comptroller of the Currency.  
 [FR Doc.76-14585 Filed 5-18-76;8:45 am]

## Customs Service

[T.D. 76-138]

## TUNA FISH

## Tariff-Rate Quota

MAY 12, 1976.

The tariff-rate quota for the calendar year 1976 on tuna classifiable under item 112.30, Tariff Schedules of the United States.

It has now been determined that 98,124,941 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1976 at the rate of 6 per centum ad valorem under item 112.30, Tariff Schedules of the United States. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorem under item 112.34 of the tariff schedules.

Pursuant to the provisions of item 112.30, Tariff Schedules of the United States, the above quota is based on the United States pack of canned tuna during the calendar year 1975.

**VERNON D. ACREE,**  
 Commissioner of Customs.  
 [FR Doc.76-14434 Filed 5-18-76;8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Army  
**ARMED FORCES EPIDEMIOLOGICAL  
 BOARD**  
 Meeting

1. In accordance with section 10(a) (2) of the Federal Advisory Committee Act (P.L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board.  
 Date of Meeting: 11 June 1976.  
 Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.  
 Time: 0800-1700.

## PROPOSED AGENDA

This meeting was previously scheduled for 16 April 1976 and subsequently cancelled. Subjects to be considered include briefings on disease and environmental problems which have confronted military forces operating in the Middle-East during and since WWI, Army Medical Department planning for Middle-East operations, reports from Preventive Medicine Officers, review of influenza vaccine field trial data, discussion of Health and Environment Division objectives, programs and priorities and organizational matters.

2. That portion of the meeting to be held from 0800-1030 will involve discussion of information classified SECRET pursuant to Executive Order 11652 in the interest of National Defense, and will be closed to the public. It is necessary to provide the Board information on the threat to our Nation and on planning for National Defense in order that the Board can formulate recommendations on planning for medical support of National Defense. This type of information is exempt from public disclosure under section 552(b) (1) of Title 5, U.S. Code. Accordingly, it has been determined necessary to close a portion of this meeting to the public pursuant to section 10(d), P.L. 92-463.

3. All subsequent portions of this meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-

AFEB, Room 1B472, Pentagon, Washington, D.C.20310.

**DUANE G. ERICKSON,**  
 LTC, MSC, USA,  
 Executive Secretary.

MAY 13, 1976.

[FR Doc.76-14489 Filed 5-18-76;8:45 am]

## ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE (SAC)

## Closed Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: US Army Ballistic Research Laboratories Scientific Advisory Committee (SAC).  
 Date of meeting: 9 June 1976.  
 Place: US Army Ballistic Research Laboratories, Aberdeen Proving Ground, Maryland 21005.  
 Time: 0900 Hours.

The agenda includes a discussion of current and proposed research programs of the US Army Ballistic Research Laboratories. The relation of these scientific programs to the future role of the Ballistic Research Laboratories will be considered in detail.

This meeting will be closed to the public since classified research and development programs will be discussed. This information is classified and is specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy in accordance with Section 552, paragraph (4) (b) (1), Title 5 U.S.C., The Freedom of Information Act.

Dated: May 13, 1976.

**SAMUEL M. LINDSAY,**  
 Acting Director.

[FR Doc.76-14488 Filed 5-18-76;8:45 am]

## DEPARTMENT OF THE INTERIOR


## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Alfred L. Cuming, Box 356, Watkinsville, Georgia 30677.

 <b>DEPARTMENT OF THE INTERIOR          U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE          LICENSE/PERMIT APPLICATION</b>		<small>OMB NO. 43-R1670</small>													
<b>1. APPLICATION FOR (Indicate only one)</b> <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> <b>PERMIT</b>															
<b>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</b> <i>The breeding of ornamental pheasants to insure an adequate supply to other breeders</i>															
<b>3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</b> <i>Alfred L. Cuming          PO Box 356          Watkinsville, Ga, 30677          404-769-5301</i>															
<b>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</b> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT <i>6'0"</i></td> <td>WEIGHT <i>175</i></td> </tr> <tr> <td>DATE OF BIRTH <i>7/1/18</i></td> <td>COLOR HAIR <i>Brown</i></td> <td>COLOR EYES <i>Green</i></td> </tr> <tr> <td>PHONE NUMBER, WHERE EMPLOYED <i>404-378-1203</i></td> <td colspan="2">SOCIAL SECURITY NUMBER <i>399-07-3344</i></td> </tr> <tr> <td colspan="3">OCCUPATION <i>Sales Mgr.</i></td> </tr> </table>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT <i>6'0"</i>	WEIGHT <i>175</i>	DATE OF BIRTH <i>7/1/18</i>	COLOR HAIR <i>Brown</i>	COLOR EYES <i>Green</i>	PHONE NUMBER, WHERE EMPLOYED <i>404-378-1203</i>	SOCIAL SECURITY NUMBER <i>399-07-3344</i>		OCCUPATION <i>Sales Mgr.</i>			<b>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</b> EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION <i>Does not Apply</i>	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT <i>6'0"</i>	WEIGHT <i>175</i>													
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OCCUPATION <i>Sales Mgr.</i>															
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT <i>Does not Apply</i>		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. <i>Does not Apply</i>													
<b>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</b> <i>4 1/2 miles S.E. of          Watkinsville, Ga on          Elders Mill Rd.</i>		<b>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <small>(If yes, list license or permit numbers)</small>													
<b>8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</b> <i>17.22</i>		<b>10. DESIRED EFFECTIVE DATE</b> <i>7/1/76</i>													
<b>11. DURATION NEEDED</b> <i>2 yrs</i>		<b>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</b>													
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) <i>Alfred L. Cuming</i>		DATE <i>4/9/76</i>													

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## NOTES FROM.....

Director (FWS/LE)  
 U.S. Fish & Wildlife Serv.  
 Box 19183  
 Wash. D.C. 20036.

Sir,

I require the following birds to  
 cross with my existing stock to prevent  
 inbreeding and provide a strong  
 vigorous captive supply.

Brown Faced Pheasant - Crossed with Mottelonein  
 Szechuan White Faced Pheasant - Crossed with Crossed with Crossed with  
 Swinhoe's Pheasant - Crossed with Szechuan  
 Hume's Partridge - Crossed with Hume's  
 M. Red Pheasant - Crossed with M. Red

I shall require 1 each of 1976 Hatch  
 of each sex. The above subjects will  
 be born in captivity at the  
 premises of Charles Kalmus Rt 1 Courtland,  
 Minn 56021.

Birds will be domiciled at the  
 location in #6 of form OMB #42-R1670.

Birds will be paired with some  
 of my stock to provide good breeding  
 stock in 1977 and subsequent years.

## A Continuing Education Program

NORTH CAROLINA STATE UNIVERSITY

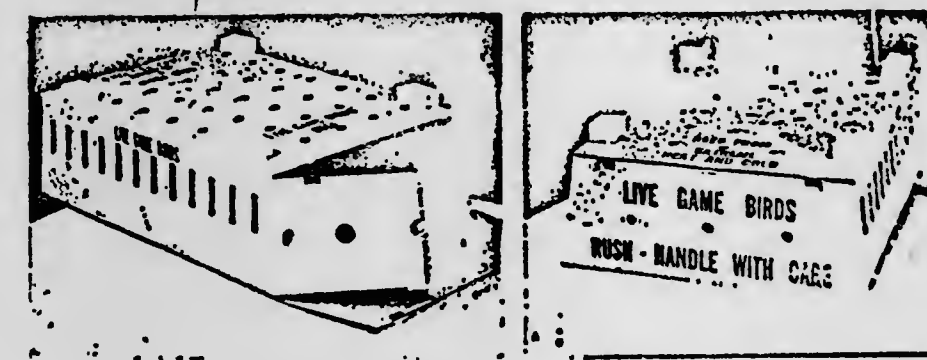
## NOTES FROM.....

I have been raising pheasants for the  
 past 9 years and have hatched, reared  
 and cared for from 25 to 50 birds  
 of various breeds. I have acquired a  
 local reputation as a good breeder  
 and have a ready sale for all  
 surplus birds.

I will of course participate in any  
 worthwhile breeding program.

Birds will be shipped in the  
 following container. Fig 1. by air  
 Express, on same plane I'll be  
 flying on.

Fig 1



Montalities have been very limited  
 lessons have been limited to stress,  
 internal physical defects and rigid culling.  
 A strict sanitation program from Bio-Lab  
 Inc. Decatur, Ga is followed.

## A Continuing Education Program

NORTH CAROLINA STATE UNIVERSITY



## NOTES FROM.....

There will be no despoilation of  
subject birds they will be retained  
for duration of their life.

No birds will be recovered from  
the wild thus will have no effect  
on wild population. I will submit no  
program. I will make available for  
release if desired.

The expertise, facilities and  
resources are adequate to accomplish  
the objectives.

A. L. Cunningham  
Box 356  
Watkinsville, Ga  
30677

## A Continuing Education Program

NORTH CAROLINA STATE UNIVERSITY

Documents and complete information  
submitted in connection with this ap-  
plication are available for public inspec-  
tion during normal business hours at the  
Service's office in Suite 600, 1612 K Street,  
N.W., Washington, D.C.

Interested persons may comment on  
this application by submitting written  
data, views, or arguments, preferably in  
triplicate, to the Director (FWS/LE),  
U.S. Fish and Wildlife Service, Post Of-  
fice Box 19183, Washington, D.C. 20036.  
All relevant comments received on or  
before June 18, 1976 will be considered.

Dated: May 13, 1976.

C. R. BAVIN,  
Chief, Division of Law Enforce-  
ment, U.S. Fish and Wildlife  
Service.

[FR Doc. 76-14635 Filed 5-18-76; 8:45 am]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the follow-  
ing application for a permit is deemed to  
have been received under section 10 of  
the Endangered Species Act of 1973 (P.L.  
93-205).

Applicant: Alan M. Springer, Division  
of Life Sciences, University of Alaska,  
Fairbanks, Alaska 99701, and David G.  
Roeneau, 8 Mile Farmers Look Road,  
SR 3-30096, Fairbanks, Alaska 99701.


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UMI



OMB NO. 42-R1670

 <p><b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b></p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>																															
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Peregrine surveys including gathering reproductive data &amp;</p> <p>1) collection of any addled, non-viable eggs.</p> <p>2) collection of any dead young or dead adults.</p> <p>3) analysis of (1) &amp; (2) above for chlorinated hydrocarbon &amp; PCB pollutants.</p> <p>4) collection of prey remains</p>		<p>3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td></td> <td>5' 10"</td> <td>185 lbs</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>July 28, 1943</td> <td>brown</td> <td>brown</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td>479-2669</td> <td colspan="2">574-16-3996</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> <tr> <td colspan="3">Wildlife biologist</td> </tr> <tr> <td colspan="3">ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</td> </tr> <tr> <td colspan="3">Cooperation with Alaskan Peregrine Recovery Team</td> </tr> </table>		<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT	WEIGHT		5' 10"	185 lbs	DATE OF BIRTH	COLOR HAIR	COLOR EYES	July 28, 1943	brown	brown	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		479-2669	574-16-3996		OCCUPATION			Wildlife biologist			ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT			Cooperation with Alaskan Peregrine Recovery Team		
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<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>1) Porcupine River, Alaska</p> <p>2) lower Yukon River drainage between Tanana, Alaska, and Mountain Village Alaska.</p> <p>3) Division of Life Sciences, Univ. of Ak. Fairbanks, Ak.</p> <p>4) University of California, Bodega Marine Laboratory, Bodega Bay, CA.</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit numbers)</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdictions and type of documents)</p> <p>State of Alaska will issue State permits once Federal permit is issued.</p>																															
<p>9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p> <p>N.A.</p>		<p>10. DESIRED EFFECTIVE DATE</p> <p>1 May 1976</p> <p>11. DURATION NEEDED</p> <p>7 1/2 months (to Dec. 31, 1976)</p>																															
<p>12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p>Section 17.22, to cover prohibitions listed under 17.21 paragraph C, parts 3ii and 3 iii; and 17.21 paragraph d (1).</p>																																	
<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (In ink) <u>David G. Roseneau</u> DATE <u>April 7, 1976</u></p>																																	

Attachment: Federal Fish and Wildlife License and permit application

Investigators: David G. Roseneau, 8 Mile Farmers Loop Road, SR 3-30096, Fairbanks, Alaska 99701, Ph. 479-2669. Alan M. Springer, Division of Life Sciences, Bunnell Building, University of Alaska 99701, Ph. 479-7542.

The following information applies directly to part 17.22, Title 50, Code of Federal Regulations as amended 26 September 1975:

1. Species: Peregrine Falcon (*Falco peregrinus anatum*).

Activity: A. To survey the Alaska portion of the Porcupine River for Peregrine Falcons; to re-evaluate nesting habitat and to locate all currently active nest sites and historical nest sites; to gather data on current productivity including clutch size, brood size, hatching success and fledgling success; to salvage addled eggs, dead young and dead adults for analysis of organochloride residue, PCB residue and other environmental pollutant residue levels; to salvage prey remains from nest sites for identification.

B. To survey the lower Yukon River for peregrine nesting habitat; to locate nesting pairs and nesting sites.

C. To analyze all Peregrine Falcon tissues salvaged in Alaska during 1976 for organochlorine pesticide residues, PCB residues and other environmental pollutant residues.

2. All birds, their eggs and their young which will be studied are in the wild.

3. Addled eggs, dead young and dead adults discovered during the study will be salvaged. All surveys and salvage operations will be conducted in a manner which will insure that harassment, injury, death or removal from the wild of all living adult birds, their living eggs and their living young does not occur.

4. N.A.

5. Prey remains will be identified at the Division of Life Sciences, University of Alaska, Fairbanks, Alaska 99701, and will be placed in the custody of the curator University of Alaska Museum, Terrestrial Vertebrates Collection, University of Alaska, Fairbanks, Alaska 99701.

Pollutant residue analyses will be made at the Division of Life Sciences, University of Alaska, Fairbanks, Alaska 99701, and the University of California, Bodega Marine Laboratory, P.O. Box 247, Bodega Bay, California 94923.

6. N.A.

7. Logistical support and funding are being sought from the Alaska Department of Fish and Game, the U.S. Forest Service, Bureau of Sport Fisheries and Wildlife, Bureau of Land Management, U.S. Park Service and the National Audubon Society. All solicitations are being coordinated with the Alaska Peregrine Falcon Recovery Team. Copies of the contracts awarded for these studies will be sent to Mr. Henry Hanson, Endangered Species Coordinator, Bureau of Sport Fisheries and Wildlife, 813 D Street, Anchorage, Alaska 99501.

8. Methods. A. One ground survey along the Porcupine River will be made between its mouth and the Canadian border during the period 1 July 1976—15 July 1976. The survey will be conducted from a riverboat and on foot. Aerial surveys are valuable in certain phases and types of raptor research, however, most interior Alaskan peregrine habitat is poorly suited to the use of this technique except as a preliminary survey tool. In the case of the Porcupine River where previous data are available, where investigators have prior knowledge of the area and where most nesting habitat is located in a restricted canyon situation this technique is unnecessary and undesirable.

Nests will be viewed from distant vantage points whenever possible. When this is not practicable, one investigator will rope down beside the nest. The same method will be used to salvage all specimen material. No visits to nest sites will be attempted until after the eggs have hatched and the young are thermoregulatory. No nests will be visited more than once during occupancy; however, certain nests may be revisited after fledging so that prey remains, addled eggs, dead young and dead adults may be salvaged.

B. One aerial survey will be made along the lower Yukon River from Tanana to Mountain Village between 15 July 1976 and 31 July 1976. The survey will be conducted from a fixed-wing aircraft. The flight path of the aircraft will not be near enough to possible nest sites that harassment of young or adult birds will occur.

The major emphasis of this survey will be directed towards identifying and describing potential nesting habitat rather than towards locating actual nest sites and nesting pairs.

C. Dead young and dead adult peregrines will be frozen intact until analyzed. Contents from addled eggs will be stored in pre-cleaned and tested glass containers and frozen. Care will be taken to insure that egg shells remain intact so that shell thickness determinations can accurately be made. All

quots of each sample will be homogenized with anhydrous sodium sulfate and extracted in Soxhlet thimbles using a hot mixture of two parts hexane and one part acetone (vol:vol). Quantification of PCB will be accomplished by saponification on an alkaline side-arm of the main chromatographic column. Comparisons will be made between the resulting chromatograms and chromatograms from injections of standard mixtures of pentachlorobiphenyls and hexachlorobiphenyls.

Justification

Peregrine Falcons in particular appear to be highly susceptible to sublethal physiological effects of certain agricultural and industrial pollutants. Several populations have declined drastically with the accumula-

tion of these residues in their trophic systems. The steady loss of suitable nesting habitat is another major factor which has contributed to recent population declines. In Alaska, where environmental quality is still generally high and resource development is relatively new but rapidly expanding, the habitat factor is increasing in importance.

Arctic and subarctic peregrines depend in large measure on the protection afforded them by the inaccessibility of much of their habitat. The current state-wide trend in resource development could easily jeopardize this advantage. A concerted effort should be made, therefore, to identify all portions of the State in which peregrines are found so that they will be given proper consideration in land use planning decisions. The Porcupine River is known to support breeding peregrines. This region is also proposed as part of


Current data on the utilization of this drainage by peregrines will be valuable in decisions concerning the classification of this river.

Furthermore, this survey will coincide with a survey to be conducted on the major portion of the Porcupine River in Canada and of other rivers in Alaska for peregrines. Data from the Porcupine River will be of particular use in describing the status of peregrines in Alaska in 1976.

Unfortunately the same remoteness which buffers peregrines against certain aspects of civilization does not appear to protect them from the ubiquity of environmental pollution. Peakall et al. (1975) suggest that if the current rate of decline continues the last "tundra" peregrines will have fledged from the Colville River in 1975 and that the remaining adult segment of the population will disappear by 1980. White et al. (1973) suggest that populations of Peale's peregrines in the Aleutian Islands are considerably more stable. Eggshell thickness has been reduced by 21.7 percent or more and has been shown to be associated with population declines (Anderson and Hickey 1972). Anatum peregrines from interior Alaska have declined drastically in the Tanana River drainage but appear to be relatively stable along the upper Yukon River and its major tributaries above Circle (White and Cade 1975). Shell thickness of eggs from Yukon peregrines have decreased 16.8 percent since pre-DDT years (Cade et al. 1971). Anatum peregrine populations in interior Alaska may be critically near DDT induced declines. Current data on the status of the Porcupine River population would be particularly valuable in assessing the status of this subpopulation. Furthermore, because of the precarious position in which peregrines in general find themselves as a result of pollution effects and because they have become a biological index of certain global pollution patterns (Peakall et al. 1975; Walker et al. 1973; Walker et al. 1973), pollutant residues in this species from throughout the State should be continually monitored.



OMB NO. 42-R1673

 <p><b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b></p> <p><b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b></p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p><b>Peregrine Falcon surveys including gathering reproductive data and:</b></p> <p><b>1. salvaging added eggs, dead young and dead adult peregrines.</b></p> <p><b>2. receiving salvaged peregrine specimens.</b></p> <p><b>3. collecting peregrine prey remains.</b></p>		<p>3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>NAME: <b>Alan M. Springer</b>          Division of Life Sciences          University of Alaska          Fairbanks, Alaska          479-7583</p> <p>DATE OF BIRTH: <b>13 August 1947</b>          COLOR HAIR: <b>Brn</b>          COLOR EYES: <b>Blue</b></p> <p>PHONE NUMBER WHERE EMPLOYED: <b>479-7583</b>          SOCIAL SECURITY NUMBER: <b>521-60-7402</b></p> <p>OCCUPATION: <b>Biologist</b></p> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: <b>Cooperation with Alaska Peregrine Recovery Team</b></p>	
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>MR. <input checked="" type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. <input type="checkbox"/></p> <p>HEIGHT: <b>5'10"</b> WEIGHT: <b>160</b></p> <p>DATE OF BIRTH: <b>13 August 1947</b> COLOR HAIR: <b>Brn</b> COLOR EYES: <b>Blue</b></p> <p>PHONE NUMBER WHERE EMPLOYED: <b>479-7583</b> SOCIAL SECURITY NUMBER: <b>521-60-7402</b></p> <p>OCCUPATION: <b>Biologist</b></p> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: <b>Cooperation with Alaska Peregrine Recovery Team</b></p>		<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:</p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p><b>1. Porcupine and lower Yukon Rivers Alaska</b></p> <p><b>2. Division of Life Sciences, University of Alaska, Fairbanks, Alaska</b></p> <p><b>3. University of California, Bodega Marine Laboratory, Bodega Bay, California</b></p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit numbers)</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdictions and type of documents)</p>	
<p>9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF</p> <p><b>0</b></p>		<p>10. DESIRED EFFECTIVE DATE: <b>Immediately</b></p> <p>11. DURATION NEEDED: <b>1976</b></p>	
<p>12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p><b>Section 17.22; to cover prohibitions listed under paragraph C parts 3ii and 3iii and paragraph d(1), section 17.21</b></p> <p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (In ink): <b>Alan M. Springer</b> DATE: <b>12 April 1976</b></p>			

3-233  
(6/74)

INT-11710-90

Attachment: Federal Fish and Wildlife License and Permit Application

Investigators: David G. Roseau, 8 Mile Farmers Loop Road, SR 3-30096, Fairbanks, Alaska 99701, Ph. 479-2869. Alan M. Springer, Division of Life Sciences, Bunnell Building, University of Alaska 99701, Ph. 479-7542.

The following information applies directly to part 17.22, Title 50, Code of Federal Regulations as amended 26 September 1975:

1. Species: Peregrine Falcon (*Falco peregrinus anatum*).

Activity: A. To survey the Alaskan portion of the Porcupine River for Peregrine Falcons; to re-evaluate nesting habitat and to locate all currently active nest sites and historical nest sites; to gather data on current productivity including clutch size, brood size, hatching success and fledging success; to salvage added eggs, dead young and dead adults for analysis of organochlorine residue, PCB residue and other environmental pollutant residue levels; to salvage prey remains from nest sites for identification.

B. To survey the lower Yukon River for peregrine nesting habitat; to locate nesting pairs and nesting sites.

C. To analyze all Peregrine Falcon tissues salvaged in Alaska during 1976 for organochlorine pesticide residues, PCB residues and other environmental pollutant residues.

2. All birds, their eggs and their young which will be studied are in the wild.

3. Added eggs, dead young and dead adults discovered during the study will be salvaged. All surveys and salvage operations will be conducted in a manner which will insure that harassment, injury, death or removal from the wild of all living adult birds, their living eggs and their living young does not occur.

4. N. A.

5. Prey remains will be identified at the Division of Life Sciences, University of Alaska, Fairbanks, Alaska 99701, and will be placed in the custody of the curator, University of Alaska Museum, Terrestrial Vertebrates Collection, University of Alaska, Fairbanks, Alaska 99701.

Pollutant residue analyses will be made at the Division of Life Sciences, University of Alaska, Fairbanks, Alaska 99701, and the University of California, Bodega Marine Laboratory, P.O. Box 247, Bodega Bay, California 94923.

6. N. A.

7. Logistical support and funding are being sought from the Alaska Department of Fish and Game, the U.S. Forest Service, Bureau of Sport Fisheries and Wildlife, Bureau of Land Management, U.S. Park Service and the National Audubon Society. All solicitations are being coordinated with the Alaska Peregrine Falcon Recovery Team. Copies of the contracts awarded for these studies will be sent to Mr. Henry Hanson, Endangered Species Coordinator, Bureau of Sport Fisheries and Wildlife, 813 D Street, Anchorage, Alaska 99501.

8. Methods. A. One ground survey along the Porcupine River will be made between its mouth and the Canadian border during the period 1 July 1976—15 July 1976. The survey will be conducted from a riverboat and on foot. Aerial surveys are valuable in certain phases and types of raptor research, however, most interior Alaskan peregrine habitat is poorly suited to the use of this technique except as a preliminary survey tool. In the case of the Porcupine River where previous data are available, where investigators have prior knowledge of the area and where most nesting habitat is located in a restricted canyon situation this technique is unnecessary and undesirable.

Nests will be viewed from distant vantage points whenever possible. When this is not practicable, one investigator will rope down beside the nest. The same method will be used to salvage all specimen material. No visits to nest sites will be attempted until after the eggs have hatched and the young are thermoregulatory. No nests will be visited more than once during occupancy; however, certain nests may be revisited after fledging so that prey remains, added eggs, dead young and dead adults may be salvaged.

B. One aerial survey will be made along the lower Yukon River from Tanana to Mountain Village between 15 July 1976 and 31 July 1976. The survey will be conducted from a fixed-wing aircraft. The flight path of the aircraft will not be near enough to possible nest sites that harassment of young or adult birds will occur.

The major emphasis of this survey will be directed towards identifying and describing potential nesting habitat rather than towards locating actual nest sites and nesting pairs.

C. Dead young and dead adult peregrines will be frozen intact until analyzed. Contents from added eggs will be stored in pre-cleaned and tested glass containers and frozen. Care will be taken to insure that egg shells remain intact so that shell thickness determinations can accurately be made. Aliquots of each sample will be homogenized with anhydrous sodium sulfate and extracted in Soxhlet thimbles using a hot mixture of two parts hexane and one part acetone (vol.:vol). Quantification of PCB will be accomplished by saponification on an alkaline side-arm of the main chromatographic column. Comparisons will be made between the resulting chromatograms and chromatograms from injections of standard mixtures of pentachlorobiphenyls and hexachlorobiphenyls.

#### Justification

Peregrine Falcons in particular appear to be highly susceptible to sublethal physiological effects of certain agricultural and industrial pollutants. Several populations have declined drastically with the accumulation of these residues in their trophic systems. The steady loss of suitable nesting habitat is another major factor which has contributed to recent population declines. In Alaska, where environmental quality is still generally high and resource development is relatively new but rapidly expanding, the habitat factor is increasing in importance.

Arctic and subarctic peregrines depend in large measure on the protection afforded them by the inaccessibility of much of their habitat. The current state-wide trend in resource development could easily jeopardize this advantage. A concerted effort should be made, therefore, to identify all portions of the State in which peregrines are found so that they will be given proper consideration in land use planning decisions. The Porcupine River is known to support breeding peregrines. This region is also proposed as part of

Current data on the utilization of this drainage by peregrines will be valuable in decisions concerning the classification of this river.

Furthermore, this survey will coincide with a survey to be conducted on the major portion of the Porcupine River in Canada and of other rivers in Alaska for peregrines. Data from the Porcupine River will be of particular use in describing the status of peregrines in Alaska in 1976.

Unfortunately the same remoteness which buffers peregrines against certain aspects of civilization does not appear to protect them from the ubiquity of environmental pollu-

tion. Peakall et al. (1975) suggest that if the current rate of decline continues the last "tundra" peregrines will have fledged from the Colville River in 1975 and that the remaining adult segment of the population will disappear by 1980. White et al. (1973) suggest that populations of Peale's peregrines in the Aleutian Islands are considerably more stable. Eggshell thickness has been reduced by 21.7 percent or more and has been shown to be associated with population declines (Anderson and Hickey 1972). Anatum peregrines from interior Alaska have declined drastically in the Tanana River drainage but appear to be relatively stable along the upper Yukon River and its major tributaries above Circle (White and Cade 1975). Shell thickness of eggs from Yukon peregrines have decreased 16.8 percent since pre-DDT years (Cade et al. 1971). Anatum peregrine populations in interior Alaska may be critically near DDT induced declines. Current data on the status of the Porcupine River population would be particularly valuable in assessing the status of this subpopulation. Furthermore, because of the precarious position in which peregrines in general find themselves as a result of pollution effects and because they have become a biological index of certain global pollution patterns (Peakall et al. 1975; Walker et al. 1973; Walker et al. 1973), pollutant residues in this species from throughout the State should be continually monitored.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 18, 1976 will be considered.

Dated: May 13, 1976.

C. R. BAVIN,  
Chief, Division of Law Enforcement,  
U.S. Fish and Wildlife Service.

[FR Doc.76-14634 Filed 5-18-76; 8:45 am]

#### National Park Service

#### ENVIRONMENTAL STATEMENTS

#### Notice of Recession of Activity Standards for Preparation and Processing

Notice is given that the National Park Service hereby rescinds activity standards for preparation and processing environmental statements prepared pursuant to the National Environmental Policy Act of 1969. These rescinded activity standards were issued in the FEDERAL REGISTER on March 2, 1972 at 37 FR 4373-4374.

The rescinded activity standards have been replaced by National Park Service "Guidelines for the Preparation and Review of Environmental Assessments and Statements, July 29, 1974," copies of which are available from the National Park Service, Department of the Inte-

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rior, 18th and C Streets, N.W., Washington, D.C. 20240.

Dated: May 13, 1976.

GARY EVERHARDT,  
Director.

[FR Doc.76-14480 Filed 5-18-76; 8:45 am]

#### OLYMPIC NATIONAL PARK Notice of Public Workshops

Notice is hereby given that two public workshops will be held for the purpose of considering the various alternatives to possible concession expansion at Kalaloch in Olympic National Park. Printed information regarding the possible alternatives is available from the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Washington 98362, or from the Regional Director, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101.

The first workshop is scheduled to be held at the Courtesy Room of the Rainier National Bank in Aberdeen, Washington, at 7:30 p.m., Wednesday, June 23, 1976. The second workshop is scheduled to be held at the Little Theater, Peninsula College, Port Angeles, Washington, at 7:30 p.m., Thursday, June 24, 1976.

Dated: May 5, 1976.

RUSSELL E. DICKENSON,  
Regional Director,  
Pacific Northwest Region.

[FR Doc.76-14478 Filed 5-18-76; 8:45 am]

[Order No. 77 Amendment 5]

#### REGIONAL DIRECTORS Delegation of Authority

Order No. 77, approved February 27, 1973, and published in the FEDERAL REGISTER of March 22, 1973 (38 FR 7478); Amendment No. 1, approved June 18, 1973, and published in the FEDERAL REGISTER of June 26, 1973 (38 FR 16789); Amendment No. 2, approved January 29, 1974, and published in the FEDERAL REGISTER of February 5, 1974 (39 FR 4597); Amendment No. 3, approved October 21, 1974, and published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38118); and Amendment No. 4, approved June 25, 1975, and published in the FEDERAL REGISTER of July 3, 1975 (40 FR 28111), set forth in section 1 the exceptions on delegations of authority. Section 1 Delegation is hereby amended by deleting paragraph (19).

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: May 5, 1976.

GARY EVERHARDT,  
Director,  
National Park Service.

[FR Doc.76-14479 Filed 5-18-76; 8:45 am]

#### NOTICES

Office of the Secretary  
[INT FES 76-25]

#### AUTHORIZED NARROWS UNIT, COLORADO

##### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on a proposed water resource development project designated as the Narrows Unit, Colorado.

The proposed project is for the purpose of supplying a supplemental irrigation water supply providing flood control, preserving fish and wildlife resources, and developing recreational opportunities in the South Platte River Basin in eastern Colorado. A potential project purpose would provide for supplying municipal and industrial water needs of the area.

The Final Environmental Statement includes letters of comment received on the draft statement and addresses those comments as well as comments and issues received at the public hearings held on the draft statement on January 13 and 14, 1976.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Department of the Interior, Bureau of Reclamation, Room 7626, Interior Building, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3022.

Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3779.

Central Colorado Water Conservancy District, 135 Denver Avenue, Fort Lupton, Colorado 80621.

Lower South Platte Water Conservancy District, P.O. Box 1725, Sterling, Colorado 80751.

Fort Morgan Carnegie Public Library, City Park, Fort Morgan, Colorado 80701.

Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

Weld County Library, 2227 23rd Avenue, Greeley, Colorado 80631.

Brush Carnegie Library, Brush, Colorado 80723.

Sterling Public Library, Fourth and Ash Streets, Sterling, Colorado 80751.

Julesburg Public Library, 320 Cedar Street, Julesburg, Colorado 80737.

University of Colorado Library, Boulder Campus, Boulder, Colorado 80302.

Penrose Library, University of Denver, 2150 East Evans Avenue, Denver, Colorado 80210.

William E. Morgan Library, Colorado State University, Fort Collins, Colorado 80521.

Northeastern Junior College Library, 100 College Drive, Sterling, Colorado 80751.

University of Northern Colorado Library, Greeley, Colorado 80631.

Morgan Community College, 300 Main Street, Fort Morgan, Colorado 80701.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director at the addresses listed above.

Dated: May 14, 1976.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.76-14585 Filed 5-18-76; 8:45 am]

#### FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

##### Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, authorized to be established under section 7(a) of the Federal Metal and Nonmetal Mine Safety Act (Public Law 89-577, as amended by Public Law 94-41 on June 27, 1975), will meet on Tuesday—June 29, 1976, Wednesday—June 30, 1976, and Thursday—July 1, 1976, starting at 8:30 a.m. each day until the Advisory Committee concludes its business, in the Sussex Room, Parliament House Motor Hotel, 420 5th Ave. North, Birmingham, Alabama 35205 (mailing address P.O. Box 2245, Birmingham, Alabama 35201)—Telephone Number: Area Code 205-323-7211.

The matters to be discussed at this public meeting include suggested new and revised health and safety standards and revocation of certain standards applicable to metal and nonmetal mining operations and concerning air quality, ventilation, radiation, and physical agents, drilling, rotary jet piercing, use of equipment, material storage and handling, personal protection, safety programs, man hoisting, posting of communication instructions, and loading, hauling, dumping. Copies of the agenda and the suggested new and revised standards are available for the public and may be obtained from or may be examined in the office of the Executive Secretary to the Advisory Committee.

The meeting of the Advisory Committee is open to the public. Public attendance is limited to seating available in the Sussex Room of the Parliament House. Persons desiring to attend this meeting are requested to notify the Executive Secretary in writing of their intention to attend the meeting by Friday, June 25, 1976.

Any member of the public may file a written statement with the Advisory Committee before, during, or within 30 days after the meeting.

The Committee Chairman, if he deems it appropriate may permit members of the public to present oral statements at the meeting.

All written statements, notices, and requests should be addressed to the Executive Secretary as follows:

Mr. Herbert P. LeVan, Executive Secretary,  
Federal Metal and Nonmetal Mine Safety  
Advisory Committee, Room 702, Ballston  
Tower No. 3, 4015 Wilson Boulevard, Ar-  
lington, Virginia 2203, Telephone Number:  
Area Code 703-235-8686.

Dated: May 13, 1976.

RAYMOND A. PECK, Jr.,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.76-14530 Filed 5-18-76; 8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### TIMBER MANAGEMENT PLAN, TALLADEGA NATIONAL FOREST

##### Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Timber Management Plan, Talladega National Forest, Alabama, USDA-FS-R8-FES-ADM-75-21.

The plan proposes even-aged forest management on that part of the forest which is suitable for sustained yield timber production as well as maintaining and, where possible, enhancing the soil, water, recreation, and wildlife resources.

This Final Environmental Statement was transmitted to CEQ on May 11, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW, Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Rd., NW., Room 804, Atlanta, Georgia 30309.

USDA, Forest Service, National Forest in Alabama, Box 40, Montgomery, Alabama 36101.

A limited number of single copies are available upon request to Forest Supervisor, A. D. Woody, Box 40, Montgomery, Alabama 36101.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: May 12, 1976.

DAVID F. JOLLY,  
Regional Environmental  
Coordinator, Southern Region.

[FR Doc.76-14474 Filed 5-18-76; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

#### COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

##### Partially Closed Meeting

The meeting place for the meeting of Computer Systems Technical Advisory

Committee, scheduled for Tuesday, June 8, 1976, has been changed from Room 1167 to Room 1118, 1717 H Street, N.W., Washington, D.C. The agenda and other information relating to the Committee meeting, as published in the FEDERAL REGISTER, (41 FR 18458), on Tuesday, May 4, 1976, remain unchanged.

Dated: May 13, 1976.

LAWRENCE J. BRADY,  
Acting Director,  
Office of Export Administration.  
[FR Doc.76-14586 Filed 5-18-76; 8:45 am]

#### MATERIAL PREPARATION SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

##### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Material Preparation Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Wednesday, June 9, 1976, at 9:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act. The Material Preparation Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Material Preparation Subcommittee was formed to provide advice to the Committee with respect to methods and equipment used for the preparation of semiconductor materials.

The Subcommittee meeting agenda has five parts:

##### General Session

(1) Opening remarks by the Subcommittee's Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Preliminary comments from each member on suggested equipment to be reviewed by the Subcommittee.

(4) Set goals and time schedule for Subcommittee actions.

##### Executive Session

(5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (41 FR 4623, appearing in the issue of January 30, 1976).

Dated: May 14, 1976.

LAWRENCE J. BRADY,  
Acting Director,  
Office of Export Administration.  
[FR Doc.76-14586 Filed 5-18-76; 8:45 am]



**PATTERN GENERATION AND IMAGE TRANSFER AND INSPECTION SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE**

**Partially Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Pattern Generation and Image Transfer and Inspection Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Wednesday, June 9, 1976 at 9:30 a.m. in Room 3881, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act. The Pattern Generation and Image Transfer and Inspection Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Pattern Generation and Image Transfer and Inspection Subcommittee was formed to provide advice to the Committee with respect to equipment and techniques used in the formation of precision microelectronics artwork and masks.

The Subcommittee meeting agenda has six parts:

**GENERAL SESSION**

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussions of purpose and definition of specific tasks.
- (4) Preliminary comments from each member on suggested equipment to be reviewed by the Subcommittee.
- (5) Establish future activities plan.

**EXECUTIVE SESSION**

- (6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (41 FR 4623, appearing in the issue of January 30, 1976).

Dated: May 14, 1976.

LAWRENCE J. BRADY,  
Acting Director,  
Office of Export Administration.

[FR Doc 76-14589 Filed 5-18-76; 8:45 am]

**WAFER PROCESSING SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE**

**Partially Closed Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Wednesday, June 9, 1976 at 1:30 p.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act. The Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Wafer Processing Subcommittee was formed to provide advice to the Committee with respect to processes and processing equipment including but not limited to cleaning wafer surfaces, applying resist materials, and developing circuit patterns.

The Subcommittee meeting agenda has five parts:

**GENERAL SESSION**

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Review of technology and equipment currently commercially available in the U.S. and comparison of this availability with the availability of technology and equipment in Western Europe and the Eastern Bloc.
- (4) Specific areas to be discussed: (a) chemical vapor deposition systems; (b) photo resist equipment; (c) photo resist strippers; (d) wet photo resist processes; (e) etching equipment and chemicals; (f) diffusion equipment; (g) ion implantation; and (h) vacuum metalization.

**EXECUTIVE SESSION**

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the

delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (41 FR 4623, appearing in the issue of January 30, 1976).

Dated: May 14, 1976.

LAWRENCE J. BRADY,  
Acting Director,  
Office of Export Administration.  
[FR Doc 76-14587 Filed 5-18-76; 8:45 am]

**Office of Energy Policy and Programs  
NATIONAL INDUSTRIAL ENERGY COUNCIL**

**Notification of Meeting Cancellation**

On Wednesday, April 21, 1976, a notice appeared in the FEDERAL REGISTER (41 FR 76-11502), announcing a meeting of the Sub-Council on Industry Programs of the National Industrial Energy Council for Friday, May 28, 1976, at 10:30 AM in Conference Room 4830, Main Commerce Building, 14th & Constitution Avenue, Washington, D.C. 20230.

This meeting of the Sub-Council on Industry Programs has been cancelled.

JAMES V. SHIRCLIFF,  
Executive Director, National  
Industrial Energy Council.

MAY 13, 1976.

[FR Doc 76-14539 Filed 5-18-76; 8:45 am]

**National Oceanic and Atmospheric Administration**

**OREGON STATE UNIVERSITY**

**Receipt of Application for a Marine Mammal Permit: Amendment**

On April 21, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 16676) that Dr. Bruce Mate, Oregon State University, Newport, Oregon 97365 had applied in due form for a permit to take forty (40) California sea lions (*Zalophus californianus*) and twenty (20) Pacific harbor seals (*Phoca vitulina richardii*) for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

The Applicant desires to amend his application in the following manner: eighty (80) California sea lions (*Zalophus californianus*) and forty (40) Pacific harbor seals (*Phoca vitulina richardii*) will be taken over a 2½ year period, with no more than forty (40) seal lions and twenty (20) harbor seals taken annually.

Documents submitted in connection with this application as amended, are available in the following Offices:

Director, National Marine Fisheries Service, 3800 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the amendment to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application as amended on or before June 18, 1976 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

HARVEY M. HUTCHINGS,  
Acting Associate Director for  
Resource Management, National  
Marine Fisheries Service.

MAY 13, 1976.

[FR Doc 76-14546 Filed 5-18-76; 8:45 am]

**MYSTIC MARINE AQUARIUM**

**Modification of Permit**

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the scientific research permit issued to Dr. J. Lawrence Dunn, D.V.M., Staff Veterinarian, Mystic Marine Aquarium, on April 18, 1975, is modified, by means of modification of Section B in the following manner:

The Period of validity of the Permit is extended from July 31, 1976 to October 31, 1977.

This modification is effective on May 19, 1976.

The permit as modified is available for review in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

JACK W. GERINGER,  
Deputy Director,

National Marine Fisheries Service.

APRIL 14, 1976.

[FR Doc 76-14545 Filed 5-18-76; 8:45 am]

**MARINE FISHERIES ADVISORY COMMITTEE**

**Notice of Change of Meeting**

Notice of public meetings of the Marine Fisheries Advisory Committee (MAFAC) and the MAFAC subcommittees on Extended Jurisdiction and on Marine Recreational Fisheries had been published in the FEDERAL REGISTER (41 FR 16996), on April 23, 1976, pursuant to Section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I.

This is to advise the public that the subcommittee on extended jurisdiction meeting scheduled for 9:00 a.m. on May 24, 1976, in Room 6802 of the Commerce Department Building is hereby canceled. Items on extended jurisdiction which require discussion will be included with the subcommittee chairman's report, presently scheduled for 8:30 a.m. on May 26, 1976, in Room 6802.

Changes, if any, in the MAFAC meeting agenda will be described at the meeting at 8:30 a.m. on May 25, 1976.

ROBERT W. SCHONING,  
Director,

National Marine Fisheries Service.

MAY 14, 1976.

[FR Doc 76-14710 Filed 5-18-76; 8:45 am]

**PROGRESS IN REDUCING PORPOISE MORTALITY**

**Meeting**

On May 27, 1976, the Director, National Marine Fisheries Service, will hold a public meeting to discuss progress to date in 1976, in reducing porpoise mortality associated with the yellowfin tuna purse seine fishery. The meeting will begin at 2:00 p.m. in the Department of Commerce auditorium, 14th Street, N.W. between E Street and Constitution Avenue, Washington, D.C.

Dated: May 14, 1976.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

[FR Doc 76-14596 Filed 5-18-76; 8:45 am]



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

### NATIONAL ADVISORY COUNCIL ON EDU- CATION PROFESSIONS DEVELOPMENT, PLANNING COMMITTEE

#### Meeting

Notice of Public Meeting of the National Advisory Council on Education Professions Development, Planning Committee.

Notice is hereby given, pursuant to Section 10(a) (2) Public Law 92-463, that the next meeting of the National Advisory Council on Education Professions Development Planning Committee will be held on Wednesday, June 9, 1976, 9 a.m. to 5 p.m., Thursday, June 10, 1976, 9 a.m. to 5 p.m., and Friday, June 11, 1976, 9 a.m. to 12 noon, local time, at the Executive Tower Inn, Denver, Colorado.

The National Advisory Council on Education Professions Development is established under Section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federally supported programs for the training and development of educational personnel.

The meeting of the Committee is open to the public. The proposed agenda includes discussion of legislative proposals concerning education professions development, and a report which will address basic issues in that area.

Since the meeting of Thursday, June 10, 1976 involves a site visit, members of the public planning to attend must provide their own transportation and should give advance notice of their intention to attend the meeting by calling the Council (202-653-6169) or by mail no later than Monday, June 7, 1976.

Records are kept of all Council proceedings and are available for public inspection at the Council offices, located at 1111 20th Street, N.W., Suite 306, Washington, D.C. 20036.

Signed at Washington, D.C. on May 14, 1976.

GEORGE E. ARNSTEIN,  
Executive Director.

[FR Doc. 76-14720 Filed 5-18-76; 8:45 am]

### THE NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDU- CATION

#### Public Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, P.L. 92-463 that a meeting of the Council will be held on June 16-18, 1976, at the Holiday Inn-Union Square, 480 Sutter Street, San Francisco, California. The meetings on June 16 and 17 are scheduled from 9:00 a.m. to 5:00 p.m.; and June 18, from 9:00 a.m. to 12:00 noon.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The

Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meetings of the Council will be open to the public. The agenda will include: (1) a review of the impact of the reauthorization by Congress of the Higher Education Act; (2) discussion of major trends in postsecondary education; (3) review of Federal policies and priorities for postsecondary education with the Under Secretary of the Department of Health, Education, and Welfare and others; (4) a discussion of Council activities for FY 77; and (5) election of Council officers. All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 Thirteenth Street, N.W., Washington, D.C.

Dated: May 12, 1976.

JAMES A. TURMAN,  
Executive Director.

[FR Doc. 76-14490 Filed 5-18-76; 8:45 am]

#### Food and Drug Administration

##### ADVISORY COMMITTEES

#### Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Medical Devices Classification Panel Chairmen.	June 4, 9 a.m., Room 1813, FH-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Robert S. Kennedy, Ph.D. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested parties wishing to address the

panel chairmen concerning the classification of medical devices should contact Robert S. Kennedy, Ph.D.

**Open committee discussion.** Discussion of Medical Devices Amendments of 1976 and the future role of classification panels and their subcommittees.

Committee name	Date, time, and place	Type of meeting and contact person
1a. Pediatric Advisory Subcommittee of the Psychopharmacological Agents Advisory Committee.	June 21, 9 a.m., Room 1813, Parklawn Bldg., 5600 Fishers Lane, Washington, D.C.	Open public hearing/open committee discussion, 9 a.m. to 5 p.m.; Jay Cinque (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-413-3800.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

**Agenda—Open public hearing/open committee discussion.** Discussion of pedi-

atric clinical guidelines; protocol on long-term effects of stimulants; final report on the review of the phenothiazines for the nonmentally retarded. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, and place	Type of meeting and contact person
2. Neurologic Drugs Advisory Committee.	June 21 and 22, 9:30 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 21, 9:30 to 10:30 a.m.; open committee discussion June 21, 10:30 to 11:15 a.m.; closed committee deliberations June 21, 11:30 a.m. to 12:30 p.m.; open committee discussion June 21, 1:30 to 2:30 p.m.; closed committee deliberations June 21, 2:45 to 4 p.m., June 22, 10:30 a.m. to 12:30 p.m.; Stephen C. Graft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-413-3800.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in neurologic disease.

**Agenda—Open public hearing.** Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Open committee discussion.** Discussion of Transderm Scop-210 (NDA 17-874, Alza); Lissiril (NDA 17-821, Merck Sharp and Dohme); and Lioresal (NDA 17-851, Ciba-Geigy).

**Closed committee deliberations.** Discussion of Transderm Scop-210 (NDA 17-874); Lissiril (NDA 17-821); and Lioresal (NDA 17-851). This portion of

the meeting will be closed to protect the free exchange of internal views and to permit the formulation of recommendations (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
3. Conception Control Devices Subcommittee of the Panel on Review of Obstetrical-Gynecological Devices.	June 21, and 22, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing June 21, 9 a.m. to 2 p.m.; open committee discussion June 21, 2 to 4 p.m.; open public hearing June 22, 9 a.m. to 12 noon; open committee discussion June 22, 1 to 3 p.m.; Lillian Yin, Ph.D. (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested parties are encouraged to present information pertinent to formulation of guidelines for a product development protocol for tubal occlusion devices for female sterilization. The following people will speak during the open public hearing: Theodore M. King, M.D., Ph.D., will speak on tubal occlusion devices for female sterilization; Jaroslav F. Hulka, M.D., will speak on preclinical and clinical testing of tubal occlusion devices for female sterilization; David A. Edelman, Ph.D., will speak on relative safety of spring loaded clips, tubal bands and electrocoagulation for female sterilization; and Leo Morris, M.P.H., will speak on statistical evaluation of tubal occlusion devices and electrocoagulation for female sterilization. The subcommittee will review the draft guidelines of preclinical and clinical studies for a product development protocol for IUD's.

**Open committee discussion.** The subcommittee will draft guidelines for a product development protocol for tubal occlusion devices for female sterilization.

Committee name	Date, time, and place	Type of meeting and contact person
4. Panel on Review of Topical Analgesics.	June 22 and 23, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 22, 9 to 10 a.m.; closed committee deliberations June 22, 10 a.m. to 4:30 p.m., June 23, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-610), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Closed committee deliberations.** The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR 330.10(a) (2)). This will include product names, formulas and formulation process data, sales data and, in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class stand-

ards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 1 of its final report in preparation for submission to the Commissioner. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	June 22, 23, and 24, 9 a.m., Room 121, NIH Building 29, 6800 Rockville Pike, Bethesda, Md.	Open public hearing June 22, 9 to 10 a.m.; open committee discussion June 22, 10 a.m. to 1 p.m.; closed committee deliberations June 22, 1:20 p.m. to adjournment, June 23, 9 a.m. to 6 p.m.; open committee discussion June 24, 9 a.m. to 2 p.m.; closed committee deliberations June 24, 2 to 4 p.m.; Jack Gertzog (HFD-6), 6110 Executive Blvd., Rockville, Md. 20852, 301-443-1916.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of biological products.

**Agenda—Open public hearings.** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

**Open committee discussion.** Discussion of previous meeting's minutes, communications received; comments from observ-

ers; discussion of influenza vaccine; and discussion of HBsAg immune globulin.

**Closed committee deliberations.** Discussion of the panel report on the safety and effectiveness of licensed viral and rickettsial vaccines. This portion of the meeting will be closed to protect the free exchange of internal views, for formulation of final recommendations, and to avoid undue interference with committee operations (5 U.S.C. 552(b) (5)).



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Committee name	Date, time, and place	Type of meeting and contact person
6. Biometric and Epidemiological and Methodology Advisory Committee.	June 23, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; closed committee deliberations 4 to 5 p.m.; Robert T. O'Neill (HFD-232), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4394.

**General function of the committee.** Reviews and evaluates scientific studies and data with respect to, and otherwise advises the Commissioner on, epidemiological and biometrical methodology.

**Agenda—Open public hearing.** Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Open committee discussion.** Statistical considerations for crossover design for drug studies and statistical considerations in the evaluation of combina-

tion drug studies. Interested parties who wish to make a formal presentation on either of these topics should contact the Executive Secretary. The presentation should be submitted in writing to the Executive Secretary. The presentation

**Closed committee deliberations.** Discussion of the subjects shown in the open session. This portion of the meeting will be closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
7. Panel on Review of General and Plastic Surgery Devices.	June 24, 8 a.m., Room 1131, HFW-N, 330 Independence Ave., S.W., Washington, D.C.	Open public hearing 8 a.m. to 12 m.; open committee discussion 1 to 3:30 p.m.; Mark E. Parrish (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-457-7238.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Presentations will be made by the following: Charles T. Patrick and Alan G. Furler (NDM Corp.), "Patient Return Electrode Requirements for Electrosurgery"; Dr. Leon Goldman (Director, Laser Laboratory, Medical Center, University of Cincinnati, Ohio), "Safety and Efficacy of Surgical Lasers"; Dr. Robert M. Johnson (Evergreen Eye Clinic, Kirkland, Washington), "Flammability of Disposable Surgical Drapes."

**Open committee discussion.** The Panel on Review of General and Plastic Surgery Devices has made a preliminary classification of the following medical devices into the Class II regulatory category—Standards: drapes and drape packs; electrosurgical units and accessories; surgical lasers.

Following this preliminary recommendation, an inter-panel ranking of devices has resulted in the placement of electrosurgical devices among those judged by all classification panels to most urgently

require the development of standards. Surgical lasers received an inter-panel ranking immediately below that for electrosurgical devices. Surgical drapes have received no inter-panel consideration since these devices were placed in a low priority category by the Panel on Review of General and Plastic Surgery Devices. Because of special interests directed to the agency relative to flammability characteristics of disposable surgical drapes, these devices are being reexamined.

The panel will discuss the above-listed devices, specifically addressing (1) any potential for hazard in their use, and their efficacy and (2) whether the development of standards will be an effective and appropriate method to reduce potential hazards and ensure the efficacy of these devices (Item "2" does not apply to electrosurgical devices since the agency is already having a standard developed for these devices.)

The panel will also discuss and formulate their recommendations for the content of performance and safety standards for these devices.

The panel invites the participation of representatives of the concerned medical device industries.

Committee name	Date, time, and place	Type of meeting and contact person
8. Panel on Review of Antiperspirant Drug Products.	June 24 and 25, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 24, 9 to 10 a.m.; closed committee deliberations June 24, 10 a.m. to 4:30 p.m., June 25, 9 a.m. to 4:30 p.m.; Lee Gelsman (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4394.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Closed committee deliberations.** The panel will review data submitted in con-

fidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or

## NOTICES

NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of in-

redients and claims. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Ophthalmic Devices.	June 24 and 25, 9:30 a.m., Room 6821, FH-8, 200 C St., S.W., Washington, D.C.	Open public hearing June 24, 9:30 to 10:30 a.m.; open committee discussion June 24, 10:30 a.m. to 4:30 p.m.; open public hearing June 25, 9:30 to 10:30 a.m.; open committee discussion June 25, 10:30 a.m. to 4:30 p.m.; Richard Hawkins, Ph.D. (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-457-7238.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested parties are encouraged to submit pertinent information in writing or to make an oral presentation to the panel. Any interested person who wishes to make a presentation should inform Richard Hawkins, Ph.D., Executive Secretary, orally or in writing prior to the meeting. Any person attending the meeting who did not request an opportunity to make a presentation shall be given an opportunity to do so at the conclusion of the open session, at the discretion of the chairman and to the extent that time permits. It should be noted

that although 1 hour has been set aside for public participation at the beginning of each day that this is a minimum. Should more time be required, the open session may be extended at the discretion of the chairman.

**Open committee discussion.** The panel will review guidelines for the development of intraocular lenses including manufacturing practices, preclinical toxicity testing, microbiology and clinical testing. The panel will complete the establishment of priorities for all ophthalmic devices.

The panel, having completed the tentative classification of ophthalmic devices, will begin to summarize the reasons for the recommendations and identification of any risks to health which may be associated with the device.

Committee name	Date, time, and place	Type of meeting and contact person
10. Diagnostic and Monitoring Instruments and Devices Subcommittee of the Panel on Review of Neurological Devices.	June 25, 9 a.m., Room 1409, FB-8, 200 C St., S.W., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; James R. Veale (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-457-7226.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested parties are encouraged to present information relative to the prior classification of neurological diagnostic and monitoring devices to James R. Veale, Executive Secretary.

**Open committee discussion.** The panel will review the status of the medical device bill; review of previous classification of neurological diagnostic and monitoring devices; establish priorities for devices subject to standards and premarket approval; and identify device applicability for electrical safety standards, electromagnetic interference standards, and environmental standards.

Committee name	Date, time, and place	Type of meeting and contact person
11. Panel on Review of Blood and Blood Derivatives.	June 25 and 26, 9 a.m., Room 121, NIH, Building 29, 8900 Rockville Pike, Bethesda, Md.	Open public hearing/open committee discussion June 25, 9 to 10 a.m.; closed committee deliberations June 25, 10 a.m. to 5 p.m., June 26, 9 a.m. to 5 p.m.; Clay Sisk (HFB-5), 6110 Executive Blvd., Rockville, Md. 20852, 301-443-1910.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of biological products.

**Agenda—Open public hearing/open committee discussion.** Discussion of previous meeting's minutes; letters and communications received; and comments or presentations from the public.

**Closed committee deliberations.** Review of data submissions from producers of plasma fractionation products in-

cluding Fibrinogen (Human), Antihemophilic Factor (Human), Factor IX Complex (Human), Normal Serum Albumin (Human), Plasma Protein Fraction (Human), and Rho (D) Immune Globulin (Human). This portion of the meeting will be closed to permit discussion of trade secret data, to allow for the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

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## NOTICES

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Ophthalmic Drug Products.	June 25 and 26, 9 a.m. Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 25, 9 to 10 a.m.; closed committee deliberations June 25, 10 a.m. to 4:30 p.m.; June 26, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Closed committee deliberations.** The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards

and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon and modifying draft No. 4 of its final report in preparation for submission to the Commissioner. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Antimicrobial Agents.	June 25, 26 and 27, 9 a.m. Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 25, 9 to 10 a.m.; closed committee deliberations June 25, 10 a.m. to 4:30 p.m.; June 26 and 27, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Closed committee deliberations.** The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR

330.10(a)(2)). Discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations. This portion of the meeting will be closed to permit the free exchange of internal views, to avoid undue interference with committee operations, and for formulation of recommendations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
14. Panel on Review of Miscellaneous External Drug Products.	June 27 and 28 (9 a.m. on June 28), Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations June 27, 9 a.m. to 4:30 p.m.; open public hearing June 28, 9 to 10 a.m.; closed committee deliberations June 28, 10 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Closed committee deliberations.** The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process

data, sales data and, in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

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Committee name	Date, time, and place	Type of meeting and contact person
15. Microbiology Subcommittee of the Diagnostic Products Advisory Committee.	June 28, and 29, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open committee discussion June 28, 9 a.m. to 5 p.m.; open public hearing June 29, 9 to 10 a.m.; open committee discussion June 29, 10 a.m. to 5 p.m.; Bobbi Dresser (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7175.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulations.

**Agenda—Open committee discussion.** The subcommittee will classify clinical bacteriology and mycology products. Elements of the Product Class Standard Nontreponemal Tests for Syphilis will be reviewed. Approaches and elements of the Product Class Standard

for Anti-Rubella Antibody tests will be discussed.

**Open public hearing.** Interested parties are encouraged to present information pertinent to the classification of Clinical Bacteriology and Mycology listed in this announcement to Tom Tsakerlis, Classification Head. Submission of data relative to tentative classification findings is also invited. Information relating to items on the agenda other than classification should be presented to Bobbi Dresser, Executive Secretary.

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Dental Devices.	June 28 and 29, 9 a.m., room 4173, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing June 28, 9 to 10 a.m.; open committee discussion June 28, 10 a.m. to 4:30 p.m.; June 29, 9 a.m. to 4:30 p.m.; D. Gregory Singleton, D.D.S. (HFK-460), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

**Agenda—Open public hearing.** Interested parties are encouraged to present information pertinent to the classification of pit and fissure sealants to D. Gregory Singleton, D.D.S., Executive Secretary. Submission of data relative to

tentative classification findings is also invited. Information concerning research with pit and fissure sealants will be presented; classification of pit and fissure sealants by the panel; and standards recommendations for the dental devices placed in the standards priority list.

**Open committee discussion.** Continuation of discussion of devices placed in standards priority list.

Committee name	Date, time, and place	Type of meeting and contact person
17. Panel on Review of Dentifrices and Dental Care Agents.	June 30 and July 1, 9 a.m., Conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 30, 9 to 10 a.m.; closed committee deliberations June 30, 10 a.m. to 4:30 p.m.; July 1, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

**General function of the committee.** Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

**Agenda—Open public hearing.** During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

**Closed committee deliberations.** The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards and testing will often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of

recommendations (5 U.S.C. 552(b)(4) and (5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published

in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b)(4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion,

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and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: May 13, 1976.

SHERWIN GARDNER,  
Acting Commissioner,  
Food and Drugs.

[FR Doc.76-14481 Filed 5-18-76;8:45 am]

Health Resources Administration  
GRADUATE MEDICAL EDUCATION  
NATIONAL ADVISORY COMMITTEE  
Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Public Law 92-463, (86 Stat. 770-776) the Health Resources Administration announces the establishment by the Secretary, HEW, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committee:

Designation: Graduate Medical Education National Advisory Committee.  
Purpose: The Committee shall advise, consult with and make recommendations to the Secretary on overall strategies on the present and future supply and requirements of physicians by specialty and geographic locations; translations of physician requirements into a range of types and numbers of graduate training opportunities needed to approach a more desirable distribution of physician services, taking into account National Health Planning goals, guidelines, standards, and, as appropriate, the health system plans developed by health system agencies; factors which affect physician career choice; the impact of various activities which influence specialty distribution and the availability of training opportunities, including systems of reimbursement of services and financing of graduate medical education; and the relationship of graduate medical education to the provision of services in training institutions, including alternatives for the provision of these services.

The Committee shall advise on data requirements and systems needed to conduct the activities of the Committee; propose national goals for the distribution of physicians in graduate training; and recommend Federal policies, strategies, and plans to achieve the established goals in concert with the private sector and non-Federal agencies.

Authority for this Committee will expire two years from date of the filing of the Charter, unless the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee

## NOTICES

Management Secretariat, formally determines that continuance is in the public interest.

Dated: May 13, 1976.

JAMES A. WALSH,  
Associate Administrator for  
Operations and Management.  
[FR Doc.76-14500 Filed 5-18-76;8:45 am]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

Office of Interstate Land Sales Registration  
[Docket No. N-76-533]

COQUINA RANCHETTES  
Notice of Hearing

In the matter of: COQUINA RANCHETTES—76-62-IS OILSR No. 0-2571-09-715, Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Coquina Ranchette, Viking Communities Corporation, Robert Birenbaum, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Viking Communities Corporation, Robert Birenbaum, President, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 17, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.  
Dated: April 14, 1976.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.76-14625 Filed 5-18-76;8:45 am]

KINGMON PARK ESTATES  
Notice of Hearing

In the matter of: KINGMON PARK ESTATES—76-77-IS OILSR No. 0-2160-02-433; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Kingmon Park Estates, Units 1 and 2, Desert Subdividers, Inc., and Roger A. Franklin, Authorized Agent, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Desert Subdividers, Inc. and Roger A. Franklin, Authorized Agent contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 16, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 14, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 1, 1976.

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6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 23, 1976.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.76-14631 Filed 5-18-76;8:45 am]

MIAMI WEST DADE ACRES  
Notice of Hearing

In the matter of: MIAMI WEST DADE ACRES—76-63-IS OILSR No. 0-0882-09-209; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Miami West Dade Acres, Viking Communities Corporation, Robert Birenbaum, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Viking Communities Corporation, Robert Birenbaum, President, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The respondent filed an Answer received April 2, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 17, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 14, 1976.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.76-14626 Filed 5-18-76;8:45 am]

PALM BEACH NORTH  
Notice of Hearing

In the matter of: PALM BEACH NORTH—76-73-IS OILSR No. 0-0269-09-63; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Palm Beach North, Viking Communities Corporation, Robert Birenbaum, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Palm Beach North, Viking Communities Corporation, Robert Birenbaum, President, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 17, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 14, 1976.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.76-14628 Filed 5-18-76;8:45 am]

PELICAN HARBOR  
Notice of Hearing

In the matter of: PELICAN HARBOR—76-65-IS OILSR No. 0-2343-09-715; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Pelican Harbor, Viking Mobile Homes, Inc., Bennett Cole, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Viking Mobile Homes, Inc., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 17, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.



6. The respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 14, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14627 Filed 5-18-76; 8:45 am]

[Docket No. N-76-535]

# PUNTO DE VISTA Notice of Hearing

In the matter of: PUNTO DE VISTA UNITS I, II, III—76-270-18 OILSR No. 0-0296-02-47; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Punto de Vista Units I, II, III, Ken Bahme, General Partner, Thumb Butte Investment Company, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued November 14, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Thumb Butte Investment Company, Punto de Vista Units I, II, III, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 27, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 7, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 22, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14632 Filed 5-18-76; 8:45 am]

[Docket No. N-76-536]

# PUNTO DE VISTA Notice of Hearing

In the matter of: PUNTO DE VISTA UNIT 4—76-271-18 OILSR No. 0-2225-02-455, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Punto de Vista Unit 4, Lawrence Mercer, General Partner, Thumb Butte Investment Company No. 2, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued November 14, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Thumb Butte Investment Co. No. 2, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received February 26, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 6, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 22, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14633 Filed 5-18-76; 8:45 am]

[Docket No. N-76-529]

# SOUTHEAST FLORIDA PROPERTIES Notice of Hearing

In the matter of: SOUTHEAST FLORIDA PROPERTIES—76-84-IS, OILSR No. 0-1912-09-573 & (A) & (B); pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Southeast Florida Properties, Viking Communities Corporation, Robert Birenbaum, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Viking Communities Corporation, Robert Birenbaum, President and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 2, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 17, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 15, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14629 Filed 5-18-76; 8:45 am]

[Docket No. N-76-534]

# VALHALLA Notice of Hearing

In the matter of: VALHALLA (Southeast Florida Properties 11 and 12) OILSR No. 0-3891-09-1029 and 0-3892-09-1030 76-72-IS; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), Notice is hereby given that:

1. Valhalla (Southeast Florida Properties 11 and 12), Viking Communities Corporation, Robert Birenbaum, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued March 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Viking Communities Corporation, Robert Birenbaum, President, and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 17, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 3, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 15, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14624 Filed 5-18-76; 8:45 am]

[Docket No. N-76-528]

# WICOMICO SHORES YACHT AND COUNTRY CLUB Notice of Hearing

In the matter of: Wicomico Shores Yacht and Country Club—76-38-IS OILSR No. 0-0823-24-13; pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), notice is hereby given that:

1. Wicomico Shores Yacht and Country Club, R.R.R. & G., Inc., Robert R. Rodenberg, President, its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, *et seq.*) received a Notice of Proceedings and Opportunity for Hearing issued March 16, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b) (1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for R.R.R. and G., Inc. and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 5, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 1, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 18, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: April 23, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14630 Filed 5-18-76; 8:45 am]

# ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

## SUBCOMMITTEE ON ADMINISTRATIVE DISCRETION OF THE COMMITTEE ON INFORMAL ACTION

### Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Subcommittee on Administrative Discretion of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 11:30 a.m., June 3, 1976 in the office of the Energy Action Committee, 1523 L Street, N.W., Suite 302, Washington, D.C.

The Subcommittee will meet to consider Professor William Lockhart's draft study of prosecutorial discretion in the Food and Drug Administration.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Subcommittee before, during or after the meeting.

For further information concerning this Subcommittee meeting contact David Pritzker (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,  
Executive Secretary.

MAY 13, 1976.

[FR Doc. 76-14487 Filed 5-18-76; 8:45 am]

## CIVIL AERONAUTICS BOARD

### HAWAIIAN AIRLINES, INC. AND AEROLINEE ITAVIA, S.P.A.

#### Proposed Approval or Disclaimer of Jurisdiction

Application of Hawaiian Airlines, Inc., and Aerolinee Itavia, S.P.A., for approval or disclaimer of jurisdiction under section 408 of the Federal Aviation Act of 1958, as amended, Docket 29174.



Notice is hereby given, pursuant to the statutory requirements of section 408 (b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until May 25, 1976 within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 13, 1976.

[SEAL] BRUCE E. CUNNINGHAM,  
Director,  
Bureau of Operating Rights.  
HAWAIIAN AIRLINES, INC., AEROLINEE ITAVIA,  
S.P.A., LEASE TRANSACTION

Docket 29174

Issued under delegated authority

Application of Hawaiian Airlines, Inc., and Aerolinee Itavia, S.P.A., for approval or disclaimer of jurisdiction under section 408 of the Federal Aviation Act of 1958, as amended.

#### ORDER OF APPROVAL

Hawaiian Airlines, Inc. (Hawaiian), and Aerolinee Itavia, S.P.A. (Itavia), request that the Board approve, pursuant to the third proviso of section 408 (b) of the Federal Aviation Act of 1958, as amended (the Act) or in the alternative, disclaim jurisdiction over, the lease of one DC-9-50 aircraft by Hawaiian to Itavia.

The term of the lease is for 12½ months beginning May 10, 1976. Itavia will pay to Hawaiian a basic monthly rent of \$100,000 per month plus a usage charge of \$50 per block hour of flight time.

Itavia will be responsible for maintaining the aircraft to FAA standards, for maintaining U.S. registration of the aircraft, and for securing necessary insurance on the aircraft. The DC-9-50 to be leased to Itavia is currently leased by Hawaiian from Wells Fargo Bank, N.A., as owner trustee.

In support of their request, Hawaiian and Itavia assert that because of Hawaiian's short-range aircraft needs, it would be more advantageous to sublease the aircraft for 12½ months; that the lease, which was entered into as a result of arm's-length bargaining, is a standard form of aircraft lease for the industry; that the lease would have been subject to the exemption provided by Part 299 of the Board's Regulations but for the fact that Itavia is not an air carrier within the meaning of that Part or within the meaning of the Act; and that the aircraft to be leased is not, in fact, a substantial part of Hawaiian's properties.

No objections to this application or requests for a hearing have been received.

Notice of intent to dispose of this application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408 (b) of the Act.

Upon consideration of the above, it is concluded that the proposed lease may involve a substantial part of the properties of an air carrier, Hawaiian; that Itavia is a person engaged in a phase of aeronautics; and that the lease therefore may be subject to section 408 (a) (2) of the Act. However, it is further

The Board has in the past held that it will disclaim jurisdiction under sec. 408 (a) (2) of the Act if the equipment constitutes less than 10 percent of the carrier's fleet in terms of market value, lift capacity, and number of aircraft. (CF. orders 70-11-13 and

concluded that the transaction does not affect control of an air carrier directly engaged in the operation of aircraft in air transportation, or tend to unreasonably restrain trade, substantially lessen competition, or create a monopoly. The lease was entered into after arm's-length bargaining, and there appear to be no interlocking or common control relationships between or among Hawaiian, Itavia, or any of their affiliates. The lease appears to be the result of a decision by Hawaiian's management that the DC-9-50 was superfluous to Hawaiian's operational needs for the next year, and as a result, it does not appear that the lease will impair Hawaiian from performing its certificate obligations. Moreover, the lease itself would have fallen within the exemption of Part 299 of the Board's Regulations but for the fact that Itavia is not an air carrier. On the basis of these considerations, it appears that the lease transaction is not inconsistent with the public interest and will not leave the requirements of section 408 of the Act unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, it is found that the foregoing transaction should be approved pursuant to the third proviso of Section 408 (b) of the Act and that all other requests in the application in docket 29174 should be dismissed.

#### ACCORDINGLY, IT IS ORDERED THAT:

1. The subject lease of one DC-9-50 aircraft by Itavia from Hawaiian, as hereinabove described, be and it hereby is approved; and

2. To the extent not specifically granted herein, all other requests in the application in docket 29174 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

By Bruce Cunningham, Director, Bureau of Operating Rights.

Acting Secretary.

[FR Doc.76-14544 Filed 5-18-76; 8:45 am]

[Docket 28800]

#### PHOENIX-DES MOINES/MILWAUKEE ROUTE PROCEEDING Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 13, 1976 at 9:00 a.m. (mountain standard time), in the Phoenix Room, Phoenix Civic Plaza, 235 E.

70-11-14, Nov. 4, 1970, and 72-2-60, Feb. 16, 1972.) The DC-9-50 to be leased constitutes 10 percent of the number of aircraft in Hawaiian's fleet, 10.4 percent of the fleet's seating capacity, and 11.4 percent of its market value. In calculating these percentages, certain aircraft which Hawaiian has leased to other persons for a term of more than 6 months were excluded from the inventory base, consistent with the procedure of Sterling Airways A/S and Overseas National Airways, Inc., Dry-Lease Transaction, order 75-9-80 Sept. 23, 1975, n. 2.

Adams Street, Phoenix, Arizona, before the undersigned.

If the hearing has not concluded before July 16, 1976, the session for July 18, 1976 will be held in the Phoenix Ball Room, Hyatt Regency Phoenix, 122 N. Second Street, Phoenix, Arizona.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served March 31, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 13, 1976.

[SEAL] BURTON S. KOLKO,  
Administrative Law Judge.

[FR Doc.76-14543 Filed 5-18-76; 8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. ER76-659]

#### ALABAMA POWER CO.

#### Tariff and Interconnection Agreement Change

MAY 13, 1976.

Take notice that Alabama Power Commission on April 30, 1976, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by \$9,298,869 based on the 12-month period ending May 31, 1977. In addition, Alabama Power Company filed on the same date proposed revisions and changes to an Interconnection Agreement dated February 23, 1972 (FPC Rate Schedule No. 133) with Alabama Electric Cooperative, Inc. Such proposed revisions and changes would increase the rates and charges for Purchase Capacity transactions under that Agreement. This revision would increase capacity charges by \$4,036,113 for the year ending May 31, 1977. The Company states that it cannot with complete accuracy predict the energy transactions associated with Purchase Capacity transactions with Alabama Electric Cooperative, Inc. because use of Purchase Capacity is within the sole discretion of the Cooperative; however, the Company estimates that it will receive \$1,138,070 in additional revenue from such energy transactions during the year ending May 31, 1977.

The Company estimates its rate of return on its rate base from its sales to distribution cooperatives and municipalities in year ending May 31, 1977 to be (1) 4.96 percent from its sales to municipalities, and (ii) 5.62 percent from its sales to rural electric cooperatives under existing rates. The Company estimates that the Purchase Capacity transactions with Alabama Electric Cooperative, Inc. for the same period results in a negative return on its investment. The Company states that the average rate of return is far below its embedded cost of debt and is inadequate to attract capital required by the Company to pay for necessary expansions of its electric plant.

Copies of the filing were served upon the affected distribution cooperatives and municipalities, Alabama Electric Cooperative, Inc., Alabama Public Service Commission and Southeastern Power Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14558 Filed 5-18-76; 8:45 am]

[Docket No. RP76-98]

#### ALGONQUIN GAS TRANSMISSION CO. Proposed Tariff Sheet Filing

MAY 12, 1976.

Take notice that on April 29, 1976, Algonquin Gas Transmission Company (Algonquin Gas) filed the following proposed tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 20-A  
First Revised Sheet No. 20-B  
First Revised Sheet No. 20-C

Algonquin Gas states that the proposed tariff sheets institute a Purchased Feedstock Adjustment Clause (PFAC) applicable to Algonquin Gas' Rate Schedule SNG-1 for one additional cycle. The PFAC would provide, through a Deferred Gas Cost Account with related amortization, surcharges for reimbursement to Algonquin Gas for undercharges or reimbursement to the Company's customers for overcharge resulting from the difference between (i) the actual feedstock costs for manufacturing gas delivered under such Rate Schedule SNG-1, and (ii) the base feedstock costs included in the charges to such customers for service under such rate schedule. The PFAC is proposed to be effective for an additional cycle as follows: (i) the period October 16, 1976 through April 15, 1977, with respect to the accumulation of such Deferred Gas Cost Account, and (ii) the period October 16, 1977 through April 15, 1978, with respect to the effectiveness of the amortization adjustment of such Deferred Gas Cost Account.

Algonquin Gas further states that copies of the filing have been served upon all of its customers and interested state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol

Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14560 Filed 5-18-76; 8:45 am]

[Docket No. CP76-361]

#### COLUMBIA GAS TRANSMISSION CORP. Application

MAY 13, 1976.

Take notice that on May 5, 1976, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-361 an application for a disclaimer of jurisdiction or, in the alternative, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to The Sylvania Corporation (Sylvania) from the Sylvania No. 1 Well in the Thomas Corners Field, Town of Bath, Steuben County, New York, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the gas produced by Applicant and its co-owners would be delivered into Applicant's pipeline in Steuben County, in exchange for equal volumes of gas to be delivered to National Fuel Gas Supply Corporation for Sylvania's account at Applicant's Ellwood City compressor station in Beaver County, Pennsylvania. Applicant alleges that the gas delivered from the Sylvania No. 1 Well can not physically leave the State of New York although it would be introduced into Applicant's interstate pipeline system. Applicant submits, therefore, that the sale of the gas would not be a sale for resale in interstate commerce and, accordingly, requests a disclaimer of jurisdiction by the Commission.

In the alternative, Applicant requests a certificate of public convenience and necessity authorizing the sale for resale of the gas from the Sylvania No. 1 Well. Applicant would sell the gas at the rate provided by Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a). Applicant requests that any certificate authorization terminate August 28, 1982, when its commitment to sell gas expires, and states that after that time Applicant's share of gas from the well would be added to Applicant's gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1976, file with the Federal Power Com-

mission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14563 Filed 5-18-76; 8:45 am]

[Rate Schedule Nos. 284, et al.]

#### CONTINENTAL OIL CO., ET AL.

#### Rate Change Filings

MAY 12, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974. The rates filed pursuant to Opinion No. 699-H, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

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## NOTICES

Filing date	Producer	Rate schedule No.	Buyer	Area
Apr. 21, 1976	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77004.	284	Trunkline Gas Co.	Texas Gulf Coast.
Apr. 26, 1976	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	129, 152	Natural Gas Pipeline Co. of America.	Hugoton-Anadarko.
Do.	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	1	Trunkline Gas Co.	Texas Gulf Coast.
Do.	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	11	Texas Eastern Transmission Corp.	Other Southwest.
Apr. 28, 1976	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	338	Do.	Do.
Apr. 29, 1976	Mobil Oil Corp., 5 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	210	El Paso Natural Gas Co.	Permian Basin.
May 3, 1976	Atlantic Richfield Co., P.O. Box 2619, Dallas, Tex. 75221.	372	Transcontinental Gas Pipe Line Corp.	South Louisiana.

[FR Doc.76-14579 Filed 5-18-76;8:45 am]

[Docket No. CP70-196]

**DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.****Application To Amend; Correction**

APRIL 28, 1976.

In the Notice of Application to amend, issued April 14, 1976, page 17018, Paragraph 4, Line 4, Published in the *FEDERAL REGISTER* April 23, 1976, FR 41 (17017), Change "April 13, 1976," to read "May 13, 1976."

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14570 Filed 5-18-76;8:45 am]

[Docket No. RP76-24]

**FLORIDA GAS TRANSMISSION CO.****Informal Conference**

MAY 13, 1976.

Take notice that an initial conference in the above-captioned proceeding will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on Thursday, May 27, 1976 at 9:30 a.m. Pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure, all parties will be expected to come fully prepared to discuss the merits of all issues arising in these proceedings and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Customers and other interested persons will be permitted to attend, but such attendance at the conference will not be deemed to authorize intervention as a party in the proceedings. A petition to intervene tendered pursuant to Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14555 Filed 5-18-76;8:45 am]

[Docket No. ER76-651]

**GPU SERVICE CORP.****Notice of Filing**

MAY 13, 1976.

Take notice that on April 28, 1976, GPU Service Corporation (GPU) tendered for filing proposed Schedule 4.04, 8.04 and 11.01 modifying the Power Pooling Agreement (Agreement) among Pennsylvania Electric Company (Penelec), Metropolitan Edison Company (Met-Ed), and Jersey Central Power & Light Company (JC), dated July 21, 1969, as heretofore amended and supplemented, which is on file with the Commission under the following Rate Schedule designations:

Penelec, FPC No. 62  
Met-Ed, FPC No. 40  
JC, FPC No. 31

GPU states that the proposed schedules provide for the accounting and billing among the parties to the Agreement for excess and deficiencies of regulating capability as defined in proposed Schedule 4.04. The parties request that the proposed schedules become effective on June 1, 1976.

GPU states that copies of the proposed tariff have been served on the Regulatory Commissions of Pennsylvania and New Jersey.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14559 Filed 5-18-76;8:45 am]

[Docket No. ER76-67]

**KANSAS CITY POWER & LIGHT CO.****Tender of Stipulation and Settlement Agreement**

MAY 13, 1976.

Take notice that on May 10, 1976, Kansas City Power and Light Company (KCP&L) tendered for filing with the Commission a transmittal letter and a (1) Motion To Approve Stipulation and Settlement Agreement Accept And Make Effective A Revised Service Schedule And Terminate These Proceedings, (2) Stipulation And Settlement Agreement, and (3) a revised Service Schedule. The Stipulation And Settlement Agreement reduces the fixed capacity charge in the initial rate schedule covering the sale of "long-term interruptible capacity" to the Omaha Public Power District commencing on June 1, 1976, reflecting the impact of a drop in the rate of return on common equity from 14.50% to 12.75% and a different capital structure.

Copies of KCP&L's tender are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained therein should file comments with The Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 28, 1976.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14554 Filed 5-18-76;8:45 am]

[Docket No. RP76-100]

**MICHIGAN WISCONSIN PIPE LINE CO.****Notice of Filing**

MAY 13, 1976.

Take notice that on April 30, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing the following:

SECOND REVISED VOLUME No. 1

Fourteenth Revised Sheet No. 27F

FIRST REVISED VOLUME No. 2

Seventh Revised Sheet Nos. 92, 110, 129 and 130

Sixth Revised Sheet Nos. 141, 142 and 171

Fourth Revised Sheet Nos. 214 and 215

Third Revised Sheet Nos. 231, 232, 297, 315 and 339

Second Revised Sheet Nos. 420 and 421

Michigan Wisconsin requests that the foregoing tariff sheets be permitted to become effective on June 1, 1976.

Michigan Wisconsin states that copies of its filing have been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in

## NOTICES

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accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14556 Filed 5-18-76;8:45 am]

[Docket No. RP73-8 (PGA76-9)]

**NORTH PENN GAS CO.****Proposed Changes in FPC Gas Tariff**

MAY 13, 1976.

Take notice that North Penn Gas Company (North Penn) on May 7, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective June 1, 1976. North Penn has included in its filing increases under:

Section 14.1, Pipeline Suppliers.  
Section 14.3 and 14.5, Unrecovered Purchased Gas Cost Account and Flow-through of Refunds.

North Penn states that the increase under Section 14.1 was triggered by a revision of a PGA filing from Consolidated Gas Supply Corporation filed April 23, 1976, to become effective May 1, 1976 and will increase jurisdictional revenues by \$25.3 thousand annually.

The rate change under Sections 14.3 and 14.5 reflects a surcharge of 0.324¢ per Mcf which results from amounts accumulated in the Unrecovered Purchased Gas Account for the period September, 1975 through February, 1976, the jurisdictional portion of refunds received by North Penn from its suppliers for the same six-month period and a carry-over balance from the surcharge credit filed April 15, 1975, effective June, 1975 through November, 1975. The 0.324¢ surcharge will increase North Penn's jurisdictional revenues by \$14.1 thousand over the period June 1, 1976 through November, 1976.

North Penn is requesting a waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on June 1, 1976.

North Penn states that copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14561 Filed 5-18-76;8:45 am]

[Docket No. ER76-666]

**PACIFIC POWER & LIGHT CO.****Filing of Service Agreements**

MAY 12, 1976.

Take notice that on May 3, 1976, Pacific Power & Light Company (Pacific) tendered for filing Service Agreements under its FPC Electric Tariff, Original Volume No. 2 for the following additional customers:

**PURCHASER AND DATE OF EXECUTION**

Puget Sound Power &amp; Light Company, 1/13/76.

Public Service Company of Colorado, 1/16/76.

Nevada Power Company, 1/16/76.

Also submitted was an updated Index of Purchasers under the tariff.

Pacific states that copies were sent to these three additional customers.

Pacific has requested a waiver of the notice requirements of the Commission's regulation to allow these schedules to become effective as of the date of execution.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14564 Filed 5-18-76;8:45 am]

[Docket No. RP73-36 (PGA No. 76-2)]

**PANHANDLE EASTERN PIPE LINE CO.****Change in Tariff**

MAY 13, 1976.

Take notice that on April 19, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Substitute Sixteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, such sheet proposed to be effective April 1, 1976.

Panhandle states that the Commission issued its Order in Docket No. RP73-36 (PGA No. 76-2) on March 31, 1976 accepting for filing Panhandle's proposed PGA rate adjustment to reflect increased purchase gas costs occasioned by



Opinion No. 749, such rate adjustment to be revised to reflect the elimination of the effects of any supplier costs which would not be incurred by Panhandle as of April 1, 1976.

The Company submits that Substitute Sixteenth Revised Sheet No. 3-A reflects only purchase gas cost increases authorized by the Commission in Opinion No. 749 which are effective at April 1, 1976. Also, the revised tariff sheet reflects the effect of the flow through of amounts relating to Trunkline Gas Company's rate adjustment to be effective April 1, 1976.

To the extent required, if any, Panhandle requests waiver of those sections of the regulations as the Commission may deem necessary for the acceptance of this filing.

Copies of this filing were served on Panhandle's jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14563 Filed 5-18-76; 8:45 am]

[Docket No. E-9659]

**SOUTH CAROLINA ELECTRIC & GAS CO.**  
Notice of Application

MAY 12, 1976.

Take notice that on May 4, 1976, South Carolina Electric & Gas Company (Applicant) filed an application seeking an order pursuant to Section 203 of the Federal Power Act authorizing it to sell certain electric transmission facilities to the City of Orangeburg, South Carolina. Applicant is incorporated under the laws of the State of South Carolina, with its principal business office at Columbia, South Carolina, and is engaged in the electric utility business in parts of 23 of the 46 counties of the State.

The Applicant proposes, subject to regulatory approval, to perform its agreement of January 5, 1976 with the City of Orangeburg, South Carolina to sell approximately 25.94 miles of 48 KV transmission line to be located in and near the City of Orangeburg, South Carolina. The City will pay the sum of \$53,734.77 in exchange for said property.

Any person desiring to be heard or to make any protest with reference to said

application should, on or before June 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14565 Filed 5-18-76; 8:45 am]

[Docket No. CP76-362]

**TEXAS EASTERN TRANSMISSION CORP., ET AL.**  
Notice of Application

MAY 13, 1976.

Take notice that on May 5, 1976, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-362 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas pipeline facilities offshore Louisiana and the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that in order to obtain additional supplies of natural gas for their systems from a common source of supply in Block 480, West Cameron Area, offshore Louisiana, Applicants have agreed to construct jointly as co-owners a pipeline from Block 480 to a point on Texas Eastern's existing offshore pipeline in Block 245, East Cameron Area, offshore Louisiana, and that Texas Eastern has agreed to use its offshore pipeline system to transport such gas supplies onshore for redelivery to Transco and Northern or to others for their account. Applicants request authorization to construct and operate approximately 11.9 miles of 16-inch pipeline between West Cameron Block 480 and East Cameron Block 245, a connection to Texas Eastern's existing pipeline system, and 2,200 horsepower of compression on the Block 480 platform. Texas Eastern requests authorization to transport the gas for Transco and Northern. The facilities are estimated to cost \$10,418,000 and would be financed initially with revolving credit or short-term financing, the application states.

Applicants state that the cost, ownership, and capacity of the proposed facilities would be shared as follows:

	Ownership share (percent)	Cost	Maximum capacity (1,000 ft <sup>3</sup> /d)
Texas Eastern...	20	\$2,082,000	18,000
Transco.....	60	6,252,000	54,000
Northern.....	20	2,082,000	18,000
Total.....	100	10,418,000	90,000

It is stated that the facilities would be constructed and operated by Texas Eastern and the operating and maintenance costs would be shared in like proportion to ownership.

Applicants estimate that gas is available from Block 480 in the following amounts:

	Reserves (1,000 ft <sup>3</sup> )	Initial deliveries (1,000 ft <sup>3</sup> /d)
Texas Eastern.....	22,000,000	18,000
Transco.....	67,000,000	54,000
Northern.....	22,000,000	18,000
Total.....	111,000,000	90,000

Texas Eastern proposes to transport on a firm basis for Transco a maximum daily quantity of 54,000 Mcf of gas and for Northern a maximum daily quantity of 18,000 Mcf of gas from East Cameron Block 245 to points onshore Louisiana and to redeliver such quantities less 1 1/2 percent for gas used and lost and unaccounted for in providing the transportation service and less the volume of fuel and shrinkage lost through processing if such gas is processed. Gas transported for Transco would be redelivered to Transco at an existing interconnection of Texas Eastern's and Transco's pipelines near Ragley, Beauregard Parish, Louisiana, and/or, but mutual agreement, at other points in the supply area where delivery could be accomplished to or for the account of Transco. Gas transported for Northern would be redelivered to Trunkline Gas Company (Trunkline) for Northern's account at the existing interconnection of Texas Eastern's and Trunkline's pipelines in Allen Parish, Louisiana, and/or, by mutual agreement with Northern, at other points in the supply area where delivery could be accomplished to or for the account of Northern. Based upon the maximum daily quantities proposed to be transported, Texas Eastern would charge Transco \$209,090.25 per month and would charge Northern \$69,696.75 per month.

The application notes that Texas Eastern has on file an application in Docket No. CP74-102<sup>1</sup> for authorization to construct and operate a compressor station and liquid receiving facilities near Grand Chenier, Louisiana, and states that authorization for such facilities is required for the service proposed in the instant application.

<sup>1</sup> Notice published November 9, 1973 (38 FR 31060).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14560 Filed 5-18-76; 8:45 am]

[Docket No. G-6508]

**TEXAS EASTERN TRANSMISSION CORP. AND TRUNKLINE GAS CO.**  
Petition To Amend

MAY 13, 1976.

Take notice that on May 7, 1976, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. G-6508 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioners request authorization to construct and operate facilities and to exchange natural gas at a point where Texas Eastern's 30-inch pipeline crosses Trunkline's 20-inch pipeline in Beauregard Parish, Louisiana, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

In the instant docket Petitioners are authorized to operate facilities and to exchange natural gas. Petitioners state that due to changes in operating conditions on Petitioners' systems which may

occur from time to time, deliveries of natural gas by Trunkline to Texas Eastern at an existing Allen Parish, Louisiana, interconnection could limit Texas Eastern's ability to utilize its 30-inch Gillis-to-Opelousas pipeline. It is stated that operation of the proposed Beauregard Parish exchange point would increase the operating flexibility on both Petitioners pipeline systems.

Texas Eastern proposes to construct and operate a tap on its pipeline and the crossover, measuring, and regulating facilities. Trunkline proposes to construct and operate a tap on its pipeline. The facilities are estimated to cost \$66,179.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14562 Filed 5-18-76; 8:45 am]

[Docket No. CP76-359]

**UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.**  
Notice of Application

MAY 13, 1976.

Take notice that on May 4, 1976, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-359 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between them, all as more fully set forth in the application on file with the Commission and open to public inspection.

United proposes to deliver or cause to be delivered to Transco up to 7,500 Mcf of gas per day at a point on Transco's 10-inch pipeline in Section 17, T, 15 S., R. 14 W., Cameron Parish, Louisiana; and Transco proposes to deliver equivalent volumes of gas to United at a mutually agreeable existing point of exchange. Existing points of exchange are said to be near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at the Egan Plant in Acadia Parish, Louisiana; at the Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana; near Magnolia and Holmesville, Pike County, Mississippi; near Walthall,

Walthall County, Mississippi; and at the Harmony Plant in Clarke County, Mississippi.

Applicants state that the proposed exchange is necessary to assist United in taking into its system volumes of gas available to it in the Johnson Bayou Field in Cameron Parish. Applicants would continue to exchange gas until the later of July 1, 1976, or the date the Williams Brothers Pipeline Company's intrastate pipeline is completed and ready to receive such gas into its system. It is stated that the exchange would be on an Mcf-for-Mcf basis and that there would be no charge for the gas delivered.

The application states that the proposed exchange would give Applicants added flexibility and reliability to their systems, eliminate the need for additional facilities, and allow United to take additional gas into its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14557 Filed 5-18-76; 8:45 am]

[Docket No. CP76-364]

**NATIONAL FUEL GAS SUPPLY CORP.**  
Application

MAY 13, 1976.

Take notice that on May 7, 1976, National Fuel Gas Supply Corporation (Ap-



plicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76-364 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction on gas wells in the West Independence Field in the Towns of Independence and Willing, Allegany County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to engage in construction on 13 gas wells in the West Independence Pool in Allegany County, which pool is said to be a nearly depleted Oriskany sand gas pool which covers approximately 1,491 acres and lies southwest of the East Independence Pool which is currently being used for gas storage. Applicant proposes to engage immediately in emergency construction on each of the wells to alleviate conditions said to be created by increased pressure experienced in two West Independence wells and anticipated to spread to the other 11 wells. The application states that such higher pressures are believed to originate from the East Independence Pool.

Applicant states that it further proposes to complete construction on each of the 12 wells during the summer and fall of 1976 with a view to developing this zone for the storage of gas. Nine of the 13 wells are said to be presently active and would be reconditioned. The other 4 wells are said to be presently plugged and 3 would be re-plugged and 1 would be reclaimed. The application states that the construction would include the removal of existing casing, redrilling, installation of new casing, insertion of down-hole valves, installation of necessary related surface and sub-surface facilities, and undertaking of testing procedures. It is said that no additional compressor capacity and no new pipelines connecting the wells to be reconditioned or reclaimed are proposed at this time.

The application states that immediate commencement of construction upon wells now experiencing increased pressure levels is necessary to assure public safety, prevent loss of gas, and determine the exact cause of the increased pressure found in these wells. The application notes that pipe which was originally designed to withstand then-existing pressures may have deteriorated since original installation commencing in 1937. Further, Applicant states, it is necessary to undertake well construction to obtain necessary pressure-volume data so as to calculate the volume of gas which may migrate from the East Independence Pool to the West Independence Pool. It is said that the steps which would be taken immediately to meet increased pressure in the West Independence Pool would also be directed toward ultimate development of this pool for gas storage purposes and that in the near future it is anticipated that Applicant and National Gas Storage Corporation will seek authorization under the Natural Gas Act for such storage development and the

rendition by the latter of storage service. Applicant estimates that the instant proposal would cost \$1,804,270 which would be financed with funds obtained from National Fuel Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14568 Filed 5-18-76; 8:45 am]

[Docket No. RP74-100; PGA76-6]  
NATIONAL FUEL GAS SUPPLY CORP.  
Filing of Comments Concerning  
Emergency Purchases

MAY 12, 1976.

Take notice that on April 28, 1976, National Fuel Gas Supply Corporation filed in the above-referenced proceeding information and comments relating to certain emergency purchases of gas which are reflected in the PGA amounts claimed by National Fuel in the subject proceeding. The comments were submitted by National Fuel in response to the Commission's order issued herein on March 31, 1976.

Any person wishing to do so may submit comments in writing concerning the filing made by National Fuel. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C.

20426, on or before June 7, 1976. National Fuel's comments are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14577 Filed 5-18-76; 8:45 am]

[Docket No. RP76-92]

NATIONAL FUEL GAS SUPPLY CORP.  
Proposed Tariff Change

MAY 12, 1976.

Take notice that on April 28, 1976, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 22, proposed to be effective June 1, 1976.

National states that the revised tariff sheet is intended to change the payment date under Section 5.2 of the General Terms and Conditions from the 20th day of the month in which bill is received to the 25th day of the month in which bill is received. The stated purpose of the change is to provide more flexibility in the payment schedule of National's customers. According to National, no change in rates, volumes, delivery points or other aspects of delivery are proposed.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14574 Filed 5-18-76; 8:45 am]

[Docket No. RP76-96]

NATIONAL FUEL GAS SUPPLY CORP.  
Proposed Changes in FPC Gas Tariff

MAY 12, 1976.

Take notice that National Fuel Gas Supply Corporation ("National"), on April 30, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by approximately \$6,536,000, based on the 12 month period ended December 31, 1975, as adjusted. The proposed effective date of the filed tariff sheets is June 1, 1976.

National states that the increased rates are required to recoup increased costs incurred in operating and maintaining its system, including, but not limited to, increased cost of capital, increased depreciation, increased wages, and increased taxes and gas costs. The rates proposed reflect an overall rate of return of 10.4%. The filing also reflects a continuing decline in National's gas supply with a consequent reduction in annual sales volumes. Further, National states that the proposed rates do not include the appropriate surcharge as provided by its purchased gas adjustment clause. At such time as the increased rates are to become effective National will make the appropriate filing to reflect the applicable surcharge adjustment in effect at that time.

National states that it has included in this filing costs applicable to facilities acquired from The Sylvania Corporation pursuant to the approved merger of Sylvania and National which was the subject of Docket No. CP75-344.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the States of New York, Ohio and Pennsylvania.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14576 Filed 5-18-76; 8:45 am]

[Docket No. CP76-340]

NORTHERN NATURAL GAS CO.  
Application

MAY 12, 1976.

Take notice that on April 19, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-340 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove its Keewatin TBS #2 sales measuring station in Itasca County, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application shows that the Keewatin TBS #2 station was used to sell natural gas to Inter-City Natural Gas Limited, Incorporated (Inter-City), for resale to the U.S. Bureau of Mines. Applicant states that the Bureau of Mines dis-

continued operations at this location on March 6, 1974, and that by letter of October 14, 1975, Inter-City advised Applicant the Keewatin #2 was no longer being used and requested that Applicant proceed with removal of the facilities. Applicant asserts that inadvertently, and absent Commission approval, its field personnel removed the measuring station facilities on November 11, 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14578 Filed 5-18-76; 8:45 am]

[Docket No. E-9039]

NORTHERN STATES POWER CO.  
Order Approving Settlement Agreement;  
Correction

APRIL 21, 1976.

On March 15, 1976 an "Order Approving Settlement Agreement" was issued in this docket. Due to inadvertence, two typographical errors appear therein. Line 33, page 11613 should read as follows:

and Agreement to become effective November 1, 1974. Published in the FEDERAL REGISTER 3-19-76, 41 (11612). Ordering Paragraph (A) should read as follows:

(A) The proposed Stipulation and Agreement filed in this proceeding by

NSP on January 26, 1976 is hereby accepted and approved and permitted to become effective November 1, 1974.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14569 Filed 5-18-76; 8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Extension of Time and Postponement of  
Hearing

MAY 12, 1976.

On May 4, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 29, 1976, as most recently modified by notice issued March 26, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, July 20, 1976.  
Service of Intervenor, Testimony, August 3, 1976.  
Service of Company Rebuttal, August 17, 1976.  
Hearing, August 31, 1976 (10 a.m., e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14575 Filed 5-18-76; 8:45 am]

[Docket No. E-8586 and E-8587]

PUBLIC SERVICE CO. OF INDIANA, INC.  
Extension of Time

MAY 12, 1976.

On May 5, 1976, Public Service Company of Indiana, Inc. filed a motion to extend the date for filing briefs on exceptions to the initial decision of the presiding Administrative Law Judge issued March 10, 1976, in the above matter.

The motion states that the opposing parties will not oppose the requested extension.

Upon consideration, notice is hereby given that the date for filing briefs opposing exceptions in the above matter is extended to and including May 24, 1976.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14573 Filed 5-18-76; 8:45 am]

[Project No. 637]

PUBLIC UTILITY DISTRICT NO. 1 OF  
CHELAN COUNTY

Issuance of Annual License; Correction

MAY 6, 1976.

In the Notice of Issuance of Annual License, issued March 29, 1976, for Lake Chelan Project No. 637, the following correction shall be made:

On Page 14618 of the notice, paragraph 2, line 2: Published in the FEDERAL REGISTER 4-6-76. Change "April 1, 1924" to "May 8, 1926" and "March 31, 1974" to "May 7, 1976".

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14571 Filed 5-18-76; 8:45 am]

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[Docket No. CP76-365]

**TENNESSEE GAS PIPELINE CO., A  
DIVISION OF TENNECO INC.**  
Application

MAY 13, 1976.

Take notice that on May 7, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP76-365 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Lowell Gas Company (Lowell) to and from National Fuel Gas Supply Company (National Fuel), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that pursuant to an agreement between Lowell and National Fuel dated March 9, 1976, National Fuel has agreed to provide Lowell with a storage service from April 1, 1976, through March 31, 1977, of up to 12,500 Mcf of natural gas per day of injection and/or withdrawal volumes and a total storage volume of 1,500,000 Mcf of gas. Applicant proposes to transport and deliver until October 31, 1976, to National Fuel for the account of Lowell up to 12,500 Mcf of gas per day, which Lowell shall make available to Applicant, up to a total of 1,500,000 Mcf of gas. It is stated that the gas would be stored by National Fuel for Lowell during the 1976-77 winter for sale by Lowell to its Priority 1 and 2 customers. Applicant also proposes to transport and deliver to Lowell from November 1, 1976, through March 31, 1977, up to 12,500 Mcf of gas per day which National Fuel would make available to Applicant for the account of Lowell. It is stated that Applicant would deliver gas to Lowell at the point of interconnection of Applicant's and Lowell's facilities at Applicant's existing Tewksbury sales meter station delivery point to Lowell in Middlesex County, Massachusetts. It is stated further that Applicant would deliver gas to National Fuel and receive gas from National Fuel at the point of interconnection of Applicant's and National Fuel's facilities at Applicant's Ellisburg sales meter station delivery point to National Fuel in Potter County, Pennsylvania, or at other existing connections between Applicant and National Fuel as mutually agreed by Applicant and National Fuel.

The application states that Applicant is presently serving Lowell with a contract demand of 34,680 Mcf of gas per day under Applicant's Rate Schedule CD-6. It is stated that the daily volumes which Applicant proposes to transport for Lowell are volumes which Lowell would nominate for such transportation and make available to Applicant from the daily volumes purchased under Rate Schedule CD-6.

Applicant would charge Lowell 39.60 cents per Mcf of gas delivered to Lowell from storage plus 39.60 cents per Mcf of gas not delivered from storage as of

April 1, 1977. Lowell would provide Applicant for system fuel and use requirements a volume of gas equivalent to three percent of the gas transported to Lowell by Applicant from storage. The application indicates that the price to be charged Lowell for transportation is based upon Applicant's system average haul cost per Mcf per 100 miles of 2.958496 cents applied to a haul distance between the Ellisburg and Tewksbury meter stations of 440.08 miles for an equivalent of a 120-day service or a 32.88 percent load factor.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-14567 Filed 5-18-76; 8:45 am]

[Docket No. CP76-341]

**UNITED GAS PIPE LINE CO.**  
Application

MAY 13, 1976.

Take notice that on April 20, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-341 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Bienville Parish, Louisiana, and an increase in the capacity of Applicant's Bistineau Stor-

age Field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities at the Bistineau underground storage field:

1. 1.76 miles of 16-inch pipeline; 0.80 miles of 12-inch pipeline; 1.54 miles of 8-inch pipeline; 0.16 mile of 6-inch pipeline; and 8 meter stations.

2. Seven injection-withdrawal wells.

3. Rework one existing observation well for use as an injection-withdrawal well.

4. Two additional 8000 horsepower compressor units.

The application indicates the total estimated cost of the proposed project to be \$15,193,620, which cost Applicant proposes to finance from funds on hand, internally generated funds, and short-term bank loans.

Applicant also requests authorization to increase the capacity of the Bistineau storage field from 123,524,000 Mcf to 134,000,000 Mcf.

Applicant states that it has explored numerous ways to ameliorate the effects of its system-wide curtailments and has concluded that expansion of the Bistineau Storage Field, as proposed herein, would provide a significant contribution in that regard and that the proposed expansion would permit more of Applicant's annual gas supply to be made available during winter seasons when Category I requirements are the greatest. Moreover, it is indicated that the instant proposal would provide added safety and reliability during temporary periods of supply losses due to hurricanes or other unexpected factors.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or

**GENERAL ACCOUNTING OFFICE  
REGULATORY REPORTS REVIEW**

**Receipt and Approval of a Proposed Report**

A request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 4, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

**FEDERAL ENERGY ADMINISTRATION**

Request for clearance on an emergency basis for the form entitled, Foreign Crude Oil Cost Report, FEA P328-Q-O. This is a new quarterly report, authorized under P.L. 93-275 and 94-163, to collect detailed information on crude oil acquisition costs from the foreign trading affiliates of United States companies. Data are to be provided for exports of crude oil acquired under concessionary or similar terms and for crude oil purchased under market terms from exporting country governments and their national companies. According to FEA, this information will allow the FEA and the United States Government to carry out its obligations for exchange of information about crude oil costs in the International Energy Program.

Respondents are from 15 to 20 firms which acquired an average of 100,000 or more barrels of crude oil per day in the previous calendar year from countries that are not members of the International Energy Agency. The estimated burden of the new form is 10 hours per response.

According to FEA, an emergency clearance was required for this form because of a number of extraordinary circumstances. The United States is a member of the International Energy Agency. The member countries, under an agreement of November 18, 1974, were to provide foreign crude oil cost data within 90 days. However, many problems arose concerning what data should be reported and how the cost data of individual companies could be provided without revealing proprietary information. After resolving these issues, the member companies agreed that the first collection of data was needed by June 15. FEA states that it is critically important that the United States supply its data by that date.

Because of the need for this information by June 15, GAO cleared this form on May 10. Further information may be obtained from the Regulatory Reports Review Officer, (202) 376-5425.

CARL F. BOGAR,  
Assistant Director.

[FR Doc.76-14540 Filed 5-18-76; 8:45 am]

if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14572 Filed 5-18-76; 8:45 am]

**FEDERAL RESERVE SYSTEM**

**CULLEN BANKERS, INC.**

**Acquisition of Bank**

Cullen Bankers, Inc., Houston, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of San Felipe National Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1976.

Board of Governors of the Federal Reserve System, May 12, 1976.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.76-14548 Filed 5-18-76; 8:45 am]

**PARK FINANCIAL CORP.**

**Formation of Bank Holding Company**

Park Financial Corporation, St. Louis Park, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Park National Bank of St. Louis Park, St. Louis Park, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 4, 1976.

Board of Governors of the Federal Reserve System, May 13, 1976.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.

[FR Doc.76-14549 Filed 5-18-76; 8:45 am]

**LEGAL SERVICES CORPORATION  
BOARD OF DIRECTORS  
Meeting**

The next meeting of the Board of Directors of the Legal Services Corporation will be held on June 3 and 4, 1976 in room 426 of the Cloyd Heck Marvin Center, George Washington University, 800 21 St., N.W., Washington, D.C.

The meeting will begin at 9:00 a.m. on both days and will be for the purpose of hearing reports from the Board's Committees and the President of the Corporation.

The meeting is open to the public.

THOMAS EHRLICH,  
President.

MAY 14, 1976.

[FR Doc.76-14603 Filed 5-18-76; 8:45 am]

**NATIONAL SCIENCE FOUNDATION  
ADVISORY PANEL FOR POLITICAL  
SCIENCE**

**Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Political Science.  
Date and time: June 4, 1976—9:00 a.m. to 5:00 p.m.

Place: Rm. 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. David C. Leege, Program Director, Political Science Program, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4348.

Purpose of panel: To provide advice and recommendations concerning support for research in Political Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: May 14, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc.76-14536 Filed 5-18-76; 8:45 am]



# SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12428; File No. SR-DSE-76-4]

## DETROIT STOCK EXCHANGE Self-Regulatory Organizations

In the matter of proposed rule change by Detroit Stock Exchange; SR-DSE-76-4.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on May 10, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. *Statement of the Terms of Substance of the Proposed Rule Change.* The proposed rule change would amend the Rules of the Detroit Stock Exchange to eliminate any restriction on the ability of members to transact agency business otherwise than on the Exchange.

B. *Statement of Basis and Purpose.* The proposed amendment to Chapter I, Section 5(a) would permit Detroit Stock Exchange members to transact agency business on any other exchange or over-the-counter with third-market-makers or block positioners as defined in the Rule or "in-house" as agent for both buyer and seller. The proposed rule, moreover, would not require that public limit orders on the books be satisfied prior to, concurrent with, or subsequent to the execution in the over-the-counter market or in-house as agent for both buyer and seller.

On March 31, 1976, Rule 19c-1 under the Act, governing off-board trading by members of national exchanges became effective. The proposed amendment to Chapter I, Section 5(a) eliminates any restriction on the ability of its members to transact agency business otherwise than on the Detroit Stock Exchange.

Comments on the proposed amendment were not solicited from members, participants or others, and no unsolicited comments were received.

The proposed amendment would impose no burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or as to which the above-mentioned self-regulatory agency consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written sub-

missions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 18, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

MAY 11, 1976.

[FR Doc.76-14495 Filed 5-18-76; 8:45 am]

[Release No. 34-12419; File No. SR-PCC-76-5]

## PACIFIC CLEARING CORP.

### Self-Regulatory Organizations

In the matter of proposed rule change by Pacific Clearing Corporation.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on April 29, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed change establishes a satellite facility of the Pacific Clearing Corporation ("PCC") in Denver, Colorado for handling securities receipts and deliveries for local brokers and banks for processing at the San Francisco and Los Angeles offices of PCC and Pacific Securities Depository Trust Company ("PSD"). The facility is similar to the facilities currently in operation in Seattle, Washington and Portland, Oregon, which were approved by the Commission in Rel. No. 34-11857 (November 20, 1975) and Rel. No. 34-12324 (April 7, 1976), respectively.

Pursuant to the establishment of the satellite facility, participants in the Denver, Colorado area can:

1. Use the facility to make deliveries to and obtain receipts of securities from PCC and PSD;

2. Input forms for bookkeeping movements of securities in connection with clearance and settlement of securities; and

3. Become linked with other clearing corporations and depositories by means of interfaces available through PSD and PCC.

### STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the Denver facility is to provide access for broker-dealers, banks and other qualified users in the Denver area to the clearing operations of PCC and, to the extent permitted by applicable law, the depository operations of PSD.

The Denver facility increases the capacity of PCC to facilitate prompt and accurate clearance and settlement of securities transactions for a broader group of broker-dealers; increases the ability of broker-dealers and other qualified users outside of the San Francisco and Los Angeles area to become participants in the clearing and depository operations of PCC and PSD; and, by making clearing and certain depository services available in Denver, helps perfect the mechanism for a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited from participants. PSD and PCC officials did, however, hold meetings in Denver to determine the interest of firms in those cities in the Denver facility. At these meetings several broker-dealers and banks commented that they believed such a facility was needed and that they would expect to use it.

PCC is of the opinion that the Denver facility will not impose any burden on competition. Rather, like the PCC facilities in Seattle, Washington and Portland, Oregon, the facility will encourage competition. It will do this by making available to firms in the Southwest clearing and settlement methods not previously economically feasible for such firms. These firms will thus be better able to compete for business with larger firms headquartered in the nation's money centers.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 8, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

MAY 10, 1976.

[FR Doc.76-14495 Filed 5-18-76; 8:45 am]

[Release No. 12427; SR-DTC-76-2]

## THE DEPOSITORY TRUST CO.

Order Approving Proposed Rule Change Submitted by the Depository Trust Company Amending Certain Operating Procedures To Permit the Pre-Authorized Release of Collateral Pledged by Participants Pursuant to Its Over-Night Collateral Loan Program

MAY 11, 1976.

On March 11, 1976, The Depository Trust Company (New York, New York) ("DTC") submitted a proposed change to the Operating Procedures of DTC pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (the "Act").

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 Fed. Reg. 14453, April 5, 1976) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12282 on March 30, 1976. No letters of comment were received.

As described in Securities Exchange Act Release No. 12282, the rule change permits pledgees in DTC's book-entry pledge program to authorize the automatic release of securities pledged for overnight bank loans and, thus, to permit book-entry deliveries by pledgors to other DTC Participants by 9:30 a.m. on the business day following the overnight loan unless the release is cancelled before such time. The rule change is intended to eliminate preparation and processing of separate release forms and to facilitate timely completion of book-entry deliveries which are dependent upon release of the pledged securities.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the rule change referenced above, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-14492 Filed 5-18-76; 8:45 am]

[Release No. 12431; SR-DTC-76-1]

## THE DEPOSITORY TRUST CO.

Order Approving Proposed Rule Change Submitted by the Depository Trust Company In Regard to Operating Procedures Respecting Its Institutional Delivery System

MAY 12, 1976.

On March 16, 1976, The Depository Trust Company, New York, New York ("DTC") submitted a proposed change to the Operating Procedures of DTC pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, 15 U.S.C. 78(s) (the "Act").

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 FR 14798, April 7, 1976) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12273 on March 26, 1976. No letters of comment were received.

As described in Securities Exchange Act Release No. 12273, the rule change permits Participants who have been excepting deliveries in DTC's Institutional Delivery System ("ID System") to comply with certain segregation requirements by limiting the exceptions to only that portion of a security position actually required for segregation requirements while permitting the remaining portion of the position to become available for deliveries in the PDQ part of DTC's ID System.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the rule change referenced above, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-14493 Filed 5-18-76; 8:45 am]

[Release No. 12426; File No. 600-16]

## NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

### Notice of Filing of an Application for Registration of Clearing Agency

The New England Securities Depository Trust Company has made an application to become a registered clearing agency under Sections 17A and 19(a) of the Securities Exchange Act of 1934 (the "Act") and pursuant to Section (c)(1) of Rule 17Ab2-1 [17 CFR 240.17Ab2-1] under the Act. The New England Securities Depository Trust Company intends to engage in the business of holding, receiving and delivering securities and making book entries with respect to the transfer and/or pledge thereof as a clearing corporation and as a custodian bank for other clearing corporations.

Within ninety days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period as to which the applicant consents, the Commission will, in accordance with Section 19(a) of the Act:

(A) By order grant such registration, or

(B) Institute proceedings to determine whether registration should be denied.

Pursuant to subsection (c)(1) of Rule 17Ab2-1 under the Act, if requested by an applicant, the Commission may grant the applicant registration as a clearing agency in accordance with Sections

17A(b) and 19(a)(1) of the Act, but exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) of the Act. Registration pursuant to subsection (c)(1) of Rule 17Ab2-1 shall not be effective for more than eighteen (18) months from the date on which registration is made effective by the Commission.

Subsection (c)(2) of Rule 17Ab2-1 requires that, in the case of any clearing agency registered in accordance with subsection (c)(1) of Rule 17Ab2-1, the Commission, not later than nine months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)-(I) of Section 17A(b)(3) or will institute proceedings to determine whether registration should be denied at the expiration of 18 months.

Interested persons are invited to submit written data, views and arguments concerning the foregoing applications within six weeks from the date of publication of this notice in the FEDERAL REGISTER. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Section 19(a) of the Act and subsection (c)(2) of Rule 17Ab2-1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the appropriate file number.

Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

MAY 11, 1976.

[FR Doc.76-14496 Filed 5-18-76; 8:45 am]

[Rel. No. 19524; 70-5845]

## THE POTOMAC EDISON CO.

Notice of Proposed Issue and Sale of Preferred Stock and First Mortgage Bonds at Competitive Bidding

MAY 12, 1976.

Notice is hereby given that The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740 ("Potomac"), an electric utility subsidiary of Allegheny Power System, Inc., a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6 and 7 of



the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration as amended, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, up to 150,000 shares of its \$100 cumulative preferred stock ("Preferred Stock"), par value \$100 per share. The dividend rate, to be stated in terms of the dollar amount payable annually, which amount will be a multiple of \$0.04, and the price per share to be paid to Potomac, which price will not be less than \$100 nor more than \$102.75, will be determined by the competitive bidding. The terms of the Preferred Stock also provide that no shares may be redeemed prior to June 1, 1981, if the funds for such redemption are obtained by Potomac through the issuance of debt securities or other preferred stock at an interest or dividend cost, as the case may be, less than the dividend rate of the Preferred Stock.

Potomac also proposes to issue and sell at competitive bidding up to \$25,000,000 aggregate principal amount of its first mortgage bonds ("Bonds"), in one or more series, each such series to have a single maturity of not less than five and not more than thirty years from the date of issuance. Potomac states that it will notify prospective bidders of the maturity and the number of series of the Bonds not later than 72 hours prior to the bidding. The price of the Bonds, which will not be less than 100% (unless Potomac authorizes a lower percentage, not less than 99%) nor greater than 102 3/4% of the principal amount, and their interest rate, which will be a multiple of 1/8 of 1%, will be determined by the competitive bidding.

The Bonds will be issued under Potomac's Indenture, dated October 1, 1944, to Chemical Bank and Thomas J. Foley, trustees, as herebefore amended and supplemented and as to be further amended and supplemented by a Supplemental Indenture to be executed in connection with the issuance of the Bonds. The terms of the Bonds prohibit Potomac from redeeming them prior to June 1, 1981, if the funds for such redemption are obtained by Potomac at a lower interest cost than that of the Bonds.

Potomac states that the proceeds realized from the sale of the Preferred Stock and of the Bonds will be applied to pay or prepay short-term debt and to finance its construction program. Potomac states that on March 31, 1976, it had \$13,200,000 of short-term notes outstanding and that it expects to have about \$11,000,000 of such notes outstanding at the time of issuance of the Preferred Stock and Bonds. As of March 31, 1976, Potomac's construction program for 1976-1977 was estimated to cost about \$139,000,000.

Estimates of the fees and expenses to be incurred by Potomac in connection with the proposed transactions and the fees of counsel for the successful bidders, which will be paid by the successful bid-

ders, will be supplied by amendment. It is stated that the Public Service Commission of Maryland, the State Corporation Commission of Virginia, and the Pennsylvania Public Utility Commission (with regard to registration of a securities certificate) have jurisdiction over the proposed transactions and that no other state commission nor any federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-14494 Filed 5-18-76; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 49]

#### ASSIGNMENT OF HEARINGS

MAY 14, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111729 Sub-555, Purolator Courier Corp., now assigned May 24, 1976, at Albuquerque, New Mexico will be held in Juvenile Court Room—Basement West, District County Court House, 415 Tigras, N.W., and on July 13, 1976 at Dallas, Texas, will be held in room 5A15-17, New Federal Bldg., 1100 Commerce Street.

MC 135732 (Sub-No. 13), Aubrey Freight Lines, Inc., now assigned June 2, 1976, at Tallahassee, Fla. is canceled and application dismissed.

MC 120477 (Sub-2), International Transport, Inc. now assigned September 20, 1976 (1 week) at New York, New York and will be held in a hearing room to be later designated.

MC 109821 (Sub-42), H.W. Taynton Company, Inc. now being assigned September 27, 1976 (1 week) at New York, New York in a hearing room to be later designated.

MC 30561 Joseph Ruffin, DBA Ruffin's Motor Freight, now being assigned September 8, 1976 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

MC 140055, Mays Landing Transportation, Co., Inc., now being assigned September 9, 1976 (2 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 141243 Sub 1, Jaymar Trucking Corp., now being assigned September 13, 1976 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 141081, Traller Car Corp., now being assigned September 15, 1976 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC 141344 (Sub-No. 2), Allen Transport Corporation now being assigned September 13, 1976 (1 week) at Richmond, Virginia in a hearing room to be later designated.

MC 105881 (Sub-No. 51), M.R. & R. Trucking Company, now assigned July 13, 1976, at Albany, Ga. is canceled and reassigned for July 27, 1976 (4 days), at Albany, Georgia at the Sheraton Motor Inn, 999 East Oglethorpe Expressway and August 2, 1976 (3 days), at Orlando, Florida at the Howard Johnson Motor Inn, 803 Lee Road (I-4, and Lee Road.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14593 Filed 5-18-76; 8:45 am]

[Notice No. 50]

#### ASSIGNMENT OF HEARINGS

MAY 14, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

#### CORRECTION

MC 107295 (Sub-No. 771), Pre-Fab Transit Co., now assigned May 18, 1976, at Dallas, Tex. will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street, instead of May 17, 1976.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14595 Filed 5-18-76; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

##### Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 28, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 29886 (Sub-No. E93), (Correction), filed May 16, 1974, republished in the *Federal Register* October 21, 1975, and republished in the *Federal Register* December 4, 1975, and republished, as corrected, this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dumptruck bodies*, which because of size or weight require the use of special equipment, from those points in Ohio on, north, and west of a line beginning at the Ohio-Indiana State line . . . those in Nebraska on and west of U.S. Highway 281, those in South Dakota on and west of U.S. Highway 281, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Marion, Ohio, and points within five miles thereof. The purpose of this correction is to correct the commodity description above. The remainder of the letter-notice remains as previously published.

No. MC 29886 (Sub-No. E113) (Correction), filed May 23, 1974, and published in the *Federal Register* September 25, 1975, and republished, as corrected, this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in driveway service, . . . (2) from points in Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, the Lower Peninsula of Michigan, and the District of Columbia, to points in Utah (Detroit, Mich.); (4) from points

in Maryland, New Jersey, New York, Pennsylvania, West Virginia, those in Fulton and Henry Counties, Ohio, on and east of Ohio Highway 108, and those in Ohio in and north of Hancock, Wyandot, Marion, Morrow, Knox, Licking, Muskingum, Noble, and Monroe Counties, those in North Carolina on and east of U.S. Highway 25, those points in Michigan on and east of U.S. Highway 23 and south of Michigan Highway 25 and the District of Columbia, to points in Iowa . . . (5) from points in Maryland, New Jersey, New York, Pennsylvania, West Virginia, those in the Lower Peninsula of Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25, those in Ohio in and east of Williams, Defiance, Putnam, Allen, Hardin, Union, Franklin, Pickaway, Hocking, Vinton, Jackson, and Lawrence Counties, those in North Carolina on and east of U.S. Highway 21, and the District of Columbia, to points in Nebraska; (6) from points in Maryland, New Jersey, New York, Pennsylvania, those in Ohio in and east of Defiance, Putnam, Allen, Harding, Union, Delaware, Licking, Perry, Morgan, and Washington Counties, those in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25; and the District of Columbia, to points in Kansas; (9) from points in Maryland, New Jersey, New York, North Carolina, Pennsylvania, West Virginia, those in Ohio in and east of Lucas, Wood, Hancock, Hardin, Union, Madison, Fayette, Ross, Pike, and Scioto Counties, and the District of Columbia, to points in Wisconsin (Toledo, Ohio). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct origin points. The remainder of the letter-notice remains as previously published.

No. MC 59271 (Sub-No. E1), filed June 4, 1974. Applicant: Boston Truck Co., Inc., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Maine, on the one hand, and, on the other, points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Cambridge or Brookline, Mass.

No. MC 59271 (Sub-No. E2), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire except those in Cheshire County, on the one hand, and on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Cambridge, Mass.

No. MC 59271 (Sub-No. E3), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in that part of New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending north along Interstate Highway 93 to junction New Hampshire Highway 25, and thence along New Hampshire Highway 25 to the Main-New Hampshire State line and (b) between points in that part of New Hampshire on, north, and east of a line beginning at the Maine-New Hampshire State line and extending along New Hampshire Highway 25 to the junction of U.S. Highway 3 thence over U.S. Highway 3 to the International boundary line between the United States and Canada, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Brookline or Cambridge, Mass.

No. MC 59271 (Sub-No. E4), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Maine, on the one hand, and, on the other, points in Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, and Virginia. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E5), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Canadian border, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E6), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006.



Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire on and east of U.S. Highway 3, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points and places within 25 miles of Boston.

No. MC 59271 (Sub-No. E7), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E8), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E9), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire, on the one hand, and, on the other, points in Virginia, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E10), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Connecticut, on the one hand, and, on the other, Wilmington, Del.; Chicago, Ill.; Baltimore, Md.; Detroit, Mich.; and points in New Jersey, Ohio, Pennsylvania, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59271 (Sub-No. E11), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cam-

bridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Rhode Island, on the one hand, and, on the other, Wilmington, Del.; Chicago, Ill.; Detroit, Mich.; and points in New Jersey, Ohio, Pennsylvania, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59271 (Sub-No. E12), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Rhode Island, on the one hand, and, on the other, Washington, D.C., and points in Pennsylvania and Maryland. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 59271 (Sub-No. E13), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Massachusetts on and east of Massachusetts Highway 12, on the one hand, and, on the other, points in Virginia, New Jersey (New York\*), Delaware, Pennsylvania, Maryland, District of Columbia (New York and Boston)\*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 59271 (Sub-No. E14), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Maine, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E15), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Rhode Island, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Bos-

ton, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E16), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E17), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Maine, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E18), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Maine and those in Stratford and Rockingham Counties, N.H., on the one hand, and, on the other, points in New York on and south of a line beginning at the Massachusetts-New York State line, and extending along Interstate Highway 90 to the International boundary line between Canada or points in that part of New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 81 to the United States-Canadian Boundary line and west over U.S. Highway 90 to the New York-Canadian Border. The purpose of this filing is to eliminate the gateway of Cambridge or Brookline, Mass.

No. MC 59271 (Sub-No. E19), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Rhode Island, on the one hand, and, on the other, points in New York on and west of a line beginning at the New York-Pennsylvania State line, and extending along U.S.

Highway 11 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 254, thence along New York Highway 254 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Cambridge or Brookline, Mass.

No. MC 59271 (Sub-No. E20), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between Newport County, R.I., on the one hand, and, on the other, points in New York on and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Cambridge or Brookline, Mass.

No. MC 59271 (Sub-No. E21), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Rhode Island, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E22), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Connecticut (except those in Fairfield County), on the one hand, and, on the other, points in Alabama, Florida, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E23), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *Uncrated new furniture*, between points in Massachusetts, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E24), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New Hampshire, on the one hand, and, on the other, points in Illinois, Indiana, Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E25), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Massachusetts on and east of Massachusetts Highway 12, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio and Wisconsin. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E26), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between Portland, Maine, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. 27), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Maine, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio and Wisconsin. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E28), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C.

20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Rhode Island, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of Boston, Mass., and points within 25 miles of Boston.

No. MC 59271 (Sub-No. E29), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 10 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to International boundary line between the United States-Canada on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Cambridge, Mass.

No. MC 59271 (Sub-No. E30), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Connecticut (except those in Fairfield, New Haven and Litchfield Counties), on the one hand, and, on the other, points in Indiana and Michigan. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59271 (Sub-No. E31), filed June 4, 1974. Applicant: BOSTON TRUCK CO., INC., 194 First St., Cambridge, Mass. 02142. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Connecticut (except those in Fairfield County) on the one hand, and, on the other, points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 59952 (Sub-No. E2), (Correction), filed May 20, 1974, published in the FEDERAL REGISTER issue of September 17, 1974, and republished, as corrected, this issue. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories*, for the commodities described

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above, between points in Indiana, on the one hand, and, on the other, points in Pennsylvania, New York, Maryland, and Delaware. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

Note.—The purpose of this correction is to state the correct publication.

No. MC 65941 (Sub-No. E1) (Correction), filed April 11, 1974, and published in the *FEDERAL REGISTER* May 9, 1974, and republished, as corrected, this issue. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, thence along the Pennsylvania-Ohio State line to point of beginning including points on the indicated portions of the highways specified on the one hand, and, on the other, points in that part of Georgia on and north of a line beginning at Augusta and extending along U.S. Highway 1 to Louisville, thence along Georgia Highway 24 to junction Georgia Highway 22, and thence along Georgia Highway 22 through Macon to Columbus, and points in that part of North Carolina and South Carolina on, north, and west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of Wheeling, W. Va., or points in West Virginia within 30 miles of Wheeling, Clarksburg or Mannington, W. Va., or Martins Ferry, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 65941 (Sub-No. E9), (Partial correction), filed April 28, 1974. Published in the *FEDERAL REGISTER* October 20, 1975, and republished, as corrected, this issue. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: oil, grease, and materials, equipment and supplies, used or useful in the production and packing of metal and clay products restricted to the petroleum products (except petrochemicals), in containers, (9) from points in Ohio on, north and east of U.S. Highway 250, to points in Virginia south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Congo or St. Marys, W. Va. The purpose of this partial correction is to insert paragraph (9) that

was deleted in the publication. The remainder of the letter-notice remains as previously published.

No. MC 102567 (Sub-No. E128), (Correction), filed June 3, 1974, published in the *FEDERAL REGISTER* June 4, 1975, republished in the *FEDERAL REGISTER* August 4, 1975, and republished in the *FEDERAL REGISTER*, as shown, this issue. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe Day (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles (except liquefied petroleum gases), from those in Louisiana within 150 miles of Henderson, Tex., which are south and east of a line beginning at Monroe, La., and extending along U.S. Highway 165 to junction Louisiana Highway 2, thence along Louisiana Highway 2 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Alternate Highway 2, thence along Louisiana Alternate Highway 2 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to Alexandria, La., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Cotton Valley, La., and points within 10 miles thereof. The purpose of this correction is to correct the origin territorial description above.

No. MC 107403 (Sub-No. E694), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: Dry chemicals (other than liquids, and except fly ash), in bulk, in tank vehicles, from points in Kentucky, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Riverview, Ohio, and those points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 108207 (Sub-No. E70), (Correction), filed May 13, 1974, and published in the *FEDERAL REGISTER* April 21, 1976. Applicant: FROZEN FOOD EXPRESS, P.O. Box 5888, Dallas, Texas 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods and fresh meats, (1) from points in Iowa and points in that part of Kansas and Nebraska on and east of U.S. Highway 183, to points in New Mexico and Arizona; and (2) from points in Iowa, points in that part of Kansas on and east of U.S. Highway 183, and points in Nebraska on and east

of U.S. Highway 81, to points in that part of California on, south, and east of a line beginning at the Pacific Ocean, thence along California Highway 17 to junction U.S. Highway 101, to junction California Highway 152, to junction California Highway 99, to junction California Highway 58, to junction Interstate Highway 15, to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this correction is to correct E33, published April 21, 1976, which should be E70.

No. MC 108341 (Sub-No. E4) (Partial correction), filed May 13, 1974, published in the *FEDERAL REGISTER* October 1, 1975, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum, gypsum products, and building materials (except stone, marble, granite, and slate), restricted to the transportation of commodities which because of size or weight require the use of special equipment, and commodities which because of size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, \* \* \* (4) Between points in and south of Brevard, Lake, Orange, Pasco and Sumter Counties, Fla., on the one hand, and, on the other, points in that part of Tennessee east of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 85E to the Tennessee-Kentucky State line; \* \* \* (10) Between points in that part of North Carolina bounded by a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 321 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to the North Carolina-Virginia State line, thence along the North Carolina-Virginia State line to the North Carolina-Tennessee State line, thence along the North Carolina-Tennessee State line to the points of beginning, on the one hand, and, on the other, points in that part of Tennessee bounded by a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 231 to junction Tennessee Highway 130, thence along Tennessee Highway 130 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction Tennessee Highway 101, thence along Tennessee Highway 101 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 11W, thence along U.S. Highway 11W to junction U.S. Highway 23, thence along U.S. Highway

23 to the Tennessee-Virginia State line, thence along the Tennessee-Virginia State line to the point of beginning, and \* \* \* The purpose of this filing is to eliminate the gateway of Plasteco, Virginia. The purpose of this correction is to correct the origin description. The remainder of the letter-notice remains as previously published.

No. MC 108341 (Sub-No. E6) (Partial correction), filed May 13, 1974, and published in the *FEDERAL REGISTER* October 1, 1975, and republished, as corrected, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack F. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flat glass, and glass glazing units, restricted to the transportation of commodities which because of size or weight require the use of special equipment and commodities which because of size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, (10) from points in that part of North Carolina south and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 401 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to the White Oak River, thence along White Oak River to the Atlantic Ocean, to points in Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, New Hampshire, Ohio, Vermont, West Virginia, Wisconsin, and those in Pennsylvania west of the Susquehanna River; \* \* \* The purpose of this filing is to eliminate the gateway of Clinton and Laurinburg, N.C. The purpose of this correction is to correct the origin description in part (10) above. The remainder of the letter-notice remains as previously published.

No. MC 113676 (Sub-No. E51), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Avenue, Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113678 (Sub-No. E52), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Avenue, Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E53), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E54), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E55), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E56), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E57), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: Household goods, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E58), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E59), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E60), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E61), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E62), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,



transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E63), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E64), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of Illinois and Missouri.

No. MC 113676 (Sub-No. E65), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E66), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E67), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E68), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E69), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E70), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E71), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E72), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E73), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E74), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E75), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E76), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E77), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W.,

Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 113676 (Sub-No. E78), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E79), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E80), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois and Missouri.

No. MC 113676 (Sub-No. E81), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in New York.

No. MC 113676 (Sub-No. E82), filed June 4, 1974. Applicant: ROTHERY STORAGE AND VAN COMPANY, 1525 Chase Ave., Elk Grove Village, Ill. 60007. Applicant's representative: Robert J.

Gallagher, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateways of points in New York.

No. MC 113855 (Sub-No. E84), (Partial correction), filed May 30, 1974, and published in the FEDERAL REGISTER January 19, 1976, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Commodities* which because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery, parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of the above-described commodities, and \* \* \* (A) (4) between points in Kansas on, west and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 281 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line (except points described in (3) above), on the one hand, and, on the other, points in West Virginia on and north of U.S. Highway 33 and on and west of U.S. Highway 250. The purpose of this filing is to eliminate the gateways of South Dakota, Davenport, Iowa, and Elgin, Ill., in (A) above; and South Dakota and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line extending along unnumbered highway to junction Business U.S. Highway 15 near Fairplay, thence to junction U.S. Highway 15, thence along unnumbered highway through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., in (B) above. The purpose of this correction is to correct the publication to properly identify the particular highway. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E84), (Partial correction), Filed May 30, 1974, and published in the FEDERAL REGISTER October

21, 1975, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials, and supplies*, when their transportation is incidental to the transportation of the specified commodities \* \* \* The purpose of this filing is to eliminate the gateways of points in Minnesota within 50 miles of Sioux Falls, S. Dak. The purpose of this partial correction is to correct an error in the first portion of the commodity description. The remainder of the letter notice remains as previously published.

No. MC 113855 (Sub-No. E84), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER November 26, 1975, and republished, as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (2) *self-propelled articles* described in (1) above, each weighing 15,000 pounds or more and related machinery, and parts moving in connection therewith (restricted to commodities transported on trailers), from points in Montana, to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Delaware, Virginia, North Carolina, Michigan, Louisiana, Maryland and the District of Columbia, (points in South Dakota east of the Missouri River and Minneapolis, Minn.) \* (B) (2) *self-propelled articles*, described in (1) above each weighing 15,000 pounds or more (restricted to commodities transported on trailers), from points in Montana, to points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Delaware, Virginia, North Carolina and Michigan, (points in South Dakota east of the Missouri River, and points in Minnesota within 15 miles of the Minneapolis-St. Paul commercial zone) \* (C) *road construction machinery and equipment*, as defined by the Commission, and *lift trucks*, in flat bed trailers only, restricted to commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment, is performed by the consignor or consignee or both, between points in Montana, on the one hand, and on the other, points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Delaware,



Virginia, North Carolina and Michigan (except Benton Harbor and Battle Creek); (points in South Dakota east of Missouri River and points in Minnesota within 15 miles of Minneapolis-St. Paul commercial zone). \* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E85), (Correction), filed May 30, 1974, and published in the FEDERAL REGISTER October 21, 1975, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which, because of size or weight, require the use of special equipment, and *related machinery, parts, and related contractors' materials, and supplies*, when their transportation is incidental to the transportation of the specified commodities, and . . . (a) (ii) between points in North Dakota on and west of U.S. Highway 83 on the one hand, and, on the other, points in North Carolina west of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties, and east of U.S. Highway 15, and points in South Carolina on and east of U.S. Highway 52 (South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay in junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania, on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

(b) Between points in South Dakota, on the one hand, and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland (except Garrett County), the District of Columbia, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 87 to junction U.S. Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, and points in Virginia east of Alleghany, Rockbridge,

Bedford, and Pittsylvania Counties (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay, to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring to junction U.S. Highway 15 thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.). \* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the reference of the elimination of a gateway and to correct an error made in part (a) (ii) above. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E90), (Partial correction), filed May 30, 1974, and published in the FEDERAL REGISTER November 5, 1975, and republished, as shown, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *commodities* which, because of their size or weight require the use of special equipment (except boats and iron and steel articles), and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by said carrier of the above-described commodities, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies*, moving in connection therewith (restricted to commodities transported on trailers), . . . (3) between points in Colorado, on and north of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 36 to junction U.S. Highway 6, thence along U.S. Highway 6 to Colorado-Utah State line on the one hand, and, on the other, points in Indiana south of Interstate Highway 74 and on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70 to the junction of Indiana State Highway 46, thence along Indiana State Highway 46 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Kentucky State line, and points in Kentucky on and east of Kentucky State Highway 61. The purpose of this filing is to eliminate

the gateways indicated in asterisks above. The purpose of this correction is to insert part (3) which was deleted in the publication. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E94), (Partial correction), filed May 30, 1974, and published in the FEDERAL REGISTER November 26, 1975, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *commodities* which, because of their size or weight, require the use of special equipment, and *related machinery, parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation of the above-specified commodities, and . . . (B) (vi) between points in Montana, on the one hand, and, on the other, points in Kansas on and east of Kansas Highway 25; (points in South Dakota east of the Missouri River) . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the second part (B) (v) to read as (B) (vi) above. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E111), (Partial correction), filed May 30, 1974, and published in the FEDERAL REGISTER October 21, 1975, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *airplane loading, maintenance and baggage handling equipment*, which by reason of size or weight requires the use of special equipment, and . . . (E) from points in Nevada on, west, and north of a line beginning at the Oregon-Nevada State line and extending along U.S. Highway 95 to junction U.S. Highway 40 to the Nevada-California State line, to points in Florida. The purpose of this filing is to eliminate the gateway of San Leandro, Calif. The purpose of this correction is to correct an error in part (1) of the commodity description and part (E) the destination state should be Florida. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E118), (Partial correction), filed May 30, 1974, and published in the FEDERAL REGISTER January 19, 1976, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, and sign accessories*, which, because of size or weight, require the use of special equipment; . . . (5) from points in Wisconsin, Iowa, Michigan, Ohio, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, points in Illinois on and north of Illinois Highway 9, points in Indiana on and north of Indiana Highway 26, points in West Virginia on, north, and east of U.S. Highway 60, and points in Virginia on and north of U.S. Highway 60 and on and east of U.S. Highway 29, to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line and points in Maryland. (Clearfield, Utah); . . . (8) from points in Minnesota to points in Arizona on, west, and north of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Arizona-California State line (points in Minnesota within 50 miles of Sioux Falls, S. Dak.; South Dakota; and Clearfield, Utah). \* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct origin point in part (5) to include the State of Maryland and to correct part (8) to clarify the correct highway. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E119), (Partial correction), filed May 30, 1974, published in the FEDERAL REGISTER November 26, 1975, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *agricultural machinery and implements, tractors, attachments and parts* which because of their size or weight require the use of special equipment and *related machinery parts*, when their transportation is incidental to the transportation by the above-described commodities, and (2) *self-propelled articles*, described in (1) above, each weighing 15,000 pounds or more, and *related parts*, moving in connection therewith, restricted to commodities transported on trailers, . . . (C) (v) from points in South Dakota on and north of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to the South Dakota-North Dakota State line, to points in Louisiana and Arkansas; . . . The purpose of this filing is to eliminate the gateways indicated by as-

terisks above. The purpose of this correction is to correct part (C) (v) above. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E155), (Partial correction), filed May 30, 1974, and published in the FEDERAL REGISTER October 21, 1975, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies*, moving in connection therewith, restricted to commodities transported on trailers (except boats, aircraft, aircraft parts, aircraft engines, missiles, missile parts, missile propelling parts, missile engines, self-propelled street sweepers, tension wire stringing equipment, truck concrete mixers, trenching machines, lift trucks, front end shovel loaders, trucks, automobiles, buses, trailers, and machinery and equipment used in the maintenance, servicing, repair, and operation of airplanes); . . . (D) (1) between points in Nevada on, west, and south of a line beginning at the Nevada-Oregon State line and extending along Nevada Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, on the one hand, and, on the other, points in Tennessee, and (2) between points in Nevada east and north of the line described in (1) above on the one hand, and, on the other, points in Tennessee on and south of U.S. Highway 64. The purpose of this filing is to eliminate the gateways of California. The purpose of this partial correction is to clarify the correct highway designation in part (D) (2) above. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E165), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER March 31, 1976, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (C) (1) *Road construction machinery and equipment*, as defined by the Commission, and (2) *lift trucks* in flat bed trailers only, restricted in (1) and (2) to the transportation of commodities which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both; (ii) between points in North Dakota on and north of a line beginning at the Montana-North

Dakota State line and extending along U.S. Highway 2 to junction North Dakota Highway 1, to the United States-Canada International Boundary line (except Minot), on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, New York, Virginia, North Carolina, The Lower Peninsula of Michigan (except Benton Harbor and Battle Creek). \* (South Dakota; Minneapolis or St. Paul, Minn., or points within 15 miles thereof). \* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 113855 (Sub-No. E171), (Partial correction), filed May 30, 1974, published in the FEDERAL REGISTER November 5, 1975, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (B) *Road construction machinery and equipment*, as defined by the Commission, and lift trucks (except commodities which because of size or weight require the use of special equipment), in flat bed trailers, . . . (4) from points in Tennessee on and east of Interstate Highway 65, points in South Carolina, Georgia, Florida, (except Escambia, Santa Rosa, Okaloosa, Walton Holmes, Washington, and Bay Counties), Alabama (except Washington Mobile, Baldwin, and Escambia Counties) and Indiana, (except points in the corporate limits of Hammond, Whiting, East Chicago, and Gary) to points in Box Elder, Cache, Rich, Weber, Toole, Davis, Morgan, Salt Lake, Utah, and Wasatch Counties, Utah. (Minneapolis or St. Paul, Minn., or points within 15 miles thereof). \* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to reflect the destination point in part (B) (4). The remainder of this letter-notice remains as previously published.

No. MC 123639 (Sub-No. E9), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER issue of June 24, 1974, and republished, as corrected, this issue. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Blvd., Denver, Colorado 80216. Applicant's representative: John F. DeCock (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, dry acids and chemicals, in bulk, and liquid commodities, in bulk, in tank vehicles), from the plant site of storage facilities of Griffith

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Provision Company, Inc., at or near Downs, Kans., to points in California, Idaho, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateways of Lexington, Nebr. and Minden, Nebr.

NOTE.—The purpose of this correction is to state the correct gateway points. The above authority was transferred from J. B. Montgomery, Inc. (an Iowa Corporation) to J. B. Montgomery, Inc. (a Delaware Corporation) in No. MC-FC-7501A.

No. MC 127187 (Sub-No. E5), (Partial correction), filed May 13, 1974, and published in the *FEDERAL REGISTER* August 20, 1975, and republished, as corrected, this issue. Applicant: FLOYD DUENOW, INC., 215 East Cherry, Fergus Falls, Minn. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Dry animal feed and poultry feed* (except commodities in bulk, in tank vehicles, and frozen animal feed); (7) from points in that part of Minnesota east of U.S. Highway 71 and on and north of U.S. Highway 52 and 12, to points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, and extending along U.S. Highway 71 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 75, thence along the northern Monona County line to the Missouri River, that part of Iowa on and west of U.S. Highway 75 from the Minnesota-Iowa State line to the northern Plymouth County line, and points in Plymouth, Woodbury, and Monona Counties; The purpose of this filing is to eliminate the gateways of South Dakota in (A) (1) through (9), points in South Dakota within the Sioux City, Iowa, commercial zone in (A) (10), South Dakota and that part of Minnesota on and west of U.S. Highway 71, in (A) (11) and (12), and that part of North Dakota on and east of North Dakota Highway 1 in (B) (1) through (4). The purpose of this correction is to clarify the correct highway description. The remainder of the letter-notice remains as previously published.

No. MC 127187 (Sub-No. E7), (Partial correction), filed May 13, 1974, and published in the *FEDERAL REGISTER* August 20, 1975, and republished, as corrected, this issue. Applicant: FLOYD DUENOW, INC., 215 East Cherry, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed* (except frozen animal feed) and *dry animal and poultry feed ingredients* (except commodities in bulk, in tank vehicles): (D) from points in Iowa on and north of U.S. Highway 18 (except points west of Iowa Highway 170 from the Minnesota State line to junction U.S. Highway 18 near Everly) to points in Nebraska (except that part of Nebraska east of a line beginning at the Nebraska-South Dakota State line, and extending along U.S. Highway 281 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line);

and west of U.S. Highway 71 (or South Dakota on movements to Wisconsin). The purpose of this correction is to correct the territorial description. The remainder of the letter-notice remains as previously published.

No. MC 127187 (Sub-No. E6), (Partial correction), filed May 13, 1974, published in the *FEDERAL REGISTER* August 20, 1975, and republished, as corrected, this issue. Applicant: FLOYD DUENOW, INC., 215 East Cherry, Fergus Falls, Minn. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Dry animal feed and dry poultry feed* (except commodities in bulk, in tank vehicles, and frozen animal feed); (7) from points in that part of Minnesota east of U.S. Highway 71 and on and north of U.S. Highway 52 and 12, to points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, and extending along U.S. Highway 71 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction U.S. Highway 75, thence along the northern Monona County line to the Missouri River, that part of Iowa on and west of U.S. Highway 75 from the Minnesota-Iowa State line to the northern Plymouth County line, and points in Plymouth, Woodbury, and Monona Counties; The purpose of this filing is to eliminate the gateways of South Dakota in (A) (1) through (9), points in South Dakota within the Sioux City, Iowa, commercial zone in (A) (10), South Dakota and that part of Minnesota on and west of U.S. Highway 71, in (A) (11) and (12), and that part of North Dakota on and east of North Dakota Highway 1 in (B) (1) through (4). The purpose of this correction is to clarify the correct highway description. The remainder of the letter-notice remains as previously published.

No. MC 127187 (Sub-No. E7), (Partial correction), filed May 13, 1974, and published in the *FEDERAL REGISTER* August 20, 1975, and republished, as corrected, this issue. Applicant: FLOYD DUENOW, INC., 215 East Cherry, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed* (except frozen animal feed) and *dry animal and poultry feed ingredients* (except commodities in bulk, in tank vehicles): (D) from points in Iowa on and north of U.S. Highway 18 (except points west of Iowa Highway 170 from the Minnesota State line to junction U.S. Highway 18 near Everly) to points in Nebraska (except that part of Nebraska east of a line beginning at the Nebraska-South Dakota State line, and extending along U.S. Highway 281 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line);

The purpose of this filing is to eliminate the gateway of that part of Minnesota on and west of U.S. Highway 71. The purpose of this correction is to reflect a deletion of a destination point in part (D) above. The remainder of the letter-notice remains as previously published.

No. MC 127187 (Sub-No. E8), (Partial correction), filed May 13, 1974, and published in the *FEDERAL REGISTER* August 20, 1975, and republished, as corrected, this issue. Applicant: FLOYD DUENOW, INC., 215 East Cherry, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry animal feed and dry poultry feed* (except frozen animal feed): (F) from points in that part of South Dakota east of the Missouri River, and south and west of a line beginning at the Missouri River on South Dakota Highway 47, thence along South Dakota Highway 47 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to South Dakota Highway 25 near Vilas, thence south on South Dakota Highway 25 to U.S. Highway 16, thence along U.S. Highway 16 to U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line (except points in Yankton County) to points in: (1) that part of Kansas on and east of U.S. Highway 75, and on and south of U.S. Highway 40, (2) Missouri (except points in that part of Missouri north of U.S. Highway 40 and west of U.S. Highway 65), (3) that part of Oklahoma, on and east of U.S. Highway 75, and (4) that part of Texas on, south, and east of a line beginning at the United States-Mexican Border, and extending along U.S. Highway 67 to Fort Worth, thence along U.S. Highway 77 to the Texas-Oklahoma State line; The purpose of this filing is to eliminate the gateway of that part of Minnesota on and west of U.S. Highway 71. The purpose of this correction is to correct an error in part (F) above. The remainder of the letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[PR Doc. 76-14591 Filed 5-18-76; 8:45 am]

[Notice No. 63]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

May 14, 1976.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *FEDERAL REGISTER* publication no later than June 3, 1976. One copy of the protest must be served

on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 19945 (Sub-No. 56TA), filed May 4, 1976. Applicant: BEENKEN TRUCK SERVICE, INC., Route No. 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in dump vehicles, from Springfield, Ill., to Toledo, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: William M. Johnson, Plant Manager, Agro Marketing Co., P.O. Box 745, Meredosia, Ill. 62665. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 102567 (Sub-No. 189TA) (Correction), filed April 8, 1976, published in the FR issue of April 27, 1976, republished as corrected this issue. Applicant: McNAIR TRANSPORT INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative Charles L. Taylor, Jr., 2040 North Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid bromine), in bulk, in tank vehicles, from Columbia County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, and South Carolina, for 180 days. Supporting shipper: Dow Chemical U.S.A., Eastern Division, P.O. Box 3600, Cleveland, Ohio 44136. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113. The purpose of this republication is to correct the commodity description.

No. MC 107002 (Sub-No. 488TA), filed May 4, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address

as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Memphis, Tenn., to Wichita, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 W. Valencia Drive, Fullerton, Calif. 92634. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107295 (Sub-No. 814TA), filed May 5, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wire, nails, mesh, staples, gates, rods, reinforcement bars, ingots, billets, fencing, and fence posts*, from Kokomo, Ind., to points in New Jersey, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert M. Hamilton, Penn-Dixie Steel Corporation, 1109 South Main St., Kokomo, Ind. 48901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 109397 (Sub-No. 327TA), filed May 4, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, from the plant site of General Atomic Co., at or near San Diego, Calif., to the burial site of Nuclear Engineering Company, Inc., at or near Richland, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Nuclear Engineering Company, Inc., P.O. Box 156, San Ramon, Calif. 94583. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 111302 (Sub-No. 89TA), filed May 4, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Polypropylene glycol and isocyanates*, in bulk, in tank vehicles, from Farwell, Mich., to Parsons, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Reynolds Chemical Products, Div. Hoover Ball & Bearing Co., 5500 South State Road, Ann Arbor, Mich. 48104. Send protests to: Joe J. Tate, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 111729 (Sub-No. 652TA), filed May 5, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and dried cut flowers, decorative greens, green plants and floral supplies*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, from Minneapolis, Minn., to Omaha, Nebr.; Ironwood, Mich.; and points in Iowa, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Flowers, Incorporated, 16 Glenwood, Minneapolis, Minn. 55403. Send protests to: Maria B. Reiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 124328 (Sub-No. 100TA), filed May 4, 1976. Applicant: BRINK'S, INCORPORATED, 1 Crossroads of Commerce, Algonquin Road & Rt. 53, Suite 710, Rolling Meadows, Ill. 60008. Applicant's representative: Chandler L. van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Precious metals*, between Chicago, Ill., and Winslow, N.J., under a continuing contract with Simmons Refining Company, for 180 days. Supporting shipper: Simmons Refining Company, Ellis H. Brown, Vice-President, 1704 S. Normal, Chicago, Ill. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 149TA), filed April 29, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plant site of American Can Company, at Whitehouse, Ohio, to Edison and Hillside, N.J., under a continuing contract with American Can Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, Richard P. Edwards, Asst. Trans. Mgr., Operations, American Lane, Greenwich, Conn. 06830. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 134387 (Sub-No. 31TA), filed May 4, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's rep-

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representative: David P. Christianson, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cased paper products*, from the manufacturing facility of American Can Company's paper mill at Halsey, Oreg., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, Serramonte Plaza, 355 Gellert Blvd., Daly City, Calif. 94105. Send protests to: Walter W. Strakosch, District Supervisor, Room 321, Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 134922 (Sub-No. 168TA), filed May 5, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic rubber tires and tubes*, from Marion and Shelby, Ohio, to points in Colorado and Texas, for 180 days. Supporting shippers: Mansfield Tire & Rubber Company; Pennsylvania Tire Company; Inland Rubber Corp., also dba Fleet Tire Mart, Pennsylvania Tire & Rubber Co., of Miss., Inc., 515 Newman St., Mansfield, Ohio 44902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 790 West Capitol, Little Rock, Ark. 72201.

No. MC 135364 (Sub-No. 28TA), filed April 29, 1976. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Joseph G. Dall, Jr., 1111 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Enameled, glazed, and surface coated paper*, from the facilities of Coated Products, Inc., at or near Monmouth Junction, N.J., to points in Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Missouri and California; and (2) *Materials, equipment, and supplies* used in the manufacture of commodities described in (1) above, from points in Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Missouri and California, to the facilities of Coated Products, Inc., at or near Monmouth Junction, N.J., under a continuing contract with Coated Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coated Products, Inc., 275 Lincoln Blvd., Middlesex, N.J. 08846. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 134 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 135553 (Sub-No. 8TA), filed April 26, 1976. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, Va. 22485. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose film, cellulose edible flour, plastic film and plastic strapping*, from the plantsites and storage facilities of FMC Corporation, located at Marcus Hook, Pa., Dowingtown, Pa., Newark, Del., and Fredericksburg, Va., to Shreveport and New Orleans, La., Dallas, Houston, Fort Worth and San Antonio, Tex.; Little Rock, Ark.; Oklahoma City, Okla.; Salt Lake City and Ogden, Utah, Los Angeles, Oakland, San Diego and Stockton, Calif., and Tukwila, Wash., and points in their respective commercial zones, under a continuing contract with FMC Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: FMC Corporation, Wendell Harkleroad, Manager, Freight Rates, 2000 Market St., Philadelphia, Pa. 19103. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 136257 (Sub-No. 1TA), filed May 5, 1976. Applicant: RABBIT TRAN-SIT, 220 Erie St., Pomona, Calif. 91766. Applicant's representative: James H. Gulseth, 125 University Ave., Berkeley, Calif. 94710. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumber's goods, and materials and supplies* used in the manufacture of plumber's goods, between the plantsites and warehouse facilities of Norris Industries at City of Industry, Calif., on the one hand, and, on the other, points in Arizona, California, Colorado, Kansas, New Mexico, Oklahoma, Oregon, Texas, Washington and Wyoming, for 180 days. Supporting shipper: Norris Industries, Plumbing Fixtures Division, 700 Fairway Drive, City of Industry, Calif. 91744. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136489 (Sub-No. 1TA), filed May 4, 1976. Applicant: RALPH L. NORTON, Route 15, P.O. Box 27, Jericho, Vt. 05465. Applicant's representative: W. Norman Charles, 80 Bay St., Glens Falls, N.Y. 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Secaucus, N.J., and Allentown, Pa., to Burlington, Vt.; (2) *Soda*, from Burlington, Vt., to Claremont, N.H., Malone and Ogdensburg, N.Y.; (3) *Empty glass bottles*, from New York, N.Y., and Glenshaw, Pa., to Burlington, Vt., and (4) *Wine*, from Newark, N.J., and Long Island City, N.Y., to Burlington, Vt., under a continuing contract with Vermont Fruit & Grocery Company,

Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vermont Fruit & Grocery Company, Inc., 212 Battery St., Burlington, Vt. 05401. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State St., Montpelier, Vt. 05602.

No. MC 138875 (Sub-No. 31TA), filed May 5, 1976. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and steel trusses and wooden laminated beams*, from Eugene, Oreg., to points in Washington and Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Trus Joist Corp., 110 W. 31st Ave., B. Boise, Idaho. Send protests to: Bayney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 139493 (Sub-No. 147TA), filed May 4, 1976. Applicant: LESCO TRANSPORTATION COMPANY, INC., 7540 LBJ Freeway, Dallas, Tex. 75240. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap*, from points in Louisiana, Mississippi, Arkansas and Oklahoma to Lone Star, Tex., under a continuing contract with T & N Lone Star Warehouse Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: T & N Lone Star Warehouse Company, 7540 LBJ Freeway, #224, Dallas, Tex. 75251. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 141076 (Sub-No. 6TA), (Correction), filed April 22, 1976, published in the FEDERAL REGISTER issue of May 5, 1976, republished as corrected this issue. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, Box 388 D2, Hackettstown, N.J. 07840. Applicant's representative: Morton E. Kiel, Suite 6139, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Newburgh, N.Y., to the District of Columbia, for 180 days. Supporting shipper: Avoset Food Corporation, 80 Grand Ave., Oakland, Calif. 94612. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 141804 (Sub-No. 7TA), filed May 5, 1976. Applicant: WESTERN EXPRESS, DIV. of INTERSTATE RENTAL, INC., Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Bldg., Suite 909, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except commodities in bulk), from Louisville, Ky.; Frankfort, Ky.; St. Louis, Mo.; Detroit, Mich., and Lynchburg, Tenn., to the plantsite and storage facilities of Young's Market Company, in Realto, Anaheim, Los Angeles and San Diego, Calif., for 180 days. Supporting shipper: Young's Market Company, 500 S. Central Ave., Los Angeles, Calif. Send Protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 141976TA (Correction), filed April 20, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: BALTIMORE FREIGHTWAYS, INC., P.O. Box 321, Randallstown, Md. 21133. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welding wire and rods, welding electrodes, welding flux and compounds*, from Baltimore, Md. and its commercial zone, to points in Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Arizona, Colorado, New Mexico, Oklahoma, Texas and Louisiana, under a continuing contract with The Reid-Avery Company, for 180 days. Supporting shipper: John R. Colgan, Traffic Manager, The Reid-Avery Company, Cleveland & Chesapeake Aves., Baltimore, Md. 21222. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 142008 (Sub-No. 1TA), filed May 4, 1976. Applicant: WILLIAM C. THOMAS, Route 1, Box 189, Trappe, Md. 21637. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic garden hose and rolls*, from Shipper's Plants, located in Brooklyn, N.Y., and Belleville, N.J., to points in Georgia, Illinois, Massachusetts, Missouri, North Carolina, South Carolina, Tennessee and Virginia; Scrap plastics, from the above destination states to shipper's plants located in Brooklyn, N.Y., and Belleville, N.J., under a continuing contract with Plymouth Apex Company and its subsidiary, Flexon Industries Corp., for 180 days. Supporting shipper: Alex Folkman, President, Plymouth Apex Company, Inc., & Subsidiary, Flexon Industries Corp., 110 Birdge St., Brooklyn, N.Y. 11201. Send protests to: William L.

Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 142028 TA, filed May 3, 1976. Applicant: ELI G. TRAVIS, doing business as TRAVIS TRUCKING COMPANY, R.D. #1, Benton, Pa. 17814. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic products, toothpick dispensers, sporting goods, and accessories*, from Wilton, Maine, to points in Florida, Georgia, Alabama, Mississippi, Kansas, Louisiana, North Carolina, South Carolina, Tennessee, Arkansas, Texas, Oklahoma, New Mexico, Colorado, Wyoming, Montana, Washington, Idaho, Oregon, Utah, Nevada, Arizona and California, under a continuing contract with Forster Manufacturing Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Forster Manufacturing Company, Inc., Depot St., Wilton, Maine, 04294. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 142029TA, filed May 5, 1976. Applicant: COMMERCIAL TRAILER PARTS & SERVICE, INC., 1701 Salco Ave., Baltimore, Md. 21230. Applicant's representative: Chester A. Zyblut, 355 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Empty trailers*, other than house trailers; (B) *Empty specialty modular units*, with or without undercarriages, and (C) *Materials, supplies, replacement parts* used or useful in the manufacture, repair and distribution of trailers and specialty modular units, in shipper owned trailers, between points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Virginia, Maryland, Delaware, North Carolina and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 142032TA, filed May 7, 1976. Applicant: KEEP ON TRUCKING, INC., 1 Madison St., East Rutherford, N.J. 07073. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods and equipment, mate-*

*rials and supplies*, used in the manufacture, production, distribution, and repair of such commodities, between the facilities of Sony Corp., of America at Moonachie, N.J., on the one hand, and, on the other, New York, N.Y. Commercial Zone as defined by the Commission, under a continuing contract with Sony Corporation of America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sony Corporation of America, 1 Sony Drive, Moonachie, N.J. 07074. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 142033TA, filed May 5, 1976. Applicant: TUYA CARTAGE & WAREHOUSE CORP., 1351 N.W. 78th Ave., Miami, Fla. 33126. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted against the transportation of said commodities in bulk, Classes A and B explosives, household goods, livestock and commodities requiring special handling and special equipment, between points in Dade County, Fla., all shipments having prior or subsequent movement by water, under a continuing contract with Tuya International Corp., for 180 days. Supporting shipper: Tuya International Corp., 6595 N.W. 36th St., Miami, Fla. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142034TA, filed May 5, 1976. Applicant: UNION TRUCKING & WAREHOUSING, INC., 3900 N.W. 79th Ave., Miami, Fla. 33166. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted against the transportation of said commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and commodities requiring refrigeration between points in Dade County, Fla.; all shipments having a prior or subsequent movement by water, under a continuing contract with Union Shipping Co., for 180 days. Supporting shipper: Union Shipping Co., 3900 N.W. 79th Ave., Miami, Fla. 33166. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142035TA, filed May 6, 1976. Applicant: FMC DISTRIBUTING, 2740 North Bruin, South El Monte, Calif. 91733. Applicant's representative: James R. Butler, Jr., 8383 Wilshire Blvd., Suite 750, Beverly Hills, Calif. 90211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes* sold by Grand Auto, Inc., from Memphis,



Tenn., to Whittier, Fresno, National City, and Oakland Calif., on split deliveries; and between the listed California points, under a continuing contract with Grand Auto, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Grand Auto, Inc., 7200 Edgewater Drive, Oakland, Calif. 94621. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142036TA, filed May 4, 1976. Applicant: J. A. MODULAR HOMES, INC., 3400 Mt. View Drive, Anchorage, Ark. 99501. Applicant's representative: Jonas Arnbrister (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, between points in Alaska (except the Panhandle), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: John Graham & Co., 1110 Third Ave., Seattle, Wash. 98101. Modular Pacific Corp., 9407 E. Marginal Way, S.W., Seattle, Wash. 98108. Doug Weeks Construction, Inc., 4260 E. Mercer Way, Mercer Island, Wash. 98040. Solar Crown Assoc., 7217 Violet, Anchorage, Ark. 99502, and Navajo Crane, Inc., P.O. Drawer 8-AA, Anchorage, Ark. 99508. Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Ark. 99510.

No. MC 142037TA, filed May 7, 1976. Applicant: SCHULTZ BROS., INC., P.O. Box 373, Guy, Tex. 77444. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors*, from Wharton, Tex., to points in Louisiana, Arkansas, Mississippi, Kansas, Oklahoma, California, Idaho, Montana, Washington, Illinois, Indiana and Iowa, for 180 days. Supporting shipper: Woods & Copeland Mfg., Inc., P.O. Box 591, Wharton, Tex. 77488. Send protests to: Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610, Houston, Tex. 77002.

No. MC 142038TA, filed May 5, 1976. Applicant: DARIO GUERRA, doing business as DARIO GUERRA TRANSFER, 1040 Biscayne Bldg., Suite 303, Miami, Fla. 33132. Applicant's representative: Richard B. Austin, Suite 214, Palm Coast

II Bldg., 5255 N.W. 87th Ave., Miami, Fla. 33178. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Semi-trailers*, loaded or empty between Port Everglades and the Port of Miami, and points in Dade County, Fla., on and north of North Kendall Drive (SR 94), on and east of Krome Ave., (SR 27), restricted to traffic having an immediately prior or subsequent movement by water in interstate or foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 24 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joseph B. Telchert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 142039TA, filed May 6, 1976. Applicant: MARTIN VER MULM, Route 3, Box 93, Newberg, Ore. 97132. Applicant's representative: Martin Ver Mulm, (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Animal feed*, in bulk and in sacks, between points in Idaho, Oregon, Washington and California, under a continuing contract with McDaniel Grain and Feed Co., for 180 days. Supporting shipper: McDaniel Grain and Feed Co., P.O. Box 208, McMinnville, Ore. 97128. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 142041TA, filed May 4, 1976. Applicant: GOLDEN STATE EXPRESS, INC., 930 East Walnut, Santa Ana, Calif. 92701. Applicant's representative: Bill J. Brink (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* with the usual exceptions, to pick up, warehouse, consolidate and transport said commodities in containers, from points in Orange County, Calif., to Los Angeles, Calif., and Los Angeles Harbor, for 180 days. Supporting shipper: Transway Corporation, 4366 East 26th St., Los Angeles, Calif. 90023. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Room

1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142043 (Sub-No. 1TA) filed May 5, 1976. Applicant: CONCRETE TRUCKING, INC., doing business as AGGREGATE TRUCKING, 36450 Mission Blvd., P.O. Box 2715, Fremont, Calif. 94536. Applicant's representative: Martin J. Rosen, 256 Montgomery St., San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, from Vernalis and Hayward, Calif., to Portland, Ore.; Phoenix, Ariz., and Tempe, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Derby & Co., Inc., 400 Holiday Drive, Pittsburgh, Pa. 15220. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14592 Filed 5-18-76; 8:45 am]

[Amdt. No. 3 to I.C.C. Order No. 149 Under Revised S.O. No. 994]

#### REROUTING TRAFFIC

TO ALL RAILROADS: Upon further consideration of I.C.C. Order No. 149 (WM) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 149 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 15, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 7, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
[SEAL] LEWIS R. TEEPLE,  
Agent.

[FR Doc.76-14594 Filed 5-18-76; 8:45 am]



Just Released

## CODE OF FEDERAL REGULATIONS

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*1A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 11*

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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## List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 2115..... Pub. Law 94-286  
An act to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of Selected Reservists, for a limited period, whether or not a declaration of war or national emergency has been declared  
(May 14, 1976; 90 Stat. 517)

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## Title 3—The President

PROCLAMATION 4440

## Prayer for Peace

Memorial Day, May 31, 1976

*By the President of the United States of America*

### A Proclamation

In this, our Nation's 200th year, Memorial Day has special significance. As we honor those who gave their lives that our experiment with liberty might succeed, we can be proud of what America has accomplished. We are at peace. Our Nation and our way of life endure. The sacrifices of 200 years have preserved both individual freedom and national unity.

As we mark this milestone of our national independence, however, we must not forget the lessons of history. Other nations have risen to great heights only to weaken in their resolve. We must not repeat their error. We must remain strong in our defense and steadfast in our resolve to uphold the principles with which we began two centuries ago.

In accord with the request of the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), let us especially pray on Memorial Day that our continued resolve and our eternal vigilance will bring lasting peace to peoples yearning for peace, and that our honored dead shall not have died in vain.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Memorial Day, Monday, May 31, 1976, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to join in this observance.

I also call upon the appropriate officials of all levels of government to fly the flag at half-staff until noon during Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the same customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc.76-15052 Filed 5-19-76;11:45 am]

FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 10—Energy CHAPTER I—NUCLEAR REGULATORY COMMISSION

### PART 9—PUBLIC RECORDS

#### Amendments of Privacy Act and Freedom of Information Act Regulations

Paragraphs § 9.53(b), 9.65(b), 9.66(b), and 9.67(a) of the Nuclear Regulatory Commission's regulation, 10 CFR Part 9, require that appropriate legends be placed on the envelope or letter such as "Privacy Act Request," "Privacy Act Disclosure Accounting Request," "Privacy Act Correction Request," "Privacy Act Appeal—Denial of Access," "Privacy Act Correction Appeal," and "Privacy Act Statement of Disagreement." Paragraphs § 9.8(a) and 9.11(a), which pertain to requests under the Freedom of Information Act, also require appropriate legends on the envelope or letter.

The legends are intended to facilitate prompt handling of requests under the Privacy Act of 1974 and the Freedom of Information Act.

The amendments of §§ 9.53(b), 9.65(b), 9.66(b), 9.67(a), 9.8(a), and 9.11(a) set forth below suggest that these legends be placed on the envelope or letter, but make it clear that the use of such legends is not mandatory. Language is added to §§ 9.53(b), 9.65(b), 9.66(b), and 9.11(a), however, to provide notice that a request not clearly marked on the envelope and in the letter will be deemed not to have been received by the NRC until it is actually received by the appropriate office specified in 10 CFR Part 9.

Paragraphs 9.65(b) and 9.66(b) are amended as set forth below to increase the time for filing appeals from denials of access to records and denials of correction of records, to 60 working days from date of receipt of an initial determination denying access to a record or a refusal to amend or correct a record. This is not a mandatory time limit, however, and appeals will be considered if filed after the 60-day period.

Because these amendments relate solely to minor matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective May 20, 1976.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a, and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9, are published as a document subject to codification.

1. In § 9.8, the third sentence of paragraph (a) is amended to read as follows:

§ 9.8 Request for records.

(a) \* \* \* The request should clearly state on the envelope and in the letter that it is a "Freedom of Information Act request". \* \* \*

2. In § 9.11, paragraph (a) is revised to read as follows:

§ 9.11 Appeal from initial determination.

(a) Except as provided in § 9.15, a requester may within 30 days of receipt of a notice of denial of the request for records pursuant to this subpart appeal such denial to the Executive Director for Operations. The appeal shall be in writing, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should clearly state on the envelope and in the letter, that it is an "Appeal from Initial FOIA Decision." An appeal that is not so marked will be deemed not to have been received by the NRC until it is actually received by the Executive Director for Operations.

3. In § 9.53, paragraph (b) is revised to read as follows:

§ 9.53 Requests: How and where presented.

(b) All written requests shall be made to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should clearly state on the envelope and in the letter, as appropriate: "Privacy Act Request," "Privacy Act Disclosure Accounting Request," "Privacy Act Correction Request." A request that is not so marked will be deemed not to have been received by the NRC until it is actually received by the Director, Office of Administration.

4. In § 9.65, paragraph (b) is revised to read as follows:

§ 9.65 Access determinations: appeals.

(b) *Appeals from denials of access.* If an individual has been denied access to a record the individual may request a final review and determination of his request by the Executive Director for Operations. A request for final review of an initial determination should be filed within 60 working days of the receipt of the initial determination, shall be in

writing, shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should be clearly marked on the envelope and in the letter "Privacy Act Appeal—Denial of Access." A request that is not so marked will be deemed not to have been received by the NRC until it is actually received by the Executive Director for Operations.

5. In § 9.66, paragraph (b) is revised to read as follows:

§ 9.66 Determinations authorizing or denying correction of records: appeals.

(b) *Appeals from initial adverse determinations.* If an individual's request to amend or correct a record has been denied, in whole or in part, the individual may request a final review and determination of his request by the Executive Director for Operations. A request for final review of an initial determination should be filed within 60 working days of the receipt of the initial determination, shall be in writing, shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should be clearly marked on the envelope and in the letter "Privacy Act Correction Appeal." An appeal that is not so marked will be deemed not to have been received by the NRC until it is actually received by the Executive Director for Operations. Requests for final review shall set forth the specific item of information sought to be corrected or amended and should include, where appropriate, documents supporting the correction or amendment.

§ 9.67 [Amended]

6. In section 9.67, paragraph (a) is amended by deleting "shall be clearly marked" and substituting therefor "should be clearly marked".

*Effective date.* These amendments become effective on May 20, 1976.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a).

Dated at Bethesda, Maryland this 10th day of May 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.

[FR Doc.76-14834 Filed 5-19-76;8:45 am]



**Title 13—Business Credit and Assistance**  
**CHAPTER I—SMALL BUSINESS**  
**ADMINISTRATION**  
 [Amendment 3]

**PART 115—SURETY BOND GUARANTEE**  
**Correction**

The document appearing at page 16549 in the FEDERAL REGISTER of April 20, 1976, should have been identified as Amendment 3 to Part 115—Surety Bond Guarantee.

The omission should be added as the Agency document designation.

Dated: May 11, 1976.

DOROTHY S. LEVY,  
*Federal Register Liaison Officer.*  
 [FR Doc.76-14702 Filed 5-19-76;8:45 am]

**Title 14—Aeronautics and Space**  
**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**  
 [Docket No. 15713; Amdt. 39-2618]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Dornier GmbH Models Do 28 D and Do 28 D-1 Airplanes**

There have been reports of the elevator trim drive chain jumping off the elevator trim sprocket on Dornier Model Do 28 airplanes that could have resulted in a loss of elevator trim control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires replacement of the existing chain guard with a new chain guard with slip-off protection and the installation of a chain guide on certain Dornier Model Do 28 D and Do 28 D-1 airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DORNIER GmbH. Applies to Model DO 28 D and DO 28 D-1 airplanes, certificated in all categories, serial numbers 0401, 4002 through 4035, and 4040 through 4049.

Compliance is required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To prevent the possible loss of elevator trim control, replace the elevator trim chain guard with a new chain guard with slip-off protection and install a chain guide in accordance with the "Procedure" section of Dornier Service Bulletin No. 1034-1403, dated

February 21, 1973, or an FAA-approved equivalent.

This amendment becomes effective June 3, 1976.

Issued in Washington, D.C. on May 13, 1976.

J. A. FERRARESE,  
*Acting Director,*  
*Flight Standards Service.*  
 [FR Doc.76-14661 Filed 5-19-76;8:45 am]

[Airworthiness Docket No. 76-SW-29; Amdt. 39-2609]

**PART 39—AIRWORTHINESS DIRECTIVE**  
**Fairchild Model F-27 Aircraft**

A report has indicated the inadvertent opening of the large cargo door incorporated into Fairchild FH-227 type airplanes. This door installation is also incorporated into Fairchild F-27 type airplanes. Inasmuch as this deficiency can develop in airplanes of similar type designs, an airworthiness directive is being issued which will require a more positive means of lock engagement and retention. Because the deficiency is one which requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

FAIRCHILD. Applies to all F-27 airplanes incorporating the outward opening large cargo door installed in accordance with STC No. SA932SW.

Compliance required within the next 300 hours' or 30 days' time in service, whichever occurs first, after the effective date of this AD unless already accomplished.

To prevent inadvertent opening of the large cargo door in flight, accomplish the alteration in paragraph 2, Accomplishment Instructions, in Fairchild Service Bulletin F27-52-31 dated January 8, 1976, for F-27 airplanes or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region.

This amendment becomes effective June 14, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on May 7, 1976.

HENRY L. NEWMAN,  
*Director, Southwest Region.*  
 [FR Doc.76-14658 Filed 5-19-76;8:45 am]

[Airworthiness Docket No. 76-WE-6; Amdt. 39-2611]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Hughes 269 Series Helicopters**

There has been a bond failure in the Lateral Cyclic Trim Control Assembly, P/N 269A7316-9, on Hughes Model 269 Series helicopter that resulted in a restriction of the right lateral cyclic control. The bond failure between the 269A-

7142 tube and the 269A7318-1 housing of the trim control assembly will result in a restriction of the right lateral cyclic control with hazardous degradation of the primary right lateral control of the helicopter. Since this condition is likely to exist or develop in other lateral cyclic trim assemblies of the same design, an airworthiness directive is being issued to require a one-time inspection of the structural bond between the 269A7142 tube and the 269A7318-1 housing of the lateral cyclic trim control assemblies.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to Hughes Model 269 series helicopters equipped with P/N 269A7316-3, -5, -7, -9, or -11 cyclic trim control assembly, certificated in all categories, including military TH-55A.

Compliance required as indicated.

To prevent the restriction of right lateral cyclic control which will result in the loss of right lateral control of the helicopter, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, unless already accomplished:

(1) Remove the lateral cyclic trim control assembly from the helicopter in accordance with Hughes 269 Helicopter Basic Handbook of Maintenance Instructions and inspect the structural bond for any slippage between the 269A7142 tube and the 269A7318-1 housing of the 269A7316-3, -5, -7, -9, or -11 Lateral Cyclic Trim Control Assembly. The inspection of the bond consist of applying a 75 to 80 pound load to the 269A7142 tube in accordance with Hughes Service Information Notice No. N-138, dated April 30, 1976 or later FAA-approved revision.

(2) Those assemblies with no slippage may be reinstalled per Hughes 269 Helicopter Basic Handbook of Maintenance Instructions.

(3) Those assemblies with slippage, repair per Hughes Service Information Notice No. N-138, dated April 30, 1976 or later FAA-approved revision or replace with a serviceable part prior to further flight.

(b) After the effective date of this AD, inspect and repair, if necessary, the lateral cyclic trim control assembly in spare inventory per Hughes Service Information Notice No. N-138, dated April 30, 1976 or later FAA-approved revision on or prior to installation on a helicopter.

(c) Equivalent inspections and repair may be approved by the Chief, Aircraft Engineering Division, Western Region.

NOTE.—For the requirements regarding the listing of compliance and method of compliance with this AD in the rotocraft maintenance record, see FAR 91.173.

(d) Rotorcraft may be flown to a base for accomplishment of the inspections required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective May 21, 1976.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on May 7, 1976.

LYNN L. HINK,  
*Acting Director,*  
*FAA Western Region.*  
 [FR Doc.76-14657 Filed 5-19-76;8:45 am]

[Airworthiness Docket No. 76-SW-32; Amdt. 39-2607]

**PART 39—AIRWORTHINESS DIRECTIVES**  
**Mooney Models M20C, M20E, and M20F Airplanes**

There have been failures of the fuel pressure warning switch on Mooney Models M20C, M20E, and M20F airplanes that resulted in fuel leaking from the switch into the area behind the instrument panel. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require removal of the pressure switch. The fuel pressure warning switch is not a required item of equipment.

Since a situation exists which requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Models M20C (Serial Numbers 20-0010, 20-1147 through 20-1172), M20E (Serial Numbers 21-0038, 21-1161 through 21-1181), and M20F (Serial Numbers 22-1179 through 22-1272) airplanes certificated in all categories.

Compliance required within the next ten hours' time in service after the effective date of this airworthiness directive unless already accomplished.

To prevent fuel from leaking in the cabin as a result of a cracked diaphragm in the low fuel pressure switch, accomplish the following:

(a) Remove the low fuel pressure warning system in accordance with Mooney Service Bulletin Number M20-193A dated April 1, 1976, or later FAA approved revision. A copy of this Service Bulletin can be obtained from Mooney Aircraft Corporation, Box 72, Kerrville, Texas 78028.

(b) Any alternative equivalent method of compliance with this airworthiness directive must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

This amendment becomes effective May 19, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas on May 4, 1976.

HENRY L. NEWMAN,  
*Director, Southwest Region.*  
 [FR Doc.76-14660 Filed 5-19-76;8:45 am]

[Docket No. 76-EA-30; Amdt. 39-2613]  
**PART 39—AIRWORTHINESS DIRECTIVE**  
**Piper Aircraft**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31 type airplane.

There have been reports of improper wing flap operation on the subject aircraft which has resulted in asymmetrical flap positioning. The deficiency has been determined to result from excessive wear in the wing flap transmission.

Since this deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require repetitive inspections and repair where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER AIRCRAFT CORP. Applies to all PA-31 Series airplanes, certificated in all categories.

Compliance with paragraph a. required within 100 hours in service after the effective date of this AD, unless already accomplished. Compliance with paragraph b. required within the next 25 hours in service after the effective date of this AD for airplanes having 500 or more hours in service, and within the next 100 hours in service for all other airplanes, unless already accomplished, and thereafter at intervals not to exceed 100 hours in service from the last inspection, for all airplanes.

a. To detect and correct improper flap flexible drive shaft connections, accomplish the "Instructions" of Section 1 of Piper Service Bulletin 494, dated April 21, 1976.

b. To detect excessive wear which could cause failure of the flaps to operate properly, accomplish the inspection, and rework or replacement where necessary, of the wing flap transmission assembly, P/N's 489380, 489381, 489418, or 489419, described in the "Instructions" of Section 2 of Piper Service Bulletin 494, dated April 21, 1976, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective May 21, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on May 7, 1976.

L. J. CARDINALI,  
*Acting Director,*  
*Eastern Region.*  
 [FR Doc.76-14659 Filed 5-19-76;8:45 am]

[Airworthiness Docket No. 76-WE-1-AD; Amdt. 39-2600]  
**PART 39—AIRWORTHINESS DIRECTIVES**  
**McDonnell Douglas Model DC-8 Series Airplane**  
**Correction**

FR Doc. 76-13143 which appeared at page 18649 in the FEDERAL REGISTER of Thursday, May 6, 1976 was published in the wrong format. The document is republished as follows:

Amendment 39-2522 (41 F.R. 7937), AD 76-04-04, requires initial and repetitive inspections of the wing front spar lower cap on McDonnell Douglas DC-8 Series airplanes and replacement of a section of the spar cap if cracked. Since the issuance of Amendment 39-2522, the manufacturer has issued Service Bulletin 57-82 which provides instructions for preventative rework of those spar caps which do not have cracks. The preventative rework improves the fatigue life of the spar cap to such an extent that the repetitive inspection of AD 76-04-04 may be discontinued.

The manufacturer has also developed a repair for cracked spars if the cracks are within certain specified limits. For those airplanes with cracks within those limits, the spar cap may be repaired in accordance with Douglas Service Rework Drawing 5802723, in lieu of the replacement of a section of spar per the Service Rework Drawing 5802712 specified in AD 76-04-04.

Several airlines have requested an extension of the initial and repetitive inspection times specified in AD 76-04-04, because the specified times would require them to remove airplanes from service in order to meet the inspection requirements. They represent that the inspection of approximately 20% of the fleet, most aircraft having between 40,000 and 55,000 hours time in service, without finding any cracks is justification for allowing more time for the remainder of the fleet, consisting of generally lower time airplanes. The FAA agrees.

Therefore, AD 76-04-04 is being amended to provide for a reduction of inspection times and the rework and repair provisions of the above Service Bulletin and Service Rework Drawing.

Since this amendment provides alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2522 (41 F.R. 7937), AD 76-04-04, is amended as follows:

1. By amending paragraph (a) to read:

"(a) For those airplanes which have had the original 17 interference fit fasteners replaced that attach the #1 and #14 pylon cant bulkhead shear clips to the wing lower spar cap forward flange, comply with Paragraph (c) within the next 1600 hours time in service after the effective date of this AD or before the accumulation of 30,000



hours total time in service, whichever occurs later, unless accomplished within the last 2600 hours time in service, and thereafter at intervals not to exceed 4200 hours time in service."

2. By amending paragraph (b) to read:

"(b) For those airplanes which have not had the original 17 interference fit fasteners replaced that attach the #1 and #4 pylon cant bulkhead shear clips to the wing lower spar cap forward flange, comply with Paragraph (c) within the next 3200 hours time in service after the effective date of this AD or before the accumulation of 30,000 hours total time in service, whichever occurs later, unless accomplished within the last 1000 hours time in service, and thereafter at intervals not to exceed 4200 hours time in service."

3. By amending paragraph (d) to read:

"(d) If cracks are found which are limited to the lower forward horizontal tang and have not progressed aft into the lower aft tang or vertical leg of the cap, repair before further flight in accordance with DC-8 Service Bulletin 57-82 dated March 17, 1976, or later FAA-approved revisions, or DC-8 Service Rework Drawing 5802723, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. If cracks are found which exceed the above limits, repair before further flight in accordance with DC-8 Service Rework Drawing 5802712, Revision "B", or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region."

4. By adding a new paragraph (f) to read:

"(f) The repetitive inspections required by Paragraphs (a) or (b) may be discontinued for those airplanes which have incorporated the preventative rework, involving stress relieving of the fasteners holes and installation of interference fit fasteners in accordance with either Service Rework Drawing 5802712, Revision "B", or Service Rework Drawing 5802723, or McDonnell Douglas DC-8 Service Bulletin 57-82, dated March 17, 1976, or later FAA-approved revisions, or in accordance with an equivalent rework method approved by the Chief, Aircraft Engineering Division, FAA Western Region."

This amendment becomes effective May 13, 1976.

(Secs. 313(a), 601, and 803 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on April 27, 1976.

ROBERT H. STANTON,  
Director,  
FAA Western Region.

[FR Doc. 76-13145 Filed 5-5-76; 8:45 am]

[Airspace Docket No. 76-OK-1]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area

On page 4296 of the FEDERAL REGISTER

dated January 29, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oconto, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, July 15, 1976.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on April 27, 1976.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

In § 71.181 (41 FR 440), the following transition area is added:

##### OCONTO, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Oconto Municipal Airport (latitude 44°52'00" N., longitude 87°34'30" W.); and within 3 miles each side of the 280° bearing from the Oconto Airport, extending from the 5-mile radius area to 8 miles west of the airport.

[FR Doc. 76-14597 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-GL-3]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area

On page 9369 of the FEDERAL REGISTER dated March 4, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Waupaca, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 Gmt, July 15, 1976.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on April 27, 1976.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

In § 71.181 (41 FR 440), the following transition area is added:

##### WAUPACA, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waupaca Municipal Airport (latitude 44°20'02" N., longitude 89°00'51" W.); and within 3 miles each side of the 118° bearing from the airport, extending from the 5-mile radius area to 8 miles southeast of the airport.

[FR Doc. 76-14598 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-GL-6]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

On page 11323 of the FEDERAL REGISTER dated March 18, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fergus Falls, Minnesota.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 GMT, July 15, 1976.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on April 27, 1976.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

In § 71.181 (41 FR 440), the following transition area is amended to read:

##### FERGUS FALLS, MINNESOTA

That airspace extending upward from 700' above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (latitude 46°17'15" N., longitude 96°09'45" W.); within 3 miles each side of the 187° bearing from the airport, extending from the 6½-mile radius area to 8 miles south of the airport; and within 3 miles each side of the 343° (bearing from the airport), extending from the 6½-mile radius area to 8 miles northwest of the airport.

[FR Doc. 76-14599 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-EA-17]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone and Transition Area

On page 12902 of the FEDERAL REGISTER for March 29, 1976, the Federal Aviation Administration published a proposed

rule which would alter the Allentown, Pa., Control Zone (41 FR 357) and Transition Area (41 FR 443).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT July 15, 1976.

(Section 307(a) of the Federal Aviation Act of 1958 (73 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 4, 1976.

LOUIS J. CARDINALL,  
Acting Director,  
Eastern Region.

1. Amend Section 71.171 of Part 71 of the Federal Aviation Regulations by adding the following to the description of the Allentown, Pa. control zone: "within 3 miles each side of the Allentown-Bethlehem-Easton Airport localizer northwest course, extending from the localizer to 8.5 miles northwest of the OM."

2. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by adding the following to the description of the Allentown, Pa. transition area: "within 4.5 miles northeast and 6.5 miles southwest of the Allentown-Bethlehem-Easton Airport localizer northwest course, extending from the OM to 11.5 miles northwest of the OM."

[FR Doc. 76-14600 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-GL-4]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Federal Airways

On March 11, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 10447) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal Airway from Fort Dodge, Iowa, to Mankato, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended to add the following:

V-456 From Fort Dodge, Iowa, to Mankato, Minn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 11, 1976.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14459 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-CE-1]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Federal Airways

On March 4, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 9371) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would limit several airways to the airspace below 8,000 feet MSL in the vicinity of Farmington, Mo. during certain times.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received expressed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

(a) In V-72 "The airspace at and above 8,000 feet MSL between Maples and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(b) In V-88 "The airspace at and above 8,000 feet MSL between Vichy and the INT Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(c) In V-175 "The airspace at and above 8,000 feet MSL from 43 miles northwest of Malden to Vichy is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(d) In V-178 "The airspace at and above 8,000 feet MSL between Vichy and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(e) In V-190 "The airspace at and above 8,000 feet MSL between Maples and Farmington is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(f) In V-234 "The airspace at and above 8,000 feet MSL between Vichy and the INT of Vichy 091° and St. Louis, Mo., 171° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(g) In V-238 "The airspace at and above 8,000 feet MSL between Maples and the INT of Maples 052° and Farmington, Mo., 327° radials is excluded during the time that the Meramec Military Operations Area is activated by NOTAM." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 12, 1976.

EDWARD J. MALO,  
Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14463 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-RM-3]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Extension of Federal Airway; Correction

On March 4, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 9370) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-113 from Butte, Mont., to Lewistown, Mont., via Helena, Mont. On April 26, 1976, Federal Register Document 76-11923 concerning this NPRM was published in the FEDERAL REGISTER (41 FR 17372) as a rule. This rule, however, inadvertently omitted the amendatory language required to change Part 71. The purpose of this correction to FR Document 76-11923 is to include the correct language that will assure the action necessary to amend Part 71 as proposed.

In consideration of the foregoing, Federal Register Document 76-11923 is amended by deleting all after the first paragraph and substituting the following therefor:

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Both comments received expressed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

In V-113 "to Butte, Mont." is deleted and "Butte, Mont.; Helena, Mont.; to Lewistown, Mont." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 11, 1976.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14464 Filed 5-19-76; 8:45 am]



[Airspace Docket No. 75-GL-68]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Federal Airways**

On March 4, 1976, a Notice of Proposed Rule Making (NPRM) was published in the *FEDERAL REGISTER* (41 FR 9371) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would cap small segments of airways in the vicinity of Alpena, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received expressed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

Section 71.123 (41 FR 307) is amended as follows:

1. In V-45 "The airspace from Alpena to 30 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM." is added.

2. In V-78 "The airspace northeast of the Alpena 316° radial from Alpena to 25 miles north of Alpena at and above 10,000 feet MSL is excluded during the time that the Collins Military Operations Area is activated by NOTAM." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 11, 1976.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14662 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 75-EA-82]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of VOR Federal Airways**

On March 4, 1976, a Notice of Proposed Rule Making (NPRM) was published in the *FEDERAL REGISTER* (41 FR 9369) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would exclude the airspace from 10,000 feet to 15,000 feet MSL within 15 NM of Tidoute, Pa., VORTAC from several airways during the times that the Youngstown Military Operations Area (MOA) is in use.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received expressed no objection.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

§ 71.123 [Amended]

Section 71.123 (41 FR 307, 10418) is amended as follows:

In V-72, V-115, V-116, V-126, V-170, V-184 and V-188, "The airspace within a 15 NM radius of Tidoute, Pa., at and above 10,000 feet MSL to and including 15,000 feet MSL is excluded during the times that the Youngstown Military Area (MOA) is activated by NOTAM." is added.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 13, 1976.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14663 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 75-EA-53]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of VOR Federal Airways; Correction**

In FR Doc. 76-12030 appearing on page 17878 in the *FEDERAL REGISTER* of April 29, 1976, paragraph (1.) is corrected in the seventh line by deleting the figure "185°" and substituting "186°" therefor. Also, paragraph (4.) is corrected in the third line by deleting the figure "005°" and substituting "006°" therefor. Also, paragraph (6.) is corrected in the second line by deleting "Norfolk, Va." and substituting "Norfolk, Va." therefor.

Issued in Washington, D.C., on May 13, 1976.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14666 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-SO-41]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Redesignation of Federal Airways**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to renumber the airway from Myrtle Beach, S.C., to Raleigh-Durham, N.C., and to reduce the ceiling restriction between Myrtle Beach and Fayetteville, N.C., from a 71-mile segment to a 21-mile segment. Because this action merely renumbers present airway segments and reduces an altitude restriction it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will be made effective July 15, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is

amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

§ 71.123 [Amended]

Section 71.123 (41 FR 307) is amended as follows:

In V-39 all before "From Pinehurst, N.C." is deleted.

In V-136 "Raleigh-Durham, N.C." is deleted and "Raleigh-Durham, N.C.; Fayetteville, N.C.; to Myrtle Beach, S.C." The airspace at and above 7,000 feet MSL from 17-miles south to 38-miles south of Fayetteville is excluded during the time that the Gamecock A Military Operations Area is activated by NOTAM." is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 13, 1976.

EDWARD J. MALO,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14662 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-SO-47]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****VOR Federal Airways (NAVAID Name) Change**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Anderson, S.C., VORTAC to Electric City, S.C., VORTAC wherever it appears in V-20, V-35 and V-311.

On March 8, 1976, a nonrulemaking circular was issued proposing to change the name of the Anderson, S.C., VORTAC. The reason for this amendment is the fact that several incidents have been recorded where pilots have mistaken a clearance via Athens, Ga., to be via Anderson and vice versa. Careful consideration and local coordination preceded the selection of the name Electric City. This name was requested by Mr. T. Ree McCoy who is Chairman of the Anderson County Airport Commission.

Because this action merely changes the name of an air navigation aid, it is a minor matter on which the public would have no particular desire to comment further. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will be made effective on July 15, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

§ 71.123 [Amended]

Section 71.123 (41 FR 307) is amended as follows:

a. In V-20 "Anderson, S.C." is deleted and "Electric City, S.C." is substituted therefor.

b. In V-35 "Anderson, S.C." is deleted and "Electric City, S.C." is substituted therefor.

c. In V-311 "Anderson, S.C. 274° radials; Anderson;" is deleted and "Electric City, S.C., 274° radials; Electric City;" is substituted therefor.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 13, 1976.

EDWARD J. MALO,  
Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14667 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-SO-36]

**PART 73—SPECIAL USE AIRSPACE**  
**Designation of Restricted Areas**

On April 22, 1976, a Notice of Proposed Rule Making (NPRM) was published in the *FEDERAL REGISTER* (41 FR 16830) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate two restricted areas near Tyndall Air Force Base, Fla. The restricted areas would be used to contain BQM-34 drone aircraft during launch and recovery operations. The Department of the Air Force Air Defense Weapons Center (ADWC) has a requirement to conduct these operations at any time. Under adverse weather conditions, when visual monitoring of the drone flight is limited, the operations would constitute a hazard to other flight activities.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 73.29 (41 FR 664) the following restricted areas are added:

R-2905A TYNDALL AFB, FLA.

Boundaries. Beginning at Lat. 30°01'30" N., Long. 85°32'30" W., to Lat. 30°01'15" N., Long. 85°30'00" W., to Lat. 29°56'00" N., Long. 85°33'00" W., thence 3 nautical miles from and parallel to the shoreline to Lat. 29°59'00" N., Long. 85°36'30" W. to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Intermittent, as announced by NOTAM, for periods of approximately 10 minutes during launch or recovery.

Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.

Using agency. Air Defense Weapons Center, Tyndall AFB, Fla.

R-2905B TYNDALL AFB, FLA.

Boundaries. Beginning at Lat. 30°01'15" N., Long. 85°30'00" W., to Lat. 30°01'00" N., Long. 85°27'00" W., to Lat. 29°54'00" N., Long. 85°27'00" W., thence 3 nautical miles from and parallel to the shoreline to Lat. 29°56'00" N., Long. 85°33'00" W., to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Intermittent, as announced by NOTAM, for periods of approxi-

[Airspace Docket No. 76-WE-1]

**PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES****Alteration of Jet Routes**

On March 4, 1976, a Notice of Proposed Rule Making (NPRM) was published in the *FEDERAL REGISTER* (41 FR 9372) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign three jet routes over the western shores of the United States.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

Section 75.100 (41 FR 704) is amended as follows:

In J-88 "INT of the Salinas 310° and the Oakland, Calif., 170° radials; to Oakland." is deleted and "to Point Reyes, Calif." is substituted therefor.

In J-110 "INT of the Oakland 170° and the Salinas, Calif., 310° radials; Salinas;" is deleted and "Salinas, Calif.;" is substituted therefor.

In J-501 "Oakland, Calif., via INT Oakland 305° and Ukiah, Calif., 172° radials; Ukiah;" is deleted and "Point Reyes, Calif., via" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 11, 1976.

EDWARD J. MALO,  
Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 76-14461 Filed 5-19-76; 8:45 am]

[Airspace Docket No. 76-SO-20]

**PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES****Designation and Redesignation of Jet Routes**

On April 5, 1976, a Notice of Proposed Rule Making (NPRM) was published in the *FEDERAL REGISTER* (41 FR 14395) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J-99 from Augusta, Ga., to Louisville, Ky., and realign a segment of J-73 to extend from Tallahassee, Fla., to Nashville, Tenn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.



## § 75.100 [Amended]

Section 75.100 (41 FR 704) is amended as follows:

J-73 title and text are deleted and "From Tallahassee, Fla., via LaGrange, Ga.; Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill." is substituted therefor. J-99 is added to read as follows:

"From Augusta, Ga., via Knoxville, Tenn.; to Louisville, Ky."

(Sec. 307(a) Federal Aviation Act 1958 (49 U.S.C. 1348(a)) Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on May 13, 1976.

EDWARD J. MALO,  
Chief, Airspace and  
Air Traffic Rules Division

[FR Doc. 76-14864 Filed 5-19-76; 8:45 am]

[Docket No. 15711, Amdt. No. 1021]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

## § 97.23 [Amended].

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective July 15, 1976.

Poteau, OK—Robert S. Kerr Arpt., VOR/DME Rwy 36, Original

Bend, OR—Bend Muni. Arpt., VOR/DME Rwy 16, Amdt. 4

Madras, OR—City County Arpt., VOR/DME Rwy 34R, Amdt. 2

Redmond, OR—Roberts Field, VOR-A, Amdt. 2

Redmond, OR—Roberts Field, VOR/DME Rwy 22, Original

• • • effective July 1, 1976.

Tallahassee (Havana) FL—Tallahassee Commercial Arpt., VOR-A, Amdt. 3

Kailua-Kona, HI—Ke-ahole Arpt., VOR Rwy 35 (TAC), Amdt. 3

Kailua-Kona, HI—Ke-ahole Arpt., VORTAC Rwy 17, Amdt. 3

Olathe, KS—Executive Arpt.—Johnson County Arpt., VOR Rwy 17, Amdt. 1

Olathe, KS—Executive Arpt.—Johnson County Arpt., VOR Rwy 35, Amdt. 5

Gulfport, MS—Gulfport Muni. Arpt., VOR Rwy 4, Amdt. 9

Gulfport, MS—Gulfport Muni. Arpt., VOR Rwy 22, Amdt. 10

Kansas City, MO—Kansas City Int'l Arpt., VOR Rwy 27, Amdt. 7

McAlester, OK—McAlester Muni. Arpt., VOR-A, Amdt. 9

Longview, TX—Gregg County Arpt., VORTAC Rwy 31, Amdt. 6

Longview, TX—Gregg County Arpt., VORTAC Rwy 35, Amdt. 3

Wichita Falls, TX—Wichita Valley, VOR-B, Amdt. 4

Pasco, WA—Tri-Cities Arpt., VOR Rwy 29, Amdt. 3

Pasco, WA—Tri-Cities Arpt., VOR-A, Amdt. 5

• • • effective June 24, 1976.

Madison, CT—Griswold Arpt., VOR-A, Original

• • • effective July 1, 1976.

Sarasota (Bradenton), FL—Sarasota-Bradenton Arpt., LOC/DME(BC), Rwy 13, Original

Kailua-Kona, HI—Ke-ahole Arpt., LOC(BC) Rwy 35, Amdt. 2

Longview, TX—Gregg County Arpt., LOC/DME(BC), Rwy 31, Amdt. 4

• • • effective May 27, 1976.

Somerset, PA—Somerset County Arpt., LOC Rwy 24, Amdt. 1, cancelled

• • • effective July 1, 1976.

§ 97.25 [Amended].

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 15, 1976.

Casper, WY—Natrona County Int'l Arpt., LOC(BC) Rwy 25, Amdt. 14

• • • effective July 1, 1976.

§ 97.27 [Amended].

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 15, 1976.

Casper, WY—Natrona County Int'l Arpt., NDB Rwy 7, Amdt. 11

• • • effective July 1, 1976.

North Conway, NH—White Mountain Arpt., NDB-A, Amdt. 3, cancelled

• • • effective June 3, 1976.

Greenville, AL—Greenville Muni. Arpt., NDB Rwy 32, Original

Salem, OR—McNary Field, NDB Rwy 31, Amdt. 13

• • • effective July 1, 1976.

§ 97.29 [Amended].

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 15, 1976.

Casper, WY—Natrona County Int'l Arpt., ILS Rwy 7, Amdt. 21

• • • effective July 1, 1976.

Kailua-Kona, HI—Ke-ahole Arpt., ILS-DME Rwy 17, Amdt. 3

Gulfport, MS—Gulfport Muni. Arpt., ILS Rwy 13, Amdt. 5

Pasco, WA—Tri-Cities, ILS Rwy 20R, Amdt. 5

• • • effective June 3, 1976.

Salem, OR—McNary Field, ILS Rwy 31, Amdt. 18

• • • effective May 27, 1976.

Norfolk, VA—Norfolk Int'l Arpt., ILS Rwy 5, Amdt. 16

Norfolk, VA—Norfolk Int'l Arpt., ILS Rwy 23, Amdt. 2

• • • effective May 27, 1976.

§ 97.31 [Amended].

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective July 1, 1976.

Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., RADAR-1, Amdt. 25

Enid, OK—Enid Woodring Muni. Arpt., RADAR-1, Amdt. 1

• • • effective May 27, 1976.

§ 97.33 [Amended].

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 1, 1976.

Gainesville, FL—Gainesville Muni. Arpt., RNAV Rwy 28, Amdt. 3

Monroe, WI—Monroe Muni. Arpt., RNAV Rwy 11, Original

Monroe, WI—Monroe Muni. Arpt., RNAV Rwy 29, Original, cancelled

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on May 13, 1976.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

JAMES M. VINES,  
Chief,  
Aircraft Programs Division.

[FR Doc. 76-14668 Filed 5-19-76; 8:45 am]

## CHAPTER II—CIVIL AERONAUTICS BOARD

## SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-102, Amdt. 8]

## PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

## Proxy Voting for Board Members

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. May 17, 1976.

For many years various Members of the Board have made limited use of a proxy<sup>1</sup> to vote for them in matters coming before the Board for resolution. The proxy has exercised no discretion in voting for the Member but has simply carried out the instructions given to him which embody an exercise of the Member's own discretion.

Board decisions are made in two ways. The first is by personal vote cast at a meeting of the Board Members assembled together and subsequently recorded in the Board's minutes. The other is by the so-called notation procedure. Under the notation procedure, which has received judicial sanction,<sup>2</sup> a copy of the proposed action is circulated to each member under cover of a "tally sheet" on which each member indicates his vote—approving, disapproving, not voting, not participating, or requesting that the matter be calendared. Once the votes of all members have been conveyed to the Board's Minutes Section and a majority of a voting quorum<sup>3</sup> has approved, the proposal is treated as adopted and is appropriately recorded.<sup>4</sup> Actions taken by notation are subsequently formally ratified by the Board at a meeting of the Board Members assembled together.<sup>5</sup>

The Board's practice with respect to proxy voting varies with its two methods of decisionmaking. When action is taken by the Board assembled, a Board Member (but only a Board Member)<sup>6</sup> may state that his absent colleague concurs in (or disapproves) the proposed action. In the case of action taken by notation an absent Board Member's assistant may indicate that Member's vote by initialing the tally sheet in the appropriate place or signing the signature sheet.<sup>7</sup>

In recent months we have received inquiries from Congress concerning our practices with respect to proxy voting. For this reason, and because the public

should know our practices in this area, the Board is amending its Organization Regulations to set forth this information. Further, we shall provide certain new internal recordkeeping requirements which will enable us to document our complete record on proxy voting more easily in the future.

Since this amendment relates solely to matters of agency procedure, notice and public procedures hereon are not required, and it may become effective immediately.

Accordingly the Board hereby amends Part 384 of its Organization Regulations (14 CFR Part 384) effective May 17, 1976, as follows:

1. The table of contents of Part 384 is amended by adding a new § 384.3a as follows:

§ 384.3a Proxy voting for Board Members.

2. A new § 384.3a is added to Part 384 as follows:

§ 384.3a Proxy voting for Board Members.

(a) Use of proxies. In all cases, even though a proxy may be used, the Board Member shall exercise his own discretion and determine how a vote shall be cast. However, unless otherwise prohibited by law, his assistant or other members of his personal staff or another Board Member may actually cast the vote in the manner determined by and pursuant to the instructions of the Board Member, as set forth below.

(b) Board Meetings. A proxy may only be exercised at a Board meeting by another Board Member. The recorder shall enter in the minutes of the Board meeting every exercise of a proxy by one Board Member for another and a description of the matter which was the subject of the proxy vote. The recorder shall also maintain a proxy journal, entering therein the information recorded in the minutes with respect to proxy voting, including the date of the minute involved.

(c) Notation Items. A proxy may be exercised by a Member's assistant or other member of his personal staff. The proxy shall be exercised by placing the Member's initials on the tally sheet accompanying the notation followed by the signature of the person exercising the proxy, or by placing the Board Member's name on the signature sheet followed by the initials of the person signing. Each Board Member's office shall keep a notation proxy journal showing with respect to each notation item the date when the proxy was exercised, the name of the person who exercised the proxy and the number or other description of the action. Each Board Member is expected to be aware of all proxy votes on his behalf on all notation items when such matters are before the Board for ratification in accordance with normal ratification procedures.

<sup>1</sup> A "proxy" is "[a] person who is substituted or deputed by another to represent him and act for him, particularly in some meeting or public body." Black's Law Dictionary (Rev. Fourth Ed.), 1968.

<sup>2</sup> *Brantiff Airways v. C.A.B.*, 379 F.2d (D.C. Cir. 1967); *T.S.C. Motor Freight Lines v. United States*, 186 F. Supp. 777 (S.D. Tex. 1960), affirmed sub. nom. *Herrin Transportation Co. v. United States*, 366 U.S. 419 (1961).

<sup>3</sup> A quorum is three, 49 U.S.C. 1321(c).  
<sup>4</sup> This was termed "adoption and entry" in the *Brantiff* case, supra, note 1, at 459, and characterized as "official action" in *Saturn Airways v. C.A.B.*, 478 F.2d 907, 909 (D.C. Cir. 1973).

<sup>5</sup> Ratification, once thought to be a legal safeguard for the notation procedure, continued even though the legality of the notation procedure has received judicial sanction.  
<sup>6</sup> At an earlier time Member's assistants were permitted to cast votes for absent Members. The practice was sustained in *Eastern Air Lines, Inc. v. C.A.B.*, 271 F. 2d 752, 758 (2nd Cir. 1959), cert. denied 362 U.S. 970 (1960).

<sup>7</sup> The courts have held that a signature by an assistant for a Board Member is valid. *Brantiff Airways v. C.A.B.*, supra, note 1.

(Secs. 204 and 1001, 72 Stat. 743 and 788, 49 U.S.C. 1324 and 1481; 81 Stat. 54, 5 U.S.C. 552.)

Effective: May 17, 1976.

Adopted: May 17, 1976.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 76-14752 Filed 5-19-76; 8:45 am]

## Title 16—Commercial Practices

## CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8996-o]

## PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

## Chrysler Corp.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; § 13.20-20 Competitors' products; § 13.170 Qualities or properties of product or service; § 13.170-34 Economizing or saving; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Disparaging competitors and their products—Competitors' products; § 13.1000 Performance; § 13.1010 Qualities or properties; § 13.1020 Results; § 13.1035 Tests. Subpart—Misrepresenting oneself and goods—Goods; § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising; § 13.2275 Using deceptive techniques in advertising. Subpart—Using misleading name—Goods; § 13.2325 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Chrysler Corporation, a corporation.

Order requiring a Detroit, Mich., automobile manufacturer, among other things to cease misrepresenting the superiority of their products over those of their competitors with regard to quality or properties, characteristics, performance and/or fuel economy.

The final order, including further order requiring report of compliance therewith, is as follows:

## FINAL ORDER

This matter having been heard by the Commission upon respondent's appeal from the Initial Decision; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record; and

<sup>1</sup> Copies of the Complaint, Initial Decision, Opinion and Final Order, filed with the original document.



The Commission, for reasons stated in the accompanying Opinion, having denied the appeal; accordingly.

It is ordered, That, except to the extent that it is inconsistent with the Commission's Opinion, the Initial Decision of the Administrative Law Judge be, and it hereby is, adopted together with the Opinion accompanying this Order as the Commission's final findings of fact and conclusions of law in this matter;

It is further ordered, That the following order be, and it hereby is, entered:

## ORDER

It is ordered, That respondent Chrysler Corporation and its officers, representatives, and agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of products sold by the respondent in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by reference to a test or tests, that any of respondent's automobiles are superior with regard to fuel economy to any other automobiles whether manufactured by respondent or others unless:

a. such superiority has been demonstrated as to the model(s) for which it is claimed by such test or tests with respect to each sample, or the valid average of all identical samples, of each model represented to have been tested; or

b. the valid test results for each sample, or the valid average of all identical samples, of each model so compared, including the advertised model as well as such makes and models to which the advertised model is compared, are clearly and conspicuously disclosed.

For the purpose of this Order, "sample" shall mean an actual automobile tested.

2. Representing, directly or by implication, that any performance or other characteristic of any automobile or automotive product has been tested, either alone or in comparison with other products, unless such representation(s) fully and accurately reflect the test results and unless the tests themselves are so devised and conducted as to completely substantiate each representation concerning any characteristic tested in the featured test.

3. Misrepresenting in any manner, directly or by implication, the purpose, content, or conclusion of any test, report, study, research, demonstration, or analysis.

4. Misrepresenting in any manner the fuel economy of any automobile or the superiority of any automobile over competing products in terms of fuel economy.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the

emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent shall, within sixty (60) days after this Order becomes "final," file with the Commission a report, in writing, setting forth in detail the manner and form of its compliance with this Order.

Opinion of the Commission by Commissioner Dole.

Not having participated in the oral argument in this matter, Chairman Collier did not participate in the resolution of it.

The Final Order was issued by the Commission Apr. 13, 1976.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.76-14689 Filed 5-19-76;8:45 am]

**Title 26—Internal Revenue**  
**CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY**  
**SUBCHAPTER A—INCOME TAX**  
**[T.D. 7420]**

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**  
**Requirements of a Domestic International Sales Corporation (DISC)**

On June 30, 1975, two notices of proposed rulemaking were published in the *FEDERAL REGISTER* with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 992 and 995 of the Internal Revenue Code of 1954 in order to amend the rules relating to a domestic international sales corporation (DISC). The first notice was published as three paragraphs: paragraph (1) relating to the separate bank account requirement under § 1.992-1(a); paragraph (2) relating to manner of election under § 1.992-2(a)(1)(i); and paragraph (3) relating to the computation under § 1.995-5(b)(5) of earnings and profits offset (40 FR 27483, as amended by a correction published on July 11, 1975, 40 FR 29296). The second notice was published as one paragraph relating to deficiency distributions to meet qualification requirements under § 1.992-3(a)(4) (40 FR 27484) and now becomes paragraph (4) of this Treasury decision. The amendments are effective generally for taxable years ending after December 31, 1971, except that the amendment of § 1.992-2(a)(1)(i) was effective on June 30, 1975 (the date the proposed amendment was published in the *FEDERAL REGISTER* as a notice of proposed rule making).

The Treasury decision under § 1.992-1 adds a new paragraph (i) which would generally lengthen the grace period allowed for satisfying the separate bank account requirement as presently set forth in the first two sentences of the flush material following paragraph (a)(8) of § 1.992-1. As amended, § 1.992-2(a)(1)(i) no longer requires that a copy of the completed Form 4876 be filed with the Commissioner of Internal Revenue in

Washington, D.C. Section 1.995-5(b)(5) (i) (relating to foreign investment attributable to producer's loans), as amended, makes clear that the offset allowed by § 1.995-5(b)(5) would be reduced by a distribution from earnings and profits by a foreign corporation to another foreign corporation.

Section 1.992-3(a)(4) was reserved in a Treasury decision published in the *FEDERAL REGISTER* for September 25, 1974, as T.D. 7323 (39 FR 34400). The Treasury decision under § 1.992-3(a)(4) requires that in order for a DISC to make a deficiency distribution, it must meet the qualification requirements after the close of the taxable year with respect to which the distribution is made. A transitional rule is included which allows corporations to make a distribution made on or before September 29, 1975 (90 days after the date on which this proposed amendment was published) at any time during or after the taxable year with respect to which it is made.

**ADOPTION OF AMENDMENTS TO THE REGULATIONS**

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed in the two notices of proposed rule making are hereby adopted without change, except that the notice amending § 1.992-3(a)(4) is adopted as paragraph (4) of this Treasury decision.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,  
Commissioner of Internal Revenue.

Approved: May 12, 1976.

CHARLES M. WALKER,  
Assistant Secretary of the Treasury.

1. Section 1.992-1 is amended by revising paragraph (a)(8), deleting the first two sentences of the flush material following paragraph (a)(8), and adding paragraph (i). These revised and added provisions read as follows:

**§ 1.992-1 Requirements of a DISC.**

(a) . . . . .  
(6) Has its bank account on each day of the taxable year, except as provided in paragraph (a)(8)(i) of this section.

(i) *Time for satisfying the separate bank account requirement.* The separate bank account requirement referred to in paragraph (a)(8) of this section shall be satisfied for a taxable year by a corporation if—

(1) In the case of a corporation which elects to be treated as a DISC for its first taxable year, such corporation has a separate bank account either—

(i) Within 90 days after the beginning of such taxable year and on each succeeding day of such taxable year or

(ii) Within the period prescribed in subparagraph (2) of this paragraph, if applicable.

(2) For any taxable year which—  
(i) Ends before October 31, 1974, such corporation has a separate bank account at any time during that taxable year or  
(ii) Ends with or includes October 31, 1974, such corporation has a separate bank account on October 31, 1974, and on each succeeding day of that taxable year.

2. Section 1.992-2 is amended by deleting the phrase "and a copy of the completed Form 4876 with the Commissioner of Internal Revenue (Attention: ACTS:A:AO), Washington, D.C. 20224" from the second sentence of paragraph (a)(1)(i). As amended, such second sentence reads as follows:

§ 1.992-2 Election to be treated as a DISC.

(a) *Manner and time of election.*—(1) *Manner.*—(i) *In general.* . . . Except as provided in paragraph (a)(1)(ii) of this section, the election is made by the corporation filing Form 4876 with the service center with which it would file its income tax return if it were subject for such taxable year to all the taxes imposed by subtitle A of the Internal Revenue Code of 1954. . . .

3. Section 1.995-5 is amended by revising the first sentence of paragraph (b)(5)(i) to read as follows:

§ 1.995-5 Foreign investment attributable to producer's loans.

(b) . . . . .  
(5) *Earnings and profits.* (i) An offset allowed by this subparagraph is one-half the aggregate of the earnings and profits accumulated for all taxable years beginning after December 31, 1971, computed (without regard to any distributions from earnings and profits by a foreign corporation to a domestic corporation) in accordance with § 1.964-1 (relating to a controlled foreign corporation's earnings and profits), of each foreign member of the group which is controlled directly or indirectly (as determined under the principles of section 958 and the regulations thereunder) by a domestic member of the group and each foreign branch of a domestic member of the group (computed as if the branch were a foreign corporation). . . .

4. Section 1.992-3(a)(4) is revised to read as follows:

§ 1.992-3 Deficiency distributions to meet qualification requirements.

(a) . . . . .  
(4) The corporation designates the distribution, at the time of the distribution, as a deficiency distribution, pursuant to section 992(c), to meet the qualification requirements to be a DISC. Such designation shall be in the form of a communication sent at the time of such distribution.

bution to each shareholder and to the service center with which the corporation has filed or will file its return for the taxable year to which the distribution relates. A corporation may not retroactively designate a prior distribution as a deficiency distribution to meet qualification requirements. Subject to the limitation described in paragraph (c)(3) of this section, a corporation may make a deficiency distribution with respect to a taxable year at any time after the close of such taxable year or, in the case of a deficiency distribution made on or before September 29, 1975, at any time during or after such taxable year.

[FR Doc.76-14844 Filed 5-19-76;8:45 am]

**Title 40—Protection of Environment**  
**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**  
**[FRL 543-7]**

**GENERAL AND GRANT REGULATIONS**  
**Guidance for Cooperation**

Pursuant to the authorities cited in 40 CFR 30.101, Sections 102, 103 of 83 Stat. 854 (42 U.S.C. 4321 et seq.), and Section 602 of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, Parts 6, 7, 12, 30, 35, and 40 are hereby amended.

Section 30.305 of Part 30 is deleted and new §§ 30.305 through 30.305-8 are added. This amendment implements the requirements of Office of Management and Budget Circular A-95 published in the *FEDERAL REGISTER* on January 13, 1976. (41 FR 2052) The Circular furnished guidance to Federal agencies for cooperation with State and local governments in the evaluation, review and coordination of Federal and Federally assisted programs and projects.

In addition, this promulgation includes several technical amendments to Parts 6, 7, 12, 30, 35, and 40.

Comments, suggestions, or objections may be submitted in writing to Director, Grants Administration Division (PM-216), U.S. Environmental Protection Agency, 401 M Street, S.W., Room 435 WSMW, Washington, D.C. 20460. Consideration will be given to all comments, suggestions, or objections received on or before June 15, 1976 for possible revision of these regulations.

Effective date: These regulations shall become effective May 20, 1976.

Date: May 14, 1976.

RUSSELL E. TRAIN,  
Administrator.

**PART 6—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS**  
**§ 6.106 Applicability.**

1. Add the following paragraph (e) at the end of § 6.106:

(e) *Applicability to the A-95 Review Process.* Applicants applying for grants covered by these regulations must assure compliance with all applicable requirements of Office of Management and Budget (OMB) Circular A-95, pursuant to § 30.305 of this Chapter.

**PART 7—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

2. Delete the first two (2) sentences from § 7.3(a) and substitute the following:

§ 7.3 Applicability.

(a) This part applies to any program for which Federal financial assistance is authorized under a statute administered by the Agency, including all EPA grant programs and activities and assistance under the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, 42 U.S.C. 4621 et seq. and the Disaster Relief Act of 1970, 42 U.S.C. 4401 et seq. It applies to any such program or activity to which money was paid, property transferred, or other Federal financial assistance extended after the effective date of this part including assistance extended pursuant to an application approved prior to the effective date. . . .

§ 7.4 [Amended]

3. In § 7.4(c)(1), second sentence, insert a "comma" between the words "advertising, employment".

4. In § 7.4(e) insert a "comma" and the word "to" between the words "of any".

§ 7.8 [Amended]

5. In § 7.8(e) in the first sentence insert the words "or she" between the words "he has".

§ 7.10 [Amended]

6. In § 7.10(a) in the last sentence correct the word "th" to read "the"; in § 7.10(b) in the second sentence change the words "a hearing examiner" to read "an administrative law judge".

§ 7.11 [Amended]

7. In § 7.11(a) in the title change the words "hearing examiner" to read "an administrative law judge"; and in the first sentence change the words "hearing examiner" to read "an administrative law judge". In § 7.11(b) in the first sentence change the words "a hearing examiner" to read "an administrative law judge". In § 7.11(d) in the first sentence change the words "a hearing examiner" to read "an administrative law judge".

§ 7.13 [Amended]

8. In § 7.13(c) delete the last sentence.



**PART 12—NONDISCRIMINATION IN PROGRAMS RECEIVING ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF SECTION 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972**

9. Section 12.11(f) is revised to read as follows:

**§ 12.11 Decisions and notices.**

(f) Content of orders. The final decision may provide for termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purpose of the act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to have failed to comply with requirements imposed by or under this part unless and until it corrects its noncompliance and satisfies the Administrator that it will fully comply with this part.

**§ 12.12 [Amended]**

10. Delete the last sentence from § 12.12(c).

**PART 30—GENERAL GRANT REGULATIONS AND PROCEDURES**

11. In the Table of Contents under Subpart B—Application and Award, add the following under § 30.305 entitled A-95 Procedures:

- 30.305-1 Specific areas of clearinghouse evaluation.
- 30.305-2 Notification of intent (A-95, Part I).
- 30.305-3 Time limitations.
- 30.305-4 EPA processing.
- 30.305-5 Programs requiring state plans and jointly funded projects (A-95, Part III).
- 30.305-6 Coordination of planning in multi-jurisdictional areas (A-95, Part IV).
- 30.305-7 Confidential information.
- 30.305-8 Specific requirements for the construction grant program.

12. Section 30.135-3 is revised to read as follows:

**§ 30.135-3 Allowable costs.**

Those eligible, reasonable, necessary, and allocable costs which are permitted under the appropriate Federal cost principles, in accordance with EPA policy, within the scope of the project and authorized for EPA participation.

13. Section 30.135-8 is revised to read as follows:

**§ 30.135-8 Eligible costs.**

Those costs in which Federal participation is authorized pursuant to applicable statute.

14. Section 30.135-22 is revised to read as follows:

**§ 30.135-22 Subagreement.**

A written agreement between an EPA grantee and another party (other than another public agency) and any tier of

agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, including contracts and subcontracts for personal and professional services and purchase orders.

**§ 30.225-3 [Amended]**

15. Delete § 30.225-3(c).

16. Section 30.305 is revised and 30.305-1 through 30.305-8 are added to read as follows:

**§ 30.305 A-95 procedures.**

(a) Office of Management and Budget Circular A-95 (revised) (41 FR 2052, January 13, 1976) provides for State and areawide clearinghouse evaluation, review, and coordination of Federally-assisted programs and projects. Therefore, applicants applying for a planning, program, survey, demonstration, or construction grant must comply with appropriate coordination procedures outlined in the A-95 Circular. Generally, coordination is required prior to submitting an application. However, in certain cases clearinghouses will be afforded the opportunity to comment during the initial phases of project work in conjunction with the development of plans and application materials.

(b) A-95 procedures include but are not limited to the provisions set forth below in § 30.305-1 through § 30.305-8.

**§ 30.305-1 Specific areas of clearinghouse evaluation.**

The following specific areas are normally considered during clearinghouse evaluation. It should be recognized, however, that clearinghouses are responsible for the comprehensive planning needs of their jurisdictional area and may, therefore, consider areas other than those listed.

(a) The extent to which the project is consistent with or contributes to the fulfillment of the State, areawide, and local comprehensive plans.

(b) The extent to which the proposed project:

- (1) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or
- (2) Might be revised to increase its effectiveness or efficiency.

(c) The extent to which the project contributes to the achievement of State, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as specified in Section 401 of the Intergovernmental Cooperation Act of 1968, including:

(1) Appropriate land uses for housing, commercial, industrial, government, institutional, and other purposes;

(2) Wise development and consideration of natural resources, including land, water, mineral, wildlife, and others;

(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(4) Adequate outdoor recreation and open space;

(5) Protection of areas of unique natural beauty, historical, archeological, architectural, and scientific interest;

(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(7) Concern for high standards of design.

(d) The extent to which the project significantly affects the environment including:

(1) The environmental impact of the proposed project;

(2) Any adverse environmental effects which cannot be avoided should the proposed project be implemented;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible or irretrievable commitments of resources which would be involved in the proposed project or action, should it be implemented.

(e) The extent to which the project contributes to more balanced patterns of settlement and delivery of services to all sectors of the area population, including minority groups.

(f) In the case of a project for which assistance is being sought by a special purpose unit of government, whether the unit of general local government having jurisdiction over the area in which the project is to be located has applied for or plans to apply for assistance for the same or a similar type project.

**§ 30.305-2 Notification of intent (A-95, Part I).**

(a) General (for specific requirements for the construction grants program see § 30.305-8). Applicants or potential applicants for assistance under an EPA grant are required to notify both State and areawide planning and development clearinghouses, in the jurisdiction in which the project is to be located, of their intent to apply for EPA assistance. In the case of an application in any State for an activity that is Statewide or broader in nature (such as for various types of research) and does not affect nor have specific applicability to areawide or local planning and programs, the notification need be sent only to the State clearinghouse. Involvement of areawide clearinghouses in the review in such cases will be at the initiative of the State clearinghouse. If notification of intent to apply for EPA assistance was not furnished the clearinghouse(s), the completed application must be submitted to the clearinghouse(s) prior to submission to EPA. However, prior notification of intent to apply is preferable to submitting the final completed application. In addition, grantees must notify State and areawide clearinghouse(s) of any major modifications in a project. The current list of EPA grant programs which must comply with the A-95 procedures are listed below. Any additions to this listing will be indicated in the Catalog of Federal Domestic Assistance (see § 30.305-2.c.(5)).

(b) Submission of comments. (1) Identity of the applicant agency organization, or individual.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed projects.

(4) A statement as to whether or not the applicant has been advised by EPA that he will be required to submit environmental impact information in connection with the proposed project.

(5) The EPA program title and number under which assistance will be sought as indicated in the latest Catalog of Fed-

eral Domestic Assistance (The Catalog is issued annually in the spring and is updated during the year). In the case of programs not listed therein, programs will be identified by Public Law number or U.S. Code citation. Applicants uncertain as to appropriate program identification should contact the EPA program or grants administration office.

(6) The estimated date the applicant expects to formally file an application.

(7) When available any more detailed documentation describing the proposed project (e.g., plans and preapplication material).

§ 30.305-3 Time limitations.

(a) Time limitations. (1) State and areawide clearinghouse(s) may have a period of 30 calendar days after receipt of a project notification of intent to apply for assistance in which to inform State and multistate agencies and local or regional governments or agencies that may be affected by the project, to arrange, as may be necessary, to consult with the applicant thereon and to complete review and submit comments to the applicant. If the review cannot be completed during this period, however, the clearinghouse(s) may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed. Clearinghouses are strongly urged to notify applicants if they cannot complete their review within the 30 day comment period.

(2) When no notification of intent to apply for assistance has been submitted and the clearinghouse has received instead a completed application, it may have 60 calendar days from date of receipt to review the completed application. However, if clearinghouses cannot complete their reviews within a 30 calendar day period they are strongly urged to give the applicant formal notice to that effect at the beginning of the comment period. Where reviews have been completed prior to completion of an application, a copy of the completed application will be supplied to the clearinghouse, upon request, when the application is submitted to EPA.

(b) Submission of Comments. (1) Areawide clearinghouses will include, as attachments to their comments: (i) all written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties, when they are at variance with the clearinghouse comments; and (ii) a list of parties from whom comments were solicited.

(2) Applicants will include with the completed application all comments and recommendations made by or through clearinghouse(s), with a statement that such comments have been considered prior to submission of the application. Where no comments have been received from a clearinghouse(s) a statement must be included with the application that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

(3) Jointly Funded Projects. A jointly funded project is a project for which assistance is sought, on a combined or

(1) 66.001—Air Pollution Control Program Grants;

(2) 66.005—Air Pollution Control Survey and Demonstration Grants;

(3) 66.027—Solid Waste Disposal Planning Grants;

(4) 66.028—Solid Waste Disposal Demonstration Grants;

(5) 66.418—Construction Grants for Wastewater Treatment Works;

(6) 66.419—Water Pollution Control-State and Interstate Program Grants;

(7) 66.420—Water Pollution Control-State and Local Manpower Program Development;

(8) 66.426—Water Pollution Control State and Areawide Waste Treatment Management Planning Grants;

(9) 66.432—State Public Water System Supervision Program Grants;

(10) 66.433—State Underground Water Source Protection Program Grants;

(11) 66.505—Water Pollution Control-Research, Developmental, and Demonstration Grants (Demonstration only);

(12) 66.506—Safe Drinking Water Research and Demonstration Grants (Demonstration only);

(13) 66.600—Environmental Protection Consolidated Grants-Program Support;

(14) 66.602—Environmental Protection Consolidated Grants-Special Purpose.

Applications from Federally recognized Indian Tribes are excluded from this requirement. However, they may voluntarily participate in the procedures of this section and are encouraged to do so. EPA will notify the appropriate State and areawide clearinghouse(s) of any applications from Federally recognized Indian tribes upon their receipt.

(b) Notification will normally precede the preparation of the application. It will be mailed to the clearinghouse at the earliest feasible time to assure maximum time for effective coordination and to avoid delay in the timely submission of the completed application to EPA. Earliest feasible time means at such time as the applicant determines it will develop an application.

(c) The notification to each clearinghouse will be accompanied by a summary description which should include the following:

(1) Identity of the applicant agency organization, or individual.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed projects.

(4) A statement as to whether or not the applicant has been advised by EPA that he will be required to submit environmental impact information in connection with the proposed project.

(5) The EPA program title and number under which assistance will be sought as indicated in the latest Catalog of Fed-

eral Domestic Assistance (The Catalog is issued annually in the spring and is updated during the year). In the case of programs not listed therein, programs will be identified by Public Law number or U.S. Code citation. Applicants uncertain as to appropriate program identification should contact the EPA program or grants administration office.

(6) The estimated date the applicant expects to formally file an application.

(7) When available any more detailed documentation describing the proposed project (e.g., plans and preapplication material).

§ 30.305-3 Time limitations.

(a) Time limitations. (1) State and areawide clearinghouse(s) may have a period of 30 calendar days after receipt of a project notification of intent to apply for assistance in which to inform State and multistate agencies and local or regional governments or agencies that may be affected by the project, to arrange, as may be necessary, to consult with the applicant thereon and to complete review and submit comments to the applicant. If the review cannot be completed during this period, however, the clearinghouse(s) may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed. Clearinghouses are strongly urged to notify applicants if they cannot complete their review within the 30 day comment period.

(2) When no notification of intent to apply for assistance has been submitted and the clearinghouse has received instead a completed application, it may have 60 calendar days from date of receipt to review the completed application. However, if clearinghouses cannot complete their reviews within a 30 calendar day period they are strongly urged to give the applicant formal notice to that effect at the beginning of the comment period. Where reviews have been completed prior to completion of an application, a copy of the completed application will be supplied to the clearinghouse, upon request, when the application is submitted to EPA.

(b) Submission of Comments. (1) Areawide clearinghouses will include, as attachments to their comments: (i) all written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties, when they are at variance with the clearinghouse comments; and (ii) a list of parties from whom comments were solicited.

(2) Applicants will include with the completed application all comments and recommendations made by or through clearinghouse(s), with a statement that such comments have been considered prior to submission of the application. Where no comments have been received from a clearinghouse(s) a statement must be included with the application that the procedures outlined in this section have been followed and that no comments or recommendations have been received.

(3) Jointly Funded Projects. A jointly funded project is a project for which assistance is sought, on a combined or

that both areawide and State clearinghouses have been given an opportunity to review the application will be returned to the applicant with instruction to fulfill the requirements of Part I of OMB Circular A-95.

(b) Any comments accompanying applications must be utilized in evaluating the applications.

(c) EPA will notify clearinghouse(s) within seven (7) working days of any major action taken on applications reviewed by the clearinghouse(s). Major actions will include awards (including subsequent Step 2 and Step 3 awards for wastewater treatment projects), rejections, returns for amendments, deferrals, or withdrawals. The standard multipurpose form, Standard Form 424, as prescribed by Federal Management Circular 74-7, will be used for this purpose.

(d) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and EPA approves the project without incorporating the recommendations of the clearinghouse, EPA will provide the clearinghouse, in writing, with an explanation therefor along with the notice of action under subsection 30.305-4c.

(e) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or Federally-assisted project, the EPA program office reviewing the application will consult with the agency or agencies assisting the referenced projects prior to approving the application.

(f) If comments accompanying an application from a special purpose unit of government indicate that a similar application is forthcoming from the general purpose unit of government in the areas in which the applicant and/or the proposed project is located, preference will be given to the general purpose unit as specified in Section 402 of the Intergovernmental Cooperation Act of 1968. Where such preference cannot be so accorded, EPA will notify in writing, the unit of general local government and the Office of Management and Budget of the reasons therefor.

§ 30.305-5 Programs requiring state plans and jointly funded projects (A-95 Part III).

(a) Applicability. This section applies only to Air Pollution Control Program Grants and Water Pollution Control State and Interstate Program Grants to the extent that they involve State plans.

(b) Definitions. (1) State Plan. A State plan is a plan prepared by a State agency that includes any required supporting planning reports or documentation that indicates the programs, projects, and activities for which EPA funds will be used.

(2) Jointly Funded Projects. A jointly funded project is a project for which assistance is sought, on a combined or

eral Domestic Assistance (The Catalog is issued annually in the spring and is updated during the year). In the case of programs not listed therein, programs will be identified by Public Law number or U.S. Code citation. Applicants uncertain as to appropriate program identification should contact the EPA program or grants administration office.

(6) The estimated date the applicant expects to formally file an application.

(7) When available any more detailed documentation describing the proposed project (e.g., plans and preapplication material).

§ 30.305-3 Time limitations.

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(2) When no notification of intent to apply for assistance has been submitted and the clearinghouse has received instead a completed application, it may have 60 calendar days from date of receipt to review the completed application. However, if clearinghouses cannot complete their reviews within a 30 calendar day period they are strongly urged to give the applicant formal notice to that effect at the beginning of the comment period. Where reviews have been completed prior to completion of an application, a copy of the completed application will be supplied to the clearinghouse, upon request, when the application is submitted to EPA.

(b) Submission of Comments. (1) Areawide clearinghouses will include, as attachments to their comments: (i) all written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties, when they are at variance with the clearinghouse comments; and (ii) a list of parties from whom comments were solicited.

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(b) Any comments accompanying applications must be utilized in evaluating the applications.

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(d) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and EPA approves the project without incorporating the recommendations of the clearinghouse, EPA will provide the clearinghouse, in writing, with an explanation therefor along with the notice of action under subsection 30.305-4c.

(e) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or Federally-assisted project, the EPA program office reviewing the application will consult with the agency or agencies assisting the referenced projects prior to approving the application.

(f) If comments accompanying an application from a special purpose unit of government indicate that a similar application is forthcoming from the general purpose unit of government in the areas in which the applicant and/or the proposed project is located, preference will be given to the general purpose unit as specified in Section 402 of the Intergovernmental Cooperation Act of 1968. Where such preference cannot be so accorded, EPA will notify in writing, the unit of general local government and the Office of Management and Budget of the reasons therefor.

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(b) Definitions. (1) State Plan. A State plan is a plan prepared



coordinated basis, involving two or more Federal programs or funding authorities.

(c) *Review.* (1) Prior to funding any grant requiring, by statute or EPA administrative regulations, a State plan as a condition of assistance, the EPA program office must insure that the Governor, or his designated agency, has been given the opportunity to comment on the relationship of the program to be funded to the State plan. EPA encourages the Governor to include the appropriate areawide clearinghouse in State plan review.

(2) Prior to funding a jointly funded project, the EPA program office must insure that the State and areawide clearinghouse(s) have been given the opportunity to comment on the relationship of the proposed jointly funded project to State or areawide comprehensive plans and programs.

(d) *Time Limitations and Submission of Comments.* (1) The Governor or his designated agency may have a period of 45 calendar days for review and comment.

(2) Applicants must secure and submit with the application comments received pursuant to § 30.305-5c. If the applicant fails to receive comments within the prescribed 45 calendar day period, a statement must be included with the application that the procedures outlined in this section have been followed and no comments or recommendations have been received.

§ 30.305-6 Coordination of planning in multijurisdictional areas (A-95, Part IV).

(a) *Applicability.* This section applies only to Water Pollution Control State and Areawide Waste Treatment Management Planning Grants.

(b) *Requirements of Applicants.* (1) Applicants for State and Areawide Waste Treatment Management Planning grants must demonstrate in the application that the proposed activity is consistent and takes into account the relationship with affected State, local and Federal programs, and with other applicable resource and developmental planning programs in the multijurisdictional areas.

(c) For areawide designated planning agencies, the application must adequately:

(A) Certify that affected general purpose units of local governments within the boundaries of the designated planning area have submitted or intend to submit resolutions of intent to have in operation a coordinated waste treatment management system and that such affected units of local government have the legal authority to enter into agreements for coordinated wastewater management.

(B) Provide a certification document submitted by the State designated planning agency which states that the State has reviewed the application pursuant to 40 CFR 35.408-2(b).

(i) For State designated planning agencies, the application must show evidence that adequate communication was

made with chief elected officials of local units of governments in the designation of local multijurisdictional areas.

(iii) For intrastate and interstate areawide planning agencies, the application must provide a certification document submitted by the State planning agency in the State which includes the largest portion of the area's population pursuant to 40 CFR 35.210-1(d).

(2) The completed application will be submitted to the Office of the Governor(s) of the State(s) before it is submitted to EPA. The Governor(s) shall have 45 calendar days in which to certify that the proposed work complies or does not comply with all State requirements; that the proposed planning work program is or is not adequate and necessary to accomplish the development of a plan; that the planning will or will not duplicate any work which has been done or is being done to meet the facilities planning requirements of 40 CFR 35.917 through 35.917-9; and that the State(s) either recommends or does not recommend that the grant application should be approved by EPA.

§ 30.305-7 Confidential information.

Under some programs, applicants are required to submit confidential information to EPA. Such information may relate to the applicant's financial status or structure, personnel, or may involve proprietary information and need not be included with applications submitted to clearinghouse(s) for review. EPA's policy concerning disclosure of information under the Freedom of Information Act, 5 U.S.C. 552, is stated in 40 CFR Chapter 1, Part 2.

§ 30.305-8 Specific requirements for the Construction Grant Program.

(a) *General.* Applicants for grants for the planning or construction of a wastewater treatment facility (P.L. 92-500, 40 CFR Part 35) must comply with the following specific requirements. Where provisions of this section differ from the general A-95 procedures set forth in other sections of Part 30 the requirements of this section shall prevail.

(b) *Specific Procedures.* (1) *Plans of Study (POS) for facilities planning* and any related Step 1 application materials should be submitted to the appropriate A-95 clearinghouse prior to the time for formal submission to the State and EPA of application for Step 1 assistance. The submission of the POS and related materials shall constitute a notification of intent to apply for assistance as provided in § 30.305-2 and § 30.305-3 above. The clearinghouse shall have 30 calendar days to review the POS and related materials. The comments of the clearinghouse on the POS should then accompany the application through the review process. The POS should be sent to the clearinghouse sufficiently early to avoid delays in the later submission of the Step 1 application.

(2) Thirty (30) calendar or more days prior to the public hearing on the draft facility plan, or, if no public hearing is held, a reasonable time before submit-

tal of a facility plan to the State and EPA for approval, the draft facility plan, and any associated grant application materials, should be submitted to the A-95 clearinghouse for a second review. The submission of the draft facility plan and related materials shall constitute a notification of intent to apply for assistance as provided in § 30.305-2 and § 30.305-3 above. The clearinghouse shall have 30 calendar days to review the draft facility plan.

(3) Any prior clearinghouse comments on the facility plan will be considered as part of the application for any subsequent Step 2 or Step 3 grant. EPA will notify the clearinghouse of subsequent Step 2 or Step 3 awards within 7 work days after grant award. Where an application is approved over clearinghouse objections, an explanation must be furnished to the clearinghouse as to why any specific recommendation was not followed.

(4) Once A-95 review has been obtained on a POS and a Step 1 facility plan, no further A-95 review of the Step 2 and Step 3 applications, which implement the plan, will be required except (i) when there are significant departures from or additions to what was covered in the Step 1 facility, (ii) when the clearinghouse requests opportunity for additional review on a specific project, or (iii) when State policy requires additional A-95 review of Step 2 or 3 grant applications. The clearinghouse shall have 30 calendar days to make these additional reviews, when required."

17. Section 30.710(d) is revised to read as follows:

§ 30.710 Federal cost principles.

(d) *For all other grants and subagreements.* Federal Procurement Regulations (41 CFR Ch. I, Subpart 1-15.2 or 1-15.4, as appropriate) provide, to the greatest practical extent, comparable principles and procedures for use in cost-reimbursement for all other grants and subagreements.

18. Section 30.715-2 is revised to read as follows:

§ 30.715-2 Indirect costs.

Indirect costs are those incurred for a common or joint purpose but benefiting more than one cost objective, and not readily identifiable to the cost objectives specifically benefited. Federal Management Circulars 73-6 and 74-4 govern the methods that may be used in determining the amount of grantee departmental indirect cost allocable to a grant program. These directives provide for the assignment of cognizance to single Federal Departments and agencies for conducting indirect cost negotiations and audits at educational institutions and State and local governments. Procedures governing the application and disposition of indirect costs for subagreements with commercial organizations and architectural and engineering firms are covered by 41 CFR 1-15.2 and 1-15.4 respectively. The rate(s) negotiated by the cognizant Federal agency are normally

accepted by all Federal agencies. Organizations not covered by the above directives may have rates established by negotiation with EPA or another Federal agency. The following guidance is furnished:

(a) EPA uses the latest available negotiated rate as a basis for computing indirect costs for the applicant. In those cases where the grantee's approved indirect cost rate is a provisional rate, subject to later finalization after the actual costs for the applicable fiscal period are known, the amount budgeted for indirect costs shall not exceed the amount derived under the provisional rate contained in the grant agreement, for the current budget period.

(b) A special indirect cost rate may be applied to a project (or portion of a project) to be carried out at an off-campus or off-site location. A special indirect cost rate may be negotiated for a large nonrecurring project when such project costs would distort the normal direct cost base used in computing the overhead rate.

§ 30.720 Cost sharing.

19. Delete the first sentence in § 30.720 (a) and substitute the following:

(a) Except as may be otherwise provided by law or this Subchapter, EPA grantees must share project costs. . . .

#### PART 35—STATE AND LOCAL ASSISTANCE

20. Add paragraph (h) at the end of § 35.315-2:

§ 35.315-2 Application requirements.

(h) Assure compliance with all applicable requirements of Office of Management and Budget (OMB) Circular A-95, pursuant to § 30.305 of this subchapter. § 35.555 [Amended]

21. Section 35.555(b)(3) is revised to read as follows:

(b) . . . .

(b) Pursuant to § 30.305 of this subchapter, the final program shall reflect comments received through the State office with clearinghouse responsibilities. It shall also present evidence of participation by the agencies responsible for statewide land use planning, or general or comprehensive planning.

§ 35.562 [Amended]

22. Section 35.562(b) (Promulgated at 40 FR 17698 on April 27, 1976), is revised to read as follows:

(b) A final program (grant application) by September 1 for each fiscal year consisting of the initial program (not including the final State project priority list to be submitted pursuant to § 35.563(b)) described in § 35.562(a), modified as appropriate to reflect the results of public participation, and comments of the Regional Administrator. In addition, all agencies applying for grants under this section must comply with all applicable requirements of Office of Manage-

ment and Budget (OMB) Circular No. A-95, pursuant to § 30.305 of this subchapter.

23. Section 35.920-3(a)(3) and (b)(8) are revised to read as follows:

§ 35.920-3 Contents of application.

(a) . . . .

(3) Required comments or approvals of relevant State, local, and Federal agencies, including clearinghouse requirements of Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter).

(b) . . . .

(8) Required comments or approvals of relevant State, local, and Federal agencies, including clearinghouse requirements of Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter).

24. Section 35.935-15 is revised to read as follows:

§ 35.935-15 Utilization of small and minority businesses.

Positive efforts shall be made by grantees to utilize small business and minority-owned business sources of supplies and service. Such efforts should allow these sources the maximum feasible opportunity to complete for subagreements and contracts to be performed utilizing Federal grant funds.

In Appendices C-1 and C-2 to 40 CFR Part 35 Subpart E, appearing on pages 9340 through 9344 of the FEDERAL REGISTER of March 4, 1976, the following editorial corrections are made:

Appendix C-1 [Amended]

25. In Appendix C-1, clause 6, in paragraph (a), the word "owner" in the fifth line should read "Owner"; in paragraph (b), the word "Agreement" in the third line should read "agreement"; and in paragraph (c), the word "counter-claims" starting on the eleventh line should read "counter-claim".

26. In Appendix C-1, clause 10, in the parenthetical phrase following the heading, the figure "\$1,00,000.00" appearing in the third line should read "\$100,000"; in paragraph (a), insert a comma after the word "profit" in the second line; and in the parenthetical phrase following paragraph (b), the word "Architect-Engineer" appearing in the fifth and eighth lines should read "Engineer" in both places.

27. In Appendix C-1, clause 12, paragraph (d) should end with the semicolon in the fourth line and the remainder of the paragraph, beginning with the word "and" should start a new line at the margin.

28. In Appendix C-1, clause 12, delete the "\$" in the third line.

29. In Appendix C-1, clause 18, paragraph (b), insert the word "the" between the words "to" and "engineer" in the tenth line.

Appendix C-2 [Amended]

30. In Appendix C-2, clause 2, in paragraph (a), change the word "agreement"

in the fifth line to "contract"; in paragraph (b), the word "contractor" on the third line should read "Contractor"; and in paragraph (f), the word "contractor" in the twentieth line should read "Contractor".

31. In Appendix C-2, clause 4, the word "contractor" in the first line should read "Contractor"; paragraph (d) should end with the semicolon in the fourth line and the remainder of the paragraph, beginning with the word "and" should start a new line at the margin; and in paragraph (d) the word "Engineer" in the fourth line should be changed to read "Contractor".

32. In Appendix C-2, clause 6, the word "contractor" in the ninth line should read "Contractor".

33. In Appendix C-2, clause 10, in paragraph (b)(2), insert the word "the" between the words "means" and "Federal" in the first line; in paragraph (b)(3) the word "Clean" in the ninth line should be deleted; in paragraph (b)(3) the second closing parentheses should be deleted after the phrase "Section 111(d)" in the eleventh line; in paragraph (b)(4), the word "state" in the seventh line should read "State"; and in paragraph (b)(5), the word "requirement" in the eighth line should read "requirements".

#### PART 40—RESEARCH AND DEMONSTRATION GRANTS

34. Delete § 40.135-1(b)(1) and (2) and insert the following:

§ 40.135-1 Preapplication coordination.

(b) Demonstration grants. All applicants for demonstration grants must comply with all applicable requirements of Office of Management and Budget (OMB) Circular No. A-95 as revised, see § 30.305 of this subchapter.

[FR Doc. 76-14649 Filed 5-19-76; 8:45 am]

[FRL 509-3]

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

##### Ferroalloy Production Facilities

##### Correction

In FR Doc. 76-12814 appearing at page 18498 in the FEDERAL REGISTER of Tuesday, May 4, 1976 the following corrections should be made:

1. On page 18498, second column, last paragraph designated "(1)", second line, fourth word should read "representativeness".

2. On page 18501, first column, the subpart heading immediately preceding the text, should read "Subpart Z—Standards of Performance for Ferroalloy Production Facilities".

3. On page 18501, in § 60.260, second column, fourth line from the top, the third word should read "silicomanga-".

4. On page 18501, second column, in § 60.261 (i), second line, third word should read "evolution".

5. On page 18503, third column, in § 60.266(h) the equation should have appeared as follows:

V  
4  
1  
9  
9  
  
M  
A  
Y  
2  
0  
  
7  
6  
  
U  
M  
I  
  
V



$$E = \sum_{n=1}^N E_n$$

[OPP-280019; FRL 545-8]

## SUBCHAPTER E—PESTICIDE PROGRAMS

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

## Oxamyl

The Environmental Protection Agency (EPA) promulgated regulations with respect to the establishment of tolerances for the pesticide oxamyl in Title 40 of the Code of Federal Regulations, Part 180, Subpart C, § 180.303. These regulations appeared in the FEDERAL REGISTER on October 14, 1975 (40 FR 48133).

This pesticide chemical is a member of the class of cholinesterase-inhibiting pesticides and was so identified at the time the tolerances were established. Pesticides which have been identified as cholinesterase-inhibitors are listed in 40 CFR 180.3(e)(5). This list is being amended at this time by alphabetically inserting the pesticide chemical oxamyl.

The Agency is amending 40 CFR 180.3 effective May 20, 1976 to read as follows. (Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a).)

Dated: May 13, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Section 180.3 is amended by alphabetically inserting oxamyl (methyl N',N'-dimethyl-N-[methylcarbamoyl]oxy]-1-thioxoamimidate) into 40 CFR 180.3(e)(5) as follows:

§ 180.3 Tolerances for related pesticide chemicals.

(e) . . . . .  
(5) . . . . .  
Naled . . . . .  
Oxamyl (methyl N',N'-dimethyl-N-[methylcarbamoyl]oxy]-1-thioxoamimidate) . . . . .  
Parthion . . . . .

[FR Doc. 76-11446 Filed 5-19-76; 8:45 am]

(FRL 546-3)

## SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

## PART 457—EXPLOSIVES MANUFACTURING POINT SOURCE CATEGORY

## Extension of Comment Period and Notice of Availability

On March 9, 1976 the Agency published a notice of interim final rulemaking (41 FR 10180) establishing effluent limitations and guidelines for the explosives manufacturing point source category, based upon use of best practicable

## RULES AND REGULATIONS

control technology currently available. The due date for comments provided in the notice was April 8, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Explosives Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to June 21, 1976.

Dated: May 14, 1976.

JOHN T. RHETT,  
Acting Assistant Administrator  
for Water and Hazardous Materials.  
[FR Doc. 76-14648 Filed 5-19-76; 8:45 am]

Title 47—Telecommunication  
CHAPTER I—FEDERAL  
COMMUNICATIONS COMMISSION

[FCC 76-429]

## PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

## Application Procedures

1. The Commission has reviewed Part 63 of its rules and has determined that a number of changes are needed to update the rules and clarify various matters. We believe these rule modifications will improve the processing procedures and simplify the filing and consideration of section 214 applications. Several of these changes are briefly discussed below.

2. Sections 63.02, 63.03, 63.04, and 63.05 of the rules are amended to increase certain construction, installation, and lease costs which establish upper limits on the proposed small projects with respect to extensions, supplementation of facilities, temporary or emergency service, and the commencement and completion of construction. This change is made in recognition of the inflation in costs of facilities and to more fairly relate lease costs to construction costs. A subparagraph will be added to § 63.01 to refer to the environmental requirements in Subpart I of Part 1 of the Commission's Rules. Also, applicants will be required to submit airline mileage between terminal communities for the computation of applicable grant fees, in accordance with our recent amendment of Subpart G of Part 1 of

the Commission's Rules relating to the schedule of fees.<sup>1</sup>

3. Section 63.52 of the rules, Copies required; fees, will be amended by reducing the number of copies of applications to be submitted as requested in paragraph (a), and by adding new paragraphs (b) and (c) to specify filing periods for petitions and responsive pleadings. Heretofore the filing periods for petitions against applications filed pursuant to section 214 of the Communications Act and Part 63 of the rules have generally been established by the Commission's public notice of applications accepted for filing. We believe that for purposes of consistency and clarity, it is valuable to specify in Part 63 these pleading periods. Section 63.52, as amended, specifies a 30-day period for the filing of petitions to deny applications. The applicant may file an opposition to any petition to deny, and the petitioner may file a reply to such opposition within the time specified by § 1.45 and allegations of fact of denials thereof shall similarly be supported by affidavit.

4. Sections 63.03 and 63.04 are revised to change the effective grant date from the current 15th day to the 21st day following the date of filing applications pursuant to such sections, to permit additional processing time by the Commission. We are expanding § 63.03 to clarify the circumstances under which the authorization of facilities as supplemental small projects will be considered appropriate under this section. Also, § 63.51 is revised to specify that if an applicant fails to respond to official correspondence or request for additional market, the application will be dismissed without prejudice.

5. Section 63.50 is added to specify procedures for amending applications filed under Part 63 of the rules. This addition is necessary to eliminate any uncertainties with respect to procedures for filing amendments to application submitted.

6. Authority for these changes is contained in section 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended. (47 U.S.C. 154 (i) and (j), 303(r)). Because they reflect only procedural changes and since early implementation would simplify and expedite the processing of applications, compliance with the prior notice and effective date provision of 5 U.S.C. 533 is not required.

7. In view of the foregoing, it is ordered, effective May 26, 1976, That Part 63 of the Commission's rules and Regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1086, 1082; 47 U.S.C. 154, 303.)

Adopted: May 11, 1976.

Released: May 18, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

<sup>1</sup> See Report and Order in Docket No. 19658, released January 20, 1975, 50 F.C.C. 3d 906.

## RULES AND REGULATIONS

Part 63 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. In § 63.01 the introductory paragraph and paragraphs (e) and (f) are revised, and a new paragraph (g) is added to read as follows:

## § 63.01 Contents of applications.

Except as otherwise provided in this part, any party proposing to undertake any construction of a new line, extension of any line, acquisition, lease, or operation of any line or extension thereof or engage in transmission over or by means of such line, for which authority is required under the provisions of Section 214 of the Communications Act of 1934, as amended, shall request such authority by formal application which shall be accompanied by a statement showing how the proposed construction, etc. will serve the public interest, convenience, and necessity. Such statement must include the following information as applicable:

(e) A statement as to whether the facilities covered by the application will be used to extend communication service into territory at present not directly served by the applicant or to supplement existing facilities of the applicant, and the nature and classification of the communication services to be provided (e.g., telephone, telegraph, facsimile, data, private line, voice, television relay, etc.);

(i) Applicant's present and estimated future requirements, both for the route of the proposed facilities and for routes from which any rerouting to the proposed facilities is contemplated within the period of the estimate. Where 60 domestic circuits or more are to be derived from the proposed construction, acquisition, or lease, list the principal circuit groups currently operated, the number of circuits in each group, and the estimate number of circuits required in each group to meet the load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases, including current traffic load trends, as indicated by periodic traffic load studies.

(q) A statement whether any new construction would be considered a major action under the Commission's environmental rules. If a major action is involved, attach an environmental statement. (See Subpart I of Part 1 of this chapter.)

2. Section 63.02 is revised to read as follows:

## § 63.02 Special provisions relating to extensions involving small projects.

Applications involving extension of service into domestic territory at present not directly served by the applicant by the construction, acquisition, or operation of facilities, the cost of which to the applicant does not exceed \$50,000 or the annual rental of which does not

exceed \$10,000, may omit the information called for by § 63.01 that is clearly not relevant to such extension. (Normally the information required by § 63.01(h) (1), (h) (2), (i), (j), and (k) (1) may be omitted.) At minimum, the application shall contain a general description of the existing and proposed facilities, points of service, and cost.

3. Section 63.03 is revised and paragraphs (d) and (e) are added to read as follows:

## § 63.03 Special provisions relating to small projects for supplementing of facilities.

(a) Facilities authorized under this section are limited to those that supplement existing facilities. Excluded from consideration under this section are applications that would involve:

(1) A new or modified service;  
(2) One or more points of service not previously authorized to the applicant for the type of service involved;  
(3) New transmission facilities (excluding supplemental radio transmitters) over which applicant has not previously received authority under Part 63;

(4) A major action under the environmental rules (Part 1, Subpart I of this chapter);

(5) International channels exceeding 7 voice grade circuits for voice carriers or 2 voice grade circuits for record carriers; or

(6) Domestic channels where the construction or acquisition cost exceeds \$500,000 or where the annual rental exceeds \$100,000.

(b) Applications submitted under this section shall be clearly identified as requesting authority pursuant to this section and the original shall be accompanied by two copies. The application shall contain a statement showing how the proposed acquisition, lease, operation or construction would serve the public interest, convenience, and necessity. Such statement must include information concerning:

(1) The terminal communities between which the proposed facilities are to be located;

(2) A statement as to the type of communication services which will be provided on the proposed facilities;

(3) The need for the proposed construction, acquisition, lease or operation;

(4) A description of the proposed facilities giving the number of each type of communication channel to be provided thereby;

(5) The estimated construction cost, annual rental, or purchase price, as appropriate for the proposed facilities;

(6) The route mileage of the facilities involved (excluding leased facilities) and airline mileage between terminal communities in the proposed project; and

(7) The accounting to be performed by the carrier with respect to the proposed project.

(c) In addition to the requirements of paragraph (b), applications involving overseas circuits shall:

(1) Cite by file number and date of adoption a currently effective Commission Order granted pursuant to § 63.01

granting the applicant authority to acquire like facilities for the provision of service between the points for which authority for additional circuitry is being requested. Where the applicant has been granted a currently effective authorization (Blanket Order) which specifies in an appendix to that Commission Order all or most of the facilities of a specific type (e.g., satellite circuits provided by satellites over a given ocean basin, circuits in a single submarine cable system, etc.), the applicant has been authorized to use to serve the ocean basin, area or country to which applicant is seeking to acquire supplemental facilities, the applicant shall cite that authorization.

(2) Contain a specific statement that applicant will construct, acquire and/or operate the requested facilities in accordance with the terms and conditions of the Order cited pursuant to (1) above.

(3) When the Commission Order cited pursuant to (1) above is a Blanket Authorization, applicant shall submit a revised Appendix showing the changes thereto which will occur on grant of its application.

(d) Such supplementing of facilities shall be deemed to have been authorized by the Commission effective as of the 21st day following the date of filing of such application unless on or before the 21st day the Commission shall notify the applicant to the contrary. Where supplemental facilities are authorized under this section, they shall be considered subject to the same terms and conditions, if any, that the Commission has imposed upon a prior authorization which is being supplemented.

(e) Any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, or commence small projects for the supplementing of existing facilities. Such an application shall set forth the need for such authority; however, it shall not be considered granted pursuant to paragraph (d) of this section. Upon authorization of such continuing authority by the Commission, the carrier may commence small projects subject to the limitations set forth in Paragraph (a) of this section, except that the construction, installation and acquisition cost for each project shall be limited to \$35,000 or an annual rental of \$7,000. Moreover, not later than the 30th day following the end of each 6 month period covered by such authority, the carrier shall file a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, acquisition, lease, including any renewal thereof, and operation) which was commenced thereunder, the following information:

(1) The type of facility constructed, installed, acquired, or leased;

(2) The route mileage thereof (excluding leased facilities);

(3) The terminal communities served and airline mileage between such communities;



(4) The cost thereof, including construction, installation, acquisition, or lease; and

(5) Where appropriate, the name of the lessor company and the dates of commencement and termination of the lease.

4. Section 63.04 (b), (c) and (d) are revised to read as follows:

§ 63.04 Special provisions relating to temporary or emergency service.

(b) Requests for immediate authority for temporary service or for emergency service may be made by letter or telegram setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route mileage thereof, the terminal communities to be served, and airline mileage between such communities; how these points are presently being served by the applicant or other carriers, the need for the proposed service, the cost involved including any rentals, the date on which the service is to begin and where known, the date or approximate date on which the service is to terminate.

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, to provide temporary or emergency service by the construction or installation of facilities where the estimated construction, installation, and acquisition costs do not exceed \$35,000 or an annual rental of not more than \$1,000 provided that such project does not involve a major action under the Commission's environmental rules. (See Subpart I of Part 1 of this chapter.) Any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each 6-month period covered by such authority, file with the Commission a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewals thereof), which was commenced or, in the case of leases, entered into under such authority, and renewal or renewals thereof which were in continuous effect for a period of more than one week, the following information:

(1) The type of facility constructed, installed, or leased;

(2) The route mileage thereof (excluding leased facilities);

(3) The terminal communities served and the airline mileage between terminal communities in the proposed project;

(4) The cost thereof, including construction, installation, or lease;

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

(d) (1) A request may be made by any carrier for continuing authority to lease and operate, during any emergency

when its regular facilities become inoperative or inadequate to handle its traffic, facilities of any other carrier between points between which applicant is authorized to communicate by radio for the transmission of traffic which applicant is authorized to handle.

(2) Such request may be made by letter or telegram making reference to this paragraph and setting forth the points between which applicant desires to operate facilities of other carriers and the nature of the traffic to be handled thereover.

(3) Continuing authority for the operation thereafter of such alternate facilities during emergencies shall be deemed granted effective as of the 21st day following the filing of the request unless on or before that date the Commission shall notify the applicant to the contrary; provided, however, Applicant shall, not later than the 30th day following the end of each quarter in which it has operated facilities of any other carrier pursuant to authority granted under this paragraph, file with the Commission a statement in writing making reference to this paragraph and describing each occasion during the quarter when it has operated such facilities, giving dates, points between which such facilities were located, hours or minutes used, nature of traffic handled, and reasons why its own facilities could not be used.

5. Section 63.05 is revised to read as follows:

§ 63.05 Commencement and completion of construction.

Unless otherwise determined by the Commission upon proper showing in any particular case, in the event construction shall not have been begun upon a project involving an expenditure of more than \$500,000, or where facilities authorized have not been leased or acquired, within 12 months from the date of the Commission's authorization, or all or part of the proposed facilities shall not have been placed in operation within 36 months after such date, such authorization shall terminate at the end of such 12 or 36 months' period, as the case may be; in the case of projects involving an expenditure of \$500,000 or less, the authorization therefor shall terminate at the end of 9 months or 18 months, as the case may be, in the event construction thereof shall not have been commenced, or the facilities placed in operation, within such respective periods.

6. Section 63.50 is added to read as follows:

§ 63.50 Amendment of applications.

Any application may be amended as a matter of right prior to the date of any final action taken by the Commission or designation for hearing. Amendments to applications shall be signed and submitted in the same manner, and with the same number of copies as was the original application. If a petition to deny or other formal objections have been filed to the application, the amendment shall be served on the parties.

7. Section 63.51 is revised to read as follows:

§ 63.51 Additional information.

The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application or request. Where an applicant fails to respond to official correspondence or request for additional material, the application may be dismissed without prejudice.

8. In § 63.52, the headnote and text are revised, and paragraphs (b) and (c) are added to read as follows:

§ 63.52 Copies required; fees; and filing periods.

(a) Unless otherwise specified the Commission shall be furnished with an original and 5 copies of applications filed under section 214 of the Communications Act of 1934, as amended; Provided, however, that where applications involve only the supplementation of existing domestic facilities, and the issuance of a certificate is not required, an original and 2 copies of the application shall be furnished. Upon request by the Commission additional copies of the application shall be furnished. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

(b) No application accepted for filing and subject to the provisions of §§ 63.01, 63.02, 63.54, 64.63 (with the exception of 63.62(a)), 68.69, 63.91, 63.502, or 63.505 of the rules shall be granted by the Commission earlier than 30 days following issuance of public notice by the Commission of the acceptance for filing of such application or any major amendment unless said public notice specifies another time period.

(c) Any interested party may file a petition to deny an application within the 30-day or other time period specified in paragraph (b) above. The petitioner shall serve a copy of such petition on the applicant no later than the date of filing thereof with the Commission. The petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest. Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant may file an opposition to any petition to deny, and the petitioners may file a reply to such opposition (see § 1.45 of this chapter), and allegations of facts or denials thereof shall similarly be supported by affidavit. These responsive pleadings shall be served on the applicant or petitioners, as appropriate, and other parties to the proceeding.

[FR Doc.76-14721 Filed 5-19-76;8:45 am]

[Docket No. 20632; RM-2594]

#### PART 73—RADIO BROADCAST SERVICES Table of Assignments; Television Broadcast Stations; Fort Dodge, Iowa

1. The Commission here considers its Notice of Proposed Rule Making, adopted November 12, 1975 (40 FR 55367), which

proposed the amendment of the Television Table of Assignments (§ 73.606(b) of the Rules) to substitute Channel \*21 for Channel \*46 and channel 50 for the present Channel 21 assignment at Fort Dodge, Iowa. The only commenting parties in this proceeding are the joint petitioners, Northwest Television Company ("Northwest") and the State Educational Radio and Television Facility Board ("Board"). Northwest is the licensee of Station KVFD-TV (Channel 21), Fort Dodge, Iowa, and the Board is the holder of a construction permit for noncommercial educational station KTIN-TV (Channel \*46), also at Fort Dodge.<sup>1</sup>

2. The Notice of Proposed Rule Making in this proceeding explained that Northwest is in a position of severe financial hardship and may be forced to discontinue operation. Changes in the Table were sought to prevent this and to enable the Board to expand its educational service at considerable savings.

3. Northwest has operated a commercial television station in Fort Dodge for twenty-two years. The company moved the transmitter and antenna to a new site at Bradgate, Iowa, in 1970 (approximately 24 miles northwest of Fort Dodge). The antenna height was increased and a new antenna and transmission line were purchased. Northwest expected that the new transmitting equipment would establish a greater coverage area which would in turn produce a growth in income. The company counted upon this increase in income in order to meet its financial obligations. However, the increase in revenues never materialized and Northwest has suffered large annual losses since 1971.

4. Northwest believes it can return to a profitable financial state if it is allowed to change channels and relocate the KVFD-TV transmitter and antenna at the station's original site in Fort Dodge. New equipment for operation on Channel 46 would cost approximately \$500,000, Northwest estimates, but used equipment, capable of operation on Channel 50 is available for \$120,000.

5. To this end, Northwest and the Board entered into an agreement on July 16, 1975, in which the Board would, contingent upon the Commission's approval of the instant petition, buy Northwest's antenna, tower, and transmission line and would thereafter assume certain of Northwest's financial obligations. Northwest also agreed to lease to the Board, the property on which the antenna is located and enough additional land to enable the Board to construct a transmitter building. After a comparative analysis, the Board estimates that it could save a substantial amount of money by purchasing Northwest's used equipment. It was on this basis that the Commission issued its Notice.

6. In the comments filed by Northwest and the Board, Northwest reports that it

<sup>1</sup> The Board additionally holds construction permits for noncommercial educational TV stations at Council Bluffs, Red Oak and Mason City and is the licensee of noncommercial educational TV stations at Des Moines, Iowa City, Waterloo and Sioux City.

has entered into a settlement with Palmer Broadcasting Company, one of its creditors, which will result in a reduction in Northwest's annual operating expenses. Although the reported settlement is substantial, it is still relatively small in proportion to the annual losses suffered by Northwest since 1971.

7. It appears to the Commission that the change in channel assignments is warranted and would benefit the public interest in Fort Dodge. The Board may expand its educational facilities at a considerable savings and Northwest's operating expenses may be reduced to the extent that the needed commercial service will be preserved.

8. In view of the foregoing, and pursuant to the authority found in sections 4 (i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's rules, it is ordered, That effective June 24, 1976, the TV Table of Assignments (§ 73.606(b) of the Commission's Rules and Regulations) IS AMENDED as follows:

§ 73.606 [Amended]  
City: Fort Dodge, Iowa..... Channel No. \*21, 50+

9. It is further ordered, That effective June 24, 1977, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of Northwest Television Company, for Station KVFD-TV, Fort Dodge, Iowa, is modified to specify operation on Channel 50+ in lieu of Channel 21, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 24, 1976, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by October 22, 1976, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KVFD-TV on Channel 50+ at Fort Dodge, Iowa.

(c) The licensee may continue on Channel 21 under its outstanding authorization for one year from the effective date of this Order, or effect the change sooner should it so desire. Prior to commencing operation on Channel 50+ the licensee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The licensee shall not commence operation on Channel 50+ until the Commission specifically authorizes it to do so.

10. It is further ordered, That effective June 24, 1977, and pursuant to Section 316 of the Communications Act of 1934, as amended, the construction permit of the State Educational Radio and Television Facility Board, for Station KTIN-TV, Fort Dodge, Iowa, is modified to specify operation on Channel \*21 in lieu of Channel \*46 subject to the following conditions:

(a) The permittee shall inform the Commission in writing by no later than

July 24, 1976, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by October 22, 1976, all the necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station KTIN-TV on Channel \*21 at Fort Dodge, Iowa.

(c) Prior to commencing operation on Channel \*21, the permittee shall submit the same measurement data normally required in an application for a TV broadcast station license.

(d) The permittee shall not commence operation on Channel \*21 until the Commission specifically authorizes it to do so.

11. It is further ordered, That this proceeding is terminated.

Adopted: May 11, 1976.

Released: May 17, 1976.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1068, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.76-14722 Filed 5-19-76;8:45 am]

[Docket No. 20632; RM-2461]

#### PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations; Holiday and Dunedin, Florida

1. The Bureau has under consideration its Notice of Proposed Rule Making (40 FR 29303) released July 2, 1975, proposing the assignment of Channel 221A to Holiday, Florida, as its first FM assignment. Comments have been received from petitioner, Ralph M. Hansen, Jr. and Richey Airwaves, Inc. ("WGUL"), licensee of Station WGUL(AM) and WGUL-FM, New Port Richey, Florida, and a late-filed counterproposal has been received from Manley St. Jean. The counterproposal suggests that Channel 221A be assigned to Dunedin and Channel 292A be assigned to Holiday. No reply comments were received.

2. Holiday is an unincorporated community located in Pasco County (pop. 75,955) on the west coast of central Florida. It has no local aural service. Its population is not reported in the U.S. Census but its 1973 population has been estimated at 11,591. Holiday is purported to be made up of nine residential subdivisions.

3. Dunedin (pop. 17,639) is located in Pinellas County (pop. 522,329) about 12 miles south of Holiday. It is part of the St. Petersburg Urbanized Area and is adjacent to Clearwater, Florida (pop. 52,074). Dunedin is served by one AM station, WDCL (daytime-only).

<sup>1</sup> We make reference to a subsequently filed mutually exclusive petition, not considered herein for reasons stated infra, to assign Channel 292A to Port Richey, Florida (RM-2806) filed October 16, 1975.

<sup>2</sup> Population data is taken from the 1970 U.S. Census.



4. The status of Holiday as a community has been disputed. Petitioner states that the New Port Richey Chamber of Commerce in its "Statistic Review" of the West Pasco County Area recognizes Holiday as a distinct and separate community and estimates its population growth to be 5,791 in 1969 to 11,591 in 1973. It also states that separate mail service for Holiday commenced last year from a new post office facility located in and designated as Holiday. Petitioner determines that the community boundaries are delineated by mail service routes and by the road signs placed along Route 19 by the Florida Highway Department. Further, petitioner notes the recent addition of a Holiday Chamber of Commerce, a Holiday Mall shopping center and the many businesses that are identified by a Holiday address.

5. In opposing comments, WGUL argues that the area's residents do not function as residents of a community. It states that Holiday has no local government, no high school, no separate post office, no central shopping area, no Chamber of Commerce and no police or fire departments.<sup>1</sup> Instead it alleges that the nine residential housing developments each have their own separate identity. According to WGUL many of the businesses identifying with Holiday and mentioned by petitioner are no longer in operation. It also notes that Holiday, like Dunedin, is a community which would be precluded by the proposed assignment, is located in the Tampa-St. Petersburg SMSA and receives the same service as Dunedin from that area.

6. St. Jean asserts that his counterproposal offers a more efficient utilization of the available channels. He states that from the reference point at Dunedin, less preclusion on Channel 221A and adjacent channels would result and a greater population area would be served within the 3.15 mV/m contour of the station. In addition St. Jean shows that Channel 292A can be used only in a small area, which includes Holiday, and no new preclusion areas on adjacent channels would be created.

7. First, the status of Holiday as a community for channel assignment purposes should be resolved. The residents of Holiday, although living in separate residential subdivisions, also appear to relate to a larger integral unit. The designations given to the new post office, shopping center and chamber of commerce demonstrate this common reference. As stated in the Notice, boundaries need not be specifically known, however petitioner has nevertheless indicated borders recognizable by highway signs and postal routes. The commercial enterprises serving the area, for the most part, identify themselves as Holiday businesses. Finally, petitioner's attached ap-

<sup>1</sup> We note that a conflict exists in the pleadings. However petitioner provided us with photographs in its Appendix which clearly depict the existence of a Holiday post office, shopping center and Chamber of Commerce.

pendices reveal that Holiday has the requisite indicia of a typical community, two banks, a post office, a shopping center, a chamber of commerce, and several churches all identifying themselves with the name of Holiday. Thus, we are convinced that Holiday has the ascertainable boundaries, identifiable population and community of interest, necessary to be considered a community under Sections 73.202(a) and 73.203(a) of the Commission's Rules. We note that for present purposes, Holiday's exact size and the extent of its needs for a channel need not be determined because we have determined for reasons stated infra that it will not be considered with a pending mutually exclusive petition to assign Channel 292A to Port Richey, Florida.

8. As noted before, a petition to assign Channel 292A to Port Richey, Florida, was filed subsequent to the cut-off period for comments in the present proceeding. Further, the petitioner, Frank D. Ward, for Port Richey did not seek consolidation of his petition herein. A "motion for consolidation" was filed, however, by WGUL, in which it was argued that the Commission should consider the proposals involving the West Pasco County area together. Petitioner Hansen filed an "Opposition to Motion to Consolidate" noting that the petition was filed nearly two months after the cut-off date and that Ward, the Port Richey proponent, does not seek consolidation. Ward responded to the Motion to Consolidate with a "Motion to Strike" in which he opposes consolidation and argues that Section 1.420 of the Commission's Rules is a bar to such combined consideration.

9. At the outset, we believe that consolidation of the petition to assign Channel 292A to Port Richey herein should be denied. The petition was filed too late to be commented upon in connection with the issues in this proceeding. Our cut-off procedures which were expressly spelled-out in the Appendix attached to the Notice prohibit consolidation of late filed comments. Although the proposals involved are mutually exclusive, if Channel 292A is assigned to Holiday, the Port Richey petition could be treated as a proposal to reassign the channel to Port Richey and the proper comparison could then be in the context of a separate proceeding. Port Richey's interests will not be prejudiced thereby and the present proposals will not be unnecessarily delayed.<sup>2</sup>

10. Before we consider the proposals before us in this proceeding, we must also rule on the proper disposition of St. Jean's late-filed counterproposal. We note that in St. Jean's certification of service the comments were mailed to petitioner on August 19, 1975, well before the cut-off date of August 25, 1975. The Commission received the comments only two days late. However, we believe that sufficient time was given for all parties

<sup>2</sup> See *Anamosa, Iowa*, 48 F.C.C. 2d 530 (1974).

to the proceeding to file reply comments and no party has complained of the late filing. In addition we believe that the public interest would be better served by considering a proposal which offers a first local FM service to two communities. We will therefore accept the counterproposal.

11. After consideration of the proposals before us, we have decided that the public interest would be best served by providing both Holiday and Dunedin with its first FM assignment. The residents of Dunedin, a sizeable community, would receive a first local nighttime service. Although a multitude of stations from the Clearwater-St. Petersburg-Tampa area are presently received, we believe that Dunedin is entitled to local service. We note that, contrary to WGUL's assertion, Holiday is not located in the Tampa-St. Petersburg SMSA. From a technical standpoint, the assignments represent efficient utilization of available frequencies since only a small area remains for the use of each channel, no new adjacent channel preclusion will be created on Channel 292A and less preclusion will occur on Channel 221A. Furthermore, the assignments allow us to allocate two channels for use at two communities formerly without fulltime local service, and, in the case of Holiday, without any local service. We note that Dunedin is situated adjacent to Clearwater and it is our policy to look askance at proposals which purport to serve a smaller community but in reality seek to program for a larger nearby community.<sup>3</sup> However, we have no reason to believe that the Dunedin proponent seeks to serve Clearwater (pop. 52,074) in light of the manner in which Dunedin's present AM station operates and the unequal competition that would exist between the Class A channel to be assigned herein and Clearwater's two Class C assignments. Therefore, we believe the public interest would be served by assigning Channel 292A to Holiday and Channel 221A to Dunedin.

12. Accordingly, it is ordered, That effective June 24, 1976, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) is amended to read as follows for the communities listed:

City	Channel No.
Holiday, Fla.	292A
Dunedin, Fla.	221A

13. Authority for the actions taken herein is found in Sections 4(d), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and in Section 0.281 of the Commission's Rules and Regulations.

14. It is further ordered, That the Motion to Consolidate filed by Richey Airwaves, Inc. is denied.

<sup>3</sup> See *Bervick Broadcasting Co.*, 12 F.C.C. 2d 8 (1968); *Policy to Govern Requests for Additional FM Assignments*, 8 F.C.C. 2d 79 (1967); *Portage and Kalamazoo, Mich.*, 55 F.C.C. 2d 576 (1975).

15. It is further ordered, That this proceeding is terminated.  
(Secs. 4, 303, 307, 48 Stat., as amended, 1966, 1962, 1963; 47 U.S.C. 154, 303, 307.)

Adopted: May 11, 1976.

Released: May 17, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 76-14723 Filed 5-19-76; 8:45 am]

[Docket No. 20508; FCC 76-313]

#### PART 76—CABLE TELEVISION SERVICE Cable Television Channel Capacity and Access Channel Requirements

By the Commission: Commissioner Hooks concurring in part and dissenting in part and issuing a statement; Commissioners Washburn and Robinson concurring and issuing statements.

1. Effective March 31, 1972, the Commission adopted the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972), which, inter alia, included various channel capacity and access channel requirements for systems located in the major television markets.<sup>1</sup> In general, systems commencing service after March 31, 1972 (hereinafter referred to as new systems) were expected to fully comply with these requirements on commencing service, while systems already in operation as of that date (old systems) were given five years, that is until March 31, 1977, to reconstruct their plant and distribution networks, purchase new equipment, provide minimum studio facilities for the public access channel, and come into full compliance with these requirements.

2. In Public Notices respectively dated May 15 and 17, 1974, the Commission announced the creation of Re-Regula-

<sup>1</sup> These requirements have been contained in § 76.251 of the rules, the pertinent provisions of which may be summarized as follows:

##### Channel Capacity Requirements

- 20 channel capacity available for immediate or potential use (76.251(a)(1));
- For each broadcast channel used, an equivalent amount of bandwidth available for non-broadcast purposes (76.251(a)(2));
- Technical capacity for non-voice return communication (76.251(a)(3));

##### Access Channel Requirements

- A single channel each for public, educational, local government and leased channel use (76.251(a)(4)-(a)(7));
- Equipment and facilities necessary for the production of programming on the public access channel (76.251(a)(4));
- The provision of additional access channels based upon the utilization of those in existence (76.251(a)(6));
- The provision of public, educational and governmental access services under certain circumstances at no charge (76.251(a)(10)(i)-(ii)).

tion and 1977 Task Forces. In an effort to continually review its regulatory program, the Commission charged these Task Forces with conducting an examination of all of its rules and regulations respecting cable television. The common goal of the two Task Forces was to study the problems posed by the cable television rules and regulations for the Commission, local franchising authorities and the cable television industry, and to make appropriate recommendations with respect to how these rules might be refined to more fully serve the public interest. The 1977 Task Force was specifically established to study the problems posed by the March 31, 1977 deadline for achieving compliance with the cable television rules.

3. Responding to the recommendations of the 1977 Task Force the Commission adopted the Notice of Proposed Rulemaking in Docket 20363, FCC 75-211, 51 FCC 2d 519 (1975), which requested comment upon the necessity of postponing or cancelling the March 31, 1977 reconstruction deadline in view of economic considerations. In that Notice the Commission confined its inquiry to the amount of capital required to comply with its reconstruction requirements, the availability of such capital in the marketplace and the overall ability of the industry to achieve compliance by March, 1977. The Commission indicated that an additional Notice would be issued inquiring into alternative methods by which it might reaffirm its commitment to access cablecasting for old systems while recognizing the economic realities posed by system reconstruction. It also stated that in the additional rulemaking Notice it would address certain other matters respecting its channel capacity and access channel requirements for both new and old systems.

4. On June 3, 1975, the Commission adopted the Notice of Proposed Rulemaking in Docket 20508, FCC 75-644, 53 FCC 2d 782 (1975), which constituted that additional Notice. On July 9, 1975, the Commission adopted its Report and Order in Docket 20363, FCC 75-821, 54 FCC 2d 207 (1975), which cancelled the March 31, 1977 reconstruction date and suspended any requirement that older systems reconstruct to comply with the channel capacity and access channel requirements pending the outcome of its June 3, 1975 Notice.

5. In its June 3, 1975 Notice, the Commission requested comment on a variety of matters which related to its channel capacity and access channel requirements. In addition to soliciting views on various alternatives to the March 31, 1977 uniform reconstruction deadline, the Commission determined to reexamine the criterion (location within the 35-mile zone of a major television market) presently utilized to trigger its channel capacity and access requirements for both new and old systems. Also included in that Notice was a reexamination of the "two-way," "one-for-one" and "convert-

er" requirements for both new and old systems.<sup>2</sup>

6. In an effort to obtain the views of as many interested parties as possible, the Commission gave broad notice of the matters contained in Docket 20508 and individually solicited the opinions of over 100 public interest, access, educational and citizens groups. The Commission has received a significant number of responses from various parties, including cable television interests; broadcast interests; public interest and access organizations; individual members of the public; state and municipal cable regulators; educational authorities; and electronic equipment suppliers, submitting diverse observations, opinions and proposals. Comments of all parties were carefully studied and considered. While some parties' comments touched upon matters of more direct relevance to the Commission's Notice in Docket 20363, they were largely responsive to this more general Notice, and many will be noted accordingly.

7. Based on the comments filed, our experience with the existing channel capacity and access rules since 1972, and a general re-evaluation of these rules in connection with this proceeding, we have determined that several major modifications in our requirements are necessary. In making these changes we have taken into account a number of important and frequently countervailing considerations.

8. First, we continue to believe that the public interest can be significantly advanced by the opening of cable channels for use by the public and other specified users who would otherwise not likely have access to television audiences. A commitment was made to the provision of these channels in the 1972 rules which should not be abandoned. There is, we believe, a definite societal good in keeping open these channels of communication. While the overall impact that use of these channels can have may have been exaggerated in the past, nevertheless we believe they can, if properly used, result in the opening of new outlets for local expression, aid in the promotion of diversity in television programming, act in some measure to restore a sense of community to cable subscribers and a sense of openness and participation to the video medium, aid in the functioning of democratic institutions, and improve the informational and educational communications resources of cable television communities.

9. On the other hand, these public benefits must be carefully weighed against the costs the requirements impose. Not only are there costs involved that are directly passed on to subscribers and reflected in the profit and loss state-

<sup>2</sup> The "one-for-one" and "two-way" requirements are contained in Sections 76.251(a)(2) and (a)(3) respectively. The installation of a converter is necessary for certain systems to actually provide the four access channels required pursuant to Sections 76.251(a)(4)-(a)(7) of the Rules. This requirement is discussed in greater detail in paragraph 84 et seq.



ments of cable operators, there are opportunity costs involved as well. Monies expended to comply with these requirements could have been expended in the construction of new cable systems where none now exist or in the development and provision of different services which might be given a higher value by the public. And, in addition to the direct capital and other expenditures which the requirements entail, there are the other costs in lost flexibility and initiative which are likely to follow with any attempt to impose detailed governmental regulations on private business concerns. Thus, abstract notions of public good must be carefully tested as to their cost and practical, realistic impact.

10. Bearing in mind these conflicting concerns, we have determined to make a number of significant changes in the rules. These changes may be briefly summarized as follows:

Delete from the rules entirely the requirement that major market cable systems have the capacity to provide one nonbroadcast channel for each channel used to distribute broadcast programming.

Cease applying the channel capacity and access rules to those systems which, based on a headend or integrated system count, have fewer than 3,500 subscribers.

Apply all of the channel capacity and access rules to all systems or conglomerates of systems with 3,500 or more subscribers, regardless of whether they are located inside or outside of one of the major television markets.

Apply the access channel rules on a headend or conglomerate system rather than a community basis so that, in those situations where an access channel or channels are required, only one channel of each type will be required per integrated system even if that system serves more than one community.

Modify our requirements that old systems reconstruct to provide four dedicated access channels, and new systems provide such channels from the commencement of operations.

Require the provision of four access channels only on those systems that have sufficient activated capacity to provide such channels and only require such channels to be activated as an actual demand for their use develops. For those systems with insufficient activated capacity to provide four channels, require the provision of one composite access channel, except in the case of existing systems whose activated channel capacity is completely full, require that access be provided on exclusivity and nonduplication time.

Require that systems expand the number of channels available for access programming up to the limit of each system's activated channel capability based upon demonstrated use. In no case require the installation of a converter to meet access needs.

Require those systems with greater than 3,500 subscribers to reconstruct and comply with our channel capacity requirements by 1986.

Require that two-way capacity be installed on all systems with 3,500 or more subscribers, but not require that any system reconstruct solely to provide this capacity.

11. Each of these matters is discussed in detail below along with a summary of the comments received in response to the Notice in this proceeding. However, in view of our basic determination to retain channel capacity and access rules of some type, it is appropriate, before turning to the specific changes adopted, to address a number of arguments raised in the comments that challenge either the constitutionality of the channel capacity and access requirements, or the authority of the Commission to impose them.

12. By far the most extensive comments filed raising these points were those of the Midwest Video Corporation. These arguments in general parallel those raised by Midwest in its appeal of the Commission's adoption of Section 76.253 (the equipment availability requirement) in the Report and Order in Docket 19988, FCC 74-1279, 49 FCC 2d 1090 (1974). Their argument has basically five parts: (a) that the access rules are equivalent to common carrier regulation and that the Commission has no authority to convert cable systems into common carriers; (b) that the requirement to provide channels free for the use of others is an unconstitutional taking of private property for public use without just compensation in violation of the Fifth Amendment to the Constitution; (c) that even if not an unconstitutional taking the regulations violate the Fifth Amendment as restrictions on a lawful business activity, for they constitute an unnecessary interference with personal or property rights and are not reasonably structured to attain a valid legislative purpose; (d) that the due process clause prohibits governmental requirements necessitating a change in the basic nature of a business enterprise; and (e) that the access and channel capacity requirements violate the First Amendment by interfering with the rights of cable operators to communicate.

13. These arguments do not persuade us that the adoption of reasonable channel capacity and access channel rules are either unconstitutional or beyond our jurisdiction. The Communications Act allows the Commission significant discretion in dealing with the developments, demands, and public interest benefits inherent in the dynamic field of communications. The Commission's authority to adopt reasonable cable regulations has been upheld on a number of occasions in several different contexts.<sup>2</sup>

<sup>2</sup> *United States v. Southwestern Cable Co.*, 392 U.S. at 157 (1968); *Black Hills Video Corp. v. FCC*, 399 F.2d 65 (8th Cir. 1968); *United States v. Midwest Video Corp.*, 406 U.S. 649 (1972); *General Telephone Co. of California v. FCC*, 413 F.2d 390, 398 (D.C. Cir. 1969); *General Telephone of the Southwest v. U.S.*, 449 F.2d 846, 863-64 (5th Cir. 1971); *A.C.L.U. v. FCC*, 523 F.2d 1344, 1351 (9th Cir. 1971).

14. In adopting rules to develop the potential of cable television with its abundant channel capacity, as a purveyor of diverse programming, the Commission was affirmed in *United States v. Midwest Video Corp.*, 406 U.S. 649 (1972). The Supreme Court affirmed the Commission's decision to go beyond mere protective measures and also regulate cable with a view to "promote the objectives for which the Commission had been assigned jurisdiction over broadcasting." 406 U.S. 649, 665. Among those objectives recognized by the Court are increasing the number of outlets for local self-expression and augmenting the diversity of programs and types of services available to the public.

15. The Supreme Court upheld the agency's determination that the program-origination rule would serve those objectives. It is equally plain that channel capacity and access requirements will promote those objectives. In fact, the concept of access was included within the Commission's policy determination which was before the Supreme Court in the *Midwest Video* case. The Commission had stated in its First Report and Order, adopting the origination rule, that one of the reasons for origination requirements was "to insure that cablecasting equipment will be available for use by others." 20 FCC 2d at 214, quoted in 406 U.S. at 653n.5; see also 20 FCC 2d at 209. The Supreme Court in affirming the Commission's authority was clearly aware that the cablecasting contemplated by the Commission included not only programs produced by the cable system but also programs produced by others. We believe the rules under consideration in this proceeding will further the achievement of long-standing communications regulatory objectives by increasing outlets for local self-expression and augmenting the public's choice of programs and that as such they are within the scope of the Commission's regulatory authority over cable television systems that has been upheld by the Supreme Court.

16. Arguments that the rules deny due process, are unduly burdensome, confiscatory, and force cable operators to change the nature of their business are also arguments which were before the Court in *U.S. v. Midwest Video* and, although in that proceeding the charge was that the Commission had forced cable operators into the broadcasting business against their will, we believe the rationale of the Supreme Court's holding in that proceeding is equally applicable here.

17. With respect to the argument that the access requirements are in effect common carrier obligations which are beyond our authority to impose, we have said that in our view cable systems "are neither broadcasters nor common carriers within the meaning of the Communications Act" but rather that "cable is a hybrid that requires identification and regulation as a separate force in communications." *Cable Television Report and Order*, supra at paragraph 191. So

long as the rules adopted are reasonably related to achieving objectives for which the Commission has been assigned jurisdiction we do not think they can be held beyond our authority merely by denominating them as somehow "common carrier" in nature. The proper question, we believe, is not whether they fall in one category or another of regulation—whether they are more akin to obligations imposed on common carriers or obligations imposed on broadcasters to operate in the public interest—but whether the rules adopted promote statutory objectives. We think they do.

18. Finally, we cannot agree that rules of the type under consideration, which have as their foundation an increased opportunity for communications and a furtherance of First Amendment objectives can be found wanting, as an intrusion on the First Amendment rights of cable operators. When broadcasting, or related activity by cable television systems is involved, First Amendment values are furthered by "an uninhibited marketplace of ideas" in lieu of "monopolization of that market" by the government or a private broadcaster or cable owner. *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 390 (1969).

19. In sum, we do not agree that there are either jurisdictional or constitutional arguments that require us to terminate this proceeding by eliminating the channel capacity and access rules. Having reached that conclusion, we turn to a discussion of the particular rules changes under consideration in this proceeding.

#### CRITERION FOR THE IMPOSITION OF THE CHANNEL CAPACITY AND ACCESS CHANNEL REQUIREMENTS

##### INTRODUCTION

20. In adopting the *Cable Television Report and Order*, supra, we tied our channel capacity and access channel requirements to those systems which were located in the major markets. By allowing these systems greater distant signal carriage we hoped to stimulate the expansion of cable into the major markets; and by imposing channel capacity and access channel obligations on such systems we sought to insure that the growth was accompanied by the provision of non-broadcast services to these presumably more populous communities. In addition, systems serving these communities were selected to provide access services as a result of the belief that

• • • cities in the top 100 markets have, as a general rule, more diverse minority groups (ethnic, racial, economic, or age) who are most greatly in the need of both an opportunity to express their views and a more efficient method by which they may be apprised of governmental actions and educational opportunities. 36 FCC 2d at 197.

<sup>4</sup> We note that although the cable television access rules were not before the Supreme Court in *Columbia Broadcasting System v. Democratic National Committee*, 412 U.S. 94 (1973), the Court there discussed the possibility of a "limited right of access that is both practicable and desirable" and then referred specifically to the Commission's cable television public access channel rules.

21. In commencing this proceeding we noted our continued belief that potential access need is most apparent in larger communities. We also indicated that the major market rule is often inappropriate to meet that need. Within 35 miles of a major market television station there exists not just the central core city but many smaller communities. Many of these communities because of their size cannot realistically be expected to have in the near future a demand for the complete range of access services required by our rules. And because of their limited subscriber and revenue potential, compliance with our requirements has posed, we felt, an undue burden for many of these systems.

22. In addition, many very large systems serving large regional population centers have never been required to comply with our access or channel capacity requirements merely because they are located outside of the 35 mile zone of a major television market, yet there may be an equal need for access services in many of these communities. A system operating outside of a television market may provide its community with the only potential for access to a medium of visual communication. As we noted in our June 3rd Notice:

• • • the lack of adequate off-the-air television service in many of these larger communities has resulted in the operating systems obtaining large penetration rates and, generally, financial viability. This viability would seemingly facilitate compliance with our requirements. By providing requisite access services, it is our belief that these systems would more fully serve the communities within which they operate. 53 FCC 2d 782, 792.

23. In our June 3 Notice, we sought comment on various alternatives to the present major market trigger. In lieu of this criterion, comment was sought on the possibility requiring compliance with these requirements based upon system or community size, system profitability, penetration rates or other related indices. The major thrust of these proposals was to exempt from the requirements some smaller systems to which they now apply and to apply the requirements to some larger systems which are not now subject to the requirements. Comment was also requested on the advisability of determining subscriber count based upon the present definition of a cable television system, which focuses on individual political subdivisions, or alternatively employing for this purpose a conglomerate headend approach.

##### COMMENTS

24. Parties responding to this part of the Commission's inquiry provided diverse proposals. Midwest Video, as previously noted, argues that the imposition of any channel capacity and access channel requirements regardless of whatever trigger is chosen exceeds the Commission's jurisdiction, violates their constitutional rights and is contrary to public policy. Others assert that marketplace demand is sufficient to foster the provisions of expanded services and that the perceived need to adopt regulations over

these matters is evidence that the services required will not be profitable. Thirty cable system operators filing joint comments favored the adoption of an approach tied to number of subscribers as most reflective of a system's ability to finance access channel and channel capacity obligations. These parties suggest the adoption of a 25,000 subscriber figure as the level upon which to base the Commission's requirements. Other cable television interests including the National Cable Television Association urge either the complete elimination of channel capacity and access channel requirements or alternatively an exemption for smaller systems within major television markets. Central California Communications Corporation, for example, suggests the maintenance of the present criteria with an exemption for those systems which have fewer than 3500 subscribers. Michigan CATV Company and Coldwater Cable Television, Inc. urge the Commission to raise any exemption to 5000 and exempt systems with either less than that number of subscribers or systems which operate in communities with fewer than 15,000 people.

25. Other parties including various members of the Cable Television Information Center of the Urban Institute, Urban Planning Aid Inc., the Joint Council on Educational Telecommunications and private citizens, Linda Therkelson and Elaine O'Neil, suggest a multitiered approach based on subscriber count. Under these proposals, a system operator's access and channel capacity obligations would increase in incremental amounts in direct proportion to the number of subscribers which the system has. Accordingly, systems with, for example, fewer than 1,000 subscribers might have to provide a channel for access use without providing the facilities for the production of programming. Systems with between 1,000 and 3,500 subscribers might provide one channel with limited production facilities. Once a system obtains 3500 subscribers under several of these proposals it would be subject to the full panoply of channel capacity and access channel obligations imposed by our rules.

26. In support of limited access requirements for smaller systems, the Joint Council of Educational Telecommunications argues that many local school systems, colleges and universities have their own production facilities and access could, therefore, be provided "at a cost . . . no greater than that of an audio visual modulator." In a similar vein, Dr. Robert Fina points to the fact that Kutztown State College originates programming into the Borough of Kutztown through a cable system "which has far less than 3500 subscribers" and provides the Borough "with its only means of local television news coverage."

27. Various other parties including Storer Broadcasting, the City of Eugene, Oregon, Leon County Public Library, and the Committee on Regulation and Legislation of Video and Cable of the Communications Section of the American Association of Libraries, while favoring the adoption of an approach tied to sub-



scriber count or percent of cable system penetration do not suggest what the appropriate subscriber count or percent of penetration might be.

28. Opposing an approach tied to subscriber count, Metromedia argues that a cable system's channel capacity is already determined by the time that the first subscriber is signed up and, therefore, any trigger based upon subscriber count leaves the operator unable to determine his responsibilities. Other broadcast interests in urging the retention of the major market criteria for the imposition of the access rules assert that these requirements are the *quid pro quo* for the additional signal carriage permitted systems in the major markets.

29. An opposite approach is suggested by various members of the San Diego School system and the National Education Association who argue that any requirement that a cable system provide access services should be based upon the absence of other electronic communications services within the community. In support of this position, it is asserted that many smaller communities which do not have local radio or television coverage actually have a greater need for access channels, and this need should be reflected in the Commission's requirements. Other suggestions would tie the provision of access services to an undertaking by the franchising authority, local educational authority or individual member of the public that such body will be responsible for programming one or more access channels.

30. Lastly, a majority of the parties directly referencing it, urged the adoption of a conglomerate headend approach to determining subscriber count. This approach, it is asserted, more totally reflects a system size and corresponds in generally with measurement standards followed by the industry.

#### RESOLUTION

31. The question of what criterion should be used in applying the access and channel capacity rules involves three component parts: a) should the rules apply on a headend or conglomerate rather than community-by-community basis; b) should certain types of systems in the major television markets that are now subject to these rules be relieved of their obligations; and c) should some systems outside of the major markets that are not now subject to the rules become subject to them.

32. We turn first to the question of whether we should discontinue our prior practice of requiring that separate access channels be provided to each community served—whether it is not sufficient for one set of channels and facilities to serve more than one community if the system is so constructed that one integrated cable plant serves more than one community. The basic problem is that community boundaries do not correspond to the technical and economic realities of cable television system construction. Technical and economic factors frequently dictate that one technically integrated cable television plant serve

many communities. We have, in the process of considering numerous waiver requests involving the question of whether one set of channels could serve more than one community, come to recognize that the provision of access channels is more appropriately related to the realities of system construction than it is to community boundaries. We have, accordingly, determined to reflect this in the rules by applying the rules to integrated cable entities regardless of the number of community boundaries which they may cross. In our pending proceeding looking to fundamental changes in the definition of a cable system (See Notice of Proposed Rulemaking in Docket 20561, FCC 75-896, 54 FCC 2d 824 (1975)), we indicated our intent to amend our rules to more nearly reflect the technical and economic demands of cable television system operation. While the action taken here is consistent with our proposals in that proceeding, it should be made clear that it is not our intent here to prejudice in any way the broader issues involved in that proceeding.

33. The second major question involving the applicability of these rules concerns whether it is appropriate that they apply to all systems of whatever size that are located in the major television markets. We recognized in the Notice in this proceeding that there are systems in the major markets far too small to bear the burdens of providing access services. (See 53 FCC 2d 791-792.) In addition, the audiences viewing access programming on such systems may reasonably be expected to be so small that a federally imposed requirement would appear inappropriate. We accordingly have determined to exempt from our channel capacity and access channel obligations those systems that cannot in general reasonably be expected to have a need for, or be able to support, these services.

34. We have examined community size, penetration rates, and several measures of system profitability, as well as various combinations of these in attempting to determine what criterion should bring the rules into play. Based upon this examination we have determined to alter our channel capacity and access channel requirements to apply only to those systems which have 3500 or more subscribers.<sup>1</sup>

35. We have reached this conclusion for several reasons. While the development of a formula which in all cases accurately projects community need as well as system financial viability would be ideal, we have been unable to construct such a formula. The profitability of a cable television system depends on numerous, often interrelated, considera-

<sup>1</sup> The decision as to criteria for applying these rules is, of course, intimately related to the substantive nature of the requirements themselves. Although for the sake of convenience the applicability criteria are discussed here separately, the criteria were selected with due regard for the impact of the changed obligations which were briefly reviewed above and which are discussed in greater detail in subsequent sections of this document.

tions—the adequacy of off-the-air television reception, the nature and amount of non-broadcast services provided, subscribers per mile of distribution plant, business acumen of the system operator, to name but a few. Similarly, while the need of a community for access services does, we believe, increase with community size, there are other factors including the availability of alternate media within the community which also effect such need. Some generalizations are however possible. A cable system's administrative, service and general expense charges are comparatively fixed cost items. The per subscriber costs imposed by these expense items falls more heavily on smaller systems which as a result are often less profitable. As subscriber count increases some economies of scale advantages become increasingly apparent as the system approaches the 3500 subscriber level. At that level a system also usually employs several fulltime experienced staff members, has gross revenues of at least a quarter of a million dollars ( $3500 \times \$6.50/\text{per month} \times 12 \text{ months} = \$295,750$ ) and can, we believe, absorb the comparatively small additional expense involved in meeting our requirements. In addition, for a system to obtain 3500 or more subscribers it must, in general, serve a community of 25,000 or more population.<sup>2</sup> A community of this size or larger may reasonably be presumed to have a need for expanded channel capacity and access services. This is particularly true if the community does not have sufficient alternate sources of local electronic media to which its citizens can gain direct access. By setting our level at 3500 subscribers we have acted to exempt smaller often less profitable systems from complying with our requirements and insured that larger communities will have the benefits associated with expanded channel capability and the provision of access services. At the same time, we have established a reasonable margin of insurance that the costs imposed on larger systems can be equitably distributed over a sufficient number of subscribers so as not to impose an undue burden on either the system operator or the public.

36. Several parties in opposing an option tied to subscriber count have argued that such an approach may lead to uncertainty, for the channel capacity of a system must be determined prior to its construction whereas the number of subscribers which a system will obtain cannot be determined until it has been in operation for a reasonable period of time. We do not believe that this is an insurmountable problem. Prior to bidding on a

<sup>2</sup> Generalizations respecting the relationship between community size and system size are, of course, imprecise. For the most part, however, if a system operates in a community of 25,000 and passes all homes within that community it may reasonably be expected to approach the 3500 subscriber level mark. The equation is as follows:  $25,000 \div 2.9$  (U.S. Census Bureau est. of persons per home for 1975)  $\times 40$  percent (a reasonable saturation level)  $= 3,448$  subscribers.

franchise or constructing a system most cable operators conduct marketing surveys either for their own revenue projections or in order to obtain outside financing. These surveys typically include projections of population growth of the franchise area, the number of homes passed each year, the availability of off-the-air television coverage as affecting penetration rates, etc. A key element in these surveys is the number of subscribers which the system can expect to attain in various years of operation. Should these projections indicate that a system might ultimately in fact reach the 3500 subscriber mark, common sense will dictate that in constructing the system our requirements must be observed. Should there be isolated situations where an operator in good faith for whatever reason misjudges the size of his system we shall of course entertain waivers of our requirements.

37. In choosing 3500 subscribers as the level upon which to base our requirements we have rejected the arguments of those who believe that a multitiered approach to the provision of access services is appropriate. While we continue to urge the provision of access services by all systems we do not think that, based on the record before us, additional federally imposed requirements are at this time appropriate. The limited public interest benefits which might be derived from a multitiered approach are, we believe, more than balanced by a need to simplify our requirements and to avoid imposing additional economic burdens on system operators, cable subscribers, and the public.

38. Having determined that it is appropriate to exempt from the obligations of these rules those systems within the major television markets that have fewer than 3500 subscribers, we next turn to the question of whether these requirements ought not also be applied to those 3500 or more subscriber systems that are not located in the major television markets. We believe they should and are no longer persuaded that the applicability of these rules should depend on the market location of the system involved. While there are certain differences between the number of signals that are available in the major television markets and in other areas and while there may be some differences between the types of communities, we do not believe these are sufficient to rationally distinguish where the rules should apply. In fact, some of the differences, as for example, the paucity of television programming that may be available in certain areas outside of the major markets, suggest that there may be a greater need for access services in these areas. It is important to remember that there are systems of very considerable size in these markets. As we noted in footnote 16 of the Notice in this proceeding:

Of the top 25 operating cable television systems in the United States listed in *Cable Sourcebook 1974* and ranked according to number of subscribers, 13 systems serving 277,000 subscribers are either located outside of all television markets (6) or within a smaller television market (7).

In sum, we believe it appropriate to trigger the applicability of these rules by system size rather than by system location.

39. By changing the criterion for applying the rule, we have shifted the group subject to the rules so that only 3500 subscriber systems must comply. Based on the data presently available to us it appears that, because the rules will now apply to all larger systems without regard to location, more than 50 percent of all cable subscribers will now be on systems providing the full range of the required access services. Between 700 and 800 systems or combinations of systems will be subject to our new rules. While our requirements will impose new burdens on some systems it is important to remember that all systems with more than 3500 subscribers are already subject to the obligations imposed by section 76.253 of the Rules. That rule provides that as of January 1, 1976, cable television systems with 3500 or more subscribers must make available to the public, equipment for local production and presentation of cablecast programs and permit local non-operator production and presentation of such programs. Many of the reasons which led us to arrive at the 3500 subscriber figure in that context are applicable to our decision herein. Moreover, by adopting the same trigger for our access channel requirements and our facilities requirement we have acted to simplify our rules. By complying with our access rules in the past, a system in effect also complied with our facilities requirements, for the equipment which is required to comply with § 76.253 is included in the equipment we mandate for the public access channel.<sup>3</sup>

<sup>3</sup> By requiring that system operators provide equipment for the local production and presentation of cablecast programs and permitting local non-operator production and presentation of such programs, § 76.253 has been in essence an access requirement. This section was previously set out from the rest of the Commission's access rules due to its history. Unlike the other access requirements, § 76.253 has its origin in the Commission's former mandatory origination rule which required, in addition to facilities for public production of programming, that an operator with 3500 or more subscribers engage in programming himself. (See former §§ 74.1111 and 76.201 of the Rules.) Although upheld in *United States v. Midwest Video, supra*, the mandatory origination requirement was subsequently eliminated from the rules based upon the Commission's belief that the availability of cablecasting equipment to the public is a more appropriate means to foster local programming than imposing mandatory programming requirements on system operators whose primary responsibility is to build and maintain their systems and who may not be motivated to produce quality programming of local interest.

<sup>4</sup> In specifying the type of equipment which a cable system with 3500 or more subscribers must have we stated in paragraph 39 of the *Report and Order in Docket No. 15988*, FCC 74-1279, 49 FCC 2d 1080 (1974):

... in order to comply with the rule, the operator must have at least the capacity to afford live programming with one or more black and white cameras, the capacity to

We have determined, therefore, to delete both §§ 76.251 and 76.253 from our rules and merge the requirements contained in those sections in the rules we are adopting today. (See appendix)

#### THE ONE-FOR-ONE RULE

##### INTRODUCTION

40. We turn next to a consideration of those specific provisions of the rules on which we have sought and received comments. Although in our Notice we indicated that we were not considering changing the 20-channel capacity rule, some comments have suggested we do so. The difference in cost between constructing a system with the capacity for 12 channels and building a system with the capacity for 20 channels is small. We also observed that many systems, although not required to do so by our rules, are installing equipment capable of providing 20 or more channels. (See footnote 11, 53 FCC 2d at 790.) Nothing in the comments has caused us to alter our initial opinion. We continue to believe that retaining this rule will aid in insuring the availability of capacity on cable television systems for future broadband communications uses.

41. We did, however, indicate our intent to review the need for § 76.251(a)(2) of the rules. This section requires that a system subject to our channel capacity rules must maintain bandwidth capable of transmitting one non-broadcast channel for each broadcast channel used. As we observed in our June 3 Notice, this requirement has no effect upon any system which furnished its subscribers with ten or fewer broadcast signals because compliance with our 20 channel capacity rule will also satisfy the one-for-one requirement. However, for those systems which provide their subscribers with over ten broadcast signals, compliance with the one-for-one rule may pose a very significant burden by requiring the installation of a second cable or the construction of systems with extremely large amounts of non-broadcast bandwidth for which there is no reasonably foreseeable future need. For these reasons we raised for consideration in this proceeding the possibility of deleting the Section 76.251(a)(2) "one-for-one" requirement.

##### COMMENTS

42. Comments provided with respect to this portion of our Notice have confirmed our initial judgment. The vast majority of parties who directly referenced this requirement in their comments urged its deletion. For example, the State of Minnesota Cable Communications Board states that compliance

video tape record remote programs, edit, and play them back, and the capacity to modulate the resulting video and audio production on a cable channel.

In footnote 12 of that document we stated: As an example, a one-half inch portable video tape recorder with a camera and appropriate adaptors to connect to an editing/playback video tape deck and to a modulator would constitute a very basic requirement.

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with this requirement may unfairly require operators to rebuild their systems even if there is no use for the multiple non-broadcast services which could be provided. When applied to the three systems it owns in the San Francisco Bay area, Western Communications Inc. states that compliance with this requirement would necessitate the construction of a system with between 44 and 54 channel capacity, at an additional cost of between \$2.1 and \$4.6 million. Such cost, Western argues, may exceed its present \$4.3 million investment in these three systems, and cannot be justified in terms of any evidence of future need. Various parties urged that we replace this requirement with a two-for one rule; that is, for every two broadcast signals carried the system must maintain one channel for non-broadcast use. Such a requirement is argued would more reasonably insure the future availability of capacity.

## RESOLUTION

43. In indicating the need for a reconsideration of this rule we stated:

"We believe that by framing our channel capacity requirements to mirror the number of television channels which a system provides its subscribers we have created an artificial formula unrelated to the realistic needs of each community which may result in the imposition of unjustifiable costs to system operators and ultimately to the public (footnote omitted). 53 FCC 2d 782, 795.

The comments filed and our further consideration of this matter confirm our belief that this particular rule does not provide the most advantageous means of assuring adequate cable system channel capacity. Nor do we believe the problems inherent in relating channel capacity to broadcast signals carried can be remedied by changing the form of the rule so that only one non-broadcast channel must be provided for every two broadcast television channels carried. To the burdensome nature of this rule and the lack of any necessary relation between signals carried and the need for non-broadcast channel space we would add a practical problem with the rule which renders it counter-productive in some respects and impractical of application in others. This problem relates once again, to the realities of system construction. Channel capacity is to some extent set once the system's distribution plant is installed. If the addition of a signal were to trigger a massive reconstruction requirement in order to comply with the one-for-one requirement this would, in the case of a signal whose carriage was voluntary, tend to discourage that signal's addition and, in the case of newly authorized stations whose carriage was mandatory, create great uncertainty at the time of initial instruction as to what capacity would be eventually required. In view of these considerations and consistent with the belief that restrictions should be maintained only when there is reasonable evidence of their need, we have determined to eliminate this requirement.

## TWO-WAY REQUIREMENT

## INTRODUCTION

44. Our two-way requirement contained in Section 76.251(a)(3) poses a more difficult problem. At present, systems affected by our channel capacity and access channel trigger must construct their distribution networks so as to provide the capacity for non-voice return communications. In setting for comment the appropriate approach which we should take with respect to this rule, we indicated our tentative belief that compliance with this requirement has not been unreasonably burdensome at least for new systems. We also specifically requested data relating to the incremental costs imposed by this requirement and opinions as to whether compliance with this requirement does in fact tend to facilitate the provision of two-way services.

## COMMENTS

45. Most system operators and cable television interests as well as a few other parties favored the deletion of the two-way requirement. Urging its elimination, California Community Cablevision asserts that while the rule presently provides a burden to system operators, economically viable two-way operation are at least five years away. The Community Antenna Television Association asserts that compliance with this Commission requirement can increase construction costs from 10 percent to 140 percent. The Berkeley Community access center also urges the deletion of this requirement but its replacement by a local standard. Coldwater Cable Television in urging its elimination notes, however, that several experiments are presently underway in the State of Michigan including "an ambitious two-way study at Adrian . . . involving several schools, a resource center, two-way cable TV and expert instructors."

46. The Broadband Communications Section, Communications Division of The Electronic Industries Association urges the retention of our two-way requirements, arguing that without such built-in capacity systems will tend to stifle or delay the provision of bi-directional communications. This view is echoed in com-

\* It should be recalled that the rule in its present form does not require that the cable system be operational in the return mode. Rather, as we stated in our Notice in this proceeding, it was an attempt:

... to insure that new systems would be constructed so as to be capable of furnishing two-way services "without having to engage in timeconsuming and costly system rebuild," when and if a demand arises for such services. As a practical matter, this requirement necessitates the installation of certain passive equipment in the system's distribution network and the use of downstream amplifiers which possess minimum second order distortion characteristics. These amplifiers must also be contained in a "dual housing" unit capable of receiving a second amplifier for upstream use. The actual installation of this second amplifier, however, is not required to comply with our rules. 53 FCC 2d 782, 795-794.

ments filed by Hendrix Corp. which also favors the adoption of limited operational two-way capability for digital data transmission on an experimental basis noting:

We have no crystal ball capable of identifying which of the many proposed services or combinations thereof will succeed. We know, however, as practitioners of high-technology in a computer oriented industry, that the existence of and access to broadband bi-directional digital communications will be necessary when computer and cable technologies merge.

47. A majority of educational authorities also urged the retention of the Commission's two-way requirement. In support of retention of this requirement, the Joint Council on Educational Telecommunications asserts that the present requirement as interpreted leaves up to the system operator the choice of whether to inaugurate two-way services while its elimination would reduce the Commission's future options should two-way operations prove economically feasible. The National Association of Educational Broadcasters urges retention of the requirement, arguing that without such a requirement, systems would in the near future have to undergo lengthy and costly rebuild as "two-way instructive uses continue to develop and assume increased significance in the educational process." Also urging the retention of the Commission's rule, the City of Imperial Beach, California asserts:

Within the past several years cities such as Imperial Beach have begun joining together to provide government services and to increase governmental efficiency pursuant to intermunicipal cooperative agreements. Cities are sharing data processing and computer time. Cities are reducing capital and operating costs by cooperating in the provision of fire and police services. As this trend continues to develop it is reasonable to expect that cities will utilize the two-way capacity of cable systems in a way that will both reduce the cost of government and be of economic benefit to the system.

Finally, in favoring a partial retention of the two-way rule, various staff members of the Cable Television Information Center have provided a study of the costs entailed in compliance with this rule. This study indicates that while the incremental cost of compliance with our two-way requirement is in the order of \$200-\$300 per strand mile for new systems or systems which have to reconstruct to meet our 20 channel capacity requirement, the cost, \$1500, to reconstruct to provide two-way capacity for a system otherwise in compliance with our requirements is substantially higher. In addition, CTC provided cost estimates to convert our capacity requirement to the theoretical capability to provide two-way service, absent terminal charges. These estimates are in the order of \$700-\$2000 per strand mile.

## RESOLUTION

48. In attempting to resolve the question of whether to retain, delete or in some fashion modify the two-way capac-

ity requirement we are faced with several distinct, interrelated and competing considerations. Initially, as with the channel capacity requirements generally, there seems to be no necessary relationship between a system's location, within or outside of the major television markets, and the need for a two-way requirement. And it is also apparent that without a sufficient subscriber base upon which to distribute fixed costs, smaller cable systems will not be in a position to support two-way cable operations of the type our existing requirement is intended to foster. Thus, some adjustment in the applicability of these rules would appear to be in order.

49. A second consideration involves the relatively untried nature of those two-way services which may be provided by cable. The theoretical problems of how to conduct two-way cable operations seem well on the way to solution, but practical problems, both technical and economic, remain. While a number of experiments with two-way cable operations are in progress, practical commercial two-way services are not yet in general operation, and developments in this area have been far slower than was anticipated at the time the requirement was first adopted. In view of this, we cannot say with complete assurance that these services will ever be fully developed, that facilities constructed in anticipation of their development will wholly correspond to the facilities needed after all technical questions are resolved, or that some of the projected services will not turn out to be more efficiently accomplished by using existing telephone circuits or other communications systems.

50. On the other hand, the public benefits of many of the predicted two-way cable services are substantial and worth some considerable effort to facilitate. Moreover, the obstacles faced by these services may be almost insurmountable if the necessary capacity is not generally installed on cable systems as they are constructed. There is a very real entrepreneurial "chicken-and-egg" problem which has to be overcome for two-way services to develop. If systems generally do not have the capacity to provide these services, then there is little incentive to develop the services. And if the services are not developed, then there is little incentive to install the capacity. Moreover, it seems likely that many of these services will not be economically efficient until economies of scale bring subscriber terminal, headend communications processing equipment, and software costs to some reasonable level. All of this is compounded significantly by a second problem. As the comments make clear, the failure to install two-way capacity at the time of initial construction or at a major reconstruction, undertaken for other reasons, creates very substantial barriers to the later introduction of the capacity. While the costs of adding this capacity initially are modest, it costs almost seven times as much to add the capacity at a later date.

51. A careful review of these considerations with particular emphasis on the modest costs involved in constructing with two-way capacity, the substantial obstacles failure to install this capacity throws in the way of the development of two-way services, and the very substantial public benefits that such services may offer, have persuaded us that there is a need to retain our limited requirement in this area. We believe a continued two-way capacity requirement for those larger (3500 subscriber) systems commencing construction in the major markets and the expansion of this requirement to larger systems outside of the major markets will materially advance the day when two-way services are generally implemented. For those smaller systems in the major markets and for those which, under prior rules, would have been required to reconstruct to provide this capacity, we believe the requirement is unduly burdensome and we have accordingly deleted its application to these systems. Those systems with 3500 or more subscribers that formerly would have had, by March 1977, to reconstruct to provide this capacity will now only be required to provide the capacity when they are otherwise undergoing reconstruction to comply with our channel capacity rules.<sup>10</sup>

52. In taking this action we are mindful of the recent decision of the United States Court of Appeals for the District of Columbia in *NARUC v. FCC*, Case No. 75-1075, decided February 10, 1976. At issue in that proceeding was the Commission's authority to preempt state regulation of cable system leased access channels for intra-state, two-way, point-to-point non-video communications. The Court held that the Commission, in attempting to preempt state regulation of this area, had exceeded its authority. Consistent with this decision we are amending the rules to make it clear that we no longer regard the regulation of these services at the state or local level to be preempted by our regulations. The point decided was, however, a narrow one which, we believe, ought not foreclose our continued authority to require that cable systems construct with the capacity to provide two-way services. Some of the important services which two-way capacity makes possible, such as operational monitoring of the system's functioning, are so clearly related to the distribution of broadcast programming as to bring our capacity requirement within the holding of that case.

<sup>10</sup> That is, a system in full compliance with the 20 channel capacity rule is under no obligation to reconstruct to provide two-way capacity. However, a system required to reconstruct to provide 20-channel capacity will also be required to add two-way capacity as part of that reconstruction. As existing 20-channel systems naturally rebuild it is also contemplated, although not required, that they may take this opportunity to add two-way capacity.

## DEDICATED ACCESS CHANNEL REQUIREMENTS AND COMPOSITE ACCESS

## INTRODUCTION

53. Pursuant to § 76.251 of the Commission's rules old major market systems have been required not only to reconstruct and provide capacity for 20 channels and two-way by 1977; they were also required once reconstruction was completed to dedicate four separate access channels: one free public channel, one educational and one governmental channel each free of charge to the users for five years after completion of the system's basic trunk line, and one leased channel of a type which could be received by subscribers generally. New major market systems have been required to meet these requirements from the date that operations were commenced.

54. The dedication of these four access channels requires, in the majority of cases, that a system with 20 channel capacity install a converter<sup>11</sup> in each subscriber's home. By installing a converter in each subscriber's home, a system with 20 channel capacity can in fact deliver 20 or more channels of programming to that home. Without installing a converter such systems can at best deliver only 12 channels of programming. Accordingly, the installation of a converter was required to meet the four dedicated access channel requirement if a system as a practical matter provided its subscribers with 9 or more broadcast signals (i.e., 9+4>12).<sup>12</sup> See *Clarification of the Rules and Notice of Proposed Rule Making*, FCC 74-384, 46 FCC 2d 175, para. 20 (1974).

55. In our June 3, 1975 Notice we indicated our intent to proceed on an *ad hoc* basis to waive our requirement to install converters based upon a showing that compliance with this requirement was unreasonably burdensome.<sup>13</sup> In addition we proposed to maintain our commit-

<sup>11</sup> A converter is a device that changes non-standard frequency channels (e.g., ones above 216 Mhz) to standard VHF channels enabling such channels to be tuned directly to the television set. The installation of a converter can also be used to diminish interference from strong over-the-air signals.

<sup>12</sup> Generalizations about usable channel space are in actuality imprecise in view of the reduction in usable channel space caused by a number of factors including co-channel interference from strong over-the-air signals. Because the number of usable channels is reduced by these factors many systems providing 8 or fewer channels would also have to install a converter in order to have sufficient activated capability to provide 4 channels for access use.

<sup>13</sup> In delineating the type of sharing we would require we stated:

We would envision entertaining requests to waive our converter requirement only in the case of smaller systems whose projected revenues and subscriber potential are such that the imposition of this requirement would appear to be demonstrably burdensome. These systems should also be prepared to demonstrate that there is no present nor reasonably foreseeable future demand for the channels to be added and that should such a demand arise, converters would be installed within a reasonable period of time.



ment to access services by requiring all systems ultimately affected by our access channel criteria to make available existing portions of their bandwidth for composite access purposes regardless of the approach which we ultimately took to rebuilding or installing converters.

#### COMMENTS

56. Many parties specifically addressing the question of what action should be required to make these dedicated channels available, urged that the costs of adding converters or rebuilding system plant were so substantial as to far outweigh whatever public benefits there might be in maintaining the multiple dedicated channel concept. This was particularly urged to be the case in situations where it was alleged that existing activated capability already offered for access uses remained unused over long periods of time. Many system operators pointed to the expense involved in installing converters in each subscriber's home.<sup>14</sup> For example, Central California Communications Corporation and Cable-Com General state that the installation of converters doubles the cost of system rebuild. Storer Broadcasting Company indicates that a rate increase of \$1.75 to \$2.00 per month would be necessary merely to cover the costs of installing converters on its systems. Viacom International Inc. notes the following:

The average converter presently costs approximately \$40. Installation and fittings bring this figure to approximately \$50. If this converter is depreciated over a four year period, it will cost approximately one dollar per month to furnish each subscriber with a converter. Since this is eventually passed on to the subscriber, the subscriber who now pays for example \$5.50 per month for basic cable service will pay an additional 18 percent of his present charge for access channels he may not want. These costs do not consider converter maintenance, loss of devices, and financing costs for the units. . . . This increase in the subscriber rate will lead to the loss of subscribers and inevitably an even higher rate.

57. Many parties including various cities and public interest groups urged the provision of composite access services rather than the installation of a converter if such is necessary to provide the four separate access channels required by the rules. Gill Cable notes that while it is presently programming over 100 hours a week on its system's public access channel in San Jose and Campbell, California that viewership identification will be enhanced if systems are permitted to provide all-access programming on one channel rather than the designation of multiple separate access channels. The City of Eugene, Oregon, in a similar vein notes that public agencies are reluctant to invest the significant amounts of money necessary to utilize

<sup>14</sup>In our June 3d Notice we estimated that the cost of installing a converter in each subscriber's home is between \$25-40 per subscriber, exclusive of labor.

separate designated access channels at this stage of cable's development. "Programming a composite channel would require less investment for each participating agency and would give viewers more reason to turn to that channel since it would be more consistently utilized. . . . It is more realistic to initially require a composite access channel. . . . to encourage the desired use of cable and allow for expansion with need. At the same time, it is important that stimulus for expansion be provided." Other parties argued that the Commission should never require the installation of a converter solely to provide access services; or that cable operators should be permitted to assess a direct charge on those subscribers who wish a converter to view access programming. Lastly, several parties point to the results of various studies on access channel use and viewership conducted either by themselves or independent organizations<sup>15</sup> which they allege demonstrate that there is very little present demand for the provision of four access channels and our rules should be modified accordingly.

#### RESOLUTION

58. This is a difficult area. It is clear that cable systems generally could, from a technical point of view, be reconstructed or otherwise modified to provide the four dedicated access channels now required of major market systems. The question, however, is whether the public benefits of having these multiple dedicated channels outweigh the costs that may be incurred in order to provide them. If it is concluded that the requirements in their present form are unduly burdensome we need then consider what lesser obligations might nevertheless be appropriate.

59. There seems no dispute that the costs to provide these channels are frequently very substantial. To comply, some systems would have not only to replace all of their trunk and distribution cable and amplifiers, but also install converters. Just looking at the converter cost alone, a 3500 subscriber system would have to invest, at \$40 per converter, at least \$140,000 or more to meet this requirement.<sup>16</sup> The installation of a converter is one of the single most costly items involved in cable system reconstruction. It is also clear that there is an equivalent burden placed on new systems which may, pursuant to our rules, have to acquire the additional

<sup>15</sup>See, e.g., Bretz, R., *Public Access Cable TV: Audiences*, Journal of Communications, Summer 1975 at 15. Doty, P., *Public Access Cable TV: Who Cares*, Journal of Communications, Summer 1975 at 33. Johnson, R. C. and Agostino, D., *The Columbus Video Access Center: A Research Evaluation of Audience and Public Attitudes*, Institute for Communication Research, Indiana University, 1974.

<sup>16</sup>This is an overly simplified calculation because, among other things, systems using converters frequently need not only one converter for each subscriber but a substantial inventory of spare converters to replace those broken, lost, or stolen.

capital to provide converters prior to the commencement of operations and the generation of any revenues. Compliance with this requirement may very well therefore have had the undesirable effect of retarding new system growth and expansion of access services generally.

60. While the requirement poses an equivalent burden for both new and old systems it also equally effects large and small. The per subscriber cost of compliance with this requirement, unlike other portions of our access and facilities requirements, does not significantly diminish with system size. Whether a system operator has 500 subscribers or 5,000 he still must pay, exclusive of labor charges, at least \$25-\$40 per subscriber if he wishes to install converters.

61. Upon further examination, of this area we think that the burden we have required system operators to meet is unreasonable and that our requirement to rebuild or to install converters if such is necessary to provide four dedicated access channels should be eliminated. By retaining and expanding our 20 channel capacity and two-way requirements for larger systems we insure that larger new systems and those being rebuilt will provide capacity which will facilitate the provision of access and broadband services in the future. By mandating the installation of converters we have required present excess capability at a substantial cost not only to the subscriber who must ultimately pay for the installation of that device whether or not he wishes to view the programming being provided but also to the citizen in the community where the benefits of new cable service will not be realized because the funds available in the marketplace have been diverted as a result of our requirements.

62. Based upon the comments filed in this proceeding as well as those filed in Docket 20363 and our experience generally, while it would appear that the use of access channel is growing, in the vast majority of communities presently providing multiple channels for access use, these channels are at best sporadically programmed. Rather than requiring the separate dedication of access channels for different uses which necessitates the installation of converters, we believe that our goals for access cable casting will be furthered by allowing the provision of access services on one or more channels which may be shared among different access users. The provision of access services on a shared or composite basis will, we believe, foster the success of access efforts by enhancing viewer identification with a channel which is more fully programmed, rather than dispersing individual access efforts among several channels which are not. Several of the parties filing comments in this proceeding have recommended such an approach, and it is in fact consistent with our prior observations. See paragraphs 14 and 15 of the Clarification, supra.

63. Many systems without installing converters have one or more channels available to provide access services. A review of data submitted to the Com-

mission indicates that cable systems throughout the country provide their subscribers with an average of approximately 9 broadcast signals, thus leaving up to three channels for potential access use. Many systems which do not possess a full channel can provide access programming on the "black out time" which occurs as a result of compliance with our exclusivity and nonduplication requirements. We think that the provision of access services under these circumstances for systems with limited activated channel capability will be sufficient to meet most present access channel needs.

64. We have, accordingly, modified our rules in several major respects. First, while we shall maintain our commitment to the provision of four specially designated access channels we have modified this requirement to make clear that (a) it will only apply to those systems with 3500 or more subscribers which have sufficient channel capability, without installing converters, to provide such multiple channels, and (b) each specially designated channel need only be provided when there is a demand for such channels full time use. Second, in view of our belief that the majority of cases, all access needs can be met by the provision of one access channel for composite access programming, we have determined to modify our rules to require that cable television systems with 3500 or more subscribers provide at least one designated access channel for shared use among public, educational, local government and leased users, if such a systems' activated channel capability is sufficient to provide such channel.<sup>17</sup> For those systems which do not have sufficient activated capability to provide even one full channel, the designation of "black out time" will be required, though it is a less desirable alternative.<sup>18</sup> Consistent with

<sup>17</sup>Pursuant to § 76.253 old major market systems with 3500 subscribers which did not have to comply with the provisions of § 76.251 until March 31, 1977 as well as all those systems with 3500 or more subscribers located outside of the major markets were required to make at least a reasonable effort to provide channel time for the local non-operator presentation of cablecast programs. We intend to initially maintain that policy and not require such systems to dedicate a separate channel for access use until March 31, 1977. As of that date, however, such systems will be required to dedicate one access channel for composite access programming provided their activated capability permits them to do so. Such systems will also not be required until such date to provide five minutes free production time for public access use or studio facilities. By retaining this one year leeway we seek to avoid any inequity caused by our decision to merge the requirements formerly contained in §§ 76.253 and 76.251. As of March 31, 1977 all systems with 3500 or more subscribers will be required to comply with our access rules uniformly.

<sup>18</sup>The selection of "black out time" to fulfill the system operators access responsibilities is less than an optimal approach. Black out time occurs on different channels at different times depending upon various factors including the scheduling practices of the local television station licensee. Neither predictability of time nor channel is fostered under these circumstances. In general, how-

this approach, we do not envision certifying new systems or the addition of new signals whose carriage is not mandatory to existing systems, if the activated channel capability available for the provision of access services is insufficient to provide at least one full channel for access programming. We have also amended our channel expansion formula to make clear that it does not require the dedication of channels beyond the systems activated capability. (See § 76.254.) In no case will the use of this formula therefore require the installation of a converter in each subscriber's home. In addition, we have modified our rules to make clear that all times when any of the access channels are not in use, such channels may be used for other broadcast and non-broadcast purposes, provided such use is consistent with other provisions of our rules. (See § 76.254(b).)

65. In determining a system's activated channel capability available for the provision of access services we shall look first to the number of usable channels actually provided to each subscriber's home. A channel which cannot be programmed due to co-channel interference, for example, is of course not a usable channel. A channel which could be provided to each subscriber's home merely by installing a modulator, at a cost of \$800-\$1200, and making some comparatively inexpensive modifications to the systems headend is deemed a channel provided to each subscriber's home for purposes of the application of this requirement. In determining the number of channels available for access programming we have specifically excluded those channels already programmed by the system operator for which a separate charge is made. Those channels are most frequently used to provide pay entertainment programming to only those subscribers who desire such programming and are willing to pay an extra charge for it. We do not include these channels as available for the provision of access services in view of the costs which have been incurred by the system in purchasing and installing "traps" and otherwise providing this service as well as the benefits to subscribers in terms of increased diversity of viewing choices derived therefrom. From the total number of usable channels provided to each subscriber, those channels used to provide traditional cable television service, i.e. channels providing television broadcast signals, are subtracted. We are left with activated channel capability available for the provision of access services. These channels include channels provided the subscriber

ever, much of the black out time which occurs as a result of our network nonduplication requirements occurs during the hours of 1-4 in the afternoon and during "prime time" in the evening. An operator might wish to give priority to educational access use during this afternoon period while reserving the evening for other access programming. The establishment of such reasonable classes and the allocation of separate times to them in a system operator's access channel rules would be entirely consistent with the objectives of the revised rules.

but not programmed as well as those providing other non-broadcast programming, i.e. automated programming, origination channels, etc. for which a separate assessment is not made.<sup>19</sup>

66. By requiring the expansion of access channels only up to the limitations of the systems activated capability, we desire to foster the provision of access services without imposing converter costs on all subscribers, some of whom may be uninterested in viewing the access programming provided. Consistent with this approach our rules may not be construed as permitting a system operator to exclude a potential access user who intends to use a channel, install converters himself, and pass such costs along to those who wish to view the additional programming provided thereby.<sup>20</sup> Where leased channels are involved, charges may be assessed for channel time, provided they are not designed to prohibit entry. See Clarification, supra, at paragraph 34.

67. We expect the operator in general to administer all access channels on a first come, first served non-discriminatory basis. We recognize that some of the potential educational, governmental, as well as leased channel uses may not by their very nature permit the shared use of the channel provided, e.g. classroom educational access programming, the interconnection of governmental agencies, etc. To the extent that this is the case we shall except the operator to make additional channels available for the provision of other access uses up to the limit of his activated capability. In administering the access channels provided we shall rely on the good faith of the operator to meet his access obligations.

68. There are, however, certain actions which we shall consider as evidence of bad faith on the part of system operators in meeting his access obligations. We do not consider as acting in good faith an operator with a system of limited activated channel capability who attempts to displace existing access uses with his own origination efforts. While we shall continue to encourage operators to

<sup>19</sup>It is our intention that every reasonable effort be made to accommodate the various competing channel uses. It is not our intention that established cablecast services provided by system operators be automatically displaced. While we generally believe that automated services such as time and weather channels should give way to access uses, if other irreconcilable conflicts between channel uses develop, we are prepared to consider each such situation individually on its merits. We recognize that many of the services provided on these channels, such as community information, consumer price lists, etc., clearly provide a substantial benefit to subscribers.

<sup>20</sup>We note for example that even systems possessing "12 channel capacity" amplifiers can often obtain an additional channel or channels by installing a converter and programming on the "mid-band." Should a potential educational, governmental or leased channel user desire to program this channel and pass the costs of converters on to those who desire to view whatever service is provided, we shall require the system operator to permit him to do so.



originate, we do not believe that the public interest will be served if such efforts are at the expense of others who wish to provide access programming. We shall scrutinize the actions of operators who, while providing their own programming, assert that their activated capability is insufficient to permit the leasing of a channel to potential competitors. Should the need arise we shall take whatever action is appropriate to prevent system operators from using their control over their system to exclude the presentation or alternate sources of programming. (See § 76.254(c)).

69. A closely related matter concerns the presentation of pay entertainment programming. We have sought to encourage the presentation of such programming for it provides diversity of viewing choices to the public. We do not, however, believe that the public interest will be served if this programming is provided at the expense of local access efforts which are displaced. Should a system operator for example have only one complete channel available to provide access services we shall consider it as clear evidence of bad faith in complying with his access obligations if such operator decides to use that channel to provide pay programming. Should it appear that the growth of pay services is in fact substantially infringing on the public's ability to obtain access on cable television systems we shall promptly revisit this area and take whatever action is appropriate to prevent such an occurrence.

70. As a result of our decision to merge our access rules and facilities requirements and to allow the provision of composite access services in many cases rather than separately dedicating different access channels, our rules have been modified in several additional ways. Consistent with our previous actions respecting our facilities requirement, we shall expect system operators to identify the type of service being presented on the composite channel (i.e. origination, cablecasting, access cablecasting, or inclusion of television station identification) and the person or group presenting the program. Whether other provisions of the rules, e.g. equal time, fairness, sponsorship identification, and advertising are applicable, will continue to depend upon which type of cablecasting is being provided. (See e.g. §§ 76.205, 209, 213 and 215.) In the case of access programming we shall continue to require compliance with the applicable regulations concerning program content control, assessment of costs and operating rules. See § 76.246 (b), (c) and (d).

71. A related matter concerns the provision of a studio. At least a minimal studio has been required in order to comply with our access requirements whereas our facilities equipment "although requiring the capacity to provide live programming," has been silent on this matter. In delineating the type of studio required to meet our present rules, we have been liberal. A system may choose to designate one room on a full time basis as its studio. Alternately,

should sufficient space not be available, it may choose to designate part of a room on perhaps a part time basis as its studio. In merging our two requirements we shall continue this approach. So long as there exists some inhouse capacity for members of the public to record programming, we shall consider our studio requirement satisfied for all systems with more than 3500 subscribers.

72. We have also determined to modify our prior requirement for the five year free availability of the government and educational access channels. Instead of running from the date of completion of the system's basic trunk line, the five years shall be triggered from the date the system first offers channel time to such entities for cablecasting. Our intent in adopting our original requirement was to allow a five year experimental period for the free provision of the government and educational access channels. As a practical matter, however, such provision was not in fact required by our rules for many older systems until March 31, 1977. In many cases, this date was more than 5 years after such systems' trunk lines were completed. Our intent remains the same under the new rules and we have modified them in an effort to insure that some reasonable period of experimentation will in fact occur in all cases.

73. Several additional editorial changes have also been made that are designed to implement prior policy statements or clear up misunderstandings under the prior rules. Our leased channel rule has been modified to specify, for those systems which possess sufficient activated capability to provide four access channels, the provision of a full channel for leased use. This is in accord with our prior policy. (See Clarification, supra, at para. 20.) We have also modified our channel activation requirement now contained in § 76.254(c) to specify that the time trigger employed (channel use for 80 percent of the time during any consecutive three hour period for six consecutive weeks) applies to each channel individually. (See Clarification, supra, at para. 21.) Lastly, we have added equipment and personnel costs to the section specifying what charges can and cannot be made for the provision of access services (see § 76.256(c)(3)). Our prior rule merely specified "production cost" and it was our intent to include equipment and personnel costs within such cost. By specifying equipment and personnel costs in the rules we adopt today we have attempted to clarify our prior policy.

74. Once older systems are rebuilt to provide expanded channel capacity and converters are installed as a result of the individual business judgment of system operators many of the problems presently encountered in this area will disappear. Until that time the administration of the composite access channel approach will undoubtedly present many difficulties. We shall, after some experience with these new rules has been gathered, issue a primer on various matters respecting our access channel obligations

by which we hope to further clarify our position on these matters. We shall also administer our approach in a flexible manner and shall not hesitate to revisit this entire area should our experience dictate that our public interest goals are not being met.

#### ALTERNATIVES TO THE MARCH 31, 1977, REBUILD DATE FOR OLD SYSTEMS

##### INTRODUCTION

75. Having determined which systems must comply with our access and channel capacity requirements and eliminated or modified some of these requirements, we focus now on how and when to require compliance on the part of old systems which would have to reconstruct to meet our channel capacity rules.

76. In lieu of the imposition of the March 31, 1977 reconstruction deadline for old systems, we sought comment upon the possible elimination of the channel capacity and access channel requirements for old systems and their replacement by a rule requiring such service only upon demand within the individual community. Alternatively, comment was sought upon either postponing rebuild beyond March 31, 1977 to a distant date certain or postponing compliance until each cable system individually undergoes "natural rebuild." We shall summarize the comments directed to each of these options in turn.

##### COMMENTS

77. *Elimination.* Many cable television interests urged the elimination of the present mandatory rebuild requirements and the provision of access services, if at all, only upon documented demand for such services within the individual community. The National Cable Television Association argues that when the costs of compliance are measured against the supposed public interest benefits to be derived, the rules cannot be justified. It argues that public demand for such services as well as the revenue to be derived therefrom are negligible, and rate increases to finance technologically unnecessary rebuild are impossible to obtain. The Community Antenna Television Association and Midwest Video favor the elimination of the Commission's rebuild requirements, arguing that their imposition is beyond the Commission's jurisdiction and constitutes government taking without due process in violation of the Fifth Amendment to the Constitution. Other parties argue that these requirements create substantial barriers to entry thereby slowing the expansion of cable service to the public in general.

78. Not all parties favoring the elimination of the present requirements were system operators. Various parties urged the Commission to permit states or local authorities to set rebuild obligations which it is argued could more easily be tailored to the individual needs of communities. For example, in supporting the Commission's decision to cancel the March 31, 1977 deadline, the Cable Television Committee of the City of Berkeley favored complete elimination of federal

requirements and their replacement by local standards. The proposal that the Commission adopt a more restricted role and that federal rules be replaced by local requirements is mirrored in comments filed by Publicable, various members of the Cable Television Information Center of the Urban Institute and the Virginia Public Telecommunications Council, the lattermost urging an increased state role.

79. Other parties favored the retention or expansion of the Commission's requirements. Metromedia opposed all changes in the Commission's rebuild standards. Florida CATV urged a total federal preemption of access and rebuild matters. The National Black Media Coalition urged the maintenance of federal standards stating that "access channels for educational use are too important to be left to the vagaries of local franchising."

80. Those in opposition to any elimination of the Commission's rebuild requirement advance many different arguments. The United Church of Christ asserts that such action "would betray the expectations of hundreds of local franchising authorities, thousands of actual or potential users of access channels and literally millions of subscribers who have embraced CATV during the past three years relying on the Commission's . . . regulatory program." Opposing a trigger based upon demands, the Leon County Public Library asserts that difficulties in defining what constitutes demand would render the use of this criterion "grossly ineffective and in neglect of the public interest." Favoring a retention of our channel capacity requirements Broadband Communications, Inc., argues that a system not having additional channels available "can reasonably be expected to stifle or delay possible promising new applications of cable." Citing its efforts to provide 25 cable systems with its production of "A Time for Art," the Cable Arts Foundation opposes the elimination of the Commission's channel capacity and rebuild requirements. In a similar vein various educational authorities in the County of San Diego note that during the 1974-1975 school year 1736 hours of instructional programming were furnished over the cable systems in the county and over ¼ million dollars has been spent by the school systems in developing the possibilities for educational access programming.

81. *Postponement.* Some parties urge that postponing the deadline for system reconstruction merely postpones the problem of compliance rather than resolving it. Other parties including the United Church of Christ, the New Jersey Coalition for Fair Broadcasting, the United States Catholic Conference, the National Association of Educational Broadcasters and the American Broadcasting Company urge that if postponement is necessary the Commission should postpone the deadline for no more than two to five years. In support of this view various educational authorities and public interest organizations point to the work and substantial expenditures which have been undertaken in their communi-

ties in preparing to use the access channels to be made available in 1977. Other parties particularly various members of the San Diego school system urge that any postponement of the Commission's requirements should be granted only on a case-by-case basis and then only to a date certain.

82. Opposing such an approach the Central California Communications Corporation argues that postponement to a date certain would merely repeat the Commission's prior mistake of selecting an arbitrary deadline and would involve the Commission in new projections which, it alleges, are bound to be as inaccurate as those made in the past. Also opposing any substantial postponement but for different reasons the Indiana Public Interest Research Group notes that some cable systems pledged to local authorities to rebuild by 1977 and in reliance on these promises were granted rate increases by local governments to cover the costs of this reconstruction.

83. *Natural Rebuild.* Another option posed by our June 3rd Notice was to require compliance with our channel capacity requirements at such time as each individual system is rebuilt as a result of its natural obsolescence or because of necessary channel expansion to accommodate new services. Parties responding to our inquiry were urged to provide a definition of natural rebuild as well as their suggestions as to how such a requirement might be enforced.

84. A majority of the parties responding to our Notice favored the adoption of an approach tied to natural rebuild but disagreed on the means by which this approach could be implemented and enforced. A view shared by the Cable Arts Foundation, various members of the San Diego school system, as well as other parties would permit individual cable operators to postpone compliance until natural rebuild only if a specific construction schedule is provided to the Commission. Many of these parties also urge the Commission to require system operators to obtain comments of the franchising authority upon the adequacy of the reconstruction plan, and to require firm commitments on the part of system operators as to the date which reconstruction will be completed.

85. A different view is expressed by a group of 21 system operators and the Florida CATV Association. These parties while favoring an approach tied to natural rebuild assert that no fixed date by which rebuild must be completed would be appropriate. In support of this view it is noted that while the average useful life of the component parts which make up a cable system is between 10 and 15 years, the life cannot be uniformly calculated. These parties assert that "cable companies anticipate that an industry wide rebuild will occur naturally during the next 10-15 years." Rather than setting a uniform date many of these parties urge that monitoring to insure compliance with the Commission's technical standards will insure that technologically obsolete systems will be rebuilt.

86. *Urging the adoption of an approach tied to natural rebuild.* Various members of the staff of the Cable Television Information Center of the Urban Institute suggest that compliance with our rules should be required within ten years of the date of any Commission decision to require rebuild for systems not previously on notice of our requirements. This ten year period it is argued "exceeds the customary equipment lifetime expectation used in the financial planning at the time of its installation." Comments filed by The American Civil Liberties Union also imply that the useful life of most equipment is between 8-10 years. A practical example of natural rebuild is also provided by Coldwater Cable Television which notes that it is in the process of upgrading its 12-channel capacity system to provide 30 to 35 channels and that at the present rate of expansion such rebuilding should be completed by 1980, e.g. 12 years after its initial amplifiers were installed.

87. Other parties assert that the adoption of an approach tied to the replacement of obsolescent parts is administratively unenforceable. An alternative suggested by several parties would be to link a system's rebuild requirement to the inauguration of pay entertainment programming on a cable system.

88. *Resolution.* Having reviewed the comments filed in response to this section of the Notice we have determined to adopt an approach which we believe combines the best aspects of natural rebuild and postponement to a date certain. Accordingly, we have determined to require systems with 3500 or more subscribers to reconstruct and comply with our requirements within ten years. We have chosen this period because we believe that it corresponds to the time within which the vast majority of systems will, even absent our requirements, have completed natural rebuild.

89. In arriving at this result we have rejected the arguments of those who favor the complete elimination of our rebuild requirements. Our reasons for rejecting this approach are essentially the same as those which caused us to reject the arguments of those who opposed any channel capacity or access channel obligations whatsoever. We are mandated to encourage the larger and more effective use of radio in the public interest. Cable television with its potential to provide many channels of programming is an ideal medium to provide additional telecommunications services to the public. We would be derelict in our responsibilities to the public were we to sit by and do nothing to insure that the expanded channel capability provided by cable television serves valid public interest objectives. Were we at this stage of cable's evolution to leave the provision of channel capacity and access services entirely to the marketplace, such action could have the practical effect of providing a barrier to the growth of access services as well as a disincentive to the furnishing of new services which we expect of



cable. We agree with the comments of those who assert that unless the cable operator has existing built-in capacity to provide access services he may reasonably be expected to frustrate their provision. By requiring larger system operators to reconstruct and comply with our channel capacity requirements we hope also to foster the provision of such services in those communities which are served by old systems.

90. In promoting the beneficial uses of cable we recognize, however, an obligation to temper our expectations for the future with a realization of the economic realities of the present. We must insure that in formulating policies designed to facilitate the future provision of services, we do not create unreasonable barriers to the present expansion of cable in general. In setting for comment an option which would require old systems to meet our requirements upon natural rebuild we hoped to minimize the present cost to the cable system operator and the public while insuring that when reconstruction naturally occurred it would be accomplished in such a manner as to provide expanded capacity which would facilitate the provision of future services.

91. In our June 3 Notice we specifically requested parties to provide a definition of how natural rebuild might be defined and such a requirement enforced. Unfortunately the comments responding to this portion of our inquiry contained a paucity of suggestions or proposals by which we might define and enforce this concept. In addition, upon independent analysis we have been unable to formulate such a definition which while providing the requisite degree of certainty to cable operators of their obligations would not be unduly complex and administratively impossible to enforce. Systems vary in age, type and useful life of equipment as well as profitability. No one approach can take into account all these variables.<sup>22</sup>

92. Some parties have suggested that we in effect permit cable operators to define when natural rebuild will occur and pledge either to use or to local franchising authorities that upon completion of rebuild the expanded services required by our rules would be provided. We have closely considered this proposal but do not believe that its adoption would be appropriate. In order to administer such a provision equitably, guidelines or standards defining natural obsolescence would have to be established. Without such guidelines many franchising authorities might have insufficient resources to make informed judgment as to an equitable period for requiring rebuild, and a few cable operators might artificially retard rebuild in order to postpone the provision of expanded services required by our rules. The same difficulties encountered in formulating a definition of natural rebuild are encountered

<sup>22</sup> For a discussion of the problems encountered in system reconstruction see paras. 6-10 of Notice of Proposed Rulemaking in Docket 20598, *supra*.

tered in attempting to establish these guidelines.

93. Some generalizations may however be made. The amplifiers and cable used to provide cable television service do have a limited useful life expectancy. The estimates provided in the comments indicate that amplifiers installed on old cable systems must in general be replaced sometime between 8 and 15 years after their initial installation. In general, these projections are in accord with our own estimates. Until the middle 1960's the amplifiers used in cable television systems employed vacuum tubes. These earlier amplifiers had in general a very limited useful life span. In the mid 1960's up until approximately 1969-1970, the first generation of solid state single ended 12-channel capacity amplifiers were introduced. With the initial introduction of solid state components various problems were encountered, e.g., inadequate surge protection and accumulative heat. Though some of these amplifiers may last much longer, these problems, in general, necessitate the replacement of most first generation solid state components by the tenth to twelfth year after initial installation. With the refinements in technology which occurred in the very late 1960's and early 1970's push pull amplifiers were introduced which provide 20+ channel capacity by permitting the carriage of midband and frequently super band channels. These amplifiers have, in general, a substantially longer useful life span.

94. Because the vast majority of systems constructed prior to 1972 were constructed with either vacuum tubes or single ended amplifiers with limited useful technological lives we would expect that many of these either have been replaced, or will be replaced, in the near future. Based upon the comments and our experience, we think that in the vast majority of situations a complete turnover of this older equipment will be accomplished naturally within ten years. Accordingly, we have determined to use this ten year standard in our rules. Those systems regardless of market location which have 3500 or more subscribers shall be required to reconstruct their plant and distribution network in order to comply with our access and channel capacity requirements and to complete such reconstruction within ten years of the date of this decision.

95. We recognize that this reconstruction will in many cases be accomplished prior to our deadline and that a few systems may in fact have to reconstruct to meet our technical requirements. We recognize also that the selection of any time frame is to a certain extent arbitrary. We have chosen the ten year period, however, based upon our belief that it represents a liberal estimate of the reasonable time within which the vast majority of systems will be naturally rebuilt. By framing our requirements to correspond to the time within which the vast majority of systems will be rebuilt, even without our requirements, we have insured that such rebuilding will be accomplished

with components which will allow for the future expansion of services without presenting an artificial inflationary burden to system operators which must ultimately be borne by the public.

96. Those systems with 3500 or more subscribers located in major television markets have been on notice since 1972 of rebuild obligations. By extending our deadline for such systems we have substantially mitigated the burdens placed on them. Those systems with 3500 or more subscribers outside of the major markets were not previously subject to any rebuild requirements. Our reasons for extending our rebuild requirements to these systems are identical to our reasons discussed earlier, for altering the criteria upon which we impose our access obligations in general. Moreover, we do not believe that our extension of rebuild requirements to these systems will be substantially burdensome. The earliest cable systems were generally constructed in communities which could not obtain adequate over-the-air television coverage. Most of these communities are outside the major television markets. In some such communities the only television service that is generally available is that provided by the cable system and such systems are financially strong as well, free by virtue of their locations, from some of those incentives that might induce other systems to upgrade the quality of the service they offer. Moreover, because many such systems were in fact constructed some time ago, reconstruction may naturally be expected to occur earlier than for other systems that were constructed later in the less desirable cable markets. Accordingly, we believe our ten-year reconstruction deadline is also appropriate for these cable systems. Should the imposition of this requirement prove unduly burdensome in some isolated instances we shall treat such matters on an individual basis and, if appropriate, grant relief.<sup>23</sup>

#### THE ROLE OF THE LOCAL FRANCHISING AUTHORITY

97. Under our prior rules, local authorities, in those communities where our rules did not apply, were permitted to adopt their own channel capacity and access channel requirement provided that these requirements were not in excess of those we had adopted for major market systems. See §§ 76.251(a) (11) (iv) and 76.251(b). While the reasons that have caused us to remove our requirements from smaller systems in the major markets might suggest the need to preclude their reimposition by local authorities

<sup>23</sup> We recognize that a particular problem may be encountered if there are 12 channel systems presently under construction outside of the major television markets which will eventually attain 3500 subscribers. These systems were not formerly subject to this requirement and should therefore be given some fair margin to complete work in progress. If such systems do go into operation prior to March 31, 1977, they will be given 10 years within which to reconstruct and provide 20 channel and two-way capacity. (See § 76.252(b))

ties, we believe that room remains for local authorities to exercise their own best judgment in balancing between the needs of their citizens and the costs which must ultimately be borne by them. Accordingly, with respect to systems with under 3500 subscribers, we will not preclude local authorities from mandating channel capacity and access obligations as long as these do not exceed what our rules require of systems with 3500 or more subscribers.

98. In addition, even for systems with more than 3500 subscribers, we are generally prepared to see local requirements continue in effect if they do not exceed the twenty channel, two-way and four dedicated channel concepts in our rules, even if the timing on system rebuild is shorter than our own, or there is a local requirement that converters be installed to activate all of the dedicated channels, provided it can be shown that such local requirements are based on a reasoned analysis of the costs and needs for the services involved and that they will not interfere with compliance with federal obligations. However, we believe that all such obligation in excess of the rules adopted herein, if they are to be continued, should be subject to review in light of the revisions we have made in our rules because many of these requirements were adopted in reliance on our rules and without independent evaluation of them.

99. Accordingly, we shall continue to allow the imposition of local requirements which do not exceed our own. Lesser local requirements will also not be foreclosed, although for systems with over 3500 subscribers, these would be superseded by our own rules. Local requirements which do exceed our own, may also be permitted upon individual showings and with Commission approval. Such showings will be considered in the certification process for those systems not yet certified and for those systems seeking recertification by March 31, 1977. Other situations will be considered pursuant to the special relief provisions of § 76.7 of the rules. In the absence of such showings, provisions exceeding our own will be considered to have no force or effect in accordance with the procedures adopted in the Report and Order in Docket 20272, FCC 75-897, 54 FCC 2d 855 (1975). In those situations where such showings were made and accepted under prior rules, they need not be repeated and our rulings therein will continue in effect.

100. Petitions to justify access or rebuild requirements in excess of those we are adopting today should indicate the number of channels available to provide access programming without imposing these additional requirements and how these channels are insufficient to meet demonstrated need within the community or communities. In addition, such showings should include estimates of the expected expenses involved in complying with these additional requirements, how these expenses will contribute to the quality of cable service in the community and what the effect those ex-

penses will be upon the financial viability of the system. To the extent that a system has pledged to comply with our prior requirements and as a result of such pledge been granted a rate increase, this also is a relevant factor in deciding whether to permit the enforcement of such a provision. It is only with a complete showing of this nature that we can realistically determine if additional rebuild or access requirements are justified, and they will not adversely affect the operator's ability to accomplish federal objectives.

#### ADDITIONAL MATTERS

101. In addition to those comments already discussed, various parties advance other observations. The Ohio Educational Television Network urges, for example, the maintenance of the policy we announced in our Notice not to postpone rebuild requirements for those systems which do not have sufficient activated channel capacity to provide full time carriage for those television stations which are "must carry" under our rules. In support of this view OETN cites difficulties which it has encountered in obtaining carriage of "must carry" educational television stations which have within the recent past either begun broadcasting or increased transmitter power.

102. We recognize that this is a serious problem and that many of the same difficulties encountered in requiring cable systems to reconstruct to meet our channel capacity and access obligations are encountered when requiring systems to reconstruct to provide full time carriage to "must carry stations." Clearly there are equities and public interest considerations on both sides of this situation. A television station which newly goes on the air or increases its transmitter power should be carried by a cable system operating within its area of service. On the other hand a cable system which constructs its distribution network with sufficient activated capability to provide full time carriage to all existing "must carry" stations should not, perhaps, be required to immediately reconstruct its distribution network and install converters in each subscriber's home merely because one new station goes on the air or increases its transmitter power. We do not intend to finally resolve this matter in this proceeding which, as we have noted, is concerned with the channel capacity and access requirements formerly contained in § 76.25. We shall however continue to analyze this area and if appropriate take further action.

103. While the majority of parties filing comments in this proceeding recognized the reasons which cause us to cancel the March 31, 1977 reconstruction deadline, a few organizations urged its reinstatement. Some of these parties also oppose our decision to separate the issues contained in Docket 20363 from those under consideration in this proceeding. Additionally, it is argued that instead of reducing our channel capacity and access channel requirements in view of economic considerations, the Commission

should increase the signal carriage available to cable television systems which will lead to the acquisition of new subscribers and an improved financial picture for the industry in general. In opposition to this suggestion, various broadcast interests argue that in view of the failure of the cable television industry to rebuild, that the entire area of signal carriage should be revisited with an eye toward adopting more restrictive limitations.

104. We have previously set out the reasons which caused us to cancel the March 31, 1977 deadline in our Report and Order in Docket 20363, *supra*, as well as the reasons which have led us to separate the issue in that docket from the issues herein under review.<sup>24</sup> The difficulties which we have encountered in formulating an equitable rebuild plan as well as the difficulties encountered in determining the appropriate approach to take with respect to other areas of this Notice have reaffirmed our belief in the wisdom of both decisions.

105. Moreover, the public interest objectives which have caused us to impose channel capacity and access channel requirements on larger cable systems are to a certain extent, different than the reasons which cause us to set various limitations on the amount of product available to cable systems in general. In the former case we seek to promote the expansion of communications services as well as the expansion of the public's access thereto, while in the latter we seek to insure that the interest of the public in maintaining a healthy commercial television structure will not be undermined. Although there is some relationship between the two considerations, each must be considered on its merits. In either case, when it appears, based upon our experience in administering our rules, that they are unnecessarily burdensome and do not further the objectives for which they were designed, we change them. Such is the case with respect to the channel capacity access channel and rebuild requirements under review today. Recently, such has also been the case with respect to various aspects of our signal carriage and subscription rules.<sup>25</sup>

Authority for the amendments to the rules adopted below is contained and in Sections 2, 3, 4 (1) and (j), 301, 303, 307, 308, 309, 315 and 317 of the Communications Act of 1934, as amended.

<sup>24</sup> See Footnote 2 in Report and Order in Docket 20363, *supra*, and Footnote 2 in Notice of Proposed Rulemaking in Docket 20508, *supra*.

<sup>25</sup> For example, the Commission has recently made substantial modifications to its rules applicable to specialty stations, Report and Order in Docket 20553, 76 FCC 189, 44 FCC 2d 111 (1976); eliminated its leap-frogging restrictions, Report and Order in Docket 20487, FCC 75-1409, 57 FCC 2d 825, eliminated its ban on the subscription presentation of series programming, Second Report and Order in Docket No. 19554, 75-1218 44 FCC 2d 111 (1975), all of which increase the product available to cable television systems, hence the public, without undermining the conventional television structure.

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Accordingly, *It is ordered*, That Part 76 of the Commission's Rules and Regulations is amended, effective June 21, 1976, as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1086, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317.)

Adopted: April 1, 1976.

Released: May 13, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 76 of Chapter I of title 47 of the Code of Federal Regulations is amended as follows:

**§ 76.13 [Amended]**

1. In § 76.13, paragraphs (a)(4), (b)(4), and (c)(3) are amended to delete "§ 76.251 and 76.253" after the words "provisions of" and substitute "§ 76.252, 76.254, 76.256, and 76.258".

**§ 76.251 [Deleted]**

2. Section 76.251 is deleted.

3. A new § 76.252 is added, as follows:

**§ 76.252 Channel capacity.**

(a) Any conglomerate of commonly-owned and technically-integrated cable television systems having a total of 3500 or more subscribers, or any system having 3500 or more subscribers which is not part of such a system conglomerate, shall comply with the following requirements respecting channel capacity:

(1) *Minimum channel capacity.* Each such system shall have at least 120 MHz of bandwidth (the equivalent of 20 television broadcast channels) available for immediate or potential use for the totality of cable services to be offered.

(2) *Two-way communications.* Each such system shall maintain a plant having technical capacity for nonvoice return communications.

(b) This section applies to all cable television systems that commence operations on or after March 31, 1972, in a community located in whole or in part within a major television market. Systems which commence operations after March 31, 1977 in a community located outside of a major television market shall comply upon commencement of operations. All other systems shall comply on or before June 21, 1976. Systems that are in compliance with the provisions of subparagraph (a)(1) of this section on or before June 21, 1976 are not required to modify their facilities in order to comply with subparagraph (a)(2) of this section.

**§ 76.253 [Deleted]**

4. Section 76.253 is deleted.

5. A new § 76.254 is added, as follows:

\* Statements of Commissioners Hooks, Washburn, and Robinson filed as part of the original document.

**§ 76.254 Number and designation of access channels.**

Any conglomerate of commonly-owned and technically-integrated cable television systems having a total of 3500 or more subscribers, or any system having 3500 or more subscribers which is not part of such a system conglomerate, shall comply with the following requirements respecting the number and designation of access channels:

(a) Each such system shall, to the extent of its available activated channel capability, comply with the following requirements:

(1) *Public access channel.* Each such system shall maintain at least one specially designated, noncommercial public access channel available on a first-come, nondiscriminatory basis;

(2) *Education access channel.* Each such system shall maintain at least one specially designated channel for use by local educational authorities;

(3) *Local government access channel.* Each such system shall maintain at least one specially designated channel for local government uses;

(4) *Leased access channel.* Each such system shall maintain at least one specially designated channel for leased access uses. In addition, other portions of its nonbroadcast bandwidth, including unused portions of the specially designated channels, shall be available for leased uses. On at least one of the leased channels, priority shall be given part-time users.

(b) Until such time as there is demand for each channel full time for its designated use, public, educational, government, and leased access channel programming may be combined on one or more cable channels. To the extent time is available therefor, access channels may also be used for other broadcast and nonbroadcast services.

(c) Each such system shall, in any case, maintain at least one full channel for shared access programming: *Provided, however*, That, in the case of systems in operation on June 21, 1976 if insufficient activated channel capability is available to provide one full channel for shared access programming it shall provide whatever portions of channels are available for such purposes. Each such system in meeting its access obligations shall make reasonable efforts in programming its bandwidth to avoid the displacement of access service.

(d) Whenever any of the channels described in paragraph (a) or (c) of this section is in use during 80 percent of the weekdays (Monday-Friday) for 80 percent of the time during any consecutive three-hour period for six consecutive weeks, such system shall have six months in which to make a new channel available for the same purposes: *Provided, however*, That the channel expansion mandated by this paragraph shall not exceed the activated channel capability of the system.

(e) Each such system shall make available all other unused channels, in addition to those which are part of the

system's activated channel capability, for the purposes specified in paragraph (a): *Provided, however*, That in making available such additional channels the system operator shall be under no obligation to install converters.

(f) Until March 31, 1977, systems outside the major television markets and systems that commenced operation prior to March 31, 1972 may comply with the requirements of this section by making a reasonable effort to provide channel time for local non-operator presentation of cablecast programs.

6. A new § 76.256 is added, as follows:

**§ 76.256 Access services.**

Any conglomerate of commonly-owned and technically-integrated cable television systems having a total of 3500 or more subscribers, or any system having 3500 or more subscribers which is not part of such a system conglomerate, shall comply with the following requirements respecting the provision of access services:

(a) *Equipment requirement.* Each such system shall have available equipment for local production and presentation of cablecast programs other than automated services and permit its use for the production and presentation of public access programs. No such system shall enter into any contract, arrangement, or lease for use of its cablecasting equipment which prevents or inhibits the use of such equipment for a substantial portion of time for public access programming.

(b) *Program content control.* Each such system shall have no control over the content of access cablecast programs; however, this limitation shall not prevent it from taking appropriate steps to insure compliance with the operating rules described in paragraph (d) of this section.

(c) *Assessment of costs.* (1) The channels described in § 76.254(a)(2) and (a)(3) shall be made available free of charge until five (5) years after the system first offers channel time for such cablecasting purpose.

(2) One of the public access channels described in § 76.254(a)(1) shall always be made available without charge.

(3) Charges for equipment, personnel, and production of public access programming shall be reasonable and consistent with the goal of affording users a low-cost means of television access. No charges shall be made for live public access programs not exceeding five minutes in length.

*NOTE.*—Systems outside the major television markets and systems that commenced operation prior to March 31, 1972 are not required to provide any free production facilities prior to March 31, 1977.

(d) *Operating rules.* (1) For public access programming, such systems shall establish rules requiring first-come, non-discriminatory access; prohibiting the presentation of: any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates

for public office); lottery information; and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively); and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of two years.

(2) For educational access programming, such system shall establish rules prohibiting the presentation of: any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively); and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of 2 years.

(3) For leased access programming, such system shall establish rules requiring first-come, nondiscriminatory access; prohibiting the presentation of lottery information and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively); requiring sponsorship identification (see § 76.221); specifying an appropriate rate schedule; and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting time. Such a record shall be retained for a period of 2 years.

(4) The operating rules governing public, educational, and leased access programming shall be filed with the Commission within 90 days after a system first activities any such channels, and shall be available for public inspection as provided in § 76.305(b). Except on Commission authorization, or with respect to local government access programming, no local entity shall prescribe any other rules concerning the number or manner of operation of access channels.

*NOTE.*—Nothing in this section shall be construed as limiting the authority of state and local entities to regulate two-way, point-to-point, intrastate non-video cable transmissions.

7. A new § 76.258 is added, as follows:

**§ 76.258 Non-federal access regulation; voluntary access.**

No cable television system shall be required by a state or local entity to exceed the provisions of §§ 76.252, 76.254, and 76.256 concerning channel capacity, activated channel capability, and equipment, absent Commission authorization, even if such a system has previously been certificated, pursuant to § 76.11, based on proposals or operations in excess of these provisions. If a conglomerate of commonly-owned and technically-integrated cable television systems having a total of fewer than 3500 subscribers, or any system having fewer than 3500 subscribers which is not part of

such a system conglomerate, provides access services, it shall comply with the provisions of § 76.256 (b) and (d).

**§ 76.305 [Amended]**

8. In § 76.305, paragraph (a)(7) is revised to read as follows and paragraph (c) is amended to delete "Section 76.205(c), 76.251(a)(11), and 76.311(f)" after the words "periods specified in" and substitute "§ 76.95(d), 76.205(c), 76.221(f), 76.225(a), 76.256(d), and 76.311(f)".

(a) \* \* \*

(7) A copy of all records which are required to be kept by § 76.95(d) (network program nonduplication private agreements); § 76.205(c) (origination cablecasts by candidates for public office); § 76.221(f) (sponsorship identification); § 76.225(a) (subscription cablecasting); § 76.256(d) (operating rules for access channels); § 76.311(f) (equal employment opportunities);

[FR Doc. 76-14724 Filed 5-19-76; 8:45 am]

[FCC 76-427]

**PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE**

**Revision and Consolidation of FCC Forms 402 and 402-S**

1. On April 23, 1975, the Commission adopted a Report and Order in Docket 19869, FCC 75-469, 52 FCC 2d 894 (1975), establishing a new rule part (Part 94) governing the licensing and operation of private operational-fixed microwave (above 952 MHz) stations. One of the provisions of the new rules is that applicants for new or modified stations perform detailed technical analysis of the interference potential to existing stations. Applicants must certify that the interference to existing stations will be less than certain levels. While certain technical information was contained on FCC Form 402, the Commission felt that this was not enough.

2. In order to obtain and store in the Commission's microwave computer data base the technical information necessary for performing these analyses, the Commission adopted Form 402-S as a supplement to Form 402, FCC 74-442, 51 FCC 2d 480 (1975). Form 402-S was mailed to existing licensees on May 12, 1975, and has been required for all new applications filed after August 1, 1975.

3. This form was adopted as an interim measure until Form 402 could be completely revised to include all the necessary information. In keeping with this, the Commission has adopted a revised Form 402 to be used in applying for private microwave station licenses.

4. The revised Form 402 is basically a consolidation of Forms 402 and 402-S. Certain questions have been eliminated and others changed or clarified to facilitate the accurate filing of applications.

To assure uniformity in the collection of information and in our application processing procedures, we have concluded that the revised form should be used by applicants on a certain date. Therefore, while this form may be used as soon as it is available (tentatively October 1, 1976,) all applications for new or modified private operational-fixed microwave stations will not be accepted after January 1, 1977, unless they are filed on the revised Form 402.

5. Therefore, *it is ordered*, pursuant to section 4(i) and 308(b) of the Communications Act of 1934, as amended, That, revised FCC Form 402 is adopted and. That applications for new or modified private operational-fixed microwave stations must be filed on revised FCC Form 402 after January 1, 1977, and that effective January 1, 1977, § 94.27 of the Commission's rules is amended to require the use of the revised FCC Form 402. The rule amendments as well as the revised form adopted herein relate to procedural matters. Therefore, compliance with the prior notice and procedure requirements of section 4(a) of the Administrative Procedure Act, 5 USC 553, is not required.

Adopted: May 11, 1976.

Released: May 17, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 94 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 94.27, paragraphs (a) and (b) are amended to read as follows:

**§ 94.27 Application and Standard Forms.**

(a) A separate application shall be submitted on FCC Form 402 dated July 1976 or later, for the following:

(1) New station authorization for private operation-fixed microwave station.

(2) New authorization to operate one or more fixed stations at temporary locations in this service.

(3) Modification of station licensee.

(b) When the holder of a station authorization desires to assign to another person the privilege to use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the call sign and location of the station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. An application on FCC Form 402 dated September 1975 or later, prepared by and in the name of the person to whom the station is being assigned (See § 94.47), shall also be filed.

[FR Doc. 76-14725 Filed 5-19-76; 8:45 am]

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## Title 49—Transportation

## SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

(OST Docket No. 1, Amdt. 1-118)

## PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

## Delegations Under the Railroad Revitalization and Regulatory Reform Act of 1976

The purpose of this amendment is to delegate to the Deputy Secretary, the Federal Railroad and Urban Mass Transportation Administrators, the General Counsel, and the Assistant Secretary for Administration certain functions vested in the Secretary by the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedures thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing Part I of Title 49 of the Code of Federal Regulations is amended as follows:

## § 1.49 [Amended]

1. In § 1.49, paragraph (q) is amended by inserting immediately after the words "executive committee" the words "and finance committee" and substituting the words "Title II" in place of the words "sections 201(d) (2) and (h)", and a new paragraph (u) is added at the end thereof to read as follows:

## § 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to:

(u) Carry out the functions vested in the Secretary by the following sections of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210): 204(c); 401, except authority to issue subpoenas; 402; 403; 502; 503; 504; 505; 508, except (c); 507; 508; 511; 512; 513; 515; 517; 608; 610; 703; 704, except (c); 706; 803, except insofar as it relates to audits; 810; 901; 905, as applicable; and 906.

2. Section 1.51 is amended by adding at the end thereof a new paragraph (k) to read as follows:

## § 1.51 Delegations to Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by:

(k) sections 404, insofar as it relates to 45 U.S.C. 744(e) (5); and 905, as applicable, of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210).

## § 1.55 [Amended]

3. In § 1.55, paragraph (h) is amended by inserting immediately after the words

"executive committee" the words "and finance committee" and the term "as amended" immediately after the term "(Pub. L. 93-236)".

## § 1.56 [Amended]

4. In § 1.56, paragraph (n) is amended by inserting the words "and Finance Committee" immediately after the words "Executive Committee" and the term "as amended" immediately after the term "(Pub. L. 93-236)".

5. In § 1.59, paragraph (1) is amended by adding at the end thereof a new subparagraph (3), to read as follows:

## § 1.59 Delegations to Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following:

(1) Audit.

(3) Carry out the functions vested in the Secretary by sections 803 and 805 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), insofar as they relate to audits.

Effective date: This amendment is effective March 10, 1976.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e)).

Issued in Washington, D.C., on May 13, 1976.

WILLIAM T. COLEMAN, Jr.,  
Secretary of Transportation.

[FR Doc.76-14715 Filed 5-19-76; 8:45 am]

Title 50—Wildlife and Fisheries  
CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR  
PART 28—PUBLIC ACCESS, USE, AND RECREATION

## Izembek National Wildlife Range, Alaska

The following special regulation is issued and is effective April 16, 1976.

## § 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

## ALASKA

## IZEMBOK NATIONAL WILDLIFE RANGE

Boats are permitted on the Izembek National Wildlife Range for public access, use, and recreation subject to the following special condition:

(1) The use of water-jet driven boats or boats driven by air propellers, commonly known as air boats, is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1976.

JOHN E. SARVIS,  
Refuge Manager.

MAY 12, 1976.

[FR Doc.76-14697 Filed 5-19-76; 8:45 am]

## Title 7—Agriculture

## CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

## COTTON AND COTTONSEED

## Revision in Fees

## STATEMENT OF CONSIDERATIONS

Pursuant to the statutory authorities cited below, the fees relating to cotton classing, standards and inspection, sampling, and certification of cottonseed and for cotton fiber and processing tests are hereby amended to reflect increased costs since the last adjustment in fees including the increase in Federal employees' salaries authorized by the Federal Employees Salary Act of 1970 (Pub. L. 91-231).

## PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

1. Sections 27.80 and 27.81 are revised to read as follows:

## § 27.80 Fees: classification, Micronaire, and supervision.

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

(a) Initial classification and certification—60 cents per bale.

(b) Review classification and certification—80 cents per bale.

(c) Micronaire determination and certification—15 cents per bale.

(d) Combination service—\$1.20 per bale. (Initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)

(e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any two or more of these operations are performed together—70 cents per bale.

(f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—70 cents per bale.

(g) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—\$1.70 per bale.

(h) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different warehouse at the same delivery point, including issuance of new cotton class certificates in substitution for prior certificates—\$1.00 per bale.

## § 27.81 Fees: certificates.

For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton under the supervision of an exchange inspection agency as provided in § 27.73, the

person making the request shall pay a fee of 30 cents for each certificate issued.

(Sec. 4863, 68 A Stat. 582; 26 U.S.C. 4863)

## PART 28—COTTON CLASSING, TESTING AND STANDARDS

2. Sections 28.116, 28.117, 28.120, 28.122, 28.123, 28.148, 28.149, and 28.151 are revised to read as follows:

## § 28.116 Amounts of fees for classification; exemption.

(a) For the classification of any cotton or samples, the person requesting the service shall pay a fee, as follows, subject to the minimum fee provided in paragraph (c) of this section:

(1) Grade, staple, and micronaire reading—75 cents per sample.

(2) Grade and staple only—60 cents per sample.

(3) Grade only or staple only—40 cents per sample.

(4) Micronaire reading only—15 cents per sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) A minimum fee of \$4.00 shall be assessed for services described in paragraphs (a) and (b) of this section for each lot or mark of cotton reported or handled separately, unless the request for service is so worded that the samples become Government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The minimum fee prescribed in paragraph (c) of this section is not applicable to review of classification or comparison.

(e) The fees provided for in paragraphs (a) and (b) of this section may be waived in whole or in part, as to the classification and comparison and the review, if any, of any cotton (1) for any governmental agency; (2) to facilitate a cotton program of any governmental agency; and (3) for a charitable or philanthropic organization if such cotton will be used in accordance with an act of Congress or a congressional resolution for the relief of distress or will be exchanged for goods to be so used. The samples accumulated in the classification or certification of cotton for a governmental agency or to facilitate a cotton program of any governmental agency shall be disposed of as required by such agency.

## § 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting

such substitution shall pay a fee of \$1.35 per sheet.

## § 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A or Form D determinations, the expenses of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board or other place specifically designated for the purpose by the Director or by the chairman of such board, shall be borne by the party requesting the classification. For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of \$12 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

## § 28.122 Fee for practical classing examination.

The fee for the practical classing examination for cotton or cotton linters shall be \$60.00. Any applicant who passes the examination may be issued a certificate indicating this accomplishment.

## § 28.123 Costs of practical forms of cotton standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

GRADE STANDARDS	Domestic shipments L.O.B. Memphis, Tenn.	Shipments delivered outside the continental United States
American Upland:		
15-sample official boxes (universal standards).....	20	23
6-sample guide boxes.....	12	15
American Pima:		
6-sample official boxes.....	20	23

## TENTATIVE STANDARDS FOR PREPARATION

GRADE STANDARDS	Dollars each box
American Upland long-staple cotton:	
6-sample boxes.....	13

## STANDARDS FOR LENGTH OF STAPLE

GRADE STANDARDS	Dollars each length
American Upland (prepared in 1-pound rolls for each length).....	4
American Pima (prepared in 1-pound rolls for each length).....	4

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1024.)

## 4. Section 28.911 is revised to read as follows:

## § 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is 60 cents per sample. Samples for review classification may be drawn by samplers bonded pursuant to § 28.906, or by samplers at warehouses which issue negotiable warehouse receipts, or by employees of the United States Department of Agriculture. Each sample for review classification

## § 28.148 Fees and costs; classifications; reviews; other.

The fee for the classification, comparison, or review of linters with respect to grade, staple, and character or any of these qualities shall be at the rate of 55 cents for each bale or sample involved. The provisions of §§ 28.115 through 28.128 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

## § 28.149 Fees and costs; Form C determinations.

For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of \$12 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

## § 28.151 Cost of practical forms; period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.105: *Provided*, That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of \$15.00 each, f.o.b., Memphis, Tenn., for shipments within the continental United States, and \$18.00 each, delivered to destination, for shipments outside the United States. The cost of the official standards for staple shall be at the rate of \$3.50 each, f.o.b., Memphis, Tenn., for shipments within the continental United States, and \$4.00 each, delivered to destination, for shipments outside the continental United States.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61.)

3. Section 28.184 is revised to read as follows:

## § 28.184 Cotton linters; general.

Requests for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Board of Cotton Linters Examiners. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be 55 cents per sample.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1024.)

4. Section 28.911 is revised to read as follows:

## § 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is 60 cents per sample. Samples for review classification may be drawn by samplers bonded pursuant to § 28.906, or by samplers at warehouses which issue negotiable warehouse receipts, or by employees of the United States Department of Agriculture. Each sample for review classification

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fication shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or his representatives. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be without expense to the Government.

(Sec. 10, 42 Stat. 1519, Sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c.)

5. Sections 28.956 and 28.958 are revised to read as follows:

#### § 28.956 Prescribed fees

Fees for fiber and processing tests shall be assessed as listed below:

Item No.	KIND OF TEST	
1	Furnishing U.S.D.A. calibration cotton in the short, medium, long and extra long staple lengths, including standard values for length by both array and Fibrograph methods, strength by flat bundle method at $\frac{1}{8}$ -in gauge, and maturity and fineness by the Caustic method:	
	a. By surface delivery, 1-lb sample.....	\$12.00
	b. By air delivery within the U.S., 1-lb sample.....	14.00
	c. By air delivery outside the U.S., 1-lb sample.....	16.00
2	Furnishing international calibration cotton standards with standard values for micronaire reading and Pressley fiber strength at zero gauge:	
	a. By surface delivery, $\frac{1}{2}$ -lb sample.....	8.00
	b. By air delivery within U.S., $\frac{1}{2}$ -lb sample.....	10.00
	c. By air delivery outside U.S., $\frac{1}{2}$ -lb sample.....	12.00
3	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each $\frac{1}{8}$ -in group, average length, and average length variability as based on 3 specimens from a blended sample:	
	a. Ginned cotton lint, per sample.....	30.00
	b. Cotton comber noils, per sample.....	40.00
	c. Other cotton wastes, per sample.....	50.00
3.1	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each $\frac{1}{8}$ -in group, average length, and average length variability as based on 2 specimens from a blended sample:	
	a. Ginned cotton lint, per sample.....	20.00
	b. Cotton comber noils, per sample.....	27.00
	c. Other cotton wastes, per sample.....	35.00
3.2	Fiber array of cotton samples, including purified or absorbent cotton. Reporting the average percentage of fibers $\frac{1}{2}$ -in and longer by weight, the average of fibers shorter than $\frac{1}{2}$ -in by weight, average length, and average length variability as based on 3 specimens from each sample, per sample.....	25.00

Item No.		
4	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample.....	2.50
	Minimum fee unless performed in connection with other tests requiring a blended specimen.....	5.00
4.1	Fiber length of ginned cotton lint by Fibrograph method. Reporting the length of each sub-sample and average length and average length uniformity for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples, per sub-sample.....	1.75
	Minimum fee.....	5.25
5	Pressley strength of ginned cotton lint by flat bundle method for either zero or $\frac{1}{8}$ -in gauge as specified by applicant. Reporting the average strength as based on specimens from a blended sample, per sample.....	2.50
	KIND OF TEST	
	Minimum fee unless performed in connection with other tests requiring a blended sample.....	7.50
5.1	Pressley strength of ginned cotton lint by flat bundle method for either zero or $\frac{1}{8}$ -in gauge as specified by applicant. Reporting the strength of each sub-sample and the average strength for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate unblended sub-samples, per sub-sample.....	1.75
	Minimum fee.....	5.25
5.2	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for $\frac{1}{8}$ -in gauge. Reporting the average strength and elongation as based on 6 specimens from a blended sample, per sample.....	4.00
	Minimum fee unless performed in connection with other tests requiring a blended sample.....	12.00
5.3	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for $\frac{1}{8}$ -in gauge. Reporting the strength and elongation of each sub-sample and the average of the group of replicate sub-samples as based on 2 specimens from each of 3 or more unblended samples, per sub-sample.....	2.00
	Minimum fee.....	6.00
6	Fiber maturity and fineness of ginned cotton lint by the Caustic method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blended sample, per sample.....	4.00
	Minimum fee.....	12.00

Item No.		
7	Micronaire readings on ginned cotton lint. Reporting the micronaire reading as based on 1 specimen from each sample, per sample.....	1.50
	Minimum fee.....	1.50
8	Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-g specimen by using accessory equipment with the mechanical fiber blender, per sample.....	5.00
	Minimum fee unless performed in connection with other tests requiring a blended specimen.....	10.00
9	Blending samples of ginned cotton lint, including the blending of a 10-g sample on the mechanical fiber blender and returning the blended sample to the applicant, per sample.....	2.00
10	Cotton carded yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn imperfections, and classification and fiber length as specified in items 27 and 4 as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of $6\frac{1}{2}$ , 9 $\frac{1}{2}$ , or 12 $\frac{1}{2}$ pounds-per-hour into two of the standard carded yarn numbers of 8s, 14s, 22s, 36s, 44s, or 50s, employing a standard twist multiplier unless otherwise specified, per sample.....	65.00
	Minimum fee.....	130.00
11	Spinning potential test. Determining the finest yarn which can be spun with no ends down and reporting spinning potential yarn number. This test is made in connection with item 10 and requires an additional 4 pounds of cotton, per sample.....	65.00
	Minimum fee.....	130.00
12	Cotton combed yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn imperfections, and classification and fiber length as specified in items 27 and 4 as well as comments summarizing any unusual observations as based on the processing of 8 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of $4\frac{1}{2}$ , $6\frac{1}{2}$ , or $9\frac{1}{2}$ pounds-per-hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified, per sample.....	80.00
	Minimum fee.....	160.00

Item No.		
13	Cotton carded and combed yarn spinning test. Reporting the results specified in item numbers 10 and 12 in combination as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample.....	100.00
	Minimum fee.....	200.00
14	Cotton carded and combed yarn spinning test. Reporting the results specified in item numbers 10 and 12 in combination as based on the processing of 9 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns, per sample.....	120.00
	Minimum fee.....	240.00
15	Two-pound cotton carded yarn spinning test available to cotton breeders only. Reporting data on yarn skein strength, yarn appearance, yarn imperfections, and the classification and fiber length of the cotton as specified in item numbers 27 and 4 as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into two standard carded yarn numbers employing a standard twist multiplier, per sample.....	40.00
	Minimum fee.....	80.00
16	Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests as specified in item numbers 10, 12, 13, and 14 including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn.....	10.00
16.1	Processing and furnishing of additional yarn. Any yarn number processed in connection with spinning tests as specified in items 10, 12, 13, and 14. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn.....	20.00
17	Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn.	
	a. Single yarns based on 40 specimens per lot of yarn.....	45.00
	b. Piled or cabled yarns based on 10 specimens per lot of yarn.....	12.00
18	Skein strength of yarn. Reporting data on the strength and the yarn numbers based on 26 skeins from yarn furnished by the applicant, per sample.....	5.50

Item No.		
18.1	Appearance grade of yarn furnished on bobbins by applicant. Reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin, per bobbin.....	2.00
18.2	Furnishing yarn wound on boards in connection with yarn appearance tests as specified in item numbers 10, 12, 13, 14, and 15, per yarn number.....	2.00
19	Processing, weaving, and testing of fabric. Reporting data on the warp and the filling strength by the grab method.	
	a. Processed in connection with spinning tests as specified in item numbers 10, 12, 13, and 14, per lot of fabric.....	145.00
	b. Processed from yarns furnished by the applicant, per lot of fabric.....	120.00
20	Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample.....	8.00
20.1	Cotton fabric analysis. Reporting data on the number of warp and filling threads per inch and the weight per yard of fabric as based on at least three (3) 6 x 6-in. specimens of fabric which was processed as specified in item number 19, or furnished by the applicant, per sample.....	15.00
	Minimum fee.....	30.00
21	Color of ginned cotton lint. Reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on color tests employing the Nickerson-Hunter Colorimeter on samples which have a uniform surface measuring 5 x 6 $\frac{1}{2}$ in. and weighing approximately 50 grams in order to provide specimens which are sufficiently thick to be opaque, per sample.....	.85
	Minimum fee.....	2.80
22	Furnishing color standards, including a set of standard tiles and a master diagram for use in calibrating Nickerson-Hunter Cotton Colorimeters, per set.....	65.00
22.1	Furnishing replacement calibration tiles for above sets, each tile.....	6.50
22.2	Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and +b plotted on a color diagram based on the Nickerson-Colorimeter, per box.....	12.00
22.3	Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box.....	2.50
23	Furnishing copies of test data worksheets. Includes individual observations and calculations which are not routinely furnished to the applicant, per sheet.....	1.50

Item No.		
24	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter.	
	a. For samples of ginned lint or comber noils, per 100-g specimen.....	3.25
	Minimum fee.....	6.50
	b. For samples of ginning and processing wastes other than comber noils, per 100-g specimen.....	10.00
	Minimum fee.....	20.00
25	Furnishing identified cotton samples. Includes samples of ginned lint, stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests, per identified sample.....	1.30
26	Furnishing additional copies of test reports. Includes extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet.....	65
26.1	Furnishing a certified relisting of test results. Includes samples or sub-samples selected from any previous tests, per sheet.....	3.25
27	Classification of ginned cotton lint in connection with fiber tests. Classification includes grade, staple and mike reading which requires a 6-oz sample, per sample.....	.75
28	Combination fiber tests:	
	a. Test items 4, 5, and 8, per sample.....	8.00
	b. Test items 4, 5.2, and 7, per sample.....	9.50
28.1	Combination fiber tests:	
	a. Tests items 4, 5, and 7, per sample.....	4.50
	b. Test items 4, 5.2, and 7, per sample.....	6.00
28.2	Combination fiber tests:	
	a. Test items 4.1, 5.1 and 7 on 3 or more replicate sub-samples, per sub-sample.....	3.00
	Minimum fee.....	9.00
	b. Test items 4.1, 5.3 and 7 on 3 or more replicate sub-samples, per subsample.....	3.50
	Minimum fee.....	10.50
29	Mercerizing and testing of cotton yarn. Reporting data on the luster of two 120-yd skeins and strength of the yarn as based on twenty-five 120-yd skeins mercerized in accordance with standard laboratory procedures.	
	a. Including the processing of the extra yarn in connection with spinning test item numbers 10, 12, 13, and 14, per lot of yarn.....	20.00
	Minimum fee.....	80.00
	b. For yarn furnished by the applicant, 27 skeins of 120 yds each required, per lot of yarn.....	18.00
	Minimum fee.....	64.00



Item No.		
30	Bleaching and testing of cotton yarn. Reporting data on the color of the yarn in terms of Rd reflectance values and plus b degree of yellowness values as based on the measurement of two 120-yd skeins either processed in connection with spinning test item numbers 10, 12, 13, and 14 or furnished by the applicant and bleached in accordance with standard laboratory procedures, per lot of yarn.	6.50
	Minimum fee.	65.00
31	Bleaching, dyeing, and testing of cotton yarn. Reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yd skeins either processed in connection with spinning test item numbers 10, 12, 13, and 14 or furnished by the applicant and bleached then dyed in accordance with standard laboratory procedures, per lot of yarn.	10.00
	Minimum fee.	100.00
32	Dyeing and testing of grey cotton yarn. Reporting data on the color of the dyed yarn in terms of Rd reflectance values and minus b degree of blueness values as based on the measurement of two 120-yd skeins either processed in connection with spinning test item numbers 10, 12, 13, and 14 or furnished by the applicant and dyed in accordance with standard laboratory procedures, per lot of yarn.	6.50
	Minimum fee.	65.00
33	Luster of cotton yarn. Reporting data on the percent luster of grey or mercerized yarn either processed in connection with spinning test item numbers 10, 12, 13, and 14 or furnished by the applicant as based on the measurement of two 120-yd skeins, per lot of yarn.	2.00
	Minimum fee.	6.00
34	Color of cotton yarn. Reporting data on the color of grey, bleached, dyed, or bleached and dyed yarn either processed in connection with spinning test items 10, 12, 13, and 14 or furnished by the applicant as based on the measurement of two 120-yd skeins, per lot of yarn.	2.00
	Minimum fee.	6.00

**§ 28.958 Fees and charges for inspection and checkloading services.**

(a) *Base rate.* Fees to be charged and collected for inspection and checkloading services furnished on a fee basis shall be based on the time required to render such service including but not limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of \$12.00 per hour for each inspector for the time actually required, except as provided in paragraph (b) of this section.

(b) *Overtime rate.* If an applicant requires that any inspection or checkloading service be performed on a holiday, Saturday, Sunday, or outside the inspector's regularly scheduled tour of duty on Monday through Friday, he shall be charged for such service at the rate of \$16.00 per hour.

(c) *Travel expense and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any inspection or checkloading service on a fee basis. Such charges shall include the costs of travel, per diem, and other expenses.

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

**PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)**

6. Sections 61.43, 61.44, 61.45 and 61.46 are revised to read as follows:

**§ 61.43 Fee for sampler's license.**

For the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be \$12.00, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be \$10.00.

**§ 61.44 Fee for chemist's license.**

For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be \$200.00, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be \$65.00.

**§ 61.45 Fee for certificates to be paid by licensee to Service.**

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 70 cents for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

**§ 61.46 Fees for review of grading of cottonseed.**

For the review of the grading of any lot of cottonseed, the fee shall be \$25.00. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA," shall accompany each application for review. Of each such fee collected, \$7.00 shall be covered into the Treasury and \$9.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

The need for these increased fees and the amount thereof are dependent upon facts within the knowledge of the Agri-

cultural Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other procedure with respect to these revisions are impracticable and unnecessary.

The conduct of all services and the licensing of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

*Effective Date:* These revisions shall become effective July 1, 1976.

Dated: May 17, 1976.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Program Operations.

[FR Doc. 76-14839 Filed 5-19-76; 8:45 am]

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Navel Orange Reg. 381]

**PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 21-27, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

**§ 907.681 Navel Orange Regulation 381.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the

quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is strengthening particularly for first grade fruit. Prices f.o.b. averaged \$3.14 a carton on a reported sales volume of 1,077 carlots last week, compared with an average f.o.b. price of \$3.05 per carton and sales of 1,207 carlots a week earlier. Track and rolling supplies at 460 cars were down 55 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication

hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period

herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1976.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 21, 1976, through May 27, 1976, are hereby fixed as follows:

- (i) District 1: 1,200,000 cartons;
  - (ii) District 2: Unlimited movement;
  - (iii) District 3: Unlimited movement.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 19, 1976.

CHARLES R. BRADER,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc. 76-15053 Filed 5-19-76; 11:49 am]

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## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF DEFENSE

Office of the Secretary

[ 32 CFR Part 251 ]

#### TOXIC CHEMICAL HAZARDS OR COMBINED TOXIC AND EXPLOSIVES HAZARDS SAFETY STANDARDS

##### Proposed Toxic Chemical Safety Standards

The proposed standards are authorized by Department of Defense Directive 5154.4, "The Department of Defense Explosives Safety Board," dated October 23, 1971 (36 FR 22777, November 30, 1971). Pursuant to the authority vested in the Secretary of Defense in accordance with Title 10, United States Code, section 172, this Directive established the Department of Defense Explosives Safety Board (DDESB) as a joint activity of the Department of Defense, subject to the direction, authority and control of the Secretary of Defense.

Notice is hereby given that the Chairman, Department of Defense Explosives Safety Board proposes to establish Toxic Chemical Safety Standards as an addition to DoD 5154.4S, "DoD Ammunition and Explosives Safety Standards," dated July 1974. (DoD 5154.4S is available from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402). These standards are applicable to existing stockpiles of chemicals which are maintained in support of national policy in full conformance with current legislation and international law.

The standards for toxic chemical agents and ammunition containing such agents are designed to provide a degree of safety to the public, equivalent to or greater than that provided for other types of ammunition and explosives by existing provisions of DoD 5154.4S. It is proposed to make the toxic chemical safety standards effective on the date of their republication in the FEDERAL REGISTER.

Inquiries may be addressed to, and data, views, and arguments concerning the proposed standards may be submitted to, the Chairman, Department of Defense Explosives Safety Board, Department of Defense, Washington, D.C. 20314. All material received on or before June 21, 1976, will be considered. All comments in response to these standards will be available for public inspection during normal business hours at the foregoing address.

The proposed standards will be contained in a new Part 251 to this subchapter and will read as follows:

Sec.  
251.1 General.  
251.2 Maximum Credible Event

Sec.  
251.3 Hazard Zone Calculations.  
251.4 Public Access Exclusion Distance.  
251.5 Intraline Distance.  
251.6 Magazine Distance.  
251.7 Exclusion.  
251.8 Containment.

AUTHORITY: The provisions of this Part 251 issued under Title 10, United States Code, section 172.

##### § 251.1 General.

Items in this class are chemical agent filled ammunition, chemical agents, and chemical agent filled components. As used in this standard, "agent" means a toxic chemical agent, a substance which in intended for military use with lethal or incapacitating effects upon man through its chemical properties. Excluded from toxic chemical agents for purposes of this standard are riot control agents, chemical herbicides, smoke and flame producing items, and individual disassociated components of chemical agent ammunition.

(a) Depending upon the type of agent, its persistency, volatility, toxicity, or other characteristics, the primary safety consideration may be the area of agent dispersal rather than blast or fragment distance which usually control in the case of other ammunition. Items which contain only toxic chemical agents are assigned to Class 6, Division 1.

(b) Items which contain both explosives and toxic chemical components are assigned to Class 1, Divisions 1 through 4, as appropriate; Class 6, Division 1 requirements must also be applied so that the explosives and toxic chemical hazards are both considered.

##### § 251.2 Maximum credible event.

A maximum credible event (MCE) is defined as that unintended, unplanned, or accidental adverse occurrence which causes release of agent from an ammunition item, bulk container, or process. It must be realistic with a reasonable probability of occurrence. It is necessary to hypothesize a MCE to enable calculation of the magnitude of a worst case hazard.

(a) The hypothetical MCE for any given situation will be based upon the nature and characteristics of the agent involved, ammunition, container, configuration, and location.

(b) The number of ammunition items involved, the quantity of agent released, and the percentage of agent disseminated shall be assumed, based upon available test data or, in the absence of data, the best technical judgment available.

(c) In the instance of a bulk container or an ammunition item without explosives components, the MCE will be developed from the hypothesis of a leak or rupture resulting in a release of agent.

(d) In the instance of ammunition with explosive components, the MCE will be developed from the assumption of an explosion or detonation of one of the most disruptive explosive components which would produce the worst results regarding release of agent; the propagation characteristics of the ammunition will be considered in developing the overall MCE.

(e) The amount of agent released and the nature of release (evaporation or aerosolization) as a result of MCE will then be used to make the hazard-zone calculations required by this standard.

##### § 251.3 Hazard zone calculations.

(a) Because of the diversity of items which may be present at an installation, and the wide variation in hazard associated with MCEs involving different items, it is necessary that calculations be made for each item individually.

(b) Considerations of hazard zones for chemical items at each installation shall include: agents present, their amounts, and storage or handling configurations; the normal types of operations and handling to which they are subjected; and the MCE that may result directly from such operations.

(1) The chemical agent source strength which would result from the MCE that could occur in the usual storage and handling configuration or during other specialized operations shall be calculated for each chemical item. Such MCE shall be evaluated and the worst case hazard-source strength shall be selected, based on the type and quantity of agent released and type of release; e.g., by aerosolization or evaporation.

(2) These hazardous sources shall become the basis of subsequent hazard-distance calculations performed in accordance with the methodology described in DDESB Technical Paper Number 10.

(c) In performing hazard calculations, prime consideration shall be given to: type of agent, source strength and geometry, and time of day that the agent release occurs.

(1) Distances will be calculated to show whether or not the hazards from the chemical agents exceed the safety zones required to protect against the explosive hazards if both are present.

(2) The hazard distances shall then be displayed as the radius of a circle drawn on a map of the installation and its environs if the distance extends beyond the installation boundaries. The indicated worst case distance to the contour line

at which the following values would exist:

Agent:	mg-min/m <sup>3</sup>
GB	10.0
VX	4.3
HD	150.0

shall be used as public access exclusion distance for Class 6, Division 1 chemical agents.

##### § 251.4 Public access exclusion distance.

This distance requires consideration not only of blast or fragment hazard from Class 1 items, but also of the effect of release of agent because of the agent's persistency, volatility, toxicity, nature of release (aerosolization or evaporation), or other special features.

(a) Inhabited building quantity-distance standards for chemical agents in Class 1 or Class 6 items cannot be conveniently stated in the manner prescribed for other Class 1 items.

(b) Based on meteorological, topographical and other local conditions, a downwind-hazard zone in which certain effects may be expected shall be calculated for accidental agent release from the potential source of agent.

(c) The downwind-hazard zone shall be calculated as indicated in § 251.3.

(d) For protection analogous to the inhabited-building distance for explosives, the hazard zone calculated from the MCE shall represent that arc from the agent source containing no more than 10.0, 4.3, and 150.0 mg-min/m<sup>3</sup> of GB, VX, or HD respectively.

(e) Positive means shall be taken to assure that no persons, not directly associated with chemical weapons operations, enter areas so defined.

(f) In the event this calculation results in a lesser distance than that required by the associated blast or fragment hazard, the blast or fragment distance shall be applied as determined for Class 1, Divisions 1 through 4.

(g) Positive control of an area which can assure that all persons can be removed prior to exposure in the case of an MCE may be developed in lieu of absolute exclusion. Full details of such control must be presented to the DDESB for approval if proposed to be used in lieu of exclusion.

##### § 251.5 Intraline Distance.

Since the primary purpose of intraline distance is to prevent the propagation of explosions, there is no requirement for intraline separation of Class 6 items. The intraline distances for Class 1 ammunition containing both agents and explosive components shall be those specified for Class 1, Divisions 1 through 4, as if the chemical agents were not present.

##### § 251.6 Magazine Distance.

Since the primary purpose of magazine distance is to provide a high degree of protection against propagation of explosions (in the case of aboveground magazines), or to provide virtually complete protection against propagation of explosions (in the case of igloo magazines), there is no requirement for magazine separation of Class 6 items.

### PROPOSED RULES

(a) The magazine distance for Class 1 ammunition containing both agent and explosive components shall be that appropriate if chemical agent were not present, using the appropriate table for Hazard Class 1, Division 1 through 4.

(b) For chemical agents requiring differing decontamination procedures, the controlling DoD Component shall specify appropriate minimum-separation distances.

##### § 251.7 Exclusion.

This standard does not apply to situations where the immediate disposal or detoxification of chemical ammunition or agents is necessitated by an emergency when delay would clearly cause a greater danger to human life, or health.

##### § 251.8 Containment.

Safety criteria for containment of operations:

(a) Certain operations are inherently hazardous and appropriate containment of the various hazards involved is necessary for the protection of the employees performing such work, the protection of other employees at the installation who are not associated with such work, and the protection of the general public outside the installation.

(1) Personnel responsible for planning, designing, and accomplishing such operations must assure that adequate safety is provided by incorporating the appropriate types of hazard containment.

(2) The various circumstances and facilities that may be encountered at such operations prevent pre-definition of specific detailed containment specifications for each agent, each ammunition and each operation.

(3) Nevertheless, the general principles of hazard containment set forth below will be normally incorporated in operations such as manufacture, disassembly, demilitarization, and disposal.

(b) There are two types of containment: "total containment," and "vapor containment." Irrespective of which type of containment is provided, the containment structure or facility will be equipped with a means of entrapping or detoxifying the evaporated or aerosolized chemical agent by filters, scrubbers, incinerators, or other appropriate means. Total containment and vapor containment are described as follows:

(1) Total containment requires a facility designed and tested to be of sufficient capacity and strength to contain combustion or detonation gases, fragments, and agent from the largest explosion that could occur, based upon the propagation characteristics of the ammunition. Currently, there are two basic designs for such total containment.

(i) One design consists of a chamber capable of retaining all of the fragments and explosion effects; and preventing release of detectable quantities of agent.

(ii) The other design consists of a suppressive shield capable of retaining the fragments and sufficiently attenuating the blast forces while a plenum chamber (outer envelope surrounding the suppressive shield) retains the combustion

gases and prevents release of detectable quantities of agent.

(2) Vapor containment will consist of a facility designed to provide negative pressure, controlled air flow, and walled or multiple walled enclosures which will contain any detectable quantities of agent released. Designs for vapor containment are usually tailored to the operation involved.

(3) Containment is not required for operations associated with storage activities. Examples of such operations include shipping, storing, receiving, rewarehousing, minor maintenance, surveillance inspection, repair, and encapsulation.

(i) Emergency agent transfer in the event of agent leakage is also permitted without containment. These activities normally present an acceptable degree of safety except in the event of an agent leaker, and then the increased hazard is only to those operating personnel in proximity.

(ii) In the event of a leaker, measures such as personal protective clothing and equipment are mandatory to protect operating personnel during the application of decontamination procedures to neutralize the escaping agent, and to repair, encapsulate, or transfer agent from the leaking ammunition or container.

(4) The selection of the type of containment is dependent upon the nature of the operation involved.

(i) Total containment is required for those operations involving ammunition which contain explosive components as well as toxic agents, whenever the operation may subject the explosive components to a potential initiating stimulus.

(ii) Vapor containment is required for those operations involving toxic agents in bulk or in ammunition without explosives components; and for those operations involving ammunition containing both toxic agent and explosive components wherein the operation does not subject the explosive components to a potential initiating stimulus.

(iii) Examples of disassembly, demilitarization, and disposal operations which normally require total containment and those which require vapor containment are listed below. For situations not specifically listed, selection of the type of containment required will be in accordance with the above principles.

(a) Operations requiring total containment include:

(i) Machine tool operations; e.g., cutting, sawing, milling, drilling, punching, or shearing of ammunition if the operation requires the cutting tool to remove or displace metal before or after contact with the explosives.

(ii) Situations in which the ammunition arming and functioning environments can be duplicated by the sequence of operations and process machinery.

(iii) Disassembly of armed or possibly armed ammunition.

(iv) Disassembly of explosive components from ammunition where there is evidence of significant damage, exudation of explosives, corrosion, or deterioration; unless testing, analysis or evaluation

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ation by DDESE determines that total containment is not required.

(v) Disassembly of explosive components from ammunition where undue force is required to accomplish the disassembly; e.g., where tools used for disassembly must apply significantly greater leverage or torque than those which were used for the assembly.

(b) Operations requiring vapor containment are:

(i) Machine tool operations; e.g., punching, drilling, or sawing of ammunition to remove the agent provided the equipment is designed to prevent contact of its cutting tool with explosives.

(ii) Burstier well removal, after removal of explosive components.

(iii) Transfer of agent from bulk storage tanks, containers or ammunition into holding tanks, chemical detoxification reactors, incinerators, or similar processing equipment, such as may be found in a production, demilitarization or disposal line. This is not to be construed as requiring vapor containment for agent transfer during field operations involving leak repair activities.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives OASD (Comptrol-  
ler).

MAY 17, 1976.

[FR Doc. 76-14848 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

SAN CARLOS IRRIGATION PROJECT,  
ARIZ.

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors, by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.63 Assessment, Joint Works, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against the irrigable lands of the San Carlos Irrigation Project, Arizona, by increasing the total basic assessment from \$600,000 to \$1,185,000 per annum and the per acre assessment rate from \$6.00 to \$11.85 for each acre of land, the revised section would read as follows:

§ 221.63 Assessment, Joint Works.

(a) Pursuant to the Act of Congress approved June 7, 1924 (43 Stat. 476), and supplementary acts, the repayment contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior June 15, 1938 (§§ 221.69a-221.69m), the cost of the operation and

maintenance of the Joint Works of the San Carlos Indian Irrigation Project for the fiscal year 1978 is estimated to be \$1,185,000 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order, is hereby fixed at \$11.85 for each acre of land.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona, 85011, on or before June 11, 1976.

JOHN ARTICHOKE, JR.,  
Area Director.

[FR Doc. 76-14691 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

WHEAT

Proposed Revision of Standards; Correction

In FR Doc. 76-12079 appearing at page 17553 in the FEDERAL REGISTER of April 27, 1976, Item Number 4 in Column 3 of Page 17555 is corrected to read—"Clarify the definition for 'damaged kernels' by including the term 'insect-bored'—to identify insect-bored kernels which are, and always have been, considered damaged kernels."

Dated: May 17, 1976.

DONALD E. WILKINSON,  
Administrator.

[FR Doc. 76-14838 Filed 5-19-76; 8:45 am]

[7 CFR Part 1099]

[Docket No. AO-183-A34]

MILK IN PADUCAH, KENTUCKY,  
MARKETING AREA

Hearing on Proposed Amendment to  
Tentative Marketing Agreement and Order  
Correction

In FR Doc. 76-9994 appearing at page 14768 in the FEDERAL REGISTER of Wednesday, April 7, 1976, the final paragraph immediately preceding the signature on page 14769 should read:

"Signed at Washington, D.C., on April 2, 1976".

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

[Docket No. 76P-0129]

INDIVIDUALLY WRAPPED PIECES OF  
CONFECTIONERY

Proposed Exemption From Required Label  
Statements; Withdrawal of Proposal, De-  
nial of Petition, and Termination of Rule  
Making Proceeding

The Food and Drug Administration  
(FDA) is withdrawing the proposal con-

cerning an exemption from labeling requirements for individually wrapped candies of 2 ounces or less net weight (published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11731)), denying the petition on which the proposal was based, and terminating the rule making proceeding in that matter.

The proposed amendment, if adopted, would have revised § 1.1c(a)(4) (21 CFR 1.1c(a)(4)) by deleting the words "penny candy and other" and by exempting individually wrapped pieces of confectionery of not more than 2 ounces net weight from the net quantity of contents declaration required by § 1.8b (21 CFR 1.8b). The proposal was published in response to a petition submitted by the National Confectioners Association (NCA), Washington, DC 20036.

One thousand thirty-nine comments were received in response to the proposal: 1,002 from consumers (one comment included letters from a class of 40 students), 18 from government agencies (Federal, State, and local), 6 from consumer organizations, 6 from the industry, 4 from trade associations, 2 from universities, and 1 from a Congressman. Only 13 of these comments favored the proposal. A summary of the comments and the Commissioner of Food and Drug responses follow:

1. Many comments disagreed with the petitioner's economic arguments. One comment included a cost analysis which showed the potential savings to be a maximum of \$59 million, not the \$106 million claimed by the petitioner. Other comments pointed out that there would be no legally enforceable way to make manufacturers pass on savings to the consumer. Some comments stated that many consumers are willing to pay for the minimal extra cost of net weight labeling on individual packages. Other comments disagreed with the petitioner's argument alleging marketing difficulties due to "odd-cents pricing"; the comments pointed out that candy bar prices of 12, 13, 17, and 18 cents are common in New York City. A few of these comments stated that if manufacturers changed their prices to reflect changes in their costs, the need to discard candy bar wrappers outdated from continual fluctuations of net weight would be eliminated.

The Commissioner agrees that the maximum potential savings may be less than the petitioner estimated. The Commissioner recognizes that when manufacturers are granted relief from requirements with the anticipation that savings will be passed on to the consumer, some manufacturers may not pass on all of the savings to the consumer since there is no legal requirement that this be done. The Commissioner also notes the existence of "odd-cents pricing" in New York City and the potential for the confectionery industry to reflect cost changes in price. Having reviewed the many comments received, the Commissioner has concluded that the desire of many consumers for net weight labeling on the individual packages of candy bars outweighs any potential benefits of cost savings that would result from the proposed exemption regulation.

2. Citing what were considered to be deceptive and misleading news reports on the proposal, the petitioner submitted a comment contending that due to such reports some persons based their opposition to the proposal on inaccurate, deceptive, and untruthful information. The petitioner requested that FDA "... consider only those comments which make it clear that the individual submitting the comment clearly and fairly understands the proposal ..."

The Commissioner has reviewed the newspaper articles and editorials submitted by the petitioner. He notes that almost all the articles failed to explain the proposed alternate quantity of contents labeling on boxes or counter cards. The Commissioner therefore agrees that the failure of these articles to explain the proposed alternate labeling is a significant omission of fact that may have unfairly prejudiced some comments on the proposal. The Commissioner has considered all the comments on the proposal, and each comment has been evaluated according to its merits. The Commissioner's decision has not been influenced by those comments that reflect a misunderstanding of the proposal.

3. Some comments favored the proposal, stating that the consumer does not need net weight information or does not care about net weight on candy bar labels. Other comments stated that children do not look at net weight declarations.

The Commissioner notes that substantial numbers of the comments in opposition to the proposal, many of which were from children, did express concern that proper value comparisons would not be possible if the net weight does not appear on candy labels.

4. A few comments objected to the proposal by stating that there are other solutions for the confectionery industry's labeling problems. Some comments suggested that labels be printed with the portion of the label that contains the net weight declaration left blank; as needed, the net weight labels could be machine-stamped quickly and inexpensively. Other comments suggested that outdated wrappers be reconditioned with adhesive net weight labels. Several comments contended that the confectionery industry could reduce its losses if fewer wrappers were ordered at one time and if the orders were scheduled more properly.

The Commissioner agrees that some of these alternatives are available to manufacturers and would permit accurate net weight labeling on candy without causing excessive waste or costs.

5. A few comments suggested that the proposed exemption be granted on a temporary basis.

The Commissioner disagrees with this suggestion since the consumer's desire for net weight information would not be satisfied during such a temporary exemption.

6. Some comments opposed to the proposal pointed out that any special treatment or subsidy given to this industry would set a bad precedent that would

enable other food industries to be considered for similar treatment.

The Commissioner does not intend to give special treatment to any industry. In deciding whether petitions warrant publication as proposals, the Commissioner evaluates the petition on the basis of merit and the petitioner's supporting grounds. In ruling on proposals, the Commissioner again considers these factors along with the comments received.

7. Some comments pointed out that candy bar fillings can be inflated with air or deceptively shaped. One comment suggested that the ½ ounce exemption for confectionery should be reduced. Another favored the proposal on condition that all candy bars weigh exactly 1 ounce.

The Commissioner advises that the proposal was not intended to affect the apparent size of candy bars, the amount of air that a manufacturer could include in candy fillings, or the deception resulting from candy bar shapes. Where such factors result in deception, the provisions of the Federal Food, Drug, and Cosmetic Act regarding deception will apply. A reduction in the size of confectionery under the exemption was not within the scope of the proposal. Congress has given FDA no statutory authority to require that all candy bars weigh exactly 1 ounce.

8. Many comments considered counter card and box labeling impractical or ineffective for candy bars. Some mentioned retail practices such as putting new stock on top of old stock, displaying boxes together on the shelves. Other comments pointed out that the proposed exemption would limit merchandising methods and would be an unfair burden on the retailer.

The Commissioner notes that consumer deception could result, given existing retail practices, if only counter card or box labeling were required for candy bars. The Commissioner also notes that a counter card or box labeling exemption for candy bars would limit merchandising methods and might well result in an unfair burden on retailers.

9. A few comments advised that the proposed exemption would place an unfair burden on vending machine operators.

The Commissioner notes that one candy-vending machine may be used to dispense many different bars during a given period of time. This fact, coupled with the frequent weight changes of candy bars, might well result in even the most conscientious vending machine operator failing to keep net weight display cards accurate and in place.

10. Some comments stated that many enforcement problems would occur with the proposed exemption. One comment stated that the lack of enforcement activity by FDA for minor labeling violations indicates that FDA would not be apt to enforce the regulation. Some comments stated that FDA does not have enough inspectors to ensure adequate enforcement of such labeling requirements

at the retail level. Recognizing the enforcement problems of FDA, the petitioner suggested that all reference to counter card display of quantity of contents labeling be deleted from the exemption. The petitioner stated that "even with the manufacturer providing with each shipment the necessary counter cards, they might not, in some instances, be properly and prominently displayed." The petitioner stated that no such problem would occur if confectionary items weighing 2 ounces or less are offered for retail sale in a container with the net weight prominently displayed on the container.

The Commissioner acknowledges that FDA does not have the resources to ensure total compliance of net weight display, as proposed, at the retail level. The Commissioner concludes that although enforcement of the proposed regulation might be simplified by deletion of the provision for counter cards, the unavailability of net weight declarations on individual wrappers would not be adequately compensated by net weight declarations on display containers only.

11. A few comments pointed out that State or local officials would have difficulties evaluating consumer complaints for short weight because, due to frequent candy weight changes, they might not be able to coordinate the complainant's product with the appropriate alternate labeling on the retailer's counter card or box.

The Commissioner agrees that State and local officials might encounter enforcement difficulties due to frequent weight changes of candy bars.

12. Many comments stated that the proposal would cause more consumer confusion and accidental or willful deception. Some comments stated that in many cases the absence of net weight on individual candy bars would make it necessary for the consumer to remember or record weights from the counter card or box labeling to make value comparisons or for later use. Some claimed it would be difficult to teach children to make value comparisons since the parents would not see the net weight declaration. Other comments suggested that it would be unsafe for insulin-dependent diabetics or people on low carbohydrate or calorie-restricted diets.

The Commissioner is persuaded by these comments that many consumers do place significant value on net weight information on candy bars and that the proposed regulation would result in practices that consumers do not consider to be in their best interest. The Commissioner agrees that the potential for consumer deception outweighs any potential savings to the consumer and concludes that the regulation (§ 1.1c) should not be amended to increase the weight exemption for confectionery to 2 ounces.

13. A few comments supported deletion of the term "penny candy" for clarification purposes.

The Commissioner advises that the word "penny" does not refer to the intended retail price but rather to a class



of confectionery having nominal value and weighing less than ½ ounce. This class of confectionery is subject to retailing practices differing substantially from those for other classes of confectionery, particularly candy bars, which were of concern in many of the comments submitted in response to the proposal. Since the Commissioner is of the opinion that the concept of the "penny candy" class of confectionery should not be removed from the regulation, the proposed deletion of the words "penny candy" and "other" is withdrawn.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 403, 701 (a), 52 Stat. 1047-1048 as amended, 1055 (21 U.S.C. 343, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner hereby denies the National Confectioners Association's petition, withdraws the proposed amendment to § 1.1c(a)(4) (21 CFR 1.1c(a)(4)) published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11731), and terminates the rule making proceeding initiated by that proposal.

Dated: May 13, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 76-14655 Filed 5-19-76; 8:45 am]

#### [21 CFR Part 19]

[Docket No. 76P-0128]

#### CHEESE, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS AND RELATED FOODS

##### Italian Cheeses; Optional Use of Safe and Suitable Antimicrobials and Label Declaration of Optional Ingredients

The Food and Drug Administration proposes to amend the standards of identity for certain varieties of Italian cheeses to permit the addition of safe and suitable antimicrobial agents during the manufacturing process, and to require a label declaration of all optional ingredients. The proposal affects the standards of identity for the following cheeses: provolone, caciocavallo siciliano, mozzarella, and low moisture mozzarella cheeses, and by cross-reference, part-skim mozzarella and low moisture part-skim mozzarella. Interested persons have until July 19, 1976, to comment.

The National Cheese Institute, Inc., 110 North Franklin St., Chicago, IL 60606, has filed a petition proposing that the standards of identity for provolone, caciocavallo siciliano, mozzarella, and low moisture mozzarella cheeses be amended to provide for the optional addition of safe and suitable antimicrobials to the cheeses during the manufacturing process. The petition and supporting documents are on file in the office of the Hearing Clerk, Food and Drug Administration. The grounds given by the petitioner in support of the proposed amendments are that (1) mold growth on the cheese while in the package, represents an economic loss and a potential health hazard to the consumer, and (2) the addition of appropriate anti-

microbials during the manufacturing process will greatly reduce the possibility of mold growth on the surface of packaged cheese.

A supporting research study involving a series of experiments in which shredded, sliced, and diced low moisture part-skim mozzarella cheese with potassium sorbate added to the curd were tested indicates that addition of the antimicrobial during the manufacturing process has a beneficial effect on the keeping quality of packaged cheeses. Each style of cheese was packaged in different quantities in polyethylene, and incubated at 40° F and 50° F under varying circumstances. All packages were visually examined for fungal growth at weekly intervals and some packages were examined periodically for flavor changes. The results of the experiments indicate that potassium sorbate used in concentrations up to half the current limit of 0.3 percent by weight is effective in assuring at least a 2-week shelf life at 40° F in an unopened package, when combined with effective packaging, sanitary procedures, and good manufacturing practice. As the concentration of the sorbate increases, the length of the fungus-free shelf life would be increased. However, either poor manufacturing practices or storage temperatures of 50° F or above will have an adverse effect on shelf life.

The Commissioner believes that the petition and the supporting research study establish reasonable grounds to publish the proposed amendment.

The type of cheeses included in this proposal are pasta filata (pulled curd) type cheeses. The manufacturing procedure (make process) for these types of cheeses is similar to that for other natural cheeses (e.g., 21 CFR 19.500(b)) up to the matting and cutting of the curd. At this point, the curd of pasta filata cheeses is immersed in hot water, steam, or hot whey and kneaded and stretched until it is smooth and free from lumps, after which it is cut or molded into shapes of varying size. This pulling and stretching action, which is unique to pasta filata cheeses, facilitates the use and even distribution of an antimicrobial agent in the cheese curd.

At present, specific antimicrobial agents are allowed in a maximum amount of 0.3 percent by weight on the surfaces of cuts and slices of provolone (21 CFR 19.590), caciocavallo siciliano (21 CFR 19.591), and low moisture mozzarella (21 CFR 19.605) cheese in consumer-sized packages. The antimicrobial agents are usually applied to the cheese either as a coating on the interior of the wrapper or by dipping or spraying the cheese. The standard of identity for mozzarella cheese (21 CFR 19.600) does not provide for the optional use of antimicrobial agents.

The cheeses included in the proposal are most often sold in cut, sliced, shredded, and diced forms. These smaller cuts have a proportionately larger surface area exposed to air, and thus provide favorable conditions for fungal, especially mold, growth. Furthermore, it is not possible or practical to eliminate microorganisms from the packaging en-

vironment, in spite of the sanitary and good manufacturing precautions taken. An antimicrobial agent, such as sorbic acid, functions to suppress the growth of small numbers of unavoidable microorganisms, but, used in a safe and suitable amount, is incapable of controlling the large number of microorganisms indicative of bad manufacturing practices.

The Commissioner of Food and Drugs is proposing to amend the standards to permit the use of any safe and suitable antimicrobial agent and to delete the provisions that limit the specific agents and amounts that may be used. The existing restrictions are unnecessary to assure the safety of the food, because the ingredients can only be used if they are "safe and suitable" as defined in § 1.10 (21 CFR 1.10).

To further the policy set forth in § 3.88 (21 CFR 3.88), the Commissioner, on his initiative, proposes to amend the standards of identity for these four cheeses to require ingredient labeling of optional ingredients in accordance with Part 1 (21 CFR Part 1). All ingredients in these cheeses, with the exception of salt in provolone (21 CFR 19.590) and caciocavallo siciliano (21 CFR 19.591), are optional, i.e., while cheese must contain milk, the manufacturer has the option of choosing the type of milk or milk ingredient he prefers, such as whole milk, whole milk and skim milk combined, etc. The Commissioner advises that benzoyl peroxide used to bleach milk from which cheese is made is an optional ingredient and must be declared in the ingredient statement of the cheese either as "benzoyl peroxide" or "milk bleached with benzoyl peroxide."

As set forth in § 3.88, the Commissioner has determined that "There is significant consumer interest that the labels of standardized foods bear complete information of the ingredients contained in the food" and accordingly, "The Food and Drug Administration intends to amend the definitions and standards of identity of food by setting into motion as rapidly as possible the provisions of section 401 of the act to require label declaration of all optional ingredients with the exception of optional spices, flavoring, and colorings which may continue to be designated as such without specific ingredient declaration." Section 403(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(k)) specifically exempts cheese from any label declaration of optional artificial coloring. Salt, a mandatory ingredient in two of the cheeses, provolone and caciocavallo siciliano, is also exempt from the requirement that ingredients be declared in the ingredient statement. However, to promote honesty and fair dealing in the interest of consumers, the Commissioner urges that manufacturers declare the presence of these ingredients.

The Commissioner proposes that, except as to any provisions that may be stayed by the filing of proper objections, all products initially introduced into interstate commerce on or after January 1, 1978 shall comply with the final regulation.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 6.1(d)(4) (21 CFR 6.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment. The Commissioner has also considered the inflation impact of this proposed regulation and has found that the proposal, if adopted, would not cause a major inflation impact as defined in Executive Order 11821, OMB Circular A-107, and Guidelines issued by the Department of Health, Education, and Welfare. Copies of the FDA inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 19 be amended in §§ 19.590, 19.591, 19.600, and 19.605 as follows:

1. In § 19.590 by revising paragraphs (d) and (e) and by adding new paragraph (f) to read as follows:

§ 19.590 Provolone cheese, pasta filata cheese; identity; label statement of optional ingredients.

(d) Safe and suitable antimicrobial agent(s) may be added to the cheese during the make process or applied to the surface of cut, sliced, diced and/or shredded forms.

(e) The name "provolone cheese" ("pasta filata cheese") may include the common name of the shape of the cheese, such as "salami provolone." If provolone cheese is not smoked, the name includes the words "not smoked." If a clear aqueous solution prepared by condensing or precipitating wood smoke in water is added to the provolone cheese, the name is immediately followed by the words "with added smoke flavoring" with all words in this phrase of the same type size, style, and color without intervening written, printed, or graphic matter.

(f) Label declaration of optional ingredients: Each of the optional ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

2. In § 19.591 by revising paragraphs (d) and (e) and by adding new paragraph (f) to read as follows:

§ 19.591 Caciocavallo siciliano cheese; identity; label statement of optional ingredients.

(d) Safe and suitable antimicrobial agent(s) may be added to the cheese

during the make process or applied to the surface of cut, sliced, diced, and/or shredded forms.

(e) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese." When made from sheep's milk or goat's milk or mixtures of these, or one or both of these with cow's milk, the name is followed by the words "made from \_\_\_\_\_," the blank being filled in with the name or names of the milks used, in order of predominance by weight.

(f) Label declaration of optional ingredients: Each of the optional ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

3. In § 19.600 by adding "label statement of ingredients" to the section heading and by adding new paragraphs (d), (e), and (f) to read as follows:

§ 19.600 Mozzarella cheese, scamorza cheese; identity; label statement of ingredients.

(d) Safe and suitable antimicrobial agent(s) may be added to the cheese during the make process or applied to the surface of cut, sliced, diced, and/or shredded forms.

(e) Nomenclature: The name of the food is "mozzarella cheese" or alternatively "scamorza cheese".

(f) Label declaration of ingredients: Each of the ingredients used in the food shall be declared on the label as required by applicable sections of Part 1 of this chapter.

4. In § 19.605 by deleting "optional" from the section heading, revising paragraphs (d) and (e), and adding new paragraph (f) to read as follows:

§ 19.605 Low moisture mozzarella cheese, low moisture scamorza cheese; identity; label statement of ingredients.

(d) Safe and suitable antimicrobial agent(s) may be added to the cheese during the make process or applied to the surface of cut, sliced, diced, and/or shredded forms.

(e) Nomenclature: The name of the food is "low moisture mozzarella cheese" or alternatively, "low moisture scamorza cheese".

(f) Label declaration of ingredients: Each of the ingredients used in the food shall be declared on the label as required by applicable sections of Part 1 of this chapter.

Interested persons may, on or before July 19, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in

brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: May 11, 1976.

HOWARD R. ROBERTS,  
Acting Director,  
Bureau of Foods.

[FR Doc. 76-14656 Filed 5-19-76; 8:45 am]

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1129]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Fairhope, Alabama

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Fairhope, Alabama.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Fairhope must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Fairhope, Alabama 36532.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James P. Nix, P.O. Drawer 429, Fairhope, Alabama 36532. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Big Mouth Gully.....	U.S. 98.....	37	50	100
	Bancroft St.....	47	150	120
	Fairhope Ave.....	83	40	40
Cowpen Creek.....	Middle St.....	113	100	140
Tributary to Cowpen Creek.....	Fairhope Ave.....	114	180	130
Tributary to Fly Creek.....	Alabama 104.....	84	50	60
Stack Gully.....	Mobile Ave.....	21	50	40
Tatumville Gully.....	do.....	22	50	(C)
	Dirt road.....	47	50	(U)
	Section St.....	55	100	(C)
	Middle Ave.....	76	90	150
	Nichols Ave.....	92	100	100
Unnamed creek.....	U.S. 98.....	34	190	70
	Bonsacour Ave.....	54	70	80
	Myrtle Ave.....	72	50	80

<sup>1</sup> To corporate limits.  
(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.  
HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14504 Filed 5-19-76;8:45 am]

[ 24 CFR Part 1917 ]  
[Docket No. FI-1128]  
**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**  
**Proposed Flood Elevation Determinations  
for the City of Fort Walton Beach, Florida**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Fort Walton Beach, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the City of Fort Walton Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Fort Walton Beach, Florida 32548.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor H. Gene Smith, P.O. Box 1449, Fort Walton Beach, Florida 32548. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Santa Rosa Sound.....	Robinwood Dr.....	7	Street section between points 460 ft and 900 ft south of intersection with Hollywood Blvd.
Choctawhatchee Bay..	Ferry Rd.....	8	Street section between points 450 ft west and 280 ft east of the intersection with Hughes St., respectively.
	Bay Dr.....	8	Entire street south of the point 80 ft north of the intersection with Brooks St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.  
HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14505 Filed 5-19-76;8:45 am]

[ 24 CFR Part 1917 ]  
[Docket No. FI-1127]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**  
**Proposed Flood Elevation Determinations  
for the City of Jacksonville Beach, Florida**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 84 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Jacksonville Beach.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Jacksonville

Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 11 North Third Street, Jacksonville Beach, Florida 32250.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Guy R. Craig, City Hall, 11 North Third Street, Jacksonville Beach, Florida 32250. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width (approximate width in feet of the boundary of the 100-yr flood)
Atlantic Ocean.....	25th Ave. South.....	9	From State Road 203 to 1st St.
	16th Ave. South.....	9	From 510 ft west of State Road 203 to 520 ft east of State Road 203.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.  
[FR Doc.76-14506 Filed 5-19-76;8:45 am]

[ 24 CFR Part 1917 ]  
[Docket No. FI-1126]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**  
**Proposed Flood Elevation Determinations  
for the City of Lynn Haven, Florida**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Lynn Haven, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood

plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 825 Ohio Avenue, Lynn Haven, Florida 32444.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Montel Johnson, City Hall, 825 Ohio Avenue, Lynn Haven, Florida 32444. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

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## PROPOSED RULES

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
St. Andrew Bay.....	Vermont Ave.....	8	Entire street north of the point 80 ft north of the intersection with 18th St.
	8th St.....	8	Entire street west of the intersection with Virginia Ave.
	Minnesota Ave.....	8	Entire street north of the point 430 ft north of the intersection with 4th St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14507 Filed 5-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1125]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Panama City, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Panama City, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Panama City, Florida 32401.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor M. B. Miller, P.O. Box 1880, Panama City, Florida 32401. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
North Bay.....	Tuscan Rd.....	9	Entire road west of the point 80 ft west of intersection with Napoli Rd.
	Brown Ave.....	9	Entire street between 22d St. and Atlanta and St. Andrew's Bay R.R.
Watson Bayou.....	11th St.....	8	Entire street between points 630 ft east of Bonita Ave. intersection and 200 ft west of Harris Ave. intersection.
	Tyndall Dr.....	9	Entire street between 3d St. and Circle Dr.
St. Andrew Bay.....	12th St.....	9	Entire street west from the point 270 ft west of intersection with Chestnut Ave.
	Florida Ave.....	8	Entire street south of the point 600 ft south of the intersection with 9th St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14508 Filed 5-19-76; 8:45 am]

## PROPOSED RULES

[24 CFR Part 1917]

[Docket No. FI-1124]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Panama City Beach, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Panama City Beach, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Panama City

Beach must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 110 South Highway 79, Panama City Beach, Florida 32401.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Dan Russell, City Hall, 110 S. Highway 79, Panama City Beach, Florida 32401. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Gulf of Mexico.....	34 St.....	10	Entire street seaward of the point 150 ft south of junction with U.S. 98.
	Lake View Dr.....	10	Entire street north 100 ft from junction with U.S. 98.
	Georgia Ave.....	10	Entire street seaward of the point 130 ft south of junction with U.S. 98.
Grand Lagoon.....	State Highway 392.....	8	Highway section 950 ft north of junction with 2d St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14509 Filed 5-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1122]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the Town of St. Francisville, Louisiana

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of St. Francisville, Louisiana.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the Town of St. Francisville must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, St. Francisville, Louisiana 70775.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Marie Wenger, Town Hall, St. Francisville, Louisiana 70775. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

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## PROPOSED RULES

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Gaspers Creek	Commerce St.	82	200	270
	U.S. Highway 61	114	150	135
	State Highway 10	114	140	210
Alexander Creek	U.S. Highway 61	87	840	(1)
	State Highway 10	92	570	(1)

<sup>1</sup> Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD E. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14510 Filed 5-19-76;8:45 am]

## [24 CFR Part 1917]

[Docket No. FI-1121]

# APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Coon Rapids, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Coon Rapids, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the City of Coon Rapids must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 1313 Coon Rapids Boulevard, Coon Rapids, Minnesota 55433.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify, Mayor George White, City Hall, 1313 Coon Rapids Boulevard, Coon Rapids, Minnesota 55433. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Pleasure Creek	East River Rd.	865	50	100
	Evergreen Blvd.	873	275	550
	Coon Rapids Blvd.	885	260	375
	U.S. Highway 10 and Mn. Highway 47	897	475	340
	University Ave.	897	190	975
Coon Creek	U.S. Highway 10 and Mn. Highway 47 (upstream side)	851	400	100
	Egret St. (downstream side)	810	250	15
	Hanson Blvd.	837	25	125
Sand Creek	Mn. Highway 242	834	0	425
	131st Ave. (upstream side)	861	225	350
	Neon St.	861	75	25
	Burlington Northern R.R.	875	325	1225
Epiphany Creek	Olive Street	877	100	250
	111th Ave. (downstream side)	855	75	175
Riverside Creek	Mississippi River Blvd.	845	425	300
	105th Ave.	850	175	225
	Direct River Dr.	853	350	0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14511 Filed 5-19-76;8:45 am]

## PROPOSED RULES

## [24 CFR Part 1917]

[Docket No. FI-1120]

# APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Granite Falls, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Granite Falls, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Granite Falls

must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 885 Prentice Street, Granite Falls, Minnesota 56241.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Barbara Carlson, City Hall, 885 Prentice Street, Granite Falls, Minnesota. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Minnesota River	Burlington R.R.	915	175	270
	Washington St. (extended)	897	50	60
Overflow Channel	13th St.	800	(1)	150
	9th St.	859	330 from corporate limits.	

<sup>1</sup> To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14512 Filed 5-19-76;8:45 am]

## [24 CFR Part 1917]

[Docket No. FI-1119]

# APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of St. Cloud, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of St. Cloud, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of St. Cloud must

adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 314 St. Germaine Street, St. Cloud, Minnesota 56301.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Alcuin Loeher, City Hall, 314 St. Germaine Street, St. Cloud, Minnesota 56301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:



Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mississippi River	10th Street Bridge	989	60	70
	Highway 52 Bridge	990	50	50
	Burlington Northern Bridge	991	40	60
Sank	County Rd. No. 4 Bridge	1,041	100	(1)
	Burlington Northern Bridge	1,044	100	(1)

<sup>1</sup> Outside corporate limits.  
(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14513 Filed 5-19-76; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-11118]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**  
**Proposed Flood Elevation Determinations**  
**for the City of Cassville, Missouri**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Cassville, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Cassville,

Missouri must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 707 Townsend Street, Cassville, Missouri 65625.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor J. W. Le Compte, City Hall, 707 Townsend Street, Cassville, Missouri. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Flat Creek	Highway 284	1310	240	660
	7th St.	1308	500	380
	13th St.	1304	560	280
Town Branch	County House Rd.	1326	340	500
	Townsend Ave.	1317	240	680
	Main St.	1315	420	720
Hawk Branch	11th St.	1383	(1)	490
Unnamed tributary No. 1.	Presley Dr.	1328	940	320
	Highway 284	1310	2090	1320

<sup>1</sup> Outside corporate limits.  
(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14514 Filed 5-19-76; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-11117]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**  
**Proposed Flood Elevation Determinations**  
**for the City of St. Charles, Missouri**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of St. Charles.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of St. Charles

must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 101 South Main Street, St. Charles, Missouri 63301.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Frank Brockgreitens, 101 S. Main St., St. Charles, Missouri, 63301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Missouri River	1-70	457		1370
	Highway 115	454		330
	Norfolk & Western RR	453		2540
Boonslick Creek	Cunningham Ave.	535	280	80
	Nathan St.	507	100	110
	Rosebrae Dr.	490	70	90
Boschert Creek	South 2d St.	463	120	200
	Elm St.	512	60	210
	West Adams St.	504	60	100
Cole Creek	Park Ave.	501	120	80
	Hawthorn Ave.	496	200	60
	Duchene Dr.	465	210	480
East Branch, Cole Creek	Elmwood Dr.	465	240	140
	Courcoria Lane	466	80	130
	Elmhurst Dr.	479	120	50
San Juan Creek	Droste Rd.	473	180	140
	Runnymede Dr.	490	260	200
	Elm Point Rd.	453	490	1720
Sandfort Creek	Canary Lane	482	20	70
	Hunter Ridge Rd.	173	50	150
	Briarcliff Dr.	463	180	180
San Juan Creek	Ehlman Rd.	449	140	40
	Dennis Dr.	508	60	140
	Sharon Dr.	501	100	100
Rio Vista Dr.	Valley Rd.	489	0	120
	South 5th St.	474	180	460
Rio Vista Dr.		474	80	50

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14515 Filed 5-19-76; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-11116]

**APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW**  
**Proposed Flood Elevation Determinations**  
**for the City of Times Beach, Missouri**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Times Beach, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Times Beach must adopt flood plain management measures

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## PROPOSED RULES

that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Map and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Beach and Grove Streets, Eureka, Missouri 63025.

Any person having knowledge, information, or wishing to make a comment

on these determinations should immediately notify Mayor Charles Doorack, P.O. Box 144, Eureka, Missouri 63025. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the *FEDERAL REGISTER* (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Meramec River	Park Dr.	445	Shoreline to corporate limit.
	Dalhousie Dr.	445	Do.
	Lincoln Dr.	445	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14516 Filed 5-19-76;8:45 am]

## [ 24 CFR Part 1917 ]

[Docket No. FI-1115]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determinations for the Borough of Haddonfield, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Haddonfield, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Haddonfield must adopt flood plain management

measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailing outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 242 Kings Highway East, Haddonfield, New Jersey 08033.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William W. Reynolds, Jr., 242 Kings Highway East, Haddonfield, New Jersey 08033. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the *FEDERAL REGISTER* (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Cooper River	Evans Mills Rd.	29	Right
	Elms St.	21	Left

<sup>1</sup> Approximate distance from corporate limits to boundary.  
<sup>2</sup> Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14517 Filed 5-19-76;8:45 am]

## PROPOSED RULES

## [ 24 CFR Part 1917 ]

[Docket No. FI-1114]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determinations for the Borough of Oradell, New Jersey

The Federal Insurance Administrator in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Oradell, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Oradell must

adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 355 Kinderkamack Road, Oradell, New Jersey 07649.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Frederick E. Wendel, 355 Kinderkamack Road, Oradell, New Jersey 07649. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the *FEDERAL REGISTER*, (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Hackensack River	Oradell Ave.	15	Right
	Argyle St. (extended)	11	Left
	Birkshire St. (extended)	10	Left
Hackensack River bypass.	Elm St.	14	Right
	New Milford Ave.	13	Left
Van Saun Mill Brook	Oradell Ave.	83	Right
	Martin Ave.	76	Left
Van Saun Mill Brook tributary.	Midland Rd. (extended)	65	Left

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14518 Filed 5-19-76;8:45 am]

## [ 24 CFR Part 1917 ]

[Docket No. FI-1113]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determinations for the Township of Scotch Plains, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Scotch Plains, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the Township of Scotch Plains must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 430 Park Avenue, Scotch Plains, New Jersey 07076.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Noel Musial, 430 Park Avenue, Scotch Plains, New Jersey 07076. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the *FEDERAL REGISTER* (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Blue Brook	Sky Top Dr.	212		60
Green Brook	Union Ave.	161		110
	Park Ave.	159		160
Cedar Brook	Forest Ave.	148	120	190
	Hunter Ave.	139	95	( )
	Farley Ave.	133	615	( )
East Branch, Green Brook	Glenside Ave.	130	310	40
	Harding Rd.	129	0	235
	Union Ave.	120	185	180
Branch 22	Cooper St. upstream side of street	89	30	160
Tributary B	350 ft northeast of Railway Rd at river mile 0.38	115	45	129
Branch 22-11	Fennimore Dr.	118	15	80
Whining Brook	Linden Lane extended	51	1070	10
	Highway C extended	51	1100	20
Robinson's Branch	Lake Ave. 670 ft upstream	6	305	95
Railway River	60 ft downstream	55	110	590

## Incorporated Acts

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4123; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 23, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc 76-14519 Filed 5-19-76; 8:45 am]

## [24 CFR Part 1917]

[Docket No. FI-1112]

APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations  
for the Town of Emerald Isle, North Carolina

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Emerald Isle, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Emerald Isle

must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Route 1, Morehead City, North Carolina 28557.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Ronnie Watson, Town Hall, Route 1, Morehead City, North Carolina 28557. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER (August 18, 1976), whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean - Beque Inlet	Inlet Dr.	11	Entire street from point 80 ft north of Station St.	
	Inlet Dr.	10	From 80 ft north of Station St. to 60 ft north of Ring St.	
Beque Sound	Emerald Dr.	5	From B. Cameron Langston Bridge south 230 ft.	
	Old Ferry Rd.	7	From the former free ferry south 100 ft.	
	Cedar St.	7	Entire street north of point 80 ft north of junction with Sound Dr.	
	West Landing Dr.	7	Northernmost 70 ft from shoreline.	
	1st St.	7	Northernmost 67 ft from shore.	
Atlantic Ocean	Ocean Dr.	11	Entire street between 22d and 25th Sts.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

## PROPOSED RULES

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42 U.S.C. 4001-4123; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14520 Filed 5-19-76; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

## Federal Aviation Administration

## [14 CFR Part 39]

[Airworthiness Docket No. 76-SW-31]

## BELL MODEL 206L HELICOPTER

Airworthiness Directives; Notice of  
Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206L helicopters.

The proposed directive would require modification of the fuel system to relieve excessive fuel pressure encountered after normal engine shutdown. This pressure, due to thermal expansion of the fuel, has caused failure of the fuel system components and fuel leakage into the engine compartment. Subsequent flight with this condition existing would result in fuel leakage and possibly an engine area fire or loss of engine power due to inadequate fuel supply. Since this condition is likely to exist or develop in other helicopters of the same design, this proposed airworthiness directive would require modification of the fuel system in the Bell Model 206L helicopter to install a special fuel shutoff valve which incorporates a thermal expansion pressure relief feature.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before June 22, 1976, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel for examination by interested persons.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 206L helicopter, Serial Numbers 45006 through 45020, with fuel valve Part Number 206-063-840-1 installed, certificated in all categories.

Compliance required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

To prevent failure of fuel system components due to excessive pressure from thermal expansion of the fuel after engine shutdown, remove fuel shutoff valve P/N 206-063-840-1 and replace it with fuel shutoff valve P/N 206-063-840-3.

Bell Helicopter Textron Service Bulletin No. 206L-76-2 pertains to this subject and provides approved instructions for this replacement activity.

Issued in Fort Worth, Texas, on May 4, 1976.

HENRY L. NEWMANN,  
Director Southwest Region.

[FR Doc.76-14670 Filed 5-19-76; 8:45 am]

## [14 CFR Part 39]

[Docket No. 76-NE-18]

## PRATT &amp; WHITNEY JT9D MODEL ENGINES

Airworthiness Directive; Notice of  
Proposed Rulemaking

Amendment 39-2109 (40 FR 8544), AD 75-05-16, as amended by Amendment 39-2137 (40 FR 12773), requires a measurement of the No. 3 Compartment breather tube temperature on Pratt and Whitney Aircraft JT9D -3A, -7, -7H, -7A, -7AH, -7F and -20 turbofan engines. After issuing Amendment 39-2137, due to service experience, the agency determined that an engine successfully checked per the existing AD can experience a No. 3 bearing compartment fire prior to the next required breather temperature measurement.

Therefore, the agency is considering superseding Amendment 31-2109, as amended, with a new AD that would require a repetitive No. 3 bearing temperature measurement, with the intervals dependent on the temperature margin. In addition, the AD would require the replacement of the present steel breather elbow P/N 708237 with a magnesium elbow P/N 613265 to improve the capability of promptly detecting compartment fires.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, the New England Region, Attention: Regional Counsel, Airworthiness Rules Docket, 12 New England Executive Park, Burlington, Massachusetts 01803.

All communications received on or before June 21, 1976, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received.

All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Models JT9D, -3A, -7, -7H, -7A, -7F and -20 turbofan engines.

1. To prevent possible engine fires due to excessive No. 3 bearing compartment labyrinth seal clearances, accomplish the following:

A. Measure the breather air temperature in accordance with Pratt & Whitney Bulletin No. 4391, dated February 19, 1975, or later FAA approved revision, whenever any of the following major engine sections have been or are removed or replaced:

1. Intermediate case.
2. Rear compressor rotor and stator assembly.
3. Rear compressor drive turbine rotor assembly due to: a. Turbine blade root fracture, b. Multiple turbine blade airfoil fracture, c. Failure that causes release of any other rotating part.
4. Front compressor drive turbine rotor assembly due to loss of complete blade.
5. Turbine exhaust case due to loose or missing tallicone.
6. Diffuser case.

B. Compare the measured breather air temperature with the limit defined by Pratt & Whitney, Curve 4391, dated February 14, 1975, and accomplish the following:

1. If the measured breather air temperature is above the limit, remove the engine from service prior to further flight.
2. If the measured breather air temperature is below the limit, accomplish a repetitive temperature check in accordance with the following schedule, or 100 hours after the effective date of this revision, whichever is later:

Temperature margin:	Inspection interval (in hours)
Less than 5° C	100
5° C but less than 10° C	300
10° C but less than 15° C	500
15° C but less than 20° C	700
20° C or greater	1,000

C. If the breather temperature margin as described above remains within the same temperature category for three consecutive checks, the repetitive inspection requirement of paragraphs 1 b.2. may be discontinued until the next time a major engine section, described by paragraph A, is removed or replaced.

II. To improve the capability of promptly detecting compartment fires, replace main bearing breather tube steel elbow P/N 708237 with magnesium elbow P/N 613265 in accordance with Pratt & Whitney Service Bulletin 4560, dated March 9, 1976, or later FAA approved revision, no later than December 31, 1976.

Upon request of the operator, an equivalent method of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration.



tion Administration, New England Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a) (1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

This supersedes Amendment 39-2109 (40 FR 8544), AD 75-05-16, as amended by Amendment 39-2137 (40 FR 12773).

Issued in Burlington, Massachusetts, on May 11, 1976.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register June 19, 1967.

QUENTIN S. TAYLOR,  
Director, New England Region.

[FR Doc. 76-14609 Filed 5-19-76; 8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 76-GL-18]

#### ALTERATION OF TRANSITION AREA

**Proposed Change for Milwaukee, Wisconsin**  
The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Milwaukee, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before June 21, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal

Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Horlick-Racine Airport, Wisconsin.

The controlled airspace for the protection of Horlick-Racine procedures is contained in the description of the Milwaukee, Wisconsin transition area and will require a small change to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is amended to read:

#### MILWAUKEE, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within an 8-mile radius of the Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°49'00" W.); within an 8-mile radius of the Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); within a 6½-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius area to 7½ miles west of the airport.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Des Plaines, Illinois on April 27, 1976.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

[FR Doc. 76-14601 Filed 5-19-76; 8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 76-WE-13]

#### ALTERATION OF TRANSITION AREA

##### Proposed Change for Red Bluff, California

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Red Bluff, California Transition Area.

A new Standard Instrument Departure Procedure (SID) is being developed for the Redding Municipal Airport, Redding, California. Alteration of the transition area is necessary to provide controlled airspace for this procedure during the early phase of the climb.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 21, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any

data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public document will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action:<sup>1</sup>

In § 71.181 (41 F.R. 440) the description of the Red Bluff, California Transition Area is amended by inserting after the words "56 miles N. of the VORTAC," the following: " \* \* \* and that airspace NE AND E of Red Bluff within an arc of a 24-mile radius circle centered on the Red Bluff VORTAC, extending from the Red Bluff VORTAC 015° radial clockwise via the 24-mile arc to longitude 40°00'00" W."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on May 10, 1976.

LYNN L. HINK,  
Acting Director,  
Western Region.

[FR Doc. 14602 Filed 5-19-76; 8:45 am]

#### [14 CFR Part 73]

[Airspace Docket No. 76-GL-14]

#### ALTERATION OF RESTRICTED AREA

##### Proposed Relocation Across Lake Michigan

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would relocate Restricted Area R-6905A and R-6905B across Lake Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before June 21, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be

<sup>1</sup> Map filed as part of the original document.

#### National Highway Traffic Safety Administration

[23 CFR Part 1204]

[Docket 76-2; Notice 2]

#### HIGHWAY SAFETY PROGRAM STANDARDS

##### Notice of Public Meetings

This notice announces that the National Highway Traffic Safety Administration (NHTSA) will hold public meetings to discuss a proposed revision of the highway safety program standards issued under the Highway Safety Act of 1966.

The highway safety program standards were originally promulgated in 1967. After the addition of two standards in 1972, the total number of standards stands at 18, of which 14 are administered wholly by NHTSA, 3 by the Federal Highway Administration (FHWA), and 1 jointly by the two agencies. The standards are codified as Part 1204.4 of Title 23, Code of Federal Regulations.

By advance notice of January 22, 1976 (41 FR 3315), NHTSA proposed to revise the standards it administers. To encourage full participation in the rulemaking process by all interested persons, NHTSA proposed in the advance notice to hold at least four public meetings to discuss the proposed revision. Five meetings are hereby scheduled as follows:

Tuesday, June 15, 1976—Washington, D.C., Federal Aviation Administration Auditorium, 600 Independence Ave., S.W.

Tuesday, June 22, 1976—San Francisco, California, Room 13450, Federal Building, 450 Golden Gate Ave.

Thursday, June 24, 1976—Denver, Colorado, Post Office Auditorium, 1823 Stout Street.

Tuesday, June 29, 1976—Atlanta, Georgia, Room 401, Georgia Dept. of Transportation Bldg., No. 2, Capitol Square.

Thursday, July 1, 1976—Kansas City, Missouri, Room 140, New Federal Office Building, 601 E. 12th Street.

The meetings will be held from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:00 p.m.

The meetings will be informal in nature and will be conducted by a senior NHTSA official representing the Associate Administrator, Traffic Safety Programs (TSP).

All interested persons are invited to attend the meetings and to present oral or written comments concerning the proposed revision of the NHTSA standards. Persons making oral statements are encouraged to submit their comments in written form either at the meeting or by mail.

The sequence of speakers at each meeting will be based on the order of registration. Persons who wish an opportunity to speak are requested to register in advance of the meeting by notifying NHTSA of the meeting date and city, and the approximate length of their presentation. Requests for advance registration are to be mailed to Docket No. 76-2, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590 or by calling Mr. Len Tabor at

(202) 426-9581. Further general information may also be obtained by calling this number.

The standards affected by the proposed revision are designated as follows:

#### Standard No.

1. Periodic motor vehicle inspection.
2. Motor vehicle registration.
3. Motorcycle safety.
4. Driver education.
5. Driver licensing.
6. Codes and laws.
7. Traffic courts.
8. Alcohol in relation to highway safety.
9. Traffic records.
10. Emergency medical services.
11. Pedestrian safety (pedestrian-related aspects).
12. Police traffic services.
13. Debris hazard control and cleanup.
14. Pupli transportation safety.
15. Accident investigation and reporting.

Persons who do not have access to the Code of Federal Regulations may obtain copies of the standards by writing to:

Mr. Charles Livingston, Director, Office of Driver and Pedestrian Programs, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

The standards as currently written require the States to implement specific countermeasures, such as classified drivers' licenses, periodic motor vehicle inspection, and implied consent legislation. Since the standards were issued, experience and research have increased the agency's knowledge and insight into traffic crash countermeasures and performance specifications. Consequently, the revision process is designed to accomplish the following purposes:

1. Elimination of conflicts, inconsistencies and duplication among the standards.
2. Incorporation into the standards of new techniques and countermeasures developed through research and empirical testing.
3. Increasing the performance orientation of the standards and their pertinence to crash reduction.
4. Improving the evaluation of the standards' effectiveness.

To further improve the standards, NHTSA is considering a new conceptual format. As pointed out in the January 22 notice, it appears that some standards are too narrow to deal with the specific and localized problems which a State may experience, and that the requirement to implement them across the board may not be appropriate in every instance.

NHTSA realizes that States need flexibility in their programming efforts and that the nature and magnitude of highway safety problems and programs vary between and within the States. There are, however, generally applicable national requirements which can successfully be applied in all States and lead to a uniformity and consistency of direction and purpose.

To accommodate the desire of the States for maximum flexibility in establishing the elements of their highway safety program, while also satisfying the

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Congressional mandate for uniform standards, NHTSA is considering a new approach in revising the safety standards. The proposed standard format would be divided into two basic elements. The first element would consist of minimum performance requirements for all States, but would be considerably less comprehensive than previous highway safety program standards. The second element would consist of a second level of supplementary requirements. Each State would be required to enter into a highway safety program which includes second level activities based upon problems identified within that State. The specific activities carried out by a particular State would be determined cooperatively by the State and the NHTSA. In this way, a State could tailor a special program to most effectively meet the needs of highway safety in its own jurisdiction.

The concept of a bilevel standard is a new departure by the NHTSA, but is fully warranted by the growing sophistication of the States in analyzing and evaluating their highway safety problems and potential. Likewise, the role of the Federal Government as a resource upon whose expertise the States can draw rather than the architect of State and local programs is consistent with the concept of Federal State partnership and the principles of management by objectives.

(Pub. L. 89-564, 80 Stat. 731, 23 U.S.C. 401-406, as amended.)

Issued on: May 18, 1976.

FRED W. VETTER, Jr.,  
Associate Administrator  
for Traffic Safety.

[FR Doc 76-14887 Filed 5-18-76; 11:17 am]

#### [49 CFR Part 571]

[Docket No. 75-16; Notice 08]

#### FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### Proposed Bus Air Brake Systems

This notice responds to a petition for reconsideration of a recent amendment of Standard No. 121, Air Brake Systems, by proposing an extension from January 1, 1977, to September 1, 1977, of the existing suspension of service brake stopping distance requirements as they apply to buses.

Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Following implementation of the requirements for buses, a pattern of erratic behavior developed in the performance of the antilock system used by manufacturers of transit and intercity buses to satisfy the "no lockup" requirements of the standard (§5.3.1). At an October 1975 public meeting the bus operators and manufacturers involved reviewed their experiences with implementation of the standard and expressed their

views on potential safety hazards of antilock malfunction. Based on these and other reports, the NHTSA proposed a suspension of the service brake stopping distance requirements (including the "no lockup" requirement) to provide a period in which modified antilock hardware and newly-introduced systems could be field-evaluated (40 FR 52856, November 13, 1975). The proposed suspension of 1 year until January 1, 1977, was made final January 6, 1976 (41 FR 1598, January 9, 1976). Several vehicle manufacturers and user groups had argued that the suspension should be for a longer period. Transportation Manufacturing Corporation (TMC), a manufacturer of intercity buses, petitioned for reconsideration of the January 1, 1977, termination date of the suspension. TMC did not indicate what it considered to be a reasonable time for suspension. Motor Coach Industries, Inc., another manufacturer of intercity buses, requested an extension of the suspension until at least July 1, 1977.

In establishing a 1-year suspension, the agency stated that it would actively monitor the field evaluation of improved antilock systems being undertaken by the bus manufacturers, and would further evaluate requests for a longer suspension. To date, the plans of Rockwell International Corporation, the major antilock component supplier for buses, and Motor Coach Industries have been reviewed. Requests for data are also being made to other manufacturers of buses and to General Motors as a potential supplier of antilock components to this portion of the industry. In addition, the American Public Transit Association (APTA) has indicated that it will undertake a program of systematic investigation of any antilock devices proposed for use on transit buses.

It has become apparent that insufficient opportunity is available between now and January 1, 1977, to generate and analyze adequate data to make a sound decision in time to permit orderly planning of bus production. The agency considers it desirable to have the experience of a full year of antilock operation in all environmental conditions, particularly in the winter season. Field testing of improved devices is now underway. Timely reporting by those conducting field evaluations should permit a decision by June 1, 1977, on the readiness of the new antilock systems for production and regular highway service. Based on a decision by that date, the NHTSA proposes that the service brake stopping distances be reinstated on September 1, 1977.

The NHTSA will make available in the docket the information on progress of the field evaluation that can be made public. It is likely that the itemized results of testing by individual manufacturers may be entitled to confidential treatment as proprietary information. To the degree possible, the results will be summarized in a fashion that permits their review by interested persons without disclosing the identity of the reporting company.

APTA proposed the formation of a joint government-industry panel to oversee the testing program and to evaluate antilock equipment for transit buses. The NHTSA considers APTA's proposal to be inconsistent with the requirements of the Administrative Procedures Act (5 U.S.C. § 553) and agency regulations, since the agency must consider all comments (e.g., those of other associations, consumer groups, manufacturers, individuals) in making its decision. However, the APTA comments are expected to be a major factor in any decision and the NHTSA intends to coordinate with the APTA in its study, consistent with NHTSA regulations.

The NHTSA has studied whether school buses should be included in the suspension beyond January 1, 1977. Little information has been developed that would demonstrate that the distinctive school bus stop-and-go cycle has resulted in the same "false signal" problems as those of transit operations. Also the competitive problem cited earlier as a reason to include school buses in the suspension would continue to exist between those school buses that utilize the transit type system and those that do not if only some school buses were included in the suspension. The agency concludes that it is prudent to maintain the suspension for an additional 9 months in school buses as well as transit and intercity buses.

General Motors Corporation (GM), in its comments on the initial suspension proposal, asked for consideration of an extension of the emergency braking stopping distance. Because of the unique configuration of the braking system designed for its new transit bus, GM will not be able to utilize the lower-coefficient linings that are usable by other transit buses to meet the recently-extended service brake stopping distances. The emergency braking performance of the new bus does comply with requirements in braking up to speeds of 45 mph, but not to the 60-mph requirements required of vehicles capable of that speed.

The maximum permissible stopping distance for emergency braking performance 60 mph is 613 feet. GM data indicate that this distance would have to be substantially extended to permit use of lower-coefficient linings without a modification of their braking system. The NHTSA concludes that it would not be in the public interest to extend the emergency stopping distance. The agency also has decided not to limit the emergency stop to 45 mph. Although that speed is rarely exceeded in transit operations, the standard already provides for limiting emergency performance to speeds of which the vehicle is capable. The existing requirement permits adequate opportunity for GM and others to utilize linings that perform well only at lower speeds by limiting the top speed of their vehicles. However, if operators desire vehicles which will be capable of higher speeds, they must be built to meet the requirements for those speeds. Accord-

ingly, the agency has determined not to act favorably on the GM request.

In accordance with recently-enunciated Department of Transportation policy encouraging adequate analysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA has evaluated the economic and other consequences of this proposal on the public and private sectors, including possible loss of safety benefits. In this case the extension of the suspension does not necessitate new expenditures for compliance with the standard. The manufacturers undertaking test programs indicate that these programs are being undertaken independently of the length of the suspension. The manufacturers of antilock systems whose markets would be most adversely affected by the suspension indicate their desire for a longer evaluation period. The safety consequences of the longer suspension have already been discussed. Therefore, the agency concludes that the proposal should be issued as set forth in this notice.

For the benefit of interested persons, it is noted that Dockets 74-10 and 75-5 involve rulemaking on air brake systems that is related to this proposal.

In consideration of the foregoing, it is proposed that section S5.3.1 of Standard No. 121 (49 CFR 571.121) be amended by changing the date of "January 1, 1977" to "September 1, 1977".

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: July 1, 1976.

Proposed effective date: Date of publication of the final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1394, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 13, 1976.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc 76-14456 Filed 5-14-76; 10:27 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 545-6]

#### WEST VIRGINIA

##### Proposed Revision to State Implementation Plan

On March 16, 1976, the State of West Virginia submitted to the Regional Administrator, EPA Region III, an amendment to West Virginia Air Pollution Control Regulation VIII, "Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter". The State requested that the amendment be reviewed and processed as a revision to the West Virginia State Implementation Plan.

The amendment consists of a change to section 3.01(a), deleting the annual arithmetic mean and maximum 24 hour concentration for secondary sulfur dioxide standards. The State justified the amendment on grounds that the deletion conforms with EPA's deletion of the secondary annual and 24-hour sulfur dioxide standards from 40 CFR 50.5 (38 FR 25681).

On April 5, 1976 the State provided adequate proof that a public hearing required by the provisions set forth in 40 CFR 51.4 was held in Charleston on May 22, 1975.

The public is invited to submit comments on whether the amendments to West Virginia Air Pollution Control Regulation VIII should be approved as a revision to the West Virginia State Implementation Plan. Only those comments received on or before June 21, 1976, will be accepted. The Administrator's decision to approve or disapprove the proposed plan revision will be based on whether it meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Copies of the proposed revision and all related supplemental material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Mr. Harold Frankford.  
West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311, Attn: Mr. Carl C. Beard II.  
Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be addressed to:

Mr. Howard Helm, Chief (3AH10), Air Programs Branch, Division of Air and Hazardous Materials, U.S. Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: AH004WV.

(42 U.S.C. 1857c-5.)

Dated: May 5, 1976.

A. R. MORRIS,  
Acting Regional Administrator.

[FR Doc 76-14644 Filed 5-19-76; 8:45 am]

[40 CFR Part 457]

[FRL 546-2]

#### EXPLOSIVES MANUFACTURING POINT SOURCE CATEGORY

##### Extension of Comment Period and Notice of Availability

On March 9, 1976 the Agency published a notice of proposed rulemaking (41 FR 10186) establishing limitations and guidelines and standards of performance for new sources and pretreatment standards for existing sources and for new sources for the explosives manufacturing category. The due date for comments provided in the notice was April 8, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Explosives Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written request to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to June 21, 1976.

Dated: May 14, 1976.

JOHN T. RHETT,  
Acting Assistant Administrator  
for Water and Hazardous  
Materials.

[FR Doc 76-14647 Filed 5-19-76; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20803, RM-2620]

##### TELEVISION BROADCAST STATIONS

##### Park Falls, Wisconsin; Table of Assignments

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Park Falls, Wisconsin).

1. The Commission by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by the Wisconsin Educational Communications Board ("ECB"). ECB seeks amendment of § 73.606(b) of the Rules, the Television Table of Assignments, through the assignment of reserved Channel 36 to Park Falls, Wisconsin.

2. This particular assignment is requested in order to provide educational television broadcast service in northern Wisconsin. Park Falls was selected, according to the petitioner, since a transmitter located near there would result in

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the least amount of overlapping coverage with that of existing educational television stations and still furnish a large first educational service. Petitioner estimates approximately 133,000 Wisconsin residents will be within the service area of a station operating on the proposed assignment. Of these, 57% (75,000 persons) would receive a first educational television service. This is particularly important in the northern Wisconsin area to be served, petitioner states, since it is rural in nature and residents must travel great distances to enjoy cultural benefits.

3. ECB is the licensee of stations operating on reserved educational assignments at Colfax (WHWC-TV, Channel \*28), Green Bay (WPNE, Channel \*38), La Crosse (WHIA-TV, Channel \*31), and Wausau (WHRM-TV, Channel \*20). These four stations, in cooperation with educational stations at Madison (WHA-TV, Channel \*21), Milwaukee (WMVS, Channel \*10), and Duluth, Minnesota (WDSE-TV, Channel \*8) provide educational television broadcast service to the residents of Wisconsin. Petitioner estimates a station operating on the proposed assignment will, in combination with other ECB owned or affiliated stations, enable approximately 97% of the residents of Wisconsin to receive an educational television service.

4. The Commission believes comments should be solicited on the petitioner's request. The proposed assignment complies with the Commission's mileage separation requirements and other technical criteria. Canadian concurrence must be sought, however, since the proposed location is within 250 miles of the United States-Canadian border.

5. Therefore, in view of the foregoing showing, we propose to consider the following revision in the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Park Falls, Wis.		*36--

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

7. Interested parties may file comments on or before June 25, 1976, and reply comments on or before July 15, 1976.

Adopted: May 11, 1976.

Released: May 17, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(2), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of

the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making above.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 76-14726 Filed 5-19-76; 8:45am]

#### [ 47 CFR Part 73 ]

[Docket No. 20727, RM-2557]

#### TELEVISION BROADCAST STATIONS Riverside and Santa Ana, California; Table of Assignments; Extension of Comments Time

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Riverside and Santa Ana, California).

1. On April 6, 1976, the Commission issued an Order Extending Time for Filing Comments and Reply Comments to the Notice of Proposed Rule Making released February 26, 1976 (41 FR 9568), in the above-captioned matter. The present dates for filing comments and reply comments are May 17, 1976, and June 7, 1976, respectively.

2. On March 12, 1976, International Panorama TV, Inc., petitioner in this proceeding, filed a Petition for Reconsideration and Motion for Stay.<sup>1</sup> Due to certain procedural delays, reconsideration could not have been given until April 22, 1976 (since interested persons had until that date to file oppositions to the petition for reconsideration). Although no oppositions have been filed, another extension has become necessary to allow sufficient time for the Commission to address the petition. We believe that comments should not be filed in this proceeding until all interested parties have had the opportunity to review our decision on the petition for reconsideration, and therefore we will, on our own motion, extend the deadlines for filing comments.

3. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including June 21, 1976, and July 12, 1976, respectively.

4. Authority for this action is found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Adopted: May 13, 1976.

Released: May 14, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief,  
Broadcast Bureau.

[FR Doc. 76-14727 Filed 5-19-76; 8:45 am]

#### GENERAL SERVICES ADMINISTRATION

Federal Supply Service

[ 41 CFR Part 101-7 ]

#### FEDERAL PROPERTY MANAGEMENT REGULATIONS

##### Proposed Federal Travel Regulations

Notice is hereby given that the General Services Administration (GSA) proposes to amend the Federal Travel Regulations

<sup>1</sup> The Motion for Stay was subsequently withdrawn.

and changes to those regulations which were issued as Federal Property Management Regulations (FPMR) Temporary Regulation A-11 and Supplement 1 thereto.

The Federal Travel Regulations are incorporated by reference into FPMR 101-7 (41 CFR 101-7) and transmitted by GSA Bulletin FPMR A-40. FPMR Temporary Regulation A-11, Changes to Federal Travel Regulations, and Supplement 1 thereto were published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22617), and June 30, 1975 (40 FR 27533), respectively.

Heads of Federal agencies are invited to submit the consolidated written views and recommendations of their respective agencies to the General Services Administration (FF), Washington, DC 20406. Comments received by June 30, 1976, will be considered before final action is taken to convert the proposed changes to permanent regulations.

Pursuant to Executive Order 11609 (July 22, 1971) and under the authority of the Travel Expense Amendments Act of 1975 (Pub. L. 94-22, May 19, 1975), the Administrator of General Services is responsible for promulgating Government-wide regulations prescribing Federal employee travel and relocation allowances. Certain changes contained in this document are necessary to ensure conformance of those regulations with various decisions issued by the Comptroller General of the United States. Other changes are proposed as the result of administrative determinations by GSA which are based on current subsistence and other cost data and which reflect recommendations provided by various Federal agencies. Changes to the Federal Travel Regulations of general interest are those which:

a. Increase the per diem and the meals and miscellaneous expense allowances for official travel within the coterminous United States to \$35 and \$16, respectively.

b. Incorporate guidelines issued by the Comptroller General of the United States implementing the provisions of the International Air Transportation Fair Competitive Practices Act of 1974 which require maximum use of United States flag air carriers for air transportation of persons and property financed by the Government.

c. Extend application of the lodgings-plus method of computing per diem allowances to travel outside the coterminous United States and establish new procedures for determining per diem for en route travel outside the United States.

d. Establish procedures through which agencies may obtain authority from GSA to pay higher mileage rates for use of privately-owned conveyances for official travel in particular areas outside the coterminous United States.

e. Increase the maximum actual subsistence expense rates for certain designated high rate geographical areas; require limited reimbursement for travel to high rate areas when lodging is not involved; specify circumstances of travel to

high rate areas for which reimbursement under the high rate concept is not authorized; and clarify provisions for mixed travel.

f. Modify relocation allowances by, among other things, increasing the miscellaneous expense allowance and maximum weight allowance for shipment of household goods for an employee without immediate family, expanding the definition of "immediate family" for which travel expenses are paid by Government and deleting the maximum dollar limitation for reimbursement of expenses incurred in the sale or purchase of a residence.

In consonance with the foregoing, it is proposed to amend the Federal Travel Regulations, as follows:

1. By adding subparagraph 1-2.2e, as follows:

1-2.2. *Methods of transportation.*

e. *Travel by ocean vessel.* Except for travel between points served by ferries, travel by ocean vessel shall not be regarded as advantageous to the Government in the absence of sufficient justification that the advantages accruing from the use of ocean transportation offset the higher costs associated with this method of transportation; i.e., per diem, transportation, and lost work time. Authority to authorize or approve travel by ocean vessel shall be retained at the highest administrative level consistent with agency travel management policy. (See 1-3.3c for authorized vessel accommodations.)

2. By revising paragraph 1-3.6 and changing its caption, as follows:

1-3.6. *Use of United States flag carriers.*

a. *Travel by United States flag ships.* Section 901 of the Merchant Marine Act of 1936 (46 U.S.C. 1241(a)) provides: "Any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: *Provided*, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity thereof."

b. *Use of United States flag air carriers.*

(1) *Definition.* The term "U.S. flag air carrier" as used in this regulation means an air carrier holding certificate under section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371), but excludes foreign air carriers operating under permits.

(2) *General requirements.*

(a) Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (Pub. L. 93-623, January 3, 1975) requires any executive department or other agency or instrumentality of the United States which finances transportation of persons (and their per-

sonal effects) or property by air between the United States and a place outside thereof, or between two places both of which are outside of the United States, to take such steps as may be necessary to ensure that only U.S. flag air carriers are used whenever service by these carriers is available.

(b) The act cited in (a), above, also requires the Comptroller General of the United States to disallow any expenditures from appropriated funds for payment of travel on foreign flag air carriers in the absence of satisfactory proof of the necessity therefor.

(c) Employees shall use U.S. flag air carriers to the maximum extent possible when travel is performed by commercial air transportation between the United States and a foreign country or between foreign countries. This requirement also applies to other persons such as employee dependents, consultants, contractors, grantees, or other travelers whose travel is paid from funds appropriated, owned, controlled, granted, or otherwise established for the account of the United States. The requirement to use U.S. flag air carriers to the maximum extent possible shall not be influenced by factors of cost, convenience, or personal travel preference of the traveler. Excess and near excess foreign currencies will be used for paying the expenses of such travel as provided in 1-10.4.

(3) *Guidelines for determining "available" service.* The Comptroller General of the United States has issued specific guidelines to the heads of departments, agencies, and others concerned (B-138942, March 12, 1976). The guidelines specifically state that passenger or freight service by a certificated air carrier is considered "available" even though:

(a) Comparable or a different kind of service by a noncertificated air carrier costs less;

(b) Service by a noncertificated air carrier can be paid for in excess foreign currency;

(c) Service by a noncertificated air carrier is preferred by the agency or traveler needing air transportation; or

(d) Service by a noncertificated air carrier is more convenient for the agency or traveler needing air transportation.

(4) *Guidelines for determining "unavailable" service.* The guidelines cited in (3), above, further state that passenger service by a certificated air carrier is considered "unavailable" when:

(a) The traveler, while en route, would have to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination;

(b) Any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, re-loading, repairs, or other cause, and no other flight by a certificated air carrier is available during the 6 hour period;

(c) Service by a certificated air carrier, or by combination of certificated or non-certificated air carriers (if certificated air carriers are "unavailable"), would take 12 or more hours longer, from the



origin airport to the destination airport, to accomplish the agency's mission than would service by a noncertificated air carrier or carriers; or

(d) The elapsed travel time on a scheduled flight from the origin airport to the destination airport by noncertificated air carrier(s) is 3 hours or less, and service by certificated air carrier(s) would involve twice that scheduled travel time.

c. *Use of foreign flag air carriers.* The use of foreign flag air carriers may be authorized or approved only when U.S. flag air carrier service is not available (as determined under the guidelines in b. above). When direct service by U.S. flag air carriers is not available between the origin and destination, a foreign flag air carrier may be used to the nearest practicable interchange point to connect with "available" U.S. flag air carrier service, provided the interchange point is consistent with scheduled connections and authorized stopovers and the additional travel thereto will not unduly interfere with the conduct of official business. A statement justifying the use of a foreign flag air carrier must be entered on or attached to the travel authorization or travel voucher. Expenditures for transportation on a foreign flag air carrier will be disallowed in the absence of a justification statement.

3. By revising subparagraph 1-4.2a and changing its caption, and adding subparagraph 1-4.2a-1, as follows:

1-4.2. *When use of a privately owned conveyance is advantageous to the Government.*

a. *Authorized mileage rates.* When the use of a privately owned conveyance is authorized or approved as advantageous to the Government for the performance of official travel as provided in 1-2.2c(3), reimbursement to the traveler shall be at the mileage rates prescribed in (1) through (3), below.

(1) For use of a privately owned motorcycle: 8 cents per mile.

(2) For use of a privately owned automobile: 15 cents per mile.

(3) For use of a privately owned airplane: 22 cents per mile.

a-1. *Mileage rates outside the conterminous United States.* Generally, the mileage rates prescribed in a, above, are applicable outside as well as within the conterminous United States. However, if an agency determines that these rates are inadequate compensation for use of a privately owned conveyance in a particular area outside the conterminous United States, the head of the agency may submit a request to GSA for authority to pay a higher mileage rate for that area. This request must be submitted in accordance with the procedures and limitations set forth below.

(1) *Submission requirements.* A request to pay a higher mileage rate for a particular area shall be forwarded to the General Services Administration (FZR), Washington, DC 20408, for review and approval. The request must include a recommended mileage rate not exceeding the statutory maximum rates in (3), below, and supporting cost data justification as described in (2), below.

(2) *Cost data justification.* An analysis of the costs per mile of operating a privately owned conveyance in the particular area involved shall include the data listed below. Additional cost data which are peculiar to the area may be added, if appropriate. However, parking and toll costs shall not be included in this analysis since these expenses are reimbursable as a separate allowance in accordance with 1-4.1c.

(a) Size/type of conveyance to which cost data apply.

(b) Fixed operating costs: vehicle depreciation, insurance, taxes, and registration fees.

(c) Variable operating costs: gasoline, motor oil, maintenance, repairs, and tires.

(3) *Statutory maximum mileage rates.* A higher mileage rate recommended by an agency must be within the following statutory maximum rates:

(a) For use of a privately owned motorcycle: 11 cents per mile.

(b) For use of a privately owned automobile: 20 cents per mile.

(c) For use of a privately owned airplane: 24 cents per mile.

4. By revising paragraphs 1-7.1 through 1-7.4 and changing the captions, as follows:

1-7.1. *General.* Per diem allowances as prescribed in this Part 7 shall be paid for official travel except when it is determined that the employee should be reimbursed on the actual subsistence expense basis as provided in Part 8 of this chapter.

a. *Definitions.*

(1) *Per diem.* Per diem is a commuted daily allowance paid to the employee instead of reimbursement of the actual expenses incurred for subsistence and fees or tips to porters, stewards, and others which are necessary and essential to the transacting of official business.

(2) *Per diem locality.* A per diem locality is any locality or geographic area for which a maximum per diem rate has been established in 1-7.2a (e.g., the conterminous United States; Anchorage, Alaska; Paris, France).

(3) *Travel status.* Travel status means the period of time an employee is considered to be on official travel for reimbursement purposes, beginning with departure from home, office, or other point and ending with return thereto. (See 1-7.6e.)

b. *Agency responsibilities.* The specific rules contained in 1-7.3 and 1-7.4 for computing per diem allowances shall be applied for official travel within and outside the conterminous United States. However, it is the responsibility of the head of each agency to authorize or approve only those per diem allowances that are justified by the circumstances affecting the travel and that are allowable under the provisions of this Part 7. Care shall be exercised to prevent authorization or approval of per diem allowances in excess of those required to cover the subsistence expenses necessary in the performance of travel to conduct official business. To this end, considera-

tion shall be given to factors which reduce the expenses of the employee, such as:

(1) Known arrangements at temporary duty locations where lodging and meals can be obtained without cost or at reduced cost to the traveler;

(2) Established cost experience in the localities where lodging and meals are required; or

(3) Situations in which special rates for accommodations have been made available for a particular meeting, conference, training assignment, or other temporary duty assignment.

c. *Employee responsibility.* An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

d. *Types of expenses covered by per diem.* The per diem allowance covers all expenses, including taxes and service charges where applicable, for the following:

(1) Meals;

(2) Lodging (The term "lodging" does not include accommodations on airplanes, trains, or vessels; such accommodations are considered to be furnished by the Government and are included in the transportation cost. However, in determining the overall cost to the Government when authorizing the mode of transportation to be used, the availability of such accommodations shall be considered (1-2.2b).);

(3) Personal use of room during day-time;

(4) Baths, fans, air conditioners, heaters, and fires in rooms;

(5) Fees and tips to waiters, porters, baggagemen, bellboys, hotel maids, dining room stewards and others on vessels, and hotel servants in foreign countries;

(6) Telegrams and telephone calls to reserve lodging accommodations (See Part 6 of this chapter for allowable telegram and telephone expenses incurred for other purposes.);

(7) Laundry, cleaning, and pressing of clothing; and

(8) Transportation between places of lodging or business and places where meals are taken, except as otherwise provided in 1-2.3b.

1-7.2. *Maximum rates.*

a. *Maximum per diem locality rates.* Per diem allowances for official travel shall be authorized or approved as provided in this Part 7 at daily rates not in excess of the maximums established as follows:

(1) *Conterminous United States.* The per diem allowance for official travel within the conterminous United States shall not exceed a maximum daily rate of \$35.

(2) *Non-foreign areas outside the conterminous United States.* The per diem allowances payable for official travel in the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and the possessions of the United States shall not exceed the maximum daily locality rates established by the Secretary of Defense and published in Civilian Personnel Per Diem Bulletins.

(3) *Foreign areas.* Per diem allowances payable for official travel in foreign areas shall not exceed the maximum daily locality rates established by the Secretary of State and published in the Per Diem Supplement to the Standardized Regulations (Government Civilians, Foreign Areas). Foreign areas include the Trust Territory of the Pacific Islands and all other areas or localities outside the conterminous United States not listed in (2), above.

b. *Rates for meals and miscellaneous subsistence expenses (M&MS).*

(1) *Conterminous United States.* For travel on a per diem basis within the conterminous United States, the uniform rate for M&MS shall be \$16 per day.

(2) *Outside conterminous United States.* For travel on a per diem basis outside the conterminous United States, the uniform rate for M&MS shall be 50 percent of the maximum per diem rate authorized under 1-7.2a (2) and (3), above, for the per diem locality involved.

1-7.3. *Per diem computation, receipts, and voucher statements.* Except as otherwise provided in 1-7.4, the per diem allowances authorized or approved under the provisions of this Part 7 for official travel within and outside the conterminous United States shall be computed as set forth in a through g, below. Provisions concerning receipts and required per diem claim statements are contained in h, below.

a. *When lodging is not required.* For official travel of 24 hours or less within the same per diem locality (i.e., in the conterminous United States or within one per diem locality outside the conterminous United States) when a night's lodging is not required, the per diem rate shall be the M&MS rate (see 1-7.2b) applicable to the per diem locality in which the travel is performed. This rate shall be payable in accordance with 1-7.6d(1).

b. *When lodging is required.* For official travel exceeding 1 calendar day within and outside the conterminous United States when lodging away from the official station is required, the per diem allowance shall be computed under the lodgings-plus rules set forth in c, below, except when this method of computation is not appropriate as provided in d, below. Lodging is considered to be required while in a travel status away from the official station regardless of whether lodging is actually obtained or used, or a lodging cost is actually incurred. Per diem computed under the lodgings-plus method is based on the average cost of lodging plus a pre-established uniform rate for meals and miscellaneous subsistence expenses (M&MS) in each per diem locality.

c. *Lodgings-plus computation rules.*

(1) *Travel within the conterminous United States.* The per diem allowances that may be authorized or approved for official travel within the conterminous United States shall be computed under the lodgings-plus method, as follows:

(a) *Determine the average cost of lodging.*

(i) Total the lodging costs incurred within each per diem locality outside the conterminous United States. When a night's lodging within a per diem locality is not used, is furnished by the Government or other source, or is otherwise obtained without cost to the employee (i.e., lodging obtained as a guest of friends or relatives), the lodging cost for that night

shall be zero. If all lodging within a per diem locality is without cost to the employee, proceed in the computation to (b), below.

(ii) Total the number of nights (as of 12 p.m. (midnight)) that the employee was within each per diem locality and lodging was required regardless of whether a lodging cost was incurred for that night. Do not count nights (as of 12 p.m. (midnight)) of en route travel except when the employee, having arrived in a per diem locality during the first or second quarter of a calendar day, obtains lodging which is charged to the previous calendar day. In this instance, the night of en route travel will be counted.

(iii) Divide the total cost of lodging (as determined in (i), above) by the total number of nights (as determined in (ii), above) that the employee was within each per diem locality. The result is the average daily cost of lodging within each per diem locality involved.

(b) *Add the M&MS rate.* To the average cost of lodging within each per diem locality, add the M&MS rate authorized in 1-7.2b(2) for each per diem locality involved. If the resulting amount includes a fraction of a dollar, round the entire amount to the next highest whole dollar; i.e., round \$30.01 through \$30.99 to \$31. (Do not round any resulting amount which is a whole dollar.)

(c) *Applicable per diem rate.* The final amount computed under (b), above, limited to the maximum per diem rate authorized in 1-7.2a(1) for travel within the conterminous United States, shall be the per diem rate applicable for the entire period of travel covered by the travel voucher.

(2) *Travel outside the conterminous United States.* The per diem allowances that may be authorized or approved for official travel involving per diem localities outside the conterminous United States shall be computed under the lodgings-plus method, as follows:

(a) *Determine the average cost of lodging.*

(i) Total the lodging costs incurred within each per diem locality outside the conterminous United States. When a night's lodging within a per diem locality is not used, is furnished by the Government or other source, or is otherwise obtained without cost to the employee (i.e., lodging obtained as a guest of friends or relatives), the lodging cost for that night

shall be zero. If all lodging within a per diem locality is without cost to the employee, proceed in the computation to (b), below.

(ii) Total the number of nights (as of 12 p.m. (midnight)) that the employee was within each per diem locality and lodging was required regardless of whether a lodging cost was incurred for that night. Do not count nights (as of 12 p.m. (midnight)) of en route travel except when the employee, having arrived in a per diem locality during the first or second quarter of a calendar day, obtains lodging which is charged to the previous calendar day. In this instance, the night of en route travel will be counted.

(iii) Divide the total cost of lodging (as determined in (i), above) by the total number of nights (as determined in (ii), above) that the employee was within each per diem locality. The result is the average daily cost of lodging within each per diem locality involved.

(b) *Add the M&MS rate.* To the average cost of lodging within each per diem locality, add the M&MS rate authorized in 1-7.2b(2) for each per diem locality involved. If the resulting amount includes a fraction of a dollar, round the entire amount to the next highest whole dollar; i.e., round \$30.01 through \$30.99 to \$31. (Do not round any resulting amount which is a whole dollar.)

(c) *Applicable per diem rate.* The final amount computed under (b), above, limited to the maximum per diem rate authorized in 1-7.2a(1) for travel within the conterminous United States, shall be the per diem rate applicable for the entire period of travel covered by the travel voucher.

ered by the travel voucher. When a night's lodging is not used (i.e., when en route by air), is furnished by the Government or other source, or is otherwise obtained without cost to the employee (i.e., lodging is obtained as a guest of friends or relatives, sleeping accommodations on trains, etc.), the lodging cost for that night shall be zero. If all lodging is without cost to the employee, proceed in the computation to (b), below.

(ii) Total the number of nights the employee was in a travel status away from the official station or home as of 12 p.m. (midnight), including those nights that lodging was without cost to the employee. Computation of the number of nights shall include all nights the employee was in a travel status as of 12 p.m. (midnight) provided per diem is allowed for the next quarter day following midnight. For example, if the employee's time of return to official station or home was at or before 12 p.m. (midnight), that night would not be counted. If the time of return was 3 a.m., the previous midnight would be counted as a night away from home or official station. However, when the time of return was between 12:01 a.m. and 12:30 a.m., the previous midnight may or may not be counted contingent upon whether per diem is allowed for that quarter day as provided in 1-7.6e.

(iii) Divide the total cost of lodging (as determined in (i), above) by the total number of nights the employee is away from home or official station (as determined in (ii), above). The resulting amount is the average daily cost of lodging.

(b) *Add the M&MS rate.* To the average daily cost of lodging as determined in (a), above, add the M&MS rate authorized in 1-7.2b(1) for per diem travel within the conterminous United States. If the resulting amount includes a fraction of a dollar, round the entire amount to the next highest whole dollar; i.e., round \$29.01 through \$29.99 to \$30. (Do not round any resulting amount that is a whole dollar.)

(c) *Applicable per diem rate.* The final amount computed under (b), above, limited to the maximum per diem rate authorized in 1-7.2a(1) for travel within the conterminous United States, shall be the per diem rate applicable for the entire period of travel covered by the travel voucher.

(2) *Travel outside the conterminous United States.* The per diem allowances that may be authorized or approved for official travel involving per diem localities outside the conterminous United States shall be computed under the lodgings-plus method, as follows:

(a) *Determine the average cost of lodging.*

(i) Total the lodging costs incurred within each per diem locality outside the conterminous United States. When a night's lodging within a per diem locality is not used, is furnished by the Government or other source, or is otherwise obtained without cost to the employee (i.e., lodging obtained as a guest of friends or relatives), the lodging cost for that night

shall be zero. If all lodging within a per diem locality is without cost to the employee, proceed in the computation to (b), below.

(ii) Total the number of nights (as of 12 p.m. (midnight)) that the employee was within each per diem locality and lodging was required regardless of whether a lodging cost was incurred for that night. Do not count nights (as of 12 p.m. (midnight)) of en route travel except when the employee, having arrived in a per diem locality during the first or second quarter of a calendar day, obtains lodging which is charged to the previous calendar day. In this instance, the night of en route travel will be counted.

(iii) Divide the total cost of lodging (as determined in (i), above) by the total number of nights (as determined in (ii), above) that the employee was within each per diem locality. The result is the average daily cost of lodging within each per diem locality involved.

(b) *Add the M&MS rate.* To the average cost of lodging within each per diem locality, add the M&MS rate authorized in 1-7.2b(2) for each per diem locality involved. If the resulting amount includes a fraction of a dollar, round the entire amount to the next highest whole dollar; i.e., round \$30.01 through \$30.99 to \$31. (Do not round any resulting amount which is a whole dollar.)

(c) *Applicable per diem rate.* The final amount computed under (b), above, limited to the maximum per diem rate authorized in 1-7.2a(1) for travel within the conterminous United States, shall be the per diem rate applicable for the entire period of travel covered by the travel voucher.

(2) *Travel outside the conterminous United States.* The per diem allowances that may be authorized or approved for official travel involving per diem localities outside the conterminous United States shall be computed under the lodgings-plus method, as follows:

(a) *Determine the average cost of lodging.*

(i) Total the lodging costs incurred within each per diem locality outside the conterminous United States. When a night's lodging within a per diem locality is not used, is furnished by the Government or other source, or is otherwise obtained without cost to the employee (i.e., lodging obtained as a guest of friends or relatives), the lodging cost for that night

shall be zero. If all lodging within a per diem locality is without cost to the employee, proceed in the computation to (b), below.

(ii) Total the number of nights (as of 12 p.m. (midnight)) that the employee was within each per diem locality and lodging was required regardless of whether a lodging cost was incurred for that night. Do not count nights (as of 12 p.m. (midnight)) of en route travel except when the employee, having arrived in a per diem locality during the first or second quarter of a calendar day, obtains lodging which is charged to the previous calendar day. In this instance, the night of en route travel will be counted.

(iii) Divide the total cost of lodging (as determined in (i), above) by the total number of nights (as determined in (ii), above) that the employee was within each per diem locality. The result is the average daily cost of lodging within each per diem locality involved.

(b) *Add the M&MS rate.* To the average cost of lodging within each per diem locality, add the M&MS rate authorized in 1-7.2b(2) for each per diem locality involved. If the resulting amount includes a fraction of a dollar, round the entire amount to the next highest whole dollar; i.e., round \$30.01 through \$30.99 to \$31. (Do not round any resulting amount which is a whole dollar.)

(c) *Applicable per diem rate.* The final amount computed under (b), above, limited to the maximum per diem rate authorized in 1-7.2a(1) for travel within the conterminous United States, shall be the per diem rate applicable for the entire period of travel covered by the travel voucher.



recreational vehicle (e.g., a camper, a camping trailer, or a self-propelled mobile camping vehicle) for lodging while on official travel. Allowable expenses which may be considered as a lodging cost include, but are not limited to the following: parking fees; fees for connection, use, and disconnection of utilities (electricity, gas, water, and sewage); bath or shower fees; and dumping fees. When per diem is computed under the lodgings-plus method, the average of these daily lodging costs plus the M&MS rate authorized for the per diem locality involved shall be the applicable per diem rate.

f. *Per diem for extended stays.* For travel assignments involving extended periods of temporary duty or training in excess of 30 calendar days and when travelers are able to secure lodging and meals at lower costs because of the extended period of time, the per diem rate shall be adjusted downward to reflect the lower cost. In such instances of reduced per diem, agencies should prescribe a specific per diem rate in accordance with d, above.

g. *Per diem for meetings and conferences.* In the interest of uniform treatment of employees, whenever a meeting, conference, or similar assembly is arranged which will involve the travel of attendees from other agencies or components of the same agency, the agency or agencies sponsoring the meeting or conference shall recommend to the other participating agencies or components a per diem allowance that would be appropriate in view of the circumstances of the particular meeting or conference.

h. *Receipts and voucher statements.* Receipts for lodging costs may or may not be required at the discretion of the head of each agency. However, employees are required to enter the following on their travel vouchers:

(1) The total cost of lodging incurred in each per diem locality; and

(2) A statement that the per diem claimed is based on the average daily cost of lodging incurred within each per diem locality during the period covered by the travel voucher plus the applicable M&MS rate for the locality involved, unless the lodgings-plus method has been determined to be inappropriate as provided in d, above. (This requirement is met if such a statement is overprinted or stamped on the travel voucher.)

1-7.4. *Travel involving duty points outside the conterminous United States.* The provisions of this paragraph apply to official travel to, from, or between duty points outside the conterminous United States, including authorized stopovers.

a. *Definitions.*

(1) *Duty point.* The term "duty point" means an official station, as defined in 1-1.3c(1), a temporary duty station, or other point within or outside the conterminous United States where official travel is authorized to begin or end.

(2) *Stopover.* The term "stopover" means an interval of time spent for any authorized purpose in a per diem locality between periods of en route travel. No distinction is made with respect to the

reason for an authorized stopover; e.g., official business at a temporary duty station, rest stop, or delay due to carrier scheduling.

b. *Round trip travel within one calendar day.* When an employee travels to or from a duty point outside the conterminous United States, or between duty points outside the conterminous United States, and returns within the same calendar day, the maximum per diem that may be authorized or approved for the entire trip is the M&MS rate (see 1-7.2b) for the locality in which the temporary duty point is located. This rate shall be payable in accordance with 1-7.6d(1). If the travel involves more than one per diem locality because of multiple temporary duty points, the maximum per diem is the average of the M&MS rates for all localities involved.

c. *Calendar days when lodging is required and obtained.* For calendar days when lodging is required and obtained in a particular per diem locality with or without cost to the employee, the per diem rate shall be computed under the lodgings-plus method in 1-7.3c (1) or (2), as applicable.

d. *Calendar days of en route travel, including stopovers, when a lodging cost is not incurred.* For calendar days when lodging is required away from official station, but a lodging cost is not incurred due to en route travel, per diem rates shall be as prescribed below. These rates shall be prorated and payable in accordance with 1-7.6d(2).

(1) *En route travel by other than ocean vessel.* For periods of enroute travel, including stopovers of less than 6 hours, by all modes of transportation except ocean vessel, the per diem rate shall be \$12 per calendar day (\$3 per quarter day). This rate is applicable during periods of en route travel on the following calendar days which involve no lodging cost to the employee:

(a) The first day of travel prior to the day of arrival at a duty point or other stopover point where lodging is required.

(b) The last day(s) of travel returning to official station or home when a lodging cost is not incurred because of enroute travel or lodging is not required because of arrival at official station or home.

(c) Days, other than those in (a) and (b), above, involving en route travel to, from, or between temporary duty points or other authorized stopover points where a lodging cost is not incurred due to en route travel.

(2) *En route travel by commercial and Government ocean vessel.*

(a) For en route travel by commercial ocean vessel or ferry when the cost of passage includes the cost of meals and stateroom or berth, the per diem rate shall be \$6 per whole calendar day aboard the vessel. This rate shall be prorated fractional days preceding embarkation for fractional days aboard the vessel. For and following debarkation, the per diem rate shall be as provided in (1), above, for en route travel or (4), below, for stopovers, as applicable. If lodging is obtained at a temporary duty or stopover

point on the day of debarkation, the per diem rate for that day shall be computed under the lodgings-plus method in 1-7.3c, as applicable.

(b) For en route travel or duty aboard Government vessels where quarters and meals are normally furnished at no cost or at a reduced cost, agencies shall prescribe an appropriate and necessary per diem rate. The term "Government vessel" includes vessels owned and operated, leased and operated, or characterized by the Government.

(3) *En route travel per diem not adequate.* When the rates prescribed in (1) and (2), above, are not commensurate with an employee's subsistence expenses, a different rate may be authorized or approved as follows:

(a) For travel by other than ocean vessel, an amount not in excess of the M&MS rate applicable to the destination duty point.

(b) For travel by commercial ocean vessel or ferry, an amount not in excess of \$16.

(4) *Stopovers.*

(a) *Stopovers of less than 6 hours.* Stopovers of less than 6 hours are considered to be part of the enroute travel period between duty points. The per diem rate applicable to en route travel time shall also apply to the stopover time.

(b) *Stopovers of 6 hours or more.* Stopovers of 6 hours or more are considered to be interruptions of the en route travel period between duty points. When lodging is not required at a stopover point, the per diem rate for the stopover time shall be the M&MS rate for the per diem locality in which the stopover point is located. (When lodging is required at the stopover point, the per diem rate shall be computed under the lodgings-plus computation rules in 1-7.3c.)

(5) *Time preceding en route travel.* For calendar day periods of 6 hours or more at a temporary duty or stopover point preceding en route travel, the per diem rate shall be the M&MS rate applicable to the temporary duty point or other authorized stopover point from which the employee will depart.

e. *Rest stops.* A rest period not in excess of 24 hours may be authorized or approved when air travel involving at least one duty point outside the conterminous United States is by less than first class accommodations and the scheduled flight exceeds 14 hours, including stopovers of less than 8 hours, via a direct or usually traveled route. The rest stop may be at any intermediate point, including points in the 50 States and the District of Columbia, provided the point is midway in the journey or as near to midway as carrier scheduling permits. A rest stop shall not be authorized when an employee, for personal convenience, elects to travel by an indirect route which results in travel time in excess of 14 hours. The per diem for the rest stop period shall be as provided for stopovers in 1-7.4d(4), above, as applicable. When carrier schedules preclude an intermediate rest stop, or a rest stop is not authorized, it is recommended that the employee be scheduled to arrive

at the temporary duty point with sufficient time to allow a reasonable rest period before reporting for duty.

5. By revising subparagraph 1-7.5c and deleting and reserving subparagraph 1-7.5e, as follows:

1-7.5. *Interruptions of per diem entitlement.*

• • • • •

c. *Return to official station for non-workdays.* At the discretion of an agency's administrative officials, an employee may be required to return to his official station for nonworkdays. In case of an employee's voluntary return to his official station or place of abode (place from which he commutes daily to his official station), the maximum reimbursement for the round-trip transportation and per diem en route shall be limited to the maximum per diem which could have been allowed under 1-7.2a if the employee had remained at the temporary duty station.

• • • • •

e. [Reserved]

6. By deleting and reserving subparagraph 1-7.6b and revising subparagraph 1-7.6f, as follows:

1-7.6. *Per diem computation rules.*

• • • • •

b. [Reserved]

• • • • •

f. *Deduction for meals and/or lodging furnished.* An appropriate amount shall be deducted from the authorized per diem for meals and/or lodging furnished at a temporary duty station by a Federal agency without charge or at a nominal cost. An appropriate deduction shall also be made for meals consumed aboard a common carrier during travel wholly within the conterminous United States when such meals are furnished by the carrier and the cost of the meals is included as part of the transportation cost to the Government.

7. By revising subparagraph 1-8.1b and changing its caption, as follows:

1-8.1. *Authorization or approval.*

• • • • •

b. *Temporary duty within high rate geographical areas.* Actual subsistence expense reimbursement shall be authorized or approved for travel whenever a temporary duty assignment is within a location designated as a high rate geographical area in 1-8.6, except as provided in (1) through (3), below.

NOTE.—The provisions of 1-8.1b pertaining to reimbursement under the high rate geographical area concept are not applicable to travel allowances in connection with a permanent change of station, including travel to seek residence quarters, or to other relocation allowances authorized under Chapter 2 of this regulation, including subsistence while occupying temporary quarters.

(1) Actual subsistence expense reimbursement shall not be authorized when the high rate geographical area is only an en route or intermediate stopover point at which no temporary duty is performed, including stopovers in the conterminous United States in connection with international travel.

(2) When the temporary duty assignment in a high rate geographical area also involves unusual circumstances of a travel assignment, the head of an agency may authorize or approve actual subsistence expense reimbursement as provided in c, below, within the maximum daily rate in 1-8.2a(2).

(3) The head of an agency may authorize, on an individual case or individual trip basis, a per diem allowance in accordance with Part 7 instead of actual subsistence expense reimbursement for temporary duty assignments within a high rate geographical area. Agencies are cautioned that this authority may be exercised only on an exception basis and only when clearly justified in accordance with the provisions of (a) and (b), below.

(a) A determination must be made in advance of the travel that certain factors or circumstances are present which would reduce the employee's subsistence expenses and that the actual subsistence expense allowance for the designated high rate geographical area would clearly not be warranted. Consideration shall be given to the following factors which would normally result in reduced subsistence expenses:

(i) Known arrangements at temporary duty locations where lodging or meals, or both, are furnished by the Government (i.e., Government quarters) without cost or at a nominal cost to the employee;

(ii) Accommodations have been made available to the employee at special or reduced rates for a particular meeting, conference, training assignment, or other temporary duty assignment; or

(iii) The travel involves an extended temporary duty or training assignment at a location where the employee can obtain lodging and meals at a lower cost due to the extended period of time.

(b) The agency official designated under the delegation of authority in paragraph 1-8.3a(1) must review each individual travel assignment to determine that one or more of the factors in (a), above, are present which would reduce the employee's subsistence expenses to an amount adequately covered by the maximum per diem allowance (see 1-7.2a), and must authorize the travel to be performed on a per diem basis under the provisions of Part 7 instead of the actual subsistence expense basis in a high rate geographical area.

8. By revising subparagraphs 1-8.2a (1) and 1-8.2c, as follows:

1-8.2. *Authorized reimbursement.*

a. • • • • •

(1) For travel involving temporary duty assignments within designated high rate geographical areas under the provisions of 1-8.1b, authorized reimbursement for actual subsistence expenses shall not exceed the maximum rates established in 1-8.6. These rates are not subject to change by agencies. (However, see 1-8.1b(2) for provisions covering unusual circumstances.)

• • • • •

c. *Special rules for mixed travel (per diem and actual subsistence expense or more than one actual subsistence expense maximum).* Mixed travel is travel involving temporary duty assignments in more than one location during a single trip which requires reimbursement on both a per diem basis and an actual subsistence expense basis or which requires actual subsistence expense reimbursement subject to more than one maximum daily rate because of the location of each temporary duty assignment.

(1) *Method and rate of reimbursement determined by location of the temporary duty point.* Only one method of reimbursement (per diem or actual subsistence expense) or one maximum daily rate for actual subsistence expense reimbursement may be authorized or approved for travel within each calendar day (beginning at 12:01 a.m.). The method of reimbursement and the authorized maximum rate for each calendar day shall be determined by the location of the temporary duty point (or assignment) where lodging is required for that day. Generally, lodging is considered to be required at or within the temporary duty point location. However, when lodging is obtained in an adjacent or nearby area, the method or rate of reimbursement will not be affected since the temporary duty point location is the determining factor. (Example: Temporary duty was performed in New York City on Monday, New York City and Washington, DC on Tuesday, and Fredericksburg, Virginia, on Wednesday and Thursday. Lodging was obtained in New York City on Monday, Washington, DC on Tuesday, and Fredericksburg on Wednesday and Thursday. Reimbursement would be on actual subsistence expense subject to the New York City maximum rate on Monday, actual subsistence expense subject to the Washington, DC maximum rate on Tuesday, and per diem (lodgings-plus) in Fredericksburg on Wednesday and Thursday. If the employee had proceeded to and obtained lodging in Fredericksburg on Tuesday evening in order to be present for duty the next day, reimbursement would be on per diem for Tuesday, Wednesday, and Thursday.)

(2) *Reimbursement for day of return.* The method and rate of reimbursement for the day of return to home or official station shall be the same method and rate of reimbursement authorized or approved for the first day of travel. (For example, if actual subsistence expense reimbursement is authorized or approved for the first day of travel, reimbursement for the day of return to home or official station shall also be on an actual subsistence expense basis subject to the maximum rate applicable to the first day of travel. If per diem is authorized or approved for the first day of travel, the day of return to home or official station shall also be on a per diem basis.)

9. By revising subparagraph 1-8.3a, as follows:

1-8.3. *Agency responsibilities, review, and administrative controls.*



a. *Delegation of authority.* Heads of agencies may delegate, with provisions for limited redelegation, authority to authorize or approve travel under this Part 8 as follows:

(1) The delegation or redelegation of authority to authorize or approve travel on an actual subsistence expense basis due to unusual circumstances of the travel assignment or to authorize a per diem allowance for travel in a designated high rate geographical area under the provisions of 1-8.1b(3) shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances involved in the travel assignment.

(2) The delegation or redelegation of authority to authorize or approve the actual subsistence expense method of reimbursement for travel to a designated high rate geographical area should be at a lower administrative level than that stated in (1), above, since this method of reimbursement is automatically authorized under the provisions of 1-8.1b without further justification.

10. By revising subparagraph 1-8.4f, as follows:

1-8.4. *Interruption of subsistence status.*

1. *Return to official station for non-workdays.* At the discretion of an agency's administrative officials, an employee may be required to return to his official station for nonworkdays. In case of an employee's voluntary return to his official station or place of abode (place from which he commutes daily to his official station), the maximum reimbursement for the round-trip transportation and allowable actual subsistence expenses en route shall be limited to the maximum amount for actual subsistence expenses which could have been allowed under 1-8.2 if the employee had remained at the temporary duty station.

11. By revising paragraph 1-8.6 as follows:

1-8.6. *Designated high rate geographical areas.* Pursuant to the provisions of 1-8.1b and 1-8.2a(1), for travel in connection with a temporary duty assignment within the locations designated as high rate geographical areas below, an employee shall be placed in an actual subsistence expense status and shall be reimbursed for the allowable actual and necessary subsistence expenses incurred not to exceed the maximum rates prescribed below for the particular geographical areas involved. When lodging is not required or a lodging cost is not incurred, the employee shall be reimbursed for the actual cost of meals and allowable miscellaneous subsistence expenses not to exceed 45 percent of the maximum daily rate prescribed for the high rate area involved.

Designated high rate geographical areas: Prescribed maximum daily rates

Boston, Mass. (all locations within the corporate limits of Boston and Cambridge, Mass.) \$41  
Chicago, Ill. (all locations within the limits thereof) 43  
Los Angeles, Calif. (all locations within the outer boundaries of the corporate limits of the city of Los Angeles, including those areas surrounded by the city of Los Angeles and the Pacific coastline) 40  
New York, N.Y. (all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, and Staten Island) 50  
San Francisco, Calif. (all locations within the corporate limits of San Francisco and Oakland, Calif.) 41  
Washington, D.C. (all locations within the corporate limits of Washington, D.C.; the cities of Alexandria, Falls Church, and Fairfax; and the counties of Arlington, Loudoun, and Fairfax in Virginia; and the counties of Montgomery and Prince Georges in Maryland) 44

12. By adding subparagraph 1-9.1b-1 and deleting and reserving subparagraph 1-9.1c(3), as follows:

1-9.1. *Expenses allowable.*

b. . . .  
b-1. *Traveler's checks, money orders, or certified checks.* Reimbursement for cost of traveler's checks, money orders, or certified checks with a value of \$100 or more purchased in connection with official travel may be allowed. The amount of the checks may not exceed the amount of personal or other funds needed to cover the reimbursable expenses incurred.

c. . . .  
(3) [Reserved]

13. By revising subparagraphs 1-10.2a(2) and 1-10.2b, as follows:

1-10.2. *Common carrier transportation.*

a. . . .  
(2) *Use of transportation request forms.* Transportation requests are to be used only for official travel performed via common carrier or for officially authorized transportation services furnished by common carrier; i.e., air, bus, rail, or vessel. When an indirect route or accommodations superior to those authorized are used by the traveler for personal reasons, the traveler shall pay cash for the excess amounts, including the applicable share of the Federal transportation tax (see 1-2.5b). Additionally, transportation requests shall not be used to procure any transportation services costing less than \$10 unless special circumstances justify such use (Comp. Gen. Decision B-163758, July 24, 1972).

b. *Cash payment for transportation.*

Cash payments shall be made when the amount for transportation is less than \$10 unless special circumstances preclude the use of cash. Agencies may require a traveler to use cash to procure passenger transportation services within the United States (50 States and the District of Columbia) when the amount involved is from \$10 to \$100, plus Federal transportation tax, for each trip (one-way or round-trip) authorized on the official travel authorization. (See Comp. Gen. Decision B-163758, July 24, 1972, and GSA Bulletin FPMR A-38, December 11, 1972, for implementing guidelines on optional cash procedures.) Receipts, passenger coupons, or other evidence as appropriate shall be required for such cash payments, except that receipts are not required for use of local transit systems. Travel agencies may not be used under these cash procedures except as provided in 1-3.4b(2). (See 1-10.3a and 1-11.5c(3).)

14. By revising subparagraph 1-10.3c(3), as follows:

1-10.3. *Advance of funds.*

c. . . .

(3) *Other means of recovery.* Outstanding advances which have not been recovered by deductions from reimbursement vouchers or voluntary refunds by the traveler shall be recovered promptly by a setoff of salary due or retirement credit or otherwise from the person to whom it was advanced, or his estate, by deduction from any amount due from the United States, or by any other legal method of recovery that may be necessary. Salary or other amounts due shall be considered ahead of the retirement credit. In view of these protections, which are specifically included in the law, travelers shall not be required to furnish bonds in order to obtain travel advances (Pub. L. 92-310, June 6, 1972; 31 U.S.C. 1201(a)).

15. By revising subparagraph 1-11.5c(3), as follows:

1-11.5. *Preparation of voucher.*

c. . . .

(3) *Cash payment for common carrier fare.* A traveler paying cash for any authorized reimbursable transportation service shall account for those expenses on an authorized travel voucher form, and shall support his claim for the passenger transportation charges with receipts, pertinent passenger coupons, or other evidence, as appropriate. The traveler who has procured these services with cash (whether using personal funds or a travel advance) shall assign to the Government his right to recover any excess payment involving a carrier's use of improper rates by including a statement on the travel voucher which provides as follows: "I hereby assign to the United

States any rights I may have against other parties in connection with any reimbursable charges for passenger transportation services described herein."

16. By revising subparagraph 1-11.6b(1), as follows:

1-11.6. *Administrative approvals.*

b. . . .  
(1) *Use of foreign flag air carriers* (1-3.6c).

17. By revising subparagraph 2-1.4d, as follows:

2-1.4. *Definitions.*

d. *Immediate family.* Any of the following named members of the employee's household at the time he reports for duty at his new permanent duty station or performs authorized or approved overseas tour renewal agreement travel or separation travel: Spouse; dependent parents, grandparents, and stepparents of the employee or employee's spouse; and dependent brothers and sisters, and dependent children of the employee or employee's spouse who are unmarried and under 21 years of age or, regardless of age, are incapable for self-support. The term dependent children includes natural offspring, stepchildren, grandchildren, adopted children, and children under legal guardianship.

18. By revising subparagraph 2-1.5f(1)(c) and adding subparagraph 2-1.5g(5-a), as follows:

2-1.5. *Eligibility and conditions.*

f. . . .  
(1) . . .

(c) *Special statutory provisions.* Appointments under any law in effect on August 25, 1960 (effective date of Pub. L. 86-587 pertaining to manpower shortage category appointees), which authorized payment of travel and transportation expenses of appointees by the Government, are not affected by the provisions herein. The limitations of the act involved and the regulations issued thereunder, but not these regulations, are applicable to such cases.

g. . . .  
(5) . . .

(5-a) *Return of former spouse and dependents.* The provisions of (5), above, are also applicable to the spouse and dependents of an employee who have traveled to the employee's overseas post of duty as dependents (as provided in 2-1.4d) at Government expense, even if, because of divorce or annulment, such individuals will have ceased to be dependents as of the date the employee becomes eligible for return travel. Travel of such former dependents is authorized by the employee's next entitlement to return travel but not beyond the end of the employee's current agreed tour of duty.

19. By revising subparagraph 2-1.6b, as follows:

2-1.6. *Use of funds.*

b. *Funding of transfers between agencies.* In the case of transfer from one agency to another, allowable expenses shall be paid from the funds of the agency to which the employee is transferred. However, in transfer between agencies for reasons of reduction in force or transfer of functions, expenses allowable under these regulations (excluding nontemporary storage when assigned to an isolated permanent duty station within the conterminous United States and also excluding transfer to or between foreign countries) may be paid in whole or in part by the agency from which the employee is transferred or by the agency to which he is transferred as may be agreed upon by the heads of the agencies concerned.

20. By revising subparagraph 2-2.3d(2), as follows:

2-2.3. *For use of a privately owned automobile in connection with permanent change of station.*

d. . . .

(2) *Maximum allowance based on total distance.* Per diem allowances should be paid on the basis of actual time used to complete the trip, but the allowances may not exceed an amount computed on the basis of a minimum driving distance per day which is prescribed as reasonable by the authorizing official and is not less than an average of 300 miles per calendar day. An exception to the daily minimum driving distance may be made by the agency concerned when travel between the old and new official stations is delayed for reasons clearly beyond the control of the travelers, such as acts of God, restrictions by Governmental authorities, or other reasons acceptable to the agency (e.g., a physically handicapped employee). In such cases, per diem may be allowed for the period of the delay or for a shorter period as determined by the agency. The traveler must provide a statement on his reimbursement voucher fully explaining the circumstances which necessitated the en route travel delay. The exception to the daily minimum driving distance requires the approval of the agency's authorizing official.

21. By revising subparagraph 2-3.3a(1), as follows:

2-3.3. *Allowable amount.*

a. . . .  
(1) \$200 or the equivalent of 1 week's basic pay, whichever is the lesser amount, for an employee without immediate family; and

22. By revising paragraph 2-4.2, as follows:

2-4.2. *Duration of trip.* The round trip should be allowed for a reasonable period

of time considering distance between the old and new official stations, mode of transportation to be used, and the housing situation at the new official station location. In no instance shall the period of the round trip at Government expense be allowed in excess of 6 calendar days, including travel time. In authorizing or allowing a particular mode of transportation, consideration shall be given to providing minimum time en route and maximum time at the new official station locality. Accordingly, if the use of a privately owned automobile is permitted, such use is deemed to be advantageous to the Government and the mileage allowance shall be as provided in 2-2.3 b and c. Expenses for local transportation at the location of the new official station shall be allowed. Agencies may authorize local transportation by common carrier, local transit systems, or Government-furnished, commercially rented, or privately owned automobiles; however, the mode of local transportation must be consistent with the mode of transportation authorized for travel to and from the new official station. Expenses for the use of taxis shall be limited to transportation between depots, airports, or other carrier terminals, and place of lodging.

23. By revising subparagraph 2-6.2g, as follows:

2-6.2. *Reimbursable and nonreimbursable expenses.*

g. *Overall limitations.* The aggregate amount of expenses which may be reimbursed in connection with sale of the residence at the old official station shall not exceed 10 percent of the actual sale price. The aggregate amount of expenses which may be reimbursed in connection with the purchase of the home at the new official station shall not exceed 5 percent of the actual purchase price.

24. By revising subparagraph 2-8.2a and adding subparagraph 2-8.2a-1, as follows:

2-8.2. *General limitations.*

a. *Maximum weight allowance.* The maximum weight of household goods which may be transported or stored incident to line haul transportation is limited to 11,000 pounds net weight for employees with or without immediate families. The aggregate total of the weight of household goods stored under 2-9.1 and 2-9.2 plus the weight of household goods transported under this Part 8 shall not exceed the above maximum weight allowance.

a-1. *Professional books, papers, and equipment.*

(1) For purposes of this Part 8, the term "professional books, papers, and equipment" includes those professional or specialized items and other materials which are personally owned by the employee for use in the performance of official duties. The term does not include sport equipment or office, household, or shop fixtures and furniture; i.e., bookcases, file cabinets, desks, and racks of



any kind even though used in connection with the professional books, papers, and equipment.

(2) There is no statutory authority to transport personally owned professional books, papers, and equipment in addition to the maximum weight allowance (2-8.2a) established by law for transportation of an employee's household goods and personal effects. However, there may be instances in which the weight of the professional books, papers, and equipment would cause an employee's household goods shipment to be in excess of the maximum weight allowance. In such instances, the personally owned professional books, papers, and equipment may be transported to the new permanent duty station as an administrative expense of an agency (not chargeable to travel and transportation appropriations). Shipment of these items as an administrative expense would be in lieu of shipment as an allowance of the employee. (Comp. Gen. Decision B-171677, May 13, 1971.)

(3) Authority to transport professional books, papers, and equipment as an ad-

ministrative expense shall be subject to agency policy and discretion within the following guidelines:

(a) The employee shall furnish an itemized inventory of professional books, papers, and equipment for review by an appropriate authorizing official at the new permanent duty station. In addition, the employee shall furnish appropriate evidence (as determined by the agency concerned) that transporting the itemized materials as part of the employee's household goods would result in an excess of the employee's maximum weight allowance.

(b) The authorizing official at the new permanent duty station shall review and certify that the professional books, papers, and equipment as itemized are necessary in the proper performance of the employee's duties at the new duty station and that if these items were not transported to the new duty station, the same or similar items would have to be obtained at Government expense for the employee's use at the new duty station.

(c) When professional books, papers, and equipment are certified as provided

in (b), above, and shipped for the employee as an administrative expense of an agency, shipment shall be by the actual expense method; the commuted rate method shall not be used. When shipped in the same lot with the employee's household goods and other personal effects under the actual expense method, the professional books, papers, and equipment shall be packed and weighed separately; the weight thereof and the administrative appropriation chargeable shall be stated as separate items on the Government bill of lading. In unusual instances in which it is impractical or impossible to obtain separate weights, constructive weight of 7 pounds per cubic foot may be used.

Dated: May 10, 1976.

WALLACE H. ROBINSON, Jr.,  
Commissioner,  
Federal Supply Service.

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## DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 114]

### PRINCIPAL U.S. DIPLOMATIC OFFICER TO BAHRAIN

#### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961 (26 FR 10608), I hereby delegate to the principal diplomatic officer of the United States to Bahrain, with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in unpublished Delegation of Authority of January 10, 1955, A.I.D. Handbooks, manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda or other instructions as these may be amended, supplemented or superseded from time to time.

The exercise of the authorities delegated herein shall be subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors.

The authority delegated herein may be redelegated to the officer at the post principally responsible for A.I.D. activities and may be exercised by persons who are performing the functions of such officer in an "acting" capacity.

This delegation of authority shall be effective immediately.

Dated: May 6, 1976.

DANIEL PARKER,  
Administrator, Agency for  
International Development.

[FR Doc.76-14704 Filed 5-19-76; 8:45 am]

#### Office of the Secretary

[Delegation of Authority No. 135]

### ASSISTANT SECRETARY OF STATE FOR EDUCATIONAL AND CULTURAL AFFAIRS

#### Delegation of Authority

Pursuant to the authority vested in me by Section 3(a) of the Act of December 20, 1975 (89 Stat. 844), entitled the "Arts and Artifacts Indemnity Act", I hereby delegate to the Assistant Secretary of State for Educational and Cultural Affairs, or in his absence, to the officer designated to act for him, the authority to perform the functions conferred upon the

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

Secretary of State to certify an exhibition as being in the national interest.

Dated: May 11, 1976.

HENRY A. KISSINGER,  
Secretary of State.

[FR Doc.76-14703 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF DEFENSE

Department of the Army

### BALLISTIC MISSILE DEFENSE TECHNOLOGY ADVISORY PANEL

#### Closed Meeting; Correction

The Ballistic Missile Defense Technology Advisory Panel has rescheduled its closed meeting for July 13 through 15. This meeting which was originally scheduled for June 1 through 3, was announced in the May 11, 1976 FEDERAL REGISTER and appeared on page 19233.

Dated: May 14, 1976.

By authority of the Secretary of the Army.

R. W. HAMPTON,  
Colonel, U.S. Army, Director of  
Administrative Management,  
TAGCEN.

[FR Doc.76-14688 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF JUSTICE

Drug Enforcement Administration

### MANUFACTURE OF CONTROLLED SUBSTANCES

#### Notice of Registration

By Notice dated March 12, 1976, and published in the FEDERAL REGISTER on March 24, 1976; (41 FR 12234), Stepan Chemical Co., Natural Products, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:  
Cocaine, Schedule II  
Ecgonine, Schedule II

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Deputy Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of

the basic class of controlled substances listed above is granted.

Dated: May 13, 1976.

JERRY N. JENSON,  
Deputy Administrator,  
Drug Enforcement Administration.  
[FR Doc.76-14712 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

### COVELO INDIAN COMMUNITY, ROUND VALLEY RESERVATION, CALIF.

#### Transfer of Federally Owned Lands

May 12, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On February 6, 1976, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Pub. L. 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described lands were transferred by the Director, Real Property Division, San Francisco Regional Office of the General Services Administration to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Covelo Indian Community, Round Valley Reservation, California:

Lots 59 and 60, section 19, Township 23 North, Range 12 West, Mount Diablo Meridian, Mendocino County, California, containing 20 acres more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Covelo Indian Community. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.  
[FR Doc.76-14690 Filed 5-19-76; 8:45 am]

### Bureau of Land Management ALASKA STATE MULTIPLE USE ADVISORY BOARD

#### Meeting

May 14, 1976.

Notice is hereby given that the Alaska State Multiple Use Advisory Board of the Bureau of Land Management, U.S. De-



partment of the Interior, will meet July 15-18, 1976.

On July 15 at 10:00 a.m. the Board will have an orientation on Alaska fire management policy and the Bureau of Land Management's involvement in the Youth Conservation Corps at the Tanacross Airfield, Tanacross, Alaska. The Board will convene its business meeting July 15 at 1:00 p.m. in the Tok School Gymnasium, Tok, Alaska, and hear public testimony as the first item on its agenda. The Board will then receive a report on the Bureau of Land Management's involvement in surface management on Petroleum Reserve Numbered Four, including copies of any draft surface management regulations which may have been developed by that time. They will also have a presentation on Bureau of Land Management land-use planning in the Fairbanks District's Fortymile Resource Area, along the Taylor Highway and the Fortymile River and its tributaries. Purpose of the discussion is to note similarities and differences between the State's Taylor Highway, which is open to the public, and the State's Pipeline Haul Road north of the Yukon River, which presently is closed to the public. Discussion of these items will continue throughout the day and possibly evening.

On July 16 at 8:00 a.m. the Board will depart Tok by bus on a field trip. It will travel up the Taylor Highway to view that road, and in afternoon transfer to rafts on the Fortymile River. The Board will make camp overnight and listen to the presentations on the Bureau of Land Management's management framework plan for the Fortymile Resource Area in the evening.

On July 17, the Board will continue its trip down the Forty-mile River, transferring to a bus about mid-day to continue up the Taylor Highway to the City of Eagle, Alaska. Upon arrival in the City of Eagle, the Board will hear a brief presentation on the historical restoration plan for buildings in the City of Eagle and former U.S. Army's Fort Egbert.

On July 18 at 8:00 a.m. the Board will meet at the Wickersham Courthouse to begin a tour of Eagle and Fort Egbert to examine current historical restoration projects. At 10:00 a.m. the Board will reconvene its business meeting in the Wickersham Courthouse, City of Eagle, Alaska, to conduct Board business and make recommendations.

All meetings and activities of the Board will be open to the public. Members of the public wishing to participate in the field trip must furnish their own transportation and camping equipment; it is also recommended that they make prior arrangements to return home from Eagle the evening of July 18, 1976.

Oral or written statements may be submitted for the Board's consideration the afternoon of July 15. Oral statements are not to exceed ten minutes and must pertain to matters under consideration by the Board at this meeting or the meeting in the City of Eagle, Alaska. Written copies of oral statements are requested, and anyone wishing to make

an oral statement is requested to inform the State Director by close-of-business on July 12. Written statements for consideration of the Board at this meeting may also be filed by sending them to the State Director. Early mailing of written statements is encouraged to ensure adequate opportunity for Board consideration.

Further information concerning the meeting may be obtained from Kerry L. Cartier, Acting Chief, Public Affairs, Alaska State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, telephone (907) 277-1561.

CURTIS V. McVEE,  
State Director, Alaska.

[FR Doc.76-14729 Filed 5-19-76;8:45 am]

[Arizona Phoenix 080572]

#### ARIZONA

##### Order Providing for Opening of Lands

In an exchange made under the provisions of Section 8 of the Act of June 28, 1934, as amended, (43 U.S.C. 315g), the following described land has been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN  
ARIZONA

T. 1 S., R. 1 W.,  
Sec. 16, W $\frac{1}{2}$ NE $\frac{1}{4}$ .

The area described contains 80.00 acres.

The subject land lies within the northern extension of the Sierra Estrella Mountain Range and within the boundaries of the Estrella Mountain County Regional Park. This is a scenic, largely undeveloped mountainous area, situated about 10 miles southwest of Phoenix, Arizona. This 80-acre tract is hilly and bisected by a number of entrenched drainage ways. The elevations range from 1200 to 1600 feet in the area. The soils are very thin, coarse in texture with many very large rock fragments.

The land has been classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended, (43 U.S.C. 869; 869-4), in response to Maricopa County's application to include the subject tract as part of the existing Estrella Mountain County Regional Park.

At 10:00 A.M., on June 18, 1976, subject to valid existing rights, the land will be open to the operation of the public land laws.

The mineral estate was not exchanged; therefore, the mineral status of the land is not affected by this order.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: May 14, 1976.

HAROLD RAMSBACHER,  
Acting State Director.

[FR Doc.76-14602 Filed 5-19-76;8:45 am]

#### BURLEY DISTRICT MULTIPLE USE ADVISORY BOARD

##### Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Burley District Multiple Use Advisory Board will be held June 29, 1976, at 8:30 A.M., at the District Office, two miles south on Highway 27, Burley, Idaho.

The Ad Hoc Committees, established during the February 4, 1976 meeting of the board to study the DLE and Carey Act programs of the Burley District, will meet to carry out their assigned responsibilities. These committees will study and report on the agricultural activity in the Burley District, particularly Golden Valley, the Highway Unit, and Black Pine Valley. The committees will meet at the District Office where there will be a short meeting of the full board to discuss policies for using Advisory Board funds.

Any interested person wishing to make a presentation to the Board, or submit a written statement, should contact the official listed below at least five (5) days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Route No. 3, Box 1, Burley, Idaho 83318 (telephone 678-5514).

Minutes of the meeting will be available for public inspection and copying approximately one (1) month after the meeting at the District Office in Burley, Idaho.

NICK JAMES COZAKOS,  
District Manager.

[FR Doc.76-14695 Filed 5-19-76;8:45 am]

[CA 632]

#### CALIFORNIA

##### Order Providing for Opening of Public Land

1. In exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 10 E.,  
Sec. 15, S $\frac{1}{2}$ ;  
Sec. 18, SE $\frac{1}{4}$ .

The area described aggregates 480 acres in Placer County, California.

2. This land lies adjacent to national resource land. It is valuable for Watershed and Wildlife habitat and will be managed under Multiple Use Management.

3. The United States does not have jurisdiction as to the Geothermal Steam in the land described in paragraph 1 as the Geothermal Steam was not reconveyed by exchange.

4. At 10 a.m. on April 23, 1976, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawal and the requirements of ap-

plicable law. All valid applications received at or prior to 10 a.m. on April 23, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Except as to the Geothermal Steam reservation described in paragraph 3 above, the lands will be open to location under the United States Mining laws and applications and offers under the mineral leasing laws at 10 a.m. on April 23, 1976.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.76-14693 Filed 5-19-76;8:45 am]

#### VERNAL DISTRICT MULTIPLE USE ADVISORY BOARD, UTAH

##### Meeting

Notice is hereby given that the Vernal District Multiple Use Advisory Board of the Bureau of Land Management, U.S. Department of the Interior, will meet in the Vernal District Office of the Bureau of Land Management, 91 West Main Street, Vernal, Utah at 9:30 a.m. on Tuesday, June 29 and 30, 1976.

The morning of June 29 will be devoted to organization of the Board and election of officers. During the remainder of the meeting the Board will tour the U.S. Steel Phosphate Preference Right Lease Application area, the proposed White River Dam site, and the proposed recreation sites at Pelican Lake and Brough Reservoir.

The meeting is open to the public. Interested persons may make oral presentations to the Board or file written statements. Such statements should be presented to the official listed below at least one day prior to the meeting.

Further information concerning this meeting may be obtained from Lloyd H. Ferguson, District Manager, Bureau of Land Management, P.O. Box F, Vernal, Utah 84078, telephone number 789-1362.

JOHN A. KWIATKOWSKI,  
Acting District Manager.

[FR Doc.76-14696 Filed 5-19-76;8:45 am]

[W-55908]

WYOMING

Application

May 13, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Stauffer Chemical Company of Wyoming filed an application for a right-of-way to construct a 4" pipeline for the purpose

of transporting natural gas across the following National Resource Lands:

T. 22 N., R. 103 W.,  
Sec. 4, lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The pipeline will transport natural gas from a well in sec. 4 to an existing gathering system in sec. 4, T. 22 N., R. 103 W., Sweetwater County, Wyoming. The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager,


Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENN M. LANE,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.76-14694 Filed 5-19-76;8:45 am]

#### Fish and Wildlife Service ENDANGERED SPECIES PERMIT Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input type="checkbox"/> PERMIT</p>																												
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED</p> <p><i>Amur Pelican</i></p>		<p>See supplemental sheet</p>																												
<p>3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)</p> <p>Theodore Ashe Beckett, III Magnolia Gardens-Route 4 Charleston, S. C. 29407 Phone: 803/766-8040</p>																														
<p>4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MEX.</td> <td>HEIGHT</td> <td>WEIGHT</td> </tr> <tr> <td></td> <td>5'9"</td> <td>140 lbs.</td> </tr> <tr> <td>DATE OF BIRTH</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td>11/23/1919</td> <td>Brown</td> <td>Brown</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED</td> <td colspan="2">SOCIAL SECURITY NUMBER</td> </tr> <tr> <td>571-1266</td> <td colspan="2">76-896 247-20-5754</td> </tr> <tr> <td colspan="3">OCCUPATION</td> </tr> <tr> <td colspan="3">Nursery Manager</td> </tr> <tr> <td colspan="3">ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT</td> </tr> </table>				<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MEX.	HEIGHT	WEIGHT		5'9"	140 lbs.	DATE OF BIRTH	COLOR HAIR	COLOR EYES	11/23/1919	Brown	Brown	PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER		571-1266	76-896 247-20-5754		OCCUPATION			Nursery Manager			ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		
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ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT																														
<p>5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Deveaux Bank-off Seabrook Beach (now the site of the Alexander Sprunt Memorial)</p>																														
<p>6. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(If yes, furnish name of permit number) Banding Permit #6741 Master-personal; Collecting permit #4-SC-385; Endangered Species Permit PR-8-B-C</p>																														
<p>7. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(If yes, list jurisdiction and type of document)</p>																														
<p>8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE, ENCLOSED IN AMOUNT OF</p> <p>\$</p>		<p>9. DESIRED EFFECTIVE DATE</p> <p>Now</p>																												
<p>10. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE SECTION 12.17) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 C.F.R. UNDER WHICH ATTACHMENTS ARE PROVIDED.</p>		<p>11. DURATION NEEDED</p> <p>Probably several more years</p>																												
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (in ink) <i>T. A. Beckett</i> DATE <i>Feb 23, 1976</i></p>																														

RED-COCKADED WOODPECKER "DENDROCOPOS BOREALIS"

17.22(a) Previously forwarded.  
(1) Red-cockaded woodpecker, *Dendrocopos borealis*.

The number of birds banded depends upon the production of young, the number of

adults (unbanded) that move into a colony site, and the amount of time I can afford my banding activities. No birds are taken for export or interstate commerce.

(2) All of the birds to be covered by this permit are in the wild.

(3) Since 1969 I have banded over 200 Red-cockaded woodpeckers with no known



loss of birds banded as a result of my work. The birds are caught in pole nets, the needed data (measurements, weight, etc.) recorded, and the birds released.

(4) The birds to be banded have not been removed from the wild and are hatched at the point of release.

(5) No institution or other facility is involved in my work.

(6) No birds are to be reared under this permit request.

(7) I have no contracts and agreements involved in my banding work. The dates on which I will place bands on the young will depend on the development of the young, suitability of weather, and my available time. Since I am not removing birds from the wild, I have no plan for their disposal.

I have been working with the Red-cockaded woodpecker since 1969 in an

effort to learn its true status in South Carolina, learn as much as possible of its life history, and above all, ways in which the species will be able to survive in today's world of "clear cut and replant." I have over 200 birds banded and code color banded—many of known age. I am at present working up a table projecting longevity and another on tree loss and the various causes.

At present the Forestry Service has a biologist who plans to continue into the future working the various colonies in which I have acquired about six years of field knowledge. Since I am now 57 years of age and the camping and climbing of ladders is in fact for the youth, I do not anticipate too many more years of intensive work with this species. No birds are harmed or collected.

losses as a result of my work. The young, in nest on ground, are picked up, banded and replaced in the nest.

(4) The birds to be banded have not been removed from the wild and are hatched at the point of release.

(5) No institution or other facility is involved in my work.

(6) Although I have reared injured young in the past to a point for release, no young or adults are to be reared under this permit request.

(7) I have no contracts and agreements involved in my banding work. The dates on which I will place bands on the young will depend on the development of the young, suitability of weather, and my available time. Since I am not removing birds from the wild, I have no plan for their disposal.

I have been working with and banding the Brown pelican for over 25 years. I have currently banded over 11,000 birds. It was through my work and that of Dr. Hildebrand that the species was placed on the endangered list and the West Coast population was at last checked for nesting success. I have watched the Brown pelican decline to 10% of its former population in South Carolina, although it appears to currently be increasing in numbers with a striking decrease in egg and nestling loss. I have made studies of breeding age, food habits, nestling success and assisted other biologists in their work with the species.

I have succeeded in having the Deveaux Bank colony declared a sanctuary with a warden to protect it. In former years I have helped to post and acquire Federal protection for the site.

I am not a professional ornithologist nor do I claim to make the most use of my current field records. With almost fifty years in field work it is likely that I will soon be forced to be more active in publishing my accumulated notes and recovery records. To date I have assisted all professional biologists with my past work and expect to continue to do so in the future.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 21, 1976, will be considered.

Dated: May 17, 1976.

LOREN K. PARCHER,  
Deputy Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-14672 Filed 5-19-76; 8:45 am]

#### ENDANGERED SPECIES PERMIT

##### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: William Albert Burnham, Peregrine Fund of Cornell University, 1424 Northeast Frontage Road, Fort Collins, Colorado 80521.

cons being placed in the wild and to also band all nestlings located while selecting sites for or during the reintroducing of captive produced falcons. I also trap and band migrating falcons for John Smith and the Texas Game and Fish Department. Obviously the reason for all the above activity is to gain information relating to the Peregrine Falcon's movement and survival.

(3) My present permit authorizes me to band in Utah, Texas, Wyoming, Idaho, Montana, Nevada, Colorado, New Mexico and Arizona. These are states which peregrines may be reintroduced and studied in.

(4) No salvage specimens are anticipated but Cornell University in Ithaca, New York, would be the recipient of such specimens.

Comment: Presently I am authorized to use plastic leg bands on Peregrine Falcons in coordination with F. Prescott Ward, No. 9448, Edgewood Arsenal, Maryland. The authorization allows for orange leg bands w/blk numerals in Texas; light blue leg bands w/blk numerals in Utah, Wyoming, Idaho, Montana, Nevada, Colorado, New Mexico and Arizona. I would very much like to maintain this authorization as it is extremely valuable for identifying the falcons at a distance.

Thank you for your consideration.

Sincerely yours,  
WILLIAM BURNHAM.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 21, 1976 will be considered.

Dated: May 17, 1976.

LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-14673 Filed 5-19-76; 8:45 am]

#### ENDANGERED SPECIES PERMIT

##### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Emory University, Dr. John F. R. Kuck, Jr., Eye Research Laboratory, Atlanta, Georgia 30322.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		ONE NO. 42-R-1679	
1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:  to band captive bred as well as wild Peregrine Falcons both in nests and during migration-- for scientific purposes	
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  William Albert Burnham Peregrine Fund of Cornell University 1424 Northeast Frontage Road Fort Collins, Colorado 80521 303-493-4992		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:  DATE OF BIRTH: Oct. 5, 1947 HEIGHT: 5'10" WEIGHT: 165 lbs. COLOR HAIR: brn COLOR EYES: blue PHONE NUMBER WHERE EMPLOYED: 493-4992 SOCIAL SECURITY NUMBER: 522-66-6571 OCCUPATION: Manager-Western Peregrine Falcon breeding program for Cornell University ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT	
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION		6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:  Colorado Utah Texas Wyoming Arizona  Idaho Montana Nevada New Mexico	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) Banding Master-personal 20499		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document) I will and have acquired the states permission as needed.	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE: immediately	
11. DURATION NEEDED until conclusion of my work-at least 3 years		12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 22.22(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:  refer to additional pages	
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) William A. Burnham		DATE January 22, 1976	

17.22(a) (1) Peregrine Falcon, *Falco peregrinus* to band nestling and migrants both captive produced and wild.  
(2) Falcons to be banded will be wild as well as captive produced.

(3) Does not apply.  
(4) Does not apply.  
(5) Does not apply.  
(6) Does not apply.  
(7) Does not apply.

(8) (i) to band wild and captive produced Peregrine Falcons.

(ii) Captive produced young will be banded as well as any young located which will be involved in introduction related activities. Also, to band wild migrant peregrines located during research activities.

(iii) The banding will give information on survivorship and movement of Peregrine Falcons.  
(iv) Does not apply.

April 18, 1975.

DIRECTOR,  
FWS-LE,  
U.S. Fish and Wildlife Service,  
Washington, D.C.

DEAR SIR: The information within is that requested in section 22.22 of the FEDERAL REGISTER, Vol. 39, No. 3—January 4, 1974.

21.11(a) (1) The banding permit I presently possess allows for the banding of Peregrine Falcons and other raptors except eagles or other endangered species.

(2) The purpose of the banding would be to mark all captive raised Peregrine Fal-

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		ONE NO. 42-R-1679	
1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:  Red-cockaded	
3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  Theodore Ashe Beckett, III Magnolia Gardens-Route 4 Charleston, S. C. 29407 Phone: 803-766-8040		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:  DATE OF BIRTH: 11/23/1918 HEIGHT: 5'9" WEIGHT: 140 lbs. COLOR HAIR: Brown COLOR EYES: Brown PHONE NUMBER WHERE EMPLOYED: 757-1266 SOCIAL SECURITY NUMBER: 247-20-5754 OCCUPATION: Nursery Manager ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT	
5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION		6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:  Chiefly in the Francis Marion National Forest and adjacent private lands.	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) Banding Permit #6741 Master-personal, Collecting Permit # 4-SC-385; Endangered		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document)	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE: Now	
11. DURATION NEEDED: Probably several more years		12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 22.22(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:	
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) T. A. Beckett		DATE Feb 23, 1976	

BROWN PELICAN "PELECANUS OCCIDENTALIS"

17.22(a) Previously forwarded.


(1) Brown pelican, *Pelecanus occidentalis*. The number of birds banded depends on the number of young developed to a size

suitable for banding. No birds are taken for export or interstate commerce.

(2) All of the birds to be covered by this permit are in the wild.

(3) I have banded over 12,000 Brown pelicans in the last 30 years with no known



 <p><b>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE</b></p> <p><b>FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</b></p>		<p>1. APPLICATION FOR (Indicate by check)  <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>To take one young alligator for the purpose of removing the eyes to study the lenticular proteins by Raman spectroscopy</p>		<p>3. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>NAME: <b>Dr. John F.R. Kuck, Jr.</b>          Eye Research Laboratory          Emory University          Atlanta, GA 30322          ph 404-377-2411 ex 7745</p>	
<p>4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>DATE OF BIRTH: <b>Jan 27, 1919</b>          COLOR HAIR: <b>gray</b>          COLOR EYES: <b>blue</b>          PHONE NUMBER WHERE EMPLOYED: <b>377-2411</b>          SOCIAL SECURITY NUMBER: <b>327-28-2056</b>          OCCUPATION: <b>biochemist, Associate Professor</b></p>		<p>5. IF APPLICANT IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:  <b>Emory University          Game &amp; Fish Division, Natural Resources          Dept of the State of Georgia</b></p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p><b>Eye Research Lab          Emory University          1365 Clifton Rd NE          Atlanta GA 30322</b></p> <p>See 12, below</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number.)</p> <p><b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/></p>	
<p>8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE, ENCLOSED IN AMOUNT OF</p> <p><b>as soon as possible</b> <b>6 months</b></p>		<p>9. DURATION NEEDED</p> <p><b>6 months</b></p>	
<p>10. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p><b>State of Ga. wildlife officials have agreed to collect a young animal for me in the Okefenokee and convey it to me when I obtain the proper federal permit</b></p>			
<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (in ink): <b>John F.R. Kuck, Jr.</b> DATE: <b>April 5, 1976</b></p>			

APRIL 15, 1976.

17.22(a) Form 3-200 already submitted. The following information is submitted as an attachment to 3-200.

1. Alligator mississippiensis. One specimen needed, of unspecified sex. Age: as young as possible, preferably a hatching. Scientific purpose: to take Raman spectrum of lens proteins in the intact living lens and to make further studies on separated lens proteins. For this purpose the animal will be sacrificed and the eyes removed.

2. The alligator is still to be taken by state wildlife officials in the Okefenokee Swamp where there is presently no shortage.

3. and 4. Not applicable.

5. Alligator will not be maintained but will be used as soon as possible when the scientific preparations are complete, i.e., within days after receipt of the specimen.

6. A live specimen is necessary in order that the organ to be examined is still living. Otherwise the rest of section 6 is not applicable.

7. I have no written contract but Mr. Handy of the State Game and Fish Division has given me oral assurance of his cooperation and that of personnel in the field. Mr. Jack Frost of the regional office of the U.S. Fish and Wildlife Service is also aware of this arrangement.

8. In order to study the undenatured proteins of the alligator lens it is necessary to have a live animal which can be sacrificed at a convenient time. The research is not concerned with wildlife survival as such but is designed to shed light on cataract formation in those species (i.e., birds and reptiles) which seem much more resistant to cataract formation than humans.

The animal will be sacrificed humanely by opening the jugular vein. After removal of the eyes the body will be preserved for the use of anyone wishing to study other tissues.

Dr. JOHN F. R. KUCK, JR.,  
Emory University  
Eye Research Laboratory

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Of-

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).


Applicant: San Antonio Zoological Gardens and Aquarium, 3903 N. St. Mary's Street, San Antonio, Texas 78212.

Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 21, 1976 will be considered.

Dated: May 17, 1976.

LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc. 76-14674 Filed 5-19-76; 8:45 am]

 <p><b>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE</b></p> <p><b>FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</b></p>		<p>1. APPLICATION FOR (Indicate by check)  <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Import 1 male maned wolf (<i>Chrysocyon brachyurus</i>) from the Fundacao Parque Zoologico de Sao Paulo, Sao Paulo, Brazil, as a mate for our proven breeder female maned wolf to propagate the species.</p>		<p>3. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>NAME: <b>San Antonio Zoological Gardens &amp; Aquarium</b>          3903 N. St. Mary's Street          San Antonio, TX 78212          (512) 734-7183</p>	
<p>4. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>DATE OF BIRTH: <b>Jan 27, 1919</b>          COLOR HAIR: <b>gray</b>          COLOR EYES: <b>blue</b>          PHONE NUMBER WHERE EMPLOYED: <b>377-2411</b>          SOCIAL SECURITY NUMBER: <b>327-28-2056</b>          OCCUPATION: <b>biochemist, Associate Professor</b></p>		<p>5. IF APPLICANT IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:  <b>Emory University          Game &amp; Fish Division, Natural Resources          Dept of the State of Georgia</b></p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p><b>Import from Sao Paulo, Brazil to San Antonio, Texas</b></p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number.)</p> <p><b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/></p>	
<p>8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE, ENCLOSED IN AMOUNT OF</p> <p><b>as soon as possible</b> <b>6 months</b></p>		<p>9. DURATION NEEDED</p> <p><b>6 months</b></p>	
<p>10. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p> <p><b>See attachments - Sections 17.22 (1); (6) (1); (6) (iv); (6) (v); (7)</b></p>			
<p><b>CERTIFICATION</b></p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (in ink): <b>Louis R. DiSabato</b> DATE: <b>March 26, 1976</b></p>			

DIRECTOR,  
U.S. Fish and Wildlife Service, Law Enforcement, USDI, Washington, D.C. 20240.

DEAR SIR: Enclosed is a permit application in accordance with paragraph 17.22 Title 50 CFR for the importation of one male maned wolf (*Chrysocyon brachyurus*) from the Fundacao Parque Zoologico de Sao Paulo, Brazil to the San Antonio Zoological Gardens & Aquarium, San Antonio, Texas. The following is the information as required by paragraph 17.22:

(1) One adult male maned wolf (*Chrysocyon brachyurus*) to be imported from the

Fundacao Parque Zoologico de Sao Paulo, Sao Paulo, Brazil.

(2) The animal is in captivity and has been in the Golan Zoo, Mato Grosso, Brazil, for about two years (see attachment). It is a wild caught animal.

(3) The San Antonio Zoo has communicated with several zoos in the United States since October 1973 in attempts to acquire a mate for our female maned wolf, but has been unsuccessful. We contacted all known zoos with single adult males in their collections or who had bred this species and might have a surplus male offspring. The latest attempt was with members of the Interna-

tional Union of Directors of Zoological Gardens visiting the United States for their international conference.

(4) The animal was originally captured in the wild in Brazil.

(5) The animal will be maintained, displayed, and used in a propagation program at the San Antonio Zoological Gardens and Aquarium, 3903 N. St. Mary's Street, San Antonio, TX 78212.

(6) (i) The animal will be housed with our female maned wolf in an open-moated, wire-fronted, naturalistic exhibit in a section of the zoo containing a series of open-moated mammal exhibits. The outdoor enclosure is 26'2" deep by 17'4" wide. There is also a heated den for seclusion with dimensions of 9'3" by 5'10". Another den 7'6" by 5'10" adjoins the rear of the first den and may also be used for the maned wolves. It has been used as a whelping area for the female in the past. The exhibit contains a pool at the front plus a large rock to the left rear corner. The area to the side and rear of the rock has been a favorite resting area for the wolves. Jasmine plantings on the top of the side walls and rear of the exhibit grow down into the exhibit providing shade and seclusion. (See enclosed pictures)

(6) (ii) The zoo director, assistant director and superintendent of mammals each have over 20 years experience in the management, care, and handling of wild animals in captivity. The zoo staff also includes a fulltime resident veterinarian plus 4 health center attendants and 24 animal attendants in the Mammal Department. The supervisor of the Small Mammal Section, in which the maned wolves are housed has four years of zoo experience. Maned wolves have been maintained at the San Antonio Zoo since October 1968 when the female for which we are attempting to secure a mate was received. This female produced young in 1971 and 1972. The zoo staff has also had experience in maintaining the red wolf, gray wolf, coyote, red fox, gray fox, fennec fox, dingo, Asiatic jackal, raccoon dog, and Cape hunting dog. Of these species, the maned wolf, red wolf, fennec fox, and Asiatic jackal have been propagated in the collection.

(6) (iii) The San Antonio Zoo will readily participate in cooperative breeding programs and in the maintenance of studbooks. It currently contributes information of studbooks on the maned wolf, white rhino, black rhino, clouded leopard, snow leopard, tiger, gorilla, Pere David deer, pygmy hippo, scimitar-horned oryx, addax, red wolf and golden lion marmoset. Zoo personnel are well-versed in the format and procedures in the use of these important records.

(6) (iv) The animal will be shipped in a piled pinewood box with metal sheet and dimensions of 1.12m long, .95m high, and .71 m wide (See attachments). Suitable water and food containers will be provided with the crate, and the shipment will be via commercial airlines. It is anticipated that the animal will be shipped via the port of Miami. Zoo officials at the Crandon Park Zoo, Miami, would be requested to check the animal and provide any necessary food and water if required while the animal is in Miami.

(6) (v) The San Antonio Zoo has had 2 maned wolves in its collection—a female received in October 1968 and a male received April 1969. The male died September 1, 1973, and the female still resides in the collection. Two young were born December 22, 1971, but were killed by the mother. Four were born December 7, 1972 and were taken for hand-rearing because of the experience with the first litter. These babies dies at the ages of 4 and 5 days. Pathology reports that the young were premature. It is believed that the young



## NOTICES


## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to

have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Charles Sivel, 41 Westcliff Drive, Dix Hills, New York 11746.

 <b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate only one) <input checked="" type="checkbox"/> IMPORT OR EXPORT LICENSE <input type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: To export in the course of a commercial activity 1 pr. of captive reared Cros. cros. drouyni pheasants '75 and 1 female captive reared Cros. cros. drouyni pheasants for propagation purposes		3. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME: Charles Sivel ADDRESS: 41 Westcliff Drive, Dix Hills, N.Y. 11746 PHONE: 516-423-6146 DATE OF BIRTH: 9-24-18 COLOR HAIR: Brown COLOR EYES: Blue HEIGHT: 5'11" WEIGHT: 190 lbs OCCUPATION: Manufacturer ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: None	
4. IF APPLICANT IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Not applicable IF APPLICANT IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: Not applicable		5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: Export from New York City to Canada	
6. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: No fee required		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES: FRT 8 306-C, 5-PR-1084 ES-68 8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES: Convention International Trade in Endangered Species Canadian Import permit to be provided when available	
9. DESIRED EFFECTIVE DATE: At once		10. DURATION REQUESTED: 9 months	
11. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (24 CFR 21.172) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 20 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: Attachment			
12. CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (If individual): Charles Sivel DATE: 4-5-76			

APRIL 5, 1976  
 Mr. LYNN A. GREENWALT,  
 Director U.S. Fish and Wildlife Service,  
 Law Enforcement Division,  
 U.S.D.I.,  
 Washington, D.C.

DEAR Mr. GREENWALT: The undersigned hereby applies for an Endangered Species Permit under Section 10(a) of the Endangered Species Act of 1973. The following information is submitted pursuant to paragraph 17.22 of Volume 40, No. 188 of the Federal Register.

Request is made for a permit to export one pair of 1975 White-eared pheasants, Crossophtion crossophtion drouyni and for one 1975 female White-eared pheasant, crossophtion crossophtion drouyni in the course of a commercial activity for propagation purposes. The specimens referred to were

propagated in the aviaries of the undersigned at 41 Westcliff Drive, Dix Hills, N.Y. 11746, during 1975 from specimens imported earlier in accordance with permits #ES-68 and #ES-422.

The 1975 female White-eared pheasant Crossophtion crossophtion drouyni is to be exported to Mr. W. W. Morlock, Hespeler Highway 24, Ontario, Canada. Mr. Morlock has been one of the foremost propagators of rare pheasants in Canada for the past thirty years. He has received many awards during this time for rare breedings and was one of the first in North America to keep White-eared pheasants which he has previously bred. He requires the female to pair off with a male that he now possesses so that he may propagate the species. He has also successfully raised quantities of Brown-eared and Blue-eared pheasants during this time

## NOTICES

## DEPARTMENT OF AGRICULTURE

## Forest Service

## BOISE NATIONAL FOREST GRAZING ADVISORY BOARD

## Meeting

The Boise National Forest Grazing Advisory Board will meet at 9:00 A.M., June 15, 1976, at the Boise National Forest Supervisor's Office, 1075 Park Boulevard, Boise, Idaho.

The purpose of the meeting is to hear the grazing permittee's (Mores Creek C&H Allotment) appeal for reconsideration of the Forest Supervisor's decision on a reduction in their permitted livestock use.

The meeting will be open to the public. Persons who wish to attend should notify Mr. Tom Nicholson, President, Boise National Forest Grazing Advisory Board, 10322 Estate Drive, Boise, Idaho 83705; Telephone Area Code 208-375-5255.

The committee has established the following rules for public participation: written statements will be accepted by the committee president prior to the meeting or immediately after the close of the meeting.

Dated: May 13, 1976.

EDWARD C. MAW,  
 Forest Supervisor.

[FR Doc. 76-14679 Filed 5-19-76; 8:45 am]

## MULTIPLE USE PLAN DICKEY-SUNDAY PLANNING UNIT

## Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for Dickey-Sunday Planning Unit, Forest Service Report Number R1-76-4 USDA-FS-R1(14)-FES (Adm.).

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Dickey-Sunday Planning Unit, Fortine Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 67,029 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on 5/14/76.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923.

cation are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 21, 1976 will be considered.

Dated: May 17, 1976.

LOREN R. PARCHER,  
 Acting Chief, Division of Law  
 Enforcement, U.S. Fish and  
 Wildlife Service.

[FR Doc. 76-14676 Filed 5-19-76; 8:45 am]

## Office of the Secretary

## CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

## Establishment

This notice is issued in accordance with the provisions of Section 9(a) (2) of the Federal Advisory Committee Act (P.L. 92-463). The Secretary of the Interior is establishing a Cape Cod National Seashore Advisory Commission to render advice to the Secretary of the Interior and officers and employees of the National Park Service in regard to matters pertaining to development and operations of the Cape Cod National Seashore, established pursuant to Public Law 87-126 (75 Stat. 284). The commission will render such advice with particular regard to the development of zoning standards and the acquisition of lands within the seashore. The Cape Cod National Seashore Advisory Commission is being established after consultation with the Office of Management and Budget in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463). The certification of establishment is published below. Further information regarding the Cape Cod National Seashore Advisory Commission may be obtained from Robert M. Landau, Liaison Officer, Advisory Commissions, National Park Service, Department of the Interior, Washington, D.C. 20240 (202/343-8953).

## CERTIFICATION

The Act authorizing the establishment of the Cape Cod National Seashore places responsibility for development and management of that area in the Secretary of the Interior. In view of those responsibilities and the need to obtain advice and recommendations to meet those responsibilities, I hereby certify that establishment of the Cape Cod National Seashore Advisory Commission is in the public interest.

THOMAS S. KLEPPE,  
 Secretary of the Interior.

MAY 11, 1976.

[FR Doc. 76-14716 Filed 5-19-76; 8:45 am]

which are related species. His pheasant aviaries contain inside protective enclosures of 700 cubic feet and outside runs of 2100 cubic feet. They have been landscaped and his management, feeding and breeding techniques have been used successfully by others.

The pair, '75 hatch of Crossophtion crossophtion drouyni is to be exported to John P. Ferguson, P.O. Box 418, Stanstead, Quebec, Canada. Mr. Ferguson already has in his possession white-eared pheasants of the Crossophtion crossophtion dolani species and a copy of his letter of Jan. 28, 1976 is attached.

Both applicants will participate in a cooperative breeding program which is one of the conditions of the sale and will contribute data to the Studbook that the undersigned now maintains.

Distribution of progeny from the original importation is necessary to establish captive self-sustaining populations in as many countries in the world as possible. Preservation of an endangered species which is threatened in its habitat can only be accomplished through such propagation. Birds will be shipped in crates similar and equal to International Air Transport Association taken from Live Animal Regulations 5th Edition, Feb. 7, 1975.

At present, Canada, a party to the Convention on International Trade in Endangered Species has not yet formulated a permit system involving captive raised wildlife in regards to this Convention.

Sincerely yours,

CHARLES SIVELLE  
 P.O. Box 1718,  
 STANSTAD, QUEBEC,  
 JOB 3EO  
 JANUARY 28, 1976.

DEAR Mr. SIVELLE: The information required is as follows:

My present building that the pheasants would be kept in is twenty-four ft. wide by ninety ft. long. The inside pens are 10 ft. by 10 ft. and some are 8 ft. by 10 ft., eight ft. high, 24 inches solid at the bottom. Outside runs 10 ft. by 20 ft., 8 1/2 ft. high and others 8 ft. by 20 ft., 8 1/2 ft. high, 18 in. of wire under ground 1/2 in. by 1 in. each pen, electrically heated waterers.

In building a new building 150 ft. long with pens on one side for pheasants, partridge, francollins. I also have a second stage brooder house with 6 pens 8 ft. by 8 ft. by 20 ft. high. In the main building there is an incubator room, a first stage brooders one on top of the other, also a room to keep greens, a washing machine, hot and cold water, a cleaver to cut fresh vegetables if need be. These rooms are electric heated.

The pheasants I now have are swinhoe, Edwards, Horsfield, Scintillating Coppers, Ilma Copper, Temminck Trogans, Impayan and Cros Cros Dolanie White Eared. So I would like to get a pair of Cros Cros, Cros White Eared and pair of Brown Eared from you to be able to propagate these pheasants in order to insure their survival. It would be nice find on Edwards mail as I have an extra female. I'm sending photos of my building and some birds. My waterfowl swim all winter and they can go into the building when they like to.

This way I get good eggs from my black swans and hope to from black neck swans in the wintertime. I have four breeds of swans, six kinds of geese, ten kinds of ducks, three kinds of partridges, four breeds of francollins.

Yours truly,

JOHN P. FERGUSON.

Documents and complete information submitted in connection with this appli-



USDA, Forest Service, Fortine Ranger District, Murphy Lake Ranger Station, Fortine, MT 59918.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

A limited number of single copies are available upon request to Forest Supervisor Floyd J. Marita, Kootenai National Forest, 413 Mineral Avenue, Libby, MT 59923.

Dated: May 14, 1976.

FLOYD J. MARITA,  
Forest Supervisor,  
Kootenai National Forest.

[FR Doc. 76-14681 Filed 5-19-76; 8:45 am]

#### NORTHEASTERN FORESTRY RESEARCH ADVISORY COMMITTEE

##### Meeting

The Northeastern Forestry Research Advisory Committee will meet at 8:30 a.m.-4:30 p.m., June 30; and 8:30 a.m.-12:00 noon, July 1, 1976 at the Boone Tavern Hotel, Berea, Kentucky.

The purpose of the meeting is to enable Advisory Committee members to be briefed on USDA Surface Mined Area Restoration Research. Forest Service scientists located at the Berea Laboratory, in Berea, Kentucky have been assigned major responsibility for this research and will participate in the meeting.

The meeting is open to the public. Persons who wish to attend should notify Dr. F. B. Clark, Northeastern Forest Experiment Station, USDA, Forest Service, 6816 Market St., Upper Darby, Pa. 19082; Telephone No. Area Code 215-596-1615. Written statements may be filed with the committee after the meeting.

To the extent that time permits, interested persons may be permitted by the Committee Chairman to present oral statements at the meeting.

Dated: May 13, 1976.

F. B. CLARK,  
Director.

[FR Doc. 76-14680 Filed 5-19-76; 8:45 am]

#### SOUTH FORK PLANNING UNIT

##### Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the South Fork Planning Unit Land Use Plan, USDA-FS-R6-DES(Adm)-76-10.

The environmental statement concerns a proposed action that will establish one unroaded management unit, Black Canyon. Three areas are established for resource production with fish and wildlife habitat emphasis. Within one of these areas, 100 head of wild horses

will be maintained. The National Forest portion of the Murderers Creek Coordinated Resource Management Area will continue to be managed under the existing coordinated management plan. Forest management will maintain five stages of forest growth succession. The Region 6, USFS Snag Management Guidelines and big game cover requirements will be adhered to. Management will satisfy any special habitat requirement for fish and wildlife as the situation demands. A road closure plan will be implemented to protect key wildlife areas and other resources. The visual management plan which sets quality objectives for all National Forest land, will be followed in the Planning Unit. All other areas are managed for optimum resource production under multiple use-sustained yield principles. An Off-Road Vehicle and Road Closure Plan which will complement the proposed action is a part of this proposal.

This draft environmental statement was transmitted to CEQ on May 14, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, Multnomah Building, 319 S.W. Pine Street, Portland, Oregon 97204.

USDA, Forest Service, Malheur National Forest, 139 N.E. Dayton Street, John Day, Oregon 97845.

USDA, Forest Service, Ochoco National Forest, Federal Building, Prineville, Oregon 97734.

A limited number of single copies are available upon request to Forest Supervisor Dan E. Williams, Malheur National Forest, 139 N.E. Dayton Street, John Day, Oregon 97845.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Dan E. Williams, Malheur National Forest, 139 N.E. Dayton Street, John Day, Oregon 97845. Comments must be received by July 13, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: May 14, 1976.

CURTIS L. SWANSON,  
Regional Environmental Coordinator,  
Planning, Programming  
and Budgeting.

[FR Doc. 76-14682 Filed 5-19-76; 8:45 am]

#### Soil Conservation Service

##### BAD AXE WATERSHED PROJECT, WIS.

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Bad Axe Watershed Project, Vernon County, Wisconsin.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. J. C. Hytry, State Conservationist, U.S. Department of Agriculture, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, flood prevention, and recreation. The remaining planned works of improvement, as described in the negative declaration, include one floodwater retarding structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, Courthouse, Viroqua, Wisconsin 54665. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 13, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc. 76-14685 Filed 5-19-76; 8:45 am]

##### CHOCTAW BAYOU WATERSHED PROJECT, LOUISIANA

##### Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on En-

vironmental Quality Guidelines (39 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Choctaw Bayou Watershed project, West Baton Rouge, Pointe Coupee, and Iberville Parishes, Louisiana, USDA-SCS-EIS-WS-(ADM)-76-4(F)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment supplemented by channel work, and two structures for water control (weirs), one structure for water control (stoplog weir), and one grade stabilization structure. The channel work will involve clearing and debris removal on 22 miles of existing channels, 6 miles of new channel construction, 64 miles of enlargement by excavation, and 12 miles of additional channels maintained as outlets for other project channels. This will provide flood protection and improved drainage in a flatland watershed that is 49 percent agricultural cropland and grass land. Of the 86 miles of work proposed on existing streams or channels, 79 miles will involve those with only ephemeral flow, 4 miles with intermittent flow, and 3 miles with ponded water.

The final environmental impact statement has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Dated: May 13, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc. 76-14686 Filed 5-19-76; 8:45 am]

##### LAKEVIEW WATERSHED PROJECT, TEX.

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lakeview Watershed Project, Hall and Donley Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil

Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by twelve single purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76701. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 13, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc. 76-14686 Filed 5-19-76; 8:45 am]

##### NEWTOWN-HOFFMAN CREEKS WATERSHED PROJECT, N.Y.

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Newtown-Hoffman Creeks Watershed Project, Schuyler and Chemung Counties, New York.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Robert L. Hilliard, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection, flood prevention, and recreation and fish and wildlife development. The planned works of improvement, as described in the negative declaration, include installation of picnic facilities with a bathing beach and playground, public campsites, nature trails, and a fisherman boat launching ramp.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, Room 400, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 13, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc. 76-14687 Filed 5-19-76; 8:45 am]

##### PRESQUE ISLE STREAM WATERSHED PROJECT, ME.

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Presque Isle Stream Watershed Project, Aroostook County, Maine.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Warwick M. Tinsley, Jr., State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by recreational facilities and a fishway.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, Office Building, University of Maine, Orono, Maine 04473. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.



No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 13, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for  
Water Resources, Soil Con-  
servation Service.

[FR Doc.76-14684 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business  
Administration

UNIVERSITY OF CALIFORNIA, ET AL

Notice of Applications for Duty-Free Entry  
of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00393. Applicant: University of California—Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Temperature-Jump Spectrophotometer System and accessories. Manufacturer: Garching Instruments GMBH, West Germany. Intended use of article: The article is intended to be used for measurement of the kinetics of binding mutagens to nucleic acids. The mutagens to be studied are mainly aromatic amines such as naphthyl amines, amino-fluorenes and benzenes. These studies will determine the mechanisms of binding to naturally occurring nucleic acids and to synthetic deoxyoligonucleotides. The article will also be used for training graduate students in the course, Chemistry 299. Application received by Commissioner of Customs: April 30, 1976.

Docket number: 76-00394. Applicant: The University of Tennessee, Purchasing Department, 2200 Andy Holt Avenue, Knoxville, TN 37716. Article: Electron Microscope, Model No. EM 93-2, includ-

ing spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigation of biologic specimens including samples of human tumors after different periods of transplantation in animal modes and therapeutic trials, bone marrow specimens, pellets of blood peripheral cells and cultured cells and tissues. Research will be conducted to obtain further information on cancer growth and to use this knowledge for testing new chemical and immunologic therapeutic agents which could be used in humans suffering from cancer. The article will also be used for educational purposes in the following courses:

(1) *Electron Microscopy in the Study of Tumor Growth*—basic training in biological specimen preparation for electron microscopy in order to provide students with an insight on the complexity of the procedures and the possible artifacts introduced by them.

(2) *Electron Microscopy in Comparative Pathology*—instruction in specimen preparation of laboratory animal tissues, and operation of the electron microscope.

(3) *Electron Microscopy in Human Pathology*—teaching of laboratory procedures for specimen preparation, operation of the electron microscope and interpretation of electron micrographs of different human pathologic conditions.

Application received by Commissioner of Customs: April 30, 1976.

Docket number: 76-00395. Applicant: Purdue University, ADMS Building, West Lafayette, IN 47907. Article: Ion Production and Delivery System, 30 kv. Manufacturer: Danfysik A/S, Denmark. Intended use of article: The article is intended to be used in the preparation of surfaces, for use as potential catalytic analogues by deposition of ionic species on or very near the surface (e.g., 1-3 atomic layers) of catalyst support materials (e.g., silica or aluminum). The experiments will involve the production of ion beams of platinum, palladium, iridium and similar materials from Group VIII elements in the Periodic Table. Other experiments will deal with ion/surface interactions. Specifically, the experiments will deal with (a) changes in oxidation state caused by ion interactions with surface species; (b) compositional changes caused by differential sputtering; and (c) interactions between ions and the lattice material. Application received by Commissioner of Customs: April 30, 1976.

Docket number: 76-00396. Applicant: University of Wisconsin, Madison, Dept. of Pathology, 470 North Charter Street, Madison, Wisconsin 53706. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathologic changes in various organ systems. Electron microscopic cyto- and histochemical studies on enzymes and subcellular organelle localization in cells and tissues will also be performed. In addition, the article will be used to provide students and trainees the knowledge

of the electron microscopic techniques and the application of electron microscope in medical and biological research. Application received by Commissioner of Customs: April 30, 1976.

Docket number: 76-00397. Applicant: University of Wisconsin-Madison, 750 University Avenue, Madison, WI 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological material from various animals. Observations will be made on the hypothalamic brain region after various hormones are injected, in the growth of nerve fibers after various lesions, and on the development of the central nervous system. The objective of this research is to further basic knowledge on cell and tissue ultrastructure and on tissues developing under normal and experimental conditions. The article will also be used for courses dealing with Ultrastructure Cytochemistry, principally studies of the Hypothalamus and Tissue Culture. Students will be trained in the use and application of electron microscopy and to use the electron microscope in solving research problems.

Application received by Commissioner of Customs: May 4, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,

Special Import Programs Division.

[FR Doc.76-14713 Filed 5-19-76; 8:45 am]

## Patent and Trademark Office

### PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

#### Open Meeting

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting.

The Public Advisory Committee for Trademark Affairs will meet from 9:30 a.m. to 5 p.m. on June 15, 1976 at the United States Trademark Association, 6 East 45th Street, New York, New York 10017.

The Committee was established in 1970 to advise the Patent and Trademark Office on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuous source of knowledge from the private sector to the government in the field.

The agenda for the meeting is:

(1) Establishment of an agenda and plans for a meeting of the committee in the Fall of 1976.

(2) Discussion of expanding the committee membership.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first come first served basis. If time permits, oral comments by the public of 3 minutes on

each topic within the above agenda items will be allowed. Any comments or suggestions relating to the agenda items should be submitted in writing before June 7. Further, comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request 60 days after the meeting. Inquiries may be addressed to Patricia M. Davis, Room 11C17 Crystal Plaza Building 3, Telephone: 703-557-3881.

C. MARSHALL DANN,  
Commissioner of Patents  
and Trademarks.

Approved: May 12, 1976.

DAVID B. CHANG,  
Acting Assistant Secretary for  
Science & Technology.

[FR Doc.76-14744 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

### CANCER CENTER SUPPORT GRANT REVIEW COMMITTEE

#### Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Center Support Grant Review Committee, National Cancer Institute, June 18-19, 1976, National Institutes of Health, Building 31B, Conference Room 5.

This meeting will be open to the public on June 18, 1976, from 8:30 a.m. to 10:00 a.m. to consider minutes of the last meeting, future meeting dates and other informational items. Attendance by the public will be limited to space available. In accordance with provisions set forth in Sections 552(b) (4), 552(b) (5) and 552 (b) (6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 18, from 10:00 a.m. to 5:00 p.m. and on June 19, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information containing individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will provide summaries of the meeting and rosters of committee members.

Dr. Robert L. Manning, Executive Secretary, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health.)

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

MAY 14, 1976.

[FR Doc.76-14652 Filed 5-19-76; 8:45 am]

## DIVISION OF RESEARCH GRANTS

### Experimental Therapeutics Study Section; Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Experimental Therapeutics Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on April 29, 1976 (41 FR 17955).

The Experimental Therapeutics Study Section was to have convened at 8:30 a.m. on June 3-5, 1976, but has been changed to 2:00 p.m. until adjournment on June 2, 1976, at Kenwood Club, Bethesda, Maryland, the same location for which it was originally scheduled.

The meeting will be open to the public from 8:30 a.m. to 8:30 a.m. on June 3, 1976.

SUZANNE L. FREMEAUX,  
Committee Management Officer,  
National Institutes of Health.

MAY 14, 1976.

[FR Doc.76-14651 Filed 5-19-76; 8:45 am]

## Office of Education

### ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

#### Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Council on Women's Educational Programs will be held from 9:00 a.m. to 1:00 p.m. on June 7 and 9 and from 1:30 p.m. to 8:00 p.m. on June 8, 1976. The June 7 and 9 sessions will be held at the Sheraton Cadillac Hotel, 1114 Washington Boulevard, Detroit, Michigan. The June 8 session will be held at the David Miller Retirement Building, 8000 East Jefferson Street, Detroit, Michigan.

The meeting of the Council will be preceded by a meeting of the Council's Executive Committee on June 6, 1976, from 2:00 p.m. to 6:00 p.m. at the Sheraton Cadillac Hotel. There will also be meetings of the Council's Federal Policy and Practices Committee, Legislation Committee and Program Committee on June 7 from 2:00 p.m. to 5:00 p.m. at the Sheraton Cadillac Hotel.

The Advisory Council on Women's Educational Programs is established pursuant to Public Law 93-380 Section 408(f) (1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make

recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meetings of the Council and of the Committees will be open to the public. The agenda for the Council meeting will include (1) committee reports; (2) status of Council projects; (3) budget and administrative matters; (4) committee structure; (5) statements from community education and women's organizations; (6) future plans; and (7) election of officers.

The agenda for the Executive Committee meeting will include (1) staff reports; (2) legislation status; (3) fiscal reports; and (4) discussion of committee structure.

The agenda for the Federal Policy and Practices Committee meeting will include plans for a review of sex bias in HEW's Education Division offices and programs.

The agenda for the Legislation Committee meeting will include status reports on vocational education and higher education legislation and appropriations legislation as well as plans and strategies for pending legislation.

The agenda for the Program Committee meeting will include discussion of the scope and methods of evaluation of the projects funded under the Women's Educational Equity Act.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, N.W., Washington, D.C.

Signed at Washington, D.C. on May 17, 1976.

Joy R. SIMONSON,  
Executive Director.

[FR Doc.76-14745 Filed 5-19-76; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-537]

OAKWOOD, ET AL.

### Hearing

In the matter of: OAKWOOD, RAMBLEWOOD, SHADOW WOOD, RAMBLEWOOD SOUTH, MAPLE WOOD—76-68-IS—OILSR No. 0-0710-09-164 & (A).

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Oak Wood, Ramblewood, Shaw Wood, Ramblewood South, Maple Wood, J. P. Tarovella, President, and Florida National Properties, Inc. its officers and agents, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Proceedings and Opportunity for Hearing



issued March 15, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Florida National Properties, Inc., J. P. Tarovella, President and their agents contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 6, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 21, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 7, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: April 21, 1976.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge, Department of Housing and Urban Development.

[FR Doc. 14840 Filed 5-19-76; 8:45 am]

[Docket No. N-76-538]

#### VENICE ON THE LAKE Hearing

In the Matter of: VENICE ON THE LAKE, Developer, Taneycomo Projects, Inc. OILSR No. D-1115-29-28(B), Docket No. ED-76-7.

Notice is hereby given that:

1. Venice on the Lake, Taneycomo Projects, Inc., its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et

seq.) received a Notice of Suspension dated April 8, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record submitted for Venice on the Lake, Taneycomo Projects, Inc., located in Rockaway Beach, Missouri was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an Answer dated April 28, 1976, in answer to the allegations of the Notice of Suspension dated April 8, 1976.

3. In said Answer the Respondent requested a hearing on the Suspension Order.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), it is hereby ordered, That a public hearing for the purpose of taking evidence on the propriety of the Suspension Order will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on May 20, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before May 19, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and the Suspension Order shall be continued in effect.

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 13, 1976.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14841 Filed 5-19-76; 8:45 am]

[Docket No. N-76-539]

#### TIKI ISLAND Notice of Hearing

In the matter of: Tiki Island, Developer, Realty Income Trust, Providence, R.I., OILSR No. C-4477-49-715, Docket No. ED-76-8-IS.

(Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.155(b)). Notice is hereby given that:

1. Tiki Island, Realty Income Trust, Providence, R.I., its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) received a Notice of Suspension dated January 2, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record submitted for Tiki Island and the Realty Income Trust of Providence, R.I.

was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an Answer dated April 28, 1976 in answer to the allegations of the Notice of Suspension dated January 2, 1976.

3. In said Answer the Respondent requested a hearing on the Suspension Order.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), It is hereby ordered, That a public hearing for the purpose of taking evidence on the propriety of the Suspension Order will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on May 25, 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 1, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and the Suspension Order shall be continued in effect.

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 14, 1976.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14842 Filed 5-19-76; 8:45 am]

[Docket Nos. N-76-540; 76-06-IS; OILSR No. O-4112-44-297]

#### POCONO HIGHLANDS ESTATES Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Pocono Highland Estates, Pocono Highland Estates, Inc. and Robert B. Fishbein, President, Authorized Agents and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.), received a Notice of Proceedings and Opportunity for Hearing issued April 19, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Pocono Highland Estates, Inc., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 11, 1976, in response to the

Notice of Proceedings and Opportunity for Hearing.

Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 14, 1976 at 2:00 p.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 1, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 13, 1976.

By the Secretary.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc. 76-14843 Filed 5-19-76; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration TECHNICAL ADVISORY COMMITTEE Notice of Meeting

Notice is hereby given that the Federal Aviation Administration Technical Advisory Committee will convene its first meeting on Monday, June 7, 1976, beginning at 8:30 a.m., in Conference Room 1010, at the FAA Headquarters building, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The agenda for this meeting includes the following:

1. Chairman's Opening Remarks.
2. Administrator's Introductory Remarks.
3. Briefing to Committee Members on FAA Mission, Responsibilities, and Organization.
4. Briefing to Committee Members on FAA Current and Future Operating Problems.
5. Briefing to Committee Members on FAA Research and Development Organization and Facilities.
6. Briefing to Committee Members on FAA Top "8" Ongoing Research and Development Projects.

Each of the agenda items will include time for questions or discussion. Requests for additional information should be made to the FAA Executive Director for the Technical Advisory Committee. This meeting is open to the public.

Issued in Washington, D.C. on May 17, 1976.

THOMAS M. JOHNSTON,  
Executive Director,  
Technical Advisory Committee.  
[FR Doc. 76-14833 Filed 5-19-76; 8:45 am]

#### National Highway Traffic Safety Administration

[Docket No. 69-19; Notice 13]

##### FORD MOTOR CO.

##### Denial of Petition for Reconsideration

This notice denies the petition by Ford Motor Company for reconsideration of certain amendments to Federal Motor Vehicle Safety Standard No. 108 clarifying specifications for Type 1A and Type 2A rectangular headlamps.

Figure 2 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment, was revised on December 23, 1975 (Docket No. 69-19; Notice 10, 40 FR 59349) to, among other things, slightly change the tolerances of the overall width and height of Type 1A and Type 2A rectangular headlamps, and to provide a different method of dimensioning the locating lug. Specifically, the headlamp tolerances which had been 6.58+/-0.00/-10 inches by 4.20+/-0.00/-10 inches were changed to 6.58+/-0.03/-17 inches by 4.20+/-0.03/-17 inches. The maximum width of the locating lug was set at .495 inch. The intent of the amendments was to relieve dimensional tolerances that the agency had concluded were unnecessarily restrictive.

Ford, however, petitioned for reconsideration of the changes, arguing that they affected interchangeability of headlamps, that a headlamp whose size was the maximum (6.61 inches and 4.23 inches) could interfere with the minimum dimension of the headlamp retaining ring as defined by SAE J571d. Petitioner saw the potential problem "that lamps, produced as replacement parts, while still meeting Federal Motor Vehicle Safety Standard 108 requirements, may be impossible in the extreme of tolerance stack-up to assemble with the retaining rings." It asked that the headlamp dimensions be changed to 6.56+/-0.03/-12 and 4.18+/-0.03/-12 respectively. It also argued that the maximum locating lug width (.495 inch) is larger than the minimum seating surface of the mounting ring (.465 inch), with the potential of possible lug fracture and consequent lamp misalignment. It asked that Figure 2 be further revised "to reflect the dimensions of and methods for detailing the locating lugs as shown in Figure 6 of J571d."

The National Highway Traffic Safety Administration has decided to deny

Ford's petition for the following reasons. Standard No. 108 does not incorporate SAE J571d, and thus a manufacturer may use such retaining ring dimensions as it chooses, even if they do not meet SAE requirements. This fact obviates the need for a further amendment. Since retaining ring dies are usually less expensive and more easily changed than glass molds, and tolerances on metal products are more easily maintained than tolerances on glass products, the more cost-effective method of confronting the problem (which the agency believes is minimal in any event) is through changes to the retaining ring. With respect to the dimensioning of lamp locating lugs, the agency is amenable to further consideration but deems it premature. The agency understands that the SAE is currently revising SAE J571d, and prefers to await completion of SAE action before deciding whether to initiate rulemaking. Ford's petition is therefore denied.

(Secs. 103, 119, Pub. L. 89-503, 80 Stat. 718 (15 U.S.C. 1392, 1401); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 13, 1976.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 76-14457 Filed 5-19-76; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Docket 27813; Agreement C.A.B. 25607 R-1 through R-31; Order 76-4-145]

##### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Western Hemisphere Passenger Fares Correction

In FR Doc. 76-12676, appearing at page 18133 of the issue of Friday, April 30, 1976, the following changes should be made:

1. The Docket number should appear as above.

2. On page 18136, in the paragraph designated as number "2.", the third line should read as follows: "and 3 above be and hereby are approved".

[Docket 27573; Agreement C.A.B. 25815; Order 76-5-11 ]

##### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Agreement Relating Specific Commodity Rates; Correction

Issued under delegated authority May 5, 1976.

Corrected to reflect proper Specific Commodity Item No. 2206.

By the Civil Aeronautics Board:

Dated: May 12, 1976.

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 76-14748 Filed 5-19-76; 8:45 am]

Published at 41 FR (1976) 5-13-76.



[Docket 27573, Agreement C.A.B. 25807, R-1 through R-8; Order 76-5-38]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION

## South Pacific Cargo Rates

Issued under delegated authority May 12, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conference of the International Air Transport Association (IATA). The agreement, adopted at a JT31 South Pacific Cargo Conference held in Geneva during April 1974, would establish cargo rates over the South Pacific for effect July 1, 1976 through September 30, 1977.

The agreement, which supersedes a 3 percent fuel increase recently disapproved,<sup>1</sup> would increase minimum charges by \$4 to a level of \$20 for any consignment moving between west coast/Alaskan/Hawaiian points and South Pacific points and by \$5 to a level of \$26 for shipments moving to/from all other Western Hemisphere points over the South Pacific. General commodity rates to/from Hawaii would be de-specified and instead constructed by means of specified deductions from the Los Angeles general rates. Southbound (from the U.S.) general commodity rates would increase approximately 5 percent while northbound general rates would increase in amounts ranging from 13-14 percent. New charges for type 2, 2-A, and 2-D containers are proposed between Sydney/Auckland and U.S. west coast points and existing container rates would increase by amounts ranging from approximately 3 to 11 percent at the pivot weight while over-pivot rates would increase approximately 11 percent. Finally, with certain exceptions, northbound specific commodity rates would increase by amounts ranging from 13 to 19 percent while southbound commodity rates would increase approximately 10 percent.

The purpose of this order is to establish dates for the submission of carrier justification in support of the agreement and comments from interested persons or parties. The carrier justification should be set out in a tabular format, as suggested in Order 75-7-88 (July 17, 1975), i.e., historical traffic and financial data as reported to the Board in Form 41 reports by functional account for total transpacific services for the year ended March 31, 1976.

The data should exclude operations in market areas not covered by the agreement (e.g. North/Central and Intra-Pacific) and all scheduled passenger and charter operations pertaining to the South Pacific market so as to establish the present status of cargo services in the market area covered by the agreement. The carrier justification will also

<sup>1</sup> Order 76-5-26 (May 10, 1976).

be expected to include a forecast for the year ending June 30, 1977 showing both traffic and financial results under present rates and under the increased rates for which approval is sought. We note there is a capacity agreement between Pan American and Qantas presently pending in Dockets 26057 and 26075, and Pan American should indicate whether or not its forecast submitted herein takes into account the anticipated results of that agreement. Finally, we expect the justification to allocate costs between the passenger and cargo compartments on scheduled passenger aircraft by the "space method" stipulated by the Board in its April 2, 1970 decision in Docket 18381, *Nonpriority Mail Rates*, (Orders 70-4-9 and 70-4-10).<sup>2</sup>

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association providing service within the affected area shall file within 15 calendar days after the date of service of this order, full documentation and economic justification for the fares and related conditions embodied in the subject agreement;

2. Comments and objections from interested persons and parties shall be submitted within 15 calendar days after the date of service of this order;

3. Replies to submissions received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted within 25 calendar days after the date of service of this order; and

4. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement shall not be filed in advance of Board approval of the subject agreement.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc 76-14749 Filed 5-19-76; 8:45 am]

[Docket 27573, Agreement C.A.B. 25839; Order 76-5-48]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Specific Commodity Rates

Issued under delegated authority May 13, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA). The

<sup>2</sup> In furnishing the data requested, the carrier should provide complete explanatory notes and supporting detail including statistical data to describe the methods used in making the allocations.

agreement was adopted at the 15th Meeting of the TC3 Specific Commodity Rates Board held in Geneva on March 31, 1976.

The agreement would establish one new specific commodity description and change the area of application on five descriptions as shown in the attachment and establish specific commodity rates for several items to apply between various world markets outside of air transportation. We will approve the new descriptions which have general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the new specific commodity descriptions incorporated in Agreement C.A.B. 25839, which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 25839 which involve transportation solely between foreign points affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. Those portions of Agreement C.A.B. 25839 set forth in the Attachment which have general application in air transportation as defined by the Act, be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25839 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,  
Acting Secretary.

AGREEMENT C.A.B. 25839

Item No.	Description
0230-----	Eggs <sup>1</sup>
0356-----	Fish, Crabs and/or Shrimps <sup>1</sup>
2201-----	Clothing and Wearing Apparel <sup>1</sup>
7025-----	Cigarette Papers, Filters, Tips and Packaging Material Appertaining Thereto <sup>1</sup>
8421-----	Unexposed Films <sup>1</sup>
9906-----	Picture Hanging Kits and/or Picture Hooks <sup>1</sup>

<sup>1</sup> Area of application changed.

<sup>2</sup> New description.

[FR Doc 76-14750 Filed 5-19-76; 8:45 am]

[Docket 27813, Agreement C.A.B. 26734, R-7, R-11 through R-13, R-17 through R-28, R-30; Order 76-5-61]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION

## North Atlantic Passenger Fares to/from Europe and the Middle East

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of May, 1976.

By Order 76-4-175, April 30, 1976, the Board acted on an agreement among the carrier members of the International Air Transport Association (IATA) to establish North Atlantic passenger fares from May 1 through October 31, 1976. In that order the Board, *inter alia*, disapproved all fare increases proposed between Florida points, on the one hand, and London, on the other hand, on the basis that National Airlines, Inc. (National) would experience adequate earnings on that route under existing fares and did not require an increase.<sup>1</sup> National, whose only international route is Miami-London, has petitioned the Board for reconsideration of its decision.

In support of its petition, National submits that the Board's reliance on the capacity agreement with British Airways as determinative of National's load factor for the year ending April 30, 1977 was erroneous because the capacity agreement will not be effective for that entire period inasmuch as the Board itself approved the agreement only through October 31, 1976; and that in light of the alleged difficulty involved in extending the capacity agreement beyond October 31, National will not achieve anything like a 68.6 percent load factor during the entire forecast year. National alleges further that without the load-factor adjustment it would achieve only an 11.52 percent ROI under proposed fares which is not in excess of the Board's guidelines; that it is recovering from a protracted strike which has adversely affected its traffic growth and it has already failed to meet its target traffic levels for March and April 1976, the first two months of the capacity agreement; and that if the Board does not approve increased Miami-London fares, several fare construction difficulties will arise with respect to fares to other points. Finally, the carrier asserts that unless the Board acts favorably upon its petition, National must prepare refunds for virtually every international passenger, an extremely burdensome process which is confusing to the passenger and

<sup>1</sup> Specifically, the Board noted that while National forecast a 10.21 percent return on investment (ROI) under present fares at a 59.06 percent load factor for the year ending April 30, 1977, the carrier had earlier forecast a 68.6 percent load factor in connection with a National-British Airways capacity limitation agreement approved by the Board in Order 76-2-60, February 17, 1976. Adjusting National's financial results to reflect the 68.6 percent load factor indicated that it would achieve an ROI of over 12.8 percent under present fares, and consequently no fare increase was required.

an unnecessary hardship on the carriers, and which is very poor customer relations.<sup>2</sup>

After careful review of the petition, the Board has concluded that National has not presented facts sufficient to warrant a reversal of the Board's findings in Order 76-4-175 and the petition will, therefore, be denied.

While it is true that the Board approved the National-British Airways capacity limitation agreement only through October 31, 1976, that agreement was proposed to run through April 30, 1977 and National's forecast of traffic and capacity in that proceeding covered the entire period from January 15, 1976 through April 30, 1977. Since the 68.6 percent average load-factor forecast for that period includes the winter season, when traffic is usually depressed, for ten out of the total of 16½ months, National must have anticipated a substantially higher load factor during the peak-season period immediately ahead, i.e., through October 31, 1976, when the capacity agreement, as approved, will actually be in effect. This peak travel period corresponds exactly with the duration of the North Atlantic fares package as adopted by IATA and approved, in general, by the Board.

The Board established a forecast period of the 12 months ending April 30, 1977 for the U.S. carriers' economic justifications in support of the IATA agreement in order to evaluate the impact of the proposed fares on an annualized basis which is the only appropriate basis for assessing the financial results of a fares agreement, notwithstanding its effectiveness for a fractional year period. National has presented nothing which would indicate that the 68.6 percent load factor utilized by the Board for this analysis, and which represented National's own best estimate in connection with the capacity agreement for the Miami-London market, is an unreasonable annualization of load factor under conditions which will prevail during the effectiveness of the agreement. In particular National has not, in our judgment, shown that because of the recent strike it will be unable to achieve the load factors forecast in connection with the capacity agreement. The strike began September 1, 1975, yet the agreement was filed December 4, 1975, affording the carrier ample time to consider the impact of the strike in preparing its submissions to the Board.<sup>3</sup>

Moreover, even evaluating the results of the agreement on a six-month basis through October 31, 1976, as National ap-

<sup>2</sup> National also contends that the cost levels in its justification are understated since they do not reflect inflationary pressures. We reject this argument out of hand. The Board relied on National's costs as presented in its justification, and National has presented no new cost data here to support any reassessment of its operating expenses.

<sup>3</sup> While National contends that it has failed to achieve its March/April traffic targets, it has provided no data in this connection.

pears to suggest, it would appear that National's load factor (and earnings) for the six months would probably be even higher than the 68.6 percent (and 12.8 percent ROI) shown in Order 76-4-175 for the entire year, since the six-month period corresponds to the peak season in this market.<sup>4</sup>

Finally, we disagree with National's other assertions that denial of its petition will create severe fare construction problems, or that issuance of refunds represents "very poor customer relations." The Board disapproved all Florida-London fare increases in last year's IATA agreement,<sup>5</sup> and the carriers do not seem to have experienced extraordinary difficulties implementing that decision. As for refunds, carriers are well aware that passengers must be informed that any fares sold at proposed IATA agreement levels before Board action are "subject to government approval," and that they may be entitled to a refund in the event fare increases are disapproved. We fail to perceive how the return of money to passengers, under these circumstances, can constitute poor customer relations.

Accordingly, it is ordered, That:

The petition of National Airlines, Inc. for reconsideration of Order 76-4-175 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc 76-14751 Filed 5-19-76; 8:45 am]

[Docket No. 29278]

# STAFF REPORT ON SERVICE TO SMALL COMMUNITIES

## Request for Comments

MAY 18, 1976.

The Civil Aeronautics Board announced today that it is publishing for public comment the Staff Task Force Report on Service to Small Communities. In issuing the Report, which lists four optional approaches to the problem, the Board determined that interested persons, including members of the general public, should have an opportunity to comment on the Report before the Board reached a final decision.

Interested persons may participate by submitting twenty (20) copies of written data, views, or arguments pertaining thereto addressed to the Docket Section.

<sup>4</sup> The Board has by Order 76-5-55 approved an amendment to the capacity agreement allowing National to sell 23 additional seats on each Miami-London flight during the upcoming peak season, as a result of the reconfiguration of its DC-10-30 aircraft from 8 to 9 abreast. The availability of additional seats during the peak summer travel season would further enhance National's profitability since the reconfiguration costs per seat are negligible and in any event do not apply to operating costs.

<sup>5</sup> See Order 75-3-101, March 27, 1975.



Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 18, 1976, will be considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 711, Universal Building, 1825 Connecticut Ave., N.W., Washington, D.C.

Individual members of the general public who wish to express their views may do so through submission of comments in letter form to the Docket Section at the above indicated address, without the necessity of filing additional copies.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 76-14959 Filed 5-19-76; 8:45 am]

#### COMMISSION ON CIVIL RIGHTS

##### KENTUCKY

##### Hearing

##### Correction

In FR Doc. 76-14079 appearing at page 20009 in the FEDERAL REGISTER of Friday, May 14, 1976, the heading should have appeared as shown above.

#### MICHIGAN ADVISORY COMMITTEE

##### Meeting Change

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that the meeting of the Michigan Advisory Committee (SAC) of the Commission published in the FEDERAL REGISTER on May 6, 1976, on page 18705 (FR Doc. 76-13128) is hereby amended to convene at 2:30 p.m. and recess at 5:30 p.m. on May 23, 1976 at the Ojibway Motor Hotel, 240 W. Portage (Room to be posted) and will reconvene at 7:00 p.m. to 10:00 p.m. on May 24, 1976, is hereby cancelled. All other meetings for May 24 and 25, 1976, will be held as originally announced. The agenda of this amended schedule of meetings remain the same as announced originally.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn St., Room 3251, Chicago, Illinois 60604.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 17, 1976.

ISAIAH T. CRESWELL, JR.,  
Advisory Committee  
Management Officer.

[FR Doc. 76-14709 Filed 5-19-76; 8:45 am]

#### NOTICES

#### COMMUNITY SERVICES ADMINISTRATION

##### PRIVACY ACT OF 1974

##### Notice of Additional Systems of Records

##### Correction

In FR Doc. 76-13415, appearing at page 19098 in the Friday, May 7, 1976 issue of the FEDERAL REGISTER, change the fifth heading under CSA-12 by substituting "Authority for maintenance of the system" for "Security classification".

ALAN O. MANN,  
Privacy Act Officer.

[FR Doc. 76-14711 Filed 5-19-76; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

##### [FRL 545-7]

#### DISCHARGES OF POLLUTANTS INTO NAVIGABLE WATERS: VIRGIN ISLANDS

##### Public Hearings and Requests for State Program Approval

Public Hearings to consider the request of the Territory of the Virgin Islands for Program Approval to participate in the National Pollutant Discharge Elimination System ("NPDES") permit program for the control and abatement of discharges into waters of the Territory in compliance with the 1972 Amendments of the Federal Water Pollution Control Act, 33 U.S.C. §§ 1250-1376 ("the Act") will be held on June 21, 22, and 23, 1976, at 7:30 p.m., at the following addresses:

June 21, 1976—Julius Sprauve Public School Auditorium, St. John  
June 22, 1976—Lawrence Williams Public Library, King Street, Christiansted, St. Croix  
June 23, 1976—Legislature Building, Conference Room, Charlotte Amalie, St. Thomas

Section 402(b) of the Act provides that the Governor of a State (or Territory) desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the administrator of the United States Environmental Protection Agency ("EPA") a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's Guidelines. To administer the NPDES program, the State must have, among others: (1) the authority to issue permits which comply with all pertinent requirements of the Act, (2) the authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority which will ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public

hearing with regard to each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the period prescribed by the Act. EPA's Guidelines establishing "State Program Elements Necessary for Participation in the NPDES" were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972, and appear at 40 CFR Part 124.

The Virgin Islands has submitted a full and complete Request for State Program Approval and proposes that the Department of Conservation and Cultural Affairs ("the Department"), Box 278, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774-3320, operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the Virgin Islands. Virdon C. Brown is the Commissioner of the Department.

All interested persons wishing to attend, to comment upon, or to support or object to this Territory request are invited to attend the public hearings.

A three-member panel will preside over the hearings. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Commissioner of the Department or his representative, and the Regional Administrator of EPA—Region II or his representative.

Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written materials so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted. The hearing record will be left open for a period of five (5) days following the hearings to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during these hearings.

All interested persons may also comment upon the Territory submission by writing to the EPA—Region II Office, 26 Federal Plaza, New York, New York 10007. Such comments will be made available to the public for inspection and copying. All comments or objections received by June 28, 1976, or presented at the public hearings, will be considered by EPA before taking final action on the Virgin Islands Request for State Program Approval.

The Program submission, related documents, and all comments received are on file and may be inspected and copied (at \$.20 per page) at the EPA—Region II Office in New York, New York. The Territory's submission and related documents

#### NOTICES

are also on file and may be inspected at the Department's Central Office on Blackbeard's Hill.

Copies of this notice are available upon request from the Public Affairs Division of EPA—Region II, (212) 264-2515.

Please bring the foregoing to the attention of persons you know would be interested in this matter.

Dated: May 13, 1976.

STANLEY W. LEGRO,  
Assistant Administrator  
for Enforcement.

[FR Doc. 76-14645 Filed 5-19-76; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

##### [FCC 76-441]

#### AMATEUR RADIO SERVICE

##### Experimental Program for the Licensing of Novice Class Operators

MAY 14, 1976.

As part of its continuing interest in providing more rapid and efficient licensing of applicants in the Amateur Radio Service, the Commission is implementing, on a limited trial basis, an experimental method of examining Novice Class amateur radio operators.

During the experimental program the Commission will relax the Rules in some instances to license as Novices those applicants successfully completing Commission-approved training courses covering examination Element 1A, beginner's telegraphy, and Element 2, basic law and amateur practice.

Novice Class amateur radio operator training courses will be approved during the experimental period only if they are both comprehensive, covering at a minimum all material included in the Commission's recently released study guide for the Novice Class license, and are offered by qualified organizations or educational institutions possessing the resources necessary to carry through with a program of this nature. The Commission staff will closely monitor any training programs approved to ensure the qualifications established by the Commission for the licensing of Novice Class amateur radio operators are met.

It is emphasized that this is an experimental program only. Applicants not participating in the experiment will be required to obtain Novice Class licenses under the existing provisions of Part 97 of the Commission's Rules.

Authority for the experimental licensing program described above is contained in Sections 4, 301, 303, and 318 of the Communications Act of 1934, as amended.

Further information concerning the experimental licensing program may be obtained from the Federal Communications Commission, Amateur and Citizens Division, Washington, D.C. 20554.

Action by the Commission May 12, 1976. Commissioners Wiley (Chairman),

Lee, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc. 76-14728 Filed 5-19-76; 8:45 am]

#### FEDERAL DEPOSIT INSURANCE CORPORATION

#### FARMERS BANK OF THE STATE OF DELAWARE

##### Dover, Delaware

##### Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Farmers Bank of the State of Delaware being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on March 8, 1975, is required in the public interest and for the protection of investors;

Therefore, pursuant to Sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (d.s.t.) on May 17, 1976 through May 26, 1976.

By order of the Board of Directors, May 14, 1976.

FEDERAL DEPOSIT INSURANCE  
CORPORATION,  
ALAN R. MILLER,  
Executive Secretary.

[FR Doc. 76-14654 Filed 5-19-76; 8:45 am]

#### FEDERAL ENERGY ADMINISTRATION

#### OFFICE OF EXCEPTIONS AND APPEALS

##### Cases Filed During Week of April 30 Through May 7, 1976

Notice is hereby given that during the week of April 30 through May 7, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: May 14, 1976.

MICHAEL F. BUTLER,  
General Counsel.



**APPENDIX—List of cases received by the Office of Exceptions and Appeals, Apr. 30 to May 7, 1976**

Date	Name and location of applicant	Case No.	Type of submission
Apr. 30, 1976	Sumrall Oil Services, Inc., Bay Springs, Miss. (If granted: FEA's Mar. 31, 1976, decision and order would be rescinded and Sumrall Oil Service would be assigned a new supplier of motor gasoline to replace its base period supplier, Good Hope Refineries, Inc.)	FEA-0819	Appeal of FEA's exception decision and order in Sumrall Oil Service, Inc., 3 FEA par. 83,152 (Mar. 31, 1976).
Do.	Whaleco Fuel Corp., Brooklyn, N.Y. (If granted: Whaleco Fuel Corp. would be permitted to import finished petroleum products on a license-fee-free basis for the period May 1, 1976, and Apr. 30, 1977.)	FPI-0006	Exception to the base fee requirements.
May 3, 1976	Delta Refining Co., Memphis, Tenn. (If granted: Delta Refining Co. would receive an exception from the old oil entitlements program.)	FEE-2437	Exception from the old oil entitlements program.
Do.	Empire Gas Corp., Milwaukee, Wis. (If granted: FEA's Mar. 28, 1976, information request denial would be rescinded.)	FEA-0820	Appeal of FEA's information request denial.
Do.	Fletcher Oil & Refining Co., Wilmington, Calif. (If granted: Fletcher Oil & Refining Co. would receive an exception from the old oil entitlements program.)	FEE-2432	Exception from the old oil entitlements program.
Do.	Husky Oil Co., Denver, Colo. (If granted: Husky Oil Co. would receive an exception from the old oil entitlements program.)	FEE-2442	Do.
Do.	McCulloch Gas Processing Corp. (Belle Fourche), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2449	Extension of FEA's price relief in McCulloch Gas Processing Corp., 3 FEA par. 83,113 (Feb. 27, 1976).
Do.	McCulloch Gas Processing Corp. (Fairview), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2450	Do.
Do.	McCulloch Gas Processing Corp. (Gillette), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2446	Do.
Do.	McCulloch Gas Processing Corp. (Hilltop), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2445	Do.
Do.	McCulloch Gas Processing Corp. (Jamison Prong), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2448	Do.
Do.	McCulloch Gas Processing Corp. (Oedekoven), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2447	Do.
Do.	McCulloch Gas Processing Corp. (Well Draw), Washington, D.C. (If granted: McCulloch Gas Processing Corp. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2451	Do.
Do.	Mohawk Petroleum Corp., Inc., Los Angeles, Calif. (If granted: Mohawk Petroleum Corp. would receive an exception from the old oil entitlements program.)	FEE-2433	Exception from the old oil entitlements program.
Do.	Navajo Refining Co., Washington, D.C. (If granted: Navajo Refining Co. would receive an exception from the old oil entitlements program.)	FEE-2440	Do.
Do.	North American Petroleum Corp., Abilene, Tex. (If granted: North American Petroleum Corp. would receive an exception from the old oil entitlements program.)	FEE-2436	Do.
Do.	Pasco, Inc., Washington, D.C. (If granted: Pasco, Inc. would receive an exception from the old oil entitlements program.)	FEE-2441	Do.
Do.	Powertine Oil Co., Washington, D.C. (If granted: Powertine Oil Co. would receive an exception from the old oil entitlements program.)	FEE-2435	Do.
Do.	Rock Island Refining Corp., Indianapolis, Ind. (If granted: Rock Island Refining Corp. would receive an exception from the old oil entitlements program.)	FEE-2431	Do.
Do.	Southland Oil Co., Jackson, Miss. (If granted: Southland Oil Co. would receive an exception from the old oil entitlements program.)	FEE-2438	Do.
Do.	Thazard Oil Co. (If granted: Thazard Oil Co. would receive an exception from the old oil entitlements program.)	FEE-2434	Do.
Do.	Warrior Asphalt Refining Co. of Alabama, Inc., Tuscaloosa, Ala. (If granted: Warrior Asphalt Refining Co. of Alabama would receive an exception from the old oil entitlements program.)	FEE-2439	Do.
May 4, 1976	Ashland Oil Co., San Francisco, Calif. (If granted: A supplemental order would be issued to Ashland Oil Co.)	FEX-0041	Supplemental order in Ashland Oil Co., 3 FEA par. 83,161 (Apr. 30, 1976).
Do.	Beldridge Oil Co., Los Angeles, Calif. (If granted: Beldridge Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEE-2444	Price exception (sec. 212.165).
Do.	Sunland Refining Co., Los Angeles, Calif. (If granted: Sunland Refining Co. would receive an exception from the old oil entitlements program.)	FEE-2456	Exception from the old oil entitlements program.
Do.	Union Oil Co. of California, Los Angeles, Calif. (If granted: FEA's Apr. 2, 1976, decision and order would be rescinded and Union Oil Co. would be permitted to increase its selling prices for JP-4 aviation fuel.)	FEA-0821	Appeal of FEA's exception decision and order, Union Oil Co. of California, 3 FEA par. 83,155 (Apr. 2, 1976).
Do.	William H. Player & Associates, Natchez, Miss. (If granted: William H. Player & Associates would receive an extension of the exception relief from the crude oil pricing regulations granted in FEA's Apr. 9, 1976, decision and order.)	FEE-2443	William H. Player & Associates, 3 FEA par. 83,161 (Apr. 9, 1976).
May 5, 1976	General Crude Oil Co., Houston, Tex. (If granted: Crude oil produced from the Banning lease of the Newport Field, Orange County, Calif., would be sold at upper-tier ceiling prices.)	FEE-2453	Price exception (sec. 212.74).

Date	Name and location of applicant	Case No.	Type of submission
Do.	Midland Cooperatives, Inc., Cushing, Okla. (If granted: Midland Cooperatives, Inc. would receive an exception from the old oil entitlements program.)	FEE-2454	Exception from the old oil entitlements program.
Do.	Port Arthur Towing Co. and Palmer Midstream Service, Inc. (If granted: FEA's Apr. 23, 1976, denial of a motion to quash a subpoena issued to the firms on Apr. 2, 1976, as modified, would be rescinded.)	FEA-0823	Appeal of denial of motion to quash or modify subpoena.
Do.	T. J. Fannon & Sons, Inc., Alexandria, Va. (If granted: FEA region III's Mar. 24, 1976, decision and order would be rescinded and T. J. Fannon & Sons, Inc., would receive an exception from the provisions of 10 CFR 212.93(a).)	FEA-0824	Appeal of FEA region III decision and order.
Do.	Utopia Oil Industries, Inc., Richland, Wash. (If granted: FEA's Mar. 31, 1976, decision and order would be rescinded and Utopia Oil Industries would be assigned a new, lower priced supplier of motor gasoline.)	FEA-0822	Appeal of FEA's exception decision and order Utopia Oil Industries, Inc., 3 FEA par. 83,156 (Mar. 31, 1976).
May 6, 1976	Beacon Gasoline Co., Washington, D.C. (If granted: Beacon Gasoline Co. would receive an extension of the price relief granted in FEA's Feb. 17, 1976, decision and order.)	FEE-2459	Extension of FEA's price relief Beacon Gasoline Co., 3 FEA par. 83,107 (Feb. 17, 1976).
Do.	Edgington Oil Co., Long Beach, Calif. (If granted: Edgington Oil Co. would receive an exception from the old oil entitlements program.)	FEE-2457	Exception from the old oil entitlements program.
Do.	Kern County Refinery, Inc., Jacksonville, Fla. (If granted: Kern County Refinery, Inc., would receive an exception from the old oil entitlements program.)	FEE-2454	Do.
Do.	Little America Refining Co., Evansville, Wyo. (If granted: Little America Refining Co. would receive an exception from the old oil entitlements program.)	FEE-2455	Do.
Do.	Mid-America Refining Co., Inc. (If granted: Mid-America Refining Co., Inc., would be permitted to increase its selling prices for No. 2 diesel fuel above the maximum level permitted under 10 CFR 212.82.)	FEE-2458	Price exception (sec. 212.82).
Do.	Mitchell, M. J., Dallas, Tex. (If granted: Crude oil produced from the Mitchell State Minnelusa sand unit would be sold at upper-tier ceiling prices.)	FEE-2460	Price exception (sec. 212.74).
Do.	Pacific Northern Oil Corp., Seattle, Wash. (If granted: Pacific Northern Oil Corp. would be permitted to import finished petroleum products on a license-fee-free basis.)	FPI-0007	Exception to the base-fee requirements.

[FR Doc.76-14677 Filed 5-17-76; 11:45 am]

**REFINERS CRUDE OIL ALLOCATION PROGRAM**

**Allocation Quarter of June 1, 1976 to August 31, 1976**

The notice specified in § 211.65(e) of the refiners' crude oil allocation program is hereby published for the allocation quarter of June 1, 1976 to August 31, 1976.

The buy-sell list for refiners is set forth as an appendix to the notice. The provisions of 10 CFR 211.65 apply to all transactions made under the buy-sell list. Included as part of the list, as required by § 211.65(e) are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers, with a specification as to the portions thereof that constitute the primary and secondary sales obligations for each refiner-seller, in accordance with 10 CFR 211.65(d). The amounts shown on the list for refiner-buyers with first or second priority refineries (as defined in Part 214 of 10 CFR) reflect the amendments to the refiners' crude oil allocation program adopted April 14, 1976 and also reflect corrections as to certain firms for the March 1976 quarter as a result of such amendments.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d),

each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation quarter a quantity of crude oil equal to that refiner-seller's primary sales obligation plus any portion of that refiner-seller's secondary sales obligation as to which the FEA directs a sale pursuant to 10 CFR 211.65(h). No refiner-seller shall be required to offer for sale to refiner-buyers, whether by directed sale or otherwise, any portion of its secondary sales obligation until each other refiner-seller (except refiner-sellers with minimal primary sales obligations) has sold at least 80% of its primary sales obligation.

The procedures of 10 CFR 211.65(h) provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of this notice. Upon such request, FEA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of 10 CFR 211.65. Refiner-buyers

making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries.

4. Name and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (1-74) within 15 days of the completion of arrangements for the transaction. Each refiner-buyer and refiner-seller is requested to report as promptly as practicable every such transaction to which it is a party.

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing September 1, 1976, with respect to future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity and provide all necessary information required to enable FEA to evaluate the factors set forth in 10 CFR 211.65(b) (1) no later than June 30, 1976.

All reports and applications made under this notice should be addressed to: Director, Crude Operations, Crude Oil Buy-Sell Program, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

Issued in Washington, D.C., May 14, 1976.

MICHAEL F. BUTLER,  
General Counsel.

**APPENDIX**

The list of refiner-sellers and refiner-buyers for the period June 1, 1976 through August 31, 1976 is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller and the volumes of crude oil (reflecting all adjustments required under § 211.65) that each such refiner-seller is obligated to offer for sale (with a specification as to primary and secondary sales obligations) or that each such refiner-buyer is eligible to purchase, as the case may be.



**Federal Energy Administration—Crude oil allocation program for the period June through August 1976—Sales**

	Sales obligation	Barrels	
		Primary obligation	Secondary obligation
A. J. J. Co.	0.00	3,250,127	6,203,129
Atlantic Refining	072	2,897,285	4,558,469
Chiles Service Oil Co.	003	754,815	1,456,804
Continental Oil Co.	004	0	1,996,826
Exxon Corp.	112	3,395,399	7,016,845
Gulf Oil Corp.	070	780,357	1,256,469
Gulf Oil Corp.	086	5,267,815	5,396,175
Marathon Oil Co.	002	1,409,000	1,353,618
Mobil Oil Corp.	089	2,897,116	5,372,177
Phillips Petroleum	069	1,708,659	2,450,485
Shell Oil Co.	107	4,031,722	6,724,106
Seaboard	093	3,411,732	6,015,292
Sen Oil Co.	062	1,559,654	3,286,865
Texas, Inc.	197	5,580,704	6,734,577
Union Oil Co. of California	043	2,764,533	2,707,174
Total		40,000,000	62,701,261
Total allocation obligation			102,701,261

	Sales obligation	Barrels	
		Primary obligation	Secondary obligation
Alfred Materials Co.		123,502	
Amerasia Hess Corp.		10,085,883	
American Petroleum		1,096,772	
Apco Oil Corp.		280,113	
Arizona Fuels Corp.			3,450
Asamera Oil, Inc.			8,166,624
Ashland Oil, Inc.			130,486
Axel Johnson			
Bayou State Oil Corp.			185,725
Beacon Oil Company			
C & H Refining			
Calumet Industries			
Canal Refining Co.			
Caribou Four Corners			
CFP			
Champlin Petroleum		459,030	
Charter Oil Company			
Claborn Gas Co.			
Clark Oil & Refining		4,017,749	
Coastal States Gas		6,576,913	
Commonwealth Oil Ref.		2,964,260	
CRA-Farmland Ind. Inc.		2,717,186	
Cross Oil & Ref.		95,091	
Crown Central Petro.		2,073,190	
Crystal Oil Co.			157,248
Crystal Refining Co.		1,470,128	
Delta Refining Co.			164,262
Diamond Shamrock Corp.			
Dorchester Gas			
Dow Refinery			
Eddy Refining Co.			
Edgington Oil Co.			
Edgington Oxnard Ref.			
Evangeline Refining			
Famarise Oil Corp.		2,053,634	
Farmers Union Central Exchange		1,219,597	
Fletcher Oil and Ref.		192,658	
Flint Chemical Corp.			
Gary Western Co.		254,600	
Giant Industries		416,882	
Glacier Park			
Gladieux Refining		576,737	
Golden Eagle Ref. Co.		266,250	
Good Hope Refineries		250,708	
Guam Oil & Refining			
Gulf States		38,108	
HIRI		173,750	
Howell Corporation		931,701	
Hunt Oil Company		453,175	
Husky Oil Company		1,594,125	
Indiana Farm Bureau		288,654	
J&W Refining Inc.		568,156	
Kentucky Oil Ref. Co.			
Kern County Ref. Inc.			
Kerr McGee Co.		4,188,453	
Koch Refining Co.		406,492	
La Gloria Oil & Gas Co.		499,680	
Lakeside Refining Co.		224,368	

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	Sales obligation	Barrels	
		Primary obligation	Secondary obligation
Laketon Asphalt Ref.			99,625
Little America Ref.			723,074
Lou. Land & Exploration Co.			388,789
Lou. Oil & Re-Refining Co.			4,643
MacMillan RF Oil Co.			330,270
Marion Corporation			79,633
Mid-America Refining			10,000
Mid-Tex Refinery			233,197
Midland Corp. Inc.			765,392
Mohawk Petroleum Co.			296,097
Monsanto Company			337,230
Morrison Petroleum			0
Mountaineer Refinery			15,096
Murphy Oil Corp.			1,763,078
National Corp. Ref.			1,675,468
Navejo Refining Co.			1,613
Newhall Refining Co.			209,375
North American Petroleum			0
Northland Oil & Ref.			398,078
Oil Shale Corp.			2,165,441
OKC Corporation			0
Pasco Incorporated			272,868
Pennzoil Company			343,380
Pioneer Refining			9,250
Placid Refining			2,429,400
Plateau Incorporated			461,133
Powerline Oil Company			1,699,718
Pride Refining Inc.			1,130,238
Quaker State Oil Refining Co.			0
Road Oil Sales, Inc.			5,750
Rock Island Refining			30,750
Saber Refining Co.			767,355
Sabre Refining Inc. (Dingman)			55,159
Sage Creek Refining Co.			61,250
San Joaquin Refining			0
Seminole Asphalt Ref.			187,500
Sigmor Corporation			0
Somerset Refinery			0
Sound Refining, Inc.			70,625
South Hampton			1,257,415
Southland Oil Co.			124,618
Southwestern Refining Co.			0
Standard Oil of Ohio			16,000,320
Sunland Refining Co.			263,724
Tenneco Oil Co.			1,302,750
Tesoro Petroleum Co.			788,125
Texas Asphalt & Refining			49,232
Texas City Refining			3,513,725
Thagard Oil			0
The Refinery Corporation			314,126
Thriftyway Oil Co.			77,983
Thunderbird Resources			29,883
Tonkawa Refining Co.			49,822
Total Leonard, Inc.			869,350
Union Texas Petroleum			0
United Independent Oil Co.			10,171
United Refining Co.			1,996,359
U.S. Oil & Refining Co.			379,323
USA Petrochem			589,647
V-1 Oil Company			2,787
Vickers Petroleum Co.			1,135,835
Vulcan Asphalt Ref.			97,989
Warrior Asphalt Corp.			73,035
West Coast Oil			0
Western Refining Co.			587,750
Winston Refining Co.			82,991
Wireback Oil Co.			8,095
Witco Chemical Corp.			522,375
Yetter Oil Co.			1,000
Young Refining Corp.			257,147
Total			102,701,261

[FR Doc.78-14678 Filed 5-17-78;11:35 am]

## FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1737]

LAWRENCE M. PARRY, JR.

Order of Revocation

On May 10, 1976, Lawrence M. Parry, Jr., P.O. Box 11133, Chattanooga, Tennessee 37401, voluntarily surrendered his

Independent Ocean Freight Forwarder License No. 1737 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01 (b), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 1737 issued to Lawrence M. Parry, Jr., be and is hereby revoked effective May 10, 1976 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Lawrence M. Parry, Jr.

LEROY F. FULLER,  
Director Bureau of  
Certification and Licensing.

[FR Doc.76-14746 Filed 5-19-76;8:45 am]

[Docket No. 76-28]

## TRAILER MARINE TRANSPORT CORP.

## Order of Investigation and Suspension

Trailer Marine Transport Corporation (hereinafter TMT), a barge carrier serving between Jacksonville and Miami, Florida and Puerto Rico has filed with the Commission revised pages to its tariff FMC-F No. 2, identified at Appendix A, scheduled to become effective May 17, 1976. Those revised pages increase rates by fifteen percent on commodities so referenced. Contemporaneous with filing of the instant revised pages, TMT submitted its certification in lieu of financial and operating data, pursuant to General Order 11, Amendment No. 1 (46 C.F.R. § 512.3(d) (5)), affirming that not more than 50 percent of its tariff items were changed and that the changes will not increase or decrease its domestic offshore gross revenue by three percent or more.

The Puerto Rico Maritime Shipping Authority (hereinafter PRMSA), a carrier operating self propelled vessels and providing service between the United States Atlantic and Gulf Coast Ports and Puerto Rico, also offers transportation of commodities here the subject of rate increases.

In the past barge carriers have argued, and the Commission has recognized, the need for a rate differential between barge carriers and vessel operating carriers in order to attract cargo to barge service which is more hazardous, and inherently less stable and reliable than that offered by operators of self propelled vessels. Rates from Jacksonville, Florida to Puerto Rico, 10 F.M.C. 376 (1967). The result of the instant rate increase would be to eliminate the differential which exists between TMT and PRMSA on commodities the subject of the instant increases.

In Docket No. 75-18, Puerto Rico Maritime Shipping Authority—Reduced Rates from Florida to Puerto Rico, instituted May 22, 1975, TMT protested rate reductions by PRMSA, stating that elimination of the rate differential be-

tween TMT's rates and PRMSA's rates was in contravention of principles stated by the Commission in Rates from Jacksonville, Florida to Puerto Rico, supra, would cause irreparable harm to TMT, and eventually result in monopolization of the trade by PRMSA. In an attempt to resolve tariff controversies the subject of Docket No. 75-18 TMT and PRMSA entered into Commission approved Agreement No. DC-83, authorizing rate discussions in the Puerto Rican trade. Any agreement reached pursuant to DC-83 is not to be implemented until such agreement has been submitted to and approved by the Commission.

A joint protest to the instant rate increases was filed on behalf of Transconex, Inc., Econocaribe Consolidators, Inc., and Twin Express, Inc., non-vessel operating common carriers (hereinafter NVO's), in the Puerto Rican Trade. Protestants allege that TMT's proposed rate increases will divert substantial cargo from TMT to PRMSA and undermine the continued availability of TMT's service; such diversion will result in the increase of TMT's domestic offshore gross revenues by three percent or more, necessitating the submission of financial and operating data pursuant to General Order 11, Amendment No. 1, and; rate increases, if permitted to go into effect, will require NVO's to increase their LTL rates by ten to twelve percent causing diversion of cargo from them and resulting in their ultimate ruin. The protest also alleges that the instant rate action was improperly taken pursuant to Agreement No. DC-83.

TMT replied to the protest stating that the proposed FAK rate (Item No. 3260, First Revised Page 122) attempts to restore a competitive differential which previously existed between Jacksonville and Miami, Florida and North Atlantic ports. TMT also denies improper action pursuant to an unfilled and unapproved agreement and reaffirms its contention that its certification as to the effect of the subject rate increase is correct.

Upon consideration of the above matter, the Commission is of the opinion that the proposed rate increases should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under Sections 16, First and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. We have considered that aspect of the protest relating to alleged violations of section 15 and have determined that the question of section 15 violations should not be made a part of this investigation and hearing. The Commission is of the further opinion that the rate increases referenced by symbol on revised tariff pages identified at Appendix A should be suspended pursuant to the authority granted the Commission by section 3 of the Intercoastal Shipping Act, 1933.

Therefore, it is ordered, That pursuant to sections 16, First, 18(a), and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933 an

investigation is hereby instituted into the lawfulness of the tariff matter listed at Appendix A for the purpose of making such findings as the facts and circumstances warrant. In the event the tariff matter is further changed, amended, or reissued, such changes are hereby ordered to be included in this investigation;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, the rate increases referenced by symbol on revised tariff pages identified at Appendix A are hereby suspended and the use thereof deferred to and including September 16, 1976 unless otherwise ordered by the Commission;

It is further ordered, That there shall be filed immediately by Trailer Marine Transport Corporation a consecutively numbered supplement to the aforementioned tariff matter, which supplement shall bear no effective date, shall reproduce this Order in its entirety, and shall state that the aforesaid matter is suspended and may not be used until September 17, 1976 and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, and that the rates, fares, charges, classifications, rules, regulations or practices in effect prior to the date of this Order and which were to be changed by the suspended tariff matter, or part or parts thereof, shall remain in effect during the period of suspension, unless otherwise ordered by the Commission;

It is further ordered, That as part of this investigation a determination shall be made as to whether Trailer Marine Transport Corporation's proposed increase in rates is unlawful pursuant to Section 16, First of the Shipping Act, 1916, and/or unjust and unreasonable pursuant to section 18(a) of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Trailer Marine Transport Corporation be named as Respondent in this proceeding and that Transconex, Inc., Econocaribe Consolidators, Inc., and Twin Express, Inc. be named as Complainants;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearings be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing shall commence no later than September 14, 1976.

It is further ordered, That (1) a copy of this Order be served upon respondent, complainants, and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (II) the respondent, complainants and Hearing Counsel be duly served with notice of time and place of hearing(s);

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's Rules of Practice and Procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,  
Secretary.

APPENDIX A

[FMC-F No. 2]

TRAILER MARINE TRANSPORT CORPORATION

Fifth Revised Page 14.  
Second Revised Page 15.  
Third Revised Page 90.  
Third Revised Page 97.  
Second Revised Page 98.  
First Revised Page 122.  
Second Revised Page 124.  
Second Revised Page 140.

[FR Doc.76-14747 Filed 5-19-76;8:45 am]

## FEDERAL POWER COMMISSION

**NATIONAL GAS SURVEY SUPPLY—TECHNICAL ADVISORY TASK FORCE—SYNTHESIZED GASEOUS HYDROCARBON FUELS**

## Meeting

Conference Room 3401, Union Center Plaza Building, 941 North Capitol Street, N.E., Washington, D.C. 20426.

June 24, 1976, 9:30 A.M.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to Order and Introductory Remarks—Mr. William J. McCabe.

2. Remarks by Chairman and Vice Chairman—Dr. Alan G. Fletcher, Mr. Charles W. Margolf.

3. Report of Economic Analysis Study Group—Dr. James Harris.

4. Subgroup Working Sessions—Subgroup I: (a) Review of Data Relating to required plant investment and operating expenses. (b) Discussion of Economic Analysis in each area.

Subgroup II: (a) Review of Circulated Draft Reports. (b) Determination of Format of Environmental and Siting Sections of Report.

5. Task Force Discussion Regarding Final Meeting.

6. Confirmation of Next Meeting Date, (NGS-6) August 5, 1976.

7. Other Business.

8. Adjournment—Mr. William J. McCabe.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and

1 North Building.



20740

in the manner permitted by the Committee.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14742 Filed 5-19-76; 8:45 am]

## GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-387]

## FEDERAL PROPERTY MANAGEMENT REGULATIONS

### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Virginia State Corporation Commission involving intrastate telephone rates.

2. *Effective date.* This regulation is effective immediately.

### 3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 3 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481 (a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Virginia State Corporation Commission in a proceeding involving the application of the Chesapeake and Potomac Telephone Company for increases in its intrastate rates and charges. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JACK ECKERD,  
Administrator of  
General Services.

MAY 14, 1976.

[FR Doc.76-14737 Filed 5-19-76; 8:45 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-44]

### NORFOLK CORP.

### Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 C.F.R. 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Norfolk Corporation, Quincy, Massachusetts, an exclusive patent license in France, Great Britain, Italy and West Germany for the NASA

## NOTICES

owned invention covered by the foreign counterparts of U.S. Patent No. 3,620,784 for "Potassium Silicate Zinc Coatings" issued to NASA on November 16, 1971. Copies of the above U.S. Patent can be purchased from the U.S. Patent Office, Arlington, Virginia, at a cost of \$.50 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C. 20516.

Dated: May 14, 1976.

GERALD J. MOSSINGHOFF,  
Acting General Counsel.

[FR Doc.76-14714 Filed 5-19-76; 8:45 am]

## NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

### MEETINGS

#### Amended Notice

The meeting of the National Commission on Electronic Fund Transfers scheduled for Thursday, May 27, 1976, will not be held.

The Commission will conduct a brief workshop on Tuesday, June 15, 1976, to consider telecommunications equipment applicable to electronic funds transfer.

The workshop will begin at 10:00 a.m. and will be conducted in Washington, D.C. The exact location has not yet been determined; when it is, a notice specifying the location will be published in the Federal Register. The workshop will be open to public observation on a first call basis to the extent that limited space permits.

Any person interested in observing the workshop should first call Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: May 15, 1976.

JAMES O. HOWARD, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-14671 Filed 5-19-76; 8:45 am]

## NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPY- RIGHTED WORKS

### NOTICE OF MEETING AND HEARINGS

A meeting of the National Commission on New Technological Uses of Copyrighted Works will be held at 9:30 a.m. on June 9 and 10, 1976, at the offices of the Commission, located in Room 910, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia. The proceedings on June 9 will be devoted to the presentation of testimony for the purpose of obtaining information concerning the applicability and scope of copyright protection for computer software. The Commission will direct its attention on June 10 to issues concerning the use of computers in relation to the communication and dissemination of copyrighted works.

All interested member of the public, including but not limited to manufac-

turers, developers and investors involved in the creation of computer software and users of computer software, are invited to attend. In addition, all members of the public, including representatives of groups concerned with copyright protection for computer software, are invited to submit requests to present testimony for consideration at these hearings. Such requests should be accompanied by brief written statements identifying the individual or group requesting to testify, the interests of that individual or group in the issue of copyright protection for computer software, and the evidence desired to be given. All such requests should be addressed to Michael S. Keplinger, Senior Attorney, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558, and must be received prior to May 30, 1976.

ARTHUR J. LEVINE,  
Executive Director.

[FR Doc.76-14698 Filed 5-19-76; 8:45 am]

## NATIONAL LABOR RELATIONS BOARD

### TABLE OF APPEALS CASES

#### Notice of Nonpublication

Notice is hereby given under the provisions of Section (a)(2) of the Freedom of Information Act (5 U.S.C. Section 552(a)(2)) that the General Counsel of the National Labor Relations Board has determined that it is unnecessary and impracticable to publish and distribute for sale copies of the publication entitled "Table of Appeals Cases in Which the General Counsel of the National Labor Relations Board Refused to Issue Complaint on ULP Charges Because of Insufficient Evidence." This publication is an index of cases in which the General Counsel, through the Office of Appeals, has decided not to issue complaint based upon a determination that the evidence established by the investigation "was insufficient to substantiate the charge." (Section 101.5, NLRB Statements of Procedure) Cases in which the decision by the Office of Appeals, or the Division of Advice, Office of the General Counsel, not to issue complaint was based upon a determination that "there has been no violation of the National Labor Relations Act" (Section 101.5, NLRB Statements of Procedure) are indexed in the publication entitled "Classified Index to Dispositions of ULP Charges by the General Counsel of the National Labor Relations Board." That classified index will be published and made available for purchase upon subscription from the Superintendent of Documents, Government Printing Office, in accordance with the requirements of 5 U.S.C. Section 552(a)(2).

The basis for the conclusion that publication of the above described "Table of Appeals Cases" is unnecessary and impracticable is that the refusal to issue complaint because a charge is not supported by sufficient evidence provides little or no information concerning the ac-

tion which might be taken by the General Counsel were the allegations of the charge supported by evidence, and provides little guidance to parties and the public concerning the probable disposition of other charges. In these circumstances, the public interest would not be served by expending public funds to print and distribute that table.

Notwithstanding the determination not to publish and distribute copies of the "Table of Appeals Cases", that table will be compiled on a quarterly basis and will be available for inspection and copying at any of the Regional Offices of the National Labor Relations Board, or in the public reading room of the National Labor Relations Board, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570. Copies of the "Table of Appeals Cases" will be available to any member of the public upon a payment of direct duplication cost.

Dated: May 13, 1976.

JOHN S. IRVING,  
General Counsel, National  
Labor Relations Board.

[FR Doc.76-14653 Filed 5-19-76; 8:45 am]

## NATIONAL SCIENCE FOUNDATION

### ADVISORY PANEL FOR NEUROBIOLOGY

#### Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neurobiology.  
Date and time: June 7 and 8, 1976—9:00 a.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.  
Type of meeting: Closed.

Contact person: Dr. James H. Brown, Program Director, Neurobiology Program, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone (202) 634-4036.

Purpose of panel: To provide advice and recommendations concerning support for research in neurobiology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data; such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (8) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act. Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: May 14, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc.76-14537 Filed 5-19-76; 8:45 am]

## NOTICES

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

### BOSTON EDISON CO., ET AL. (PILGRIM NUCLEAR GENERATING STATION, UNIT NO. 2)

#### Hearing Order

It is ordered that hearing herein will be resumed on May 24, 1976, at 1 p.m. in the Blue Room, Memorial Hall, 83 Court Street, Plymouth, Massachusetts.

Dated at Bethesda, Maryland, this 13th day of May, 1976.

THE ATOMIC SAFETY AND  
LICENSING BOARD,  
FREDERIC J. COUFAL,  
Chairman.

[FR Doc.76-14730 Filed 5-19-76; 8:45 am]

[Docket No. STN 50-532]

### C F BRAUN & CO. ET AL.

#### Safety Evaluation Report and Preliminary Design Approval Issuance

In the matter of Braun SAR turbine island standard design and its relationship to the Gessar-238 nuclear island design.

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report dated May 1976 and a Preliminary Design Approval to PDA-5 dated May 7, 1976, for the turbine island portion of a BWR-6/Mark III boiling water reactor nuclear power plant, as described in the C F Braun & Co's Standard Safety Analysis Report (BRAUN SAR). BRAUN SAR, which was docketed on December 21, 1974, was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50. Notice of receipt of BRAUN SAR was published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1762).

BRAUN SAR contains preliminary design information for the turbine island portion of a standard plant utilizing a General Electric BWR-6/Mark III boiling water reactor nuclear power plant. The turbine island is designed to complement the nuclear island standard design described in the General Electric Standard Safety Analysis Report (GESSAR-238), Docket No. STN 50-447.

The BRAUN SAR turbine island design encompasses conventional steam-electric power conversion equipment, a portion of the offsite power supply system, and the following items important to safety: instrumentation sensor inputs into the nuclear island reactor protection system and the engineered safety features systems; structures housing the gaseous radwaste treatment system; and related systems and structures. The BRAUN SAR reference design is designed to convert the rated thermal power of 3579 megawatts received from the nuclear island to an electrical power level of 1220 megawatts nominal net.

The Safety Evaluation Report documents the results of the staff's review and evaluation of BRAUN SAR, including Amendments 1 through 8 thereto,

and addresses the comments of the Advisory Committee on Reactor Safeguards as reflected in its report to the Commission dated December 10, 1975 (Appendix C of the Safety Evaluation Report).

PDA-5 provides NRC staff approval of the preliminary turbine island design described in BRAUN SAR, including Amendments 1 through 8 thereto. By the issuance of PDA-5, the NRC staff has determined that the information provided in BRAUN SAR on the major portion of the preliminary turbine island design, as described above, and subject to conditions set forth in the PDA, is acceptable for referencing in utility applications for construction permits. The BRAUN SAR turbine island design shall be utilized by and relied upon by the NRC staff and the Advisory Committee on Reactor Safeguards in their review of facility license applications for construction permits incorporating by reference the BRAUN SAR turbine island preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA-5 or other good cause.

Issuance of PDA-5 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves, subject to the conditions set forth in PDA-5, the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-5 is effective as of its date of issuance and shall expire December 22, 1978, unless earlier superseded by issuance of an appropriate Final Design Approval for the BRAUN SAR turbine island standard design, or unless extended by the NRC staff. The expiration of PDA-5 on December 22, 1978, shall not affect use of PDA-5 for reference in any construction permit application docketed prior to such date.

A copy of the (1) Preliminary Design Approval No. PDA-5 dated May 7, 1976; (2) Advisory Committee on Reactor Safeguards' report dated December 10, 1975; (3) the NRC staff's Safety Evaluation Report, NUREG-0012, dated May 1976; (4) C F Braun & Co Standards Safety Analysis Report, including Amendments 1 through 8 thereto; and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W.,



Washington, D.C. 20555. A copy of PDA-5 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report, NUREG-0012, may be purchased at current rates from the National Technical Information Service, Springfield Virginia 22161.

Dated at Bethesda, Maryland, this 7th day of May 1976.

For The Nuclear Regulatory Commission.

THOMAS H. COX,  
Acting Chief, Light Water  
Reactors Branch No. 1, Division of Project Management.

[FR Doc. 76-14731 Filed 5-19-76; 8:45 am.]

[Docket Nos. 50-440 and 50-441]

#### CLEVELAND ELECTRIC ILLUMINATING CO. AND PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

##### Issuance of Revision to Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Cleveland Electric Illuminating Company to conduct certain site activities in connection with the Perry Nuclear Power Plant, Units 1 and 2, prior to a decision regarding the issuance of construction permits. Notices of the Limited Work Authorizations were published in the FEDERAL REGISTER on October 29, 1974 (39 FR 38125), and January 9, 1976 (41 FR 1655).

Since that time, the Atomic Safety and Licensing Board has determined that additional activities may be authorized under the Limited Work Authorization. The additional activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e) (3) and include placement and assemblage on the Reactor Building Mud Mat of reinforcing steel, temporary structures for the support of reinforcing steel and embedments, and the steel plate embedments for founding the structures within the Reactor Building.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Cleveland Electric Illuminating Company and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders of the Commission promulgated pursuant thereto.

A Supplemental Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability and unresolved safety issues was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on May 10, 1976. A copy of (1) the Atomic Safety and Licensing

## NOTICES

Board's Orders of October 20, 1974, December 31, 1975, and May 10, 1976; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated April 1974; and (5) the Commission's letters of authorization dated October 21, 1974, December 31, 1975, and May 12, 1976, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland, this 12th day of May 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,  
Chief, Environmental Projects  
Branch 3, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 76-14732 Filed 5-19-76; 8:45 am.]

[Docket Nos. 50-237 and 50-249]

#### COMMONWEALTH EDISON CO.

##### Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 16 and 14 to Facility Operating License Nos. DPR-19 and DPR-25, respectively, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of the Dresden Nuclear Power Station Units 2 and 3 (the facilities) located in Grundy County, Illinois. The amendments are effective as of their date of issuance.

The amendments incorporate increased surveillance requirements in the Technical Specifications to provide additional assurance that high energy line failures outside of containment will not occur during the short period of time the facilities will be operated prior to completing certain modifications to assure that the facilities can withstand the consequences of postulated ruptures in high energy piping outside of containment.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of the Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on October 30, 1974 (39 FR 38275). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated December 3, 1974 and related items dated January 23, 1974, March 22, 1974, February 18, 1975, September 16, 1975 and October 21, 1975, (2) Amendment No. 16 to License No. DPR-19, (3) Amendment No. 14 to License No. DPR-25, and (4) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

A single copy of items (2), (3) and (4) above may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 12th day of May 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch #2, Division of Operating Reactors.

[FR Doc. 76-14733 Filed 5-19-76; 8:45 am.]

[Docket Nos. 50-295 and 50-304]

#### COMMONWEALTH EDISON CO.

##### Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 20 and 17 to Facility Operating Licenses No. DPR-39 and DPR-48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station, Units 1 and 2, located in Zion, Illinois. The amendments are effective upon startup of Unit 1 following refueling or seven days after the date of issuance, whichever is sooner.

These amendments (1) revise the operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46, (2) terminate restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of Licenses, and (3) revise operating limits in the Technical Specifications for operation of Zion Unit 1 in fuel cycle 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as

required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with those portions of this action relating to compliance with 10 CFR 50.46 was published in the FEDERAL REGISTER on May 22, 1975 (40 FR 22320). Prior public notice of the portions of the amendments relating to revised limits for Zion Unit 1 in fuel cycle 2 is not required since those amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated September 3 and 6, 1974 and March 16, 1976, as supplemented December 9, 1974, April 18, 21, July 9, August 18, September 16, October 6, November 17, 1975, January 5, April 15, 19, 21, 30, May 4, and 5, 1976; (2) Amendments No. 20 and 17 to Licenses No. DPR-39 and DPR-48; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,  
Chief, Operating Reactors  
Branch #1, Division of Operating Reactors.

[FR Doc. 76-14734 Filed 5-19-76; 8:45 am.]

#### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

##### Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates

relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

As a part of this program, IAEA draft Safety Guides, SG-S3a, "Meteorology—Climatology, Diffusion and Transport," and SG-S3b, "Meteorology—Extreme Meteorological Conditions in Nuclear Power Plant Siting," have been developed, and the NRC staff is soliciting comments on these Guides from the U.S. public. An IAEA Working Group, consisting of Mr. J. P. Maigne of France, Mr. D. Plattaus of the Federal Republic of Germany, Dr. V. V. Shrivalkar of India and Mr. I. Spickler (Dames and Moore) of the United States of America developed the SG-S3a draft from an IAEA collation during a meeting that was held in Vienna, Austria on March 22-April 2, 1976. An IAEA Working Group, consisting of Mr. W. Hellmuss of the Federal Republic of Germany, Mr. A. Robson of the United Kingdom and Mr. B. Zalman (Dames and Moore) of the United States of America developed the SG-S3b draft from an IAEA collation during a meeting that was held in Vienna, Austria on March 29-April 9, 1976.

As the next step in their development, these draft Safety Guides are scheduled to be reviewed by the IAEA Technical Review Committee on Siting at a meeting in Vienna, Austria on June 14, 1976. In order to have them in time for the June 1976 meeting of the Technical Review Committee, comments on these draft Safety Guides are requested by June 5, 1976. Single copies of these drafts may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (5 U.S.C. 522(a))

Dated at Rockville, Maryland this 13th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,  
Office of Standards Development.

[FR Doc. 76-14735 Filed 5-19-76; 8:45 am.]

[Docket No. 50-289]

#### METROPOLITAN EDISON CO. ET AL.

##### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-50 issued to Metropolitan Edison

Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment modifies the Technical Specifications to permit the use of type "C" tests, as defined in 10 CFR 50 Appendix J, to determine the leakage of valves served by the Fluid Block System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 15, 1976, (2) Amendment No. 16 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of May 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,  
Acting Chief, Operating Reactors  
Branch #4, Division of Operating Reactors.

[FR Doc. 76-14736 Filed 5-19-76; 8:45 am.]

[Docket No. 50-298]

#### NEBRASKA PUBLIC POWER DISTRICT

##### Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-46, issued to the Nebraska Public Power District (the licensee), which revised Technical Specifications for operation



tion of the Cooper Nuclear Station (the facility) located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

This amendment revises the Environmental portion of the Technical Specifications for the facility to eliminate the monthly river sampling requirements at river mile 526, and certain unnecessary monthly river samples for May through November at river mile 528.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, Nebraska 68305. A copy of item (2) Amendment No. 22 to License No. DPR-46. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68305. A copy of item (2) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of May, 1976.

For The Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch #2, Division of Operating Reactors.

[FR Doc. 76-14737 Filed 5-19-76; 8:45 am]

[Docket Nos. 50-282 and 50-306]

**NORTHERN STATES POWER CO.**  
Issuance of Amendments to Facility  
Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 12 and 6 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), which revised the license for operation of Units 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

The amendments revise those portions of the license and the appended Technical Specifications for the facilities to provide standard provisions for the receipt, possession and use of byproduct, source and special nuclear materials for operation of the facilities.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 6, 1975, (2) Amendment Nos. 12 and 6 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of May, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch #2, Division of Operating Reactors.

[FR Doc. 76-14738 Filed 5-19-76; 8:45 am]

[Docket Nos. 50-282 and 50-306]

**NORTHERN STATES POWER CO.**  
Issuance of Amendments to Facility  
Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 13 and 7 to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Units 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

The amendments revised the Administrative Controls Section of the Appendix A portion of the Technical Specifications for the facility to reflect changes in the organizational structure of the corporate headquarters and of the facility. The amendments also clarified the qualifications, responsibilities and procedures of the Safety Audit Committee.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 7, 1975, (2) Amendment Nos. 13 and 7 to License Nos. DPR-42 and DPR-60, respectively, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at The Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day of May, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors  
Branch #2, Division of Operating Reactors.

[FR Doc. 76-14739 Filed 5-19-76; 8:45 am]

[Docket Nos. STN 50-518, STN 50-519;  
STN 50-520, STN 50-521]

**TENNESSEE VALLEY AUTHORITY (HARTSVILLE NUCLEAR PLANTS, PLANT A, UNITS 1 AND 2, PLANT B, UNITS 1 AND 2)**

Availability of Partial Initial Decision of the Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the Commission's Regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated April 20, 1976 by the Atomic Safety and Licensing Board

in the above-captioned proceeding relating to environmental and site suitability matters is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and in the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee.

The Partial Initial Decision is also being made available at the Office of Urban and Federal Affairs, 404 James Robertson Parkway, Nashville, Tennessee, the Mid-Cumberland Council of Governments, 226 Capitol Boulevard, Nashville, and the Upper Cumberland Development District, Burgess Falls Road, Cookeville, Tennessee.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation relating to construction of the Hartsville Nuclear Plants.

Pursuant to the provisions of 10 CFR Part 51, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions contained in the Partial Initial Decision differ from those contained in the Final Environmental Statement. As required by 10 CFR Part 51, a copy of the Partial Initial Decision, which modified the Final Environmental Statement, has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency, and other interested agencies and persons.

Single copies of the Partial Initial Decision may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Office of Nuclear Reactor Regulation. The Final Environmental Statement is available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Fred A. Vought Library, Hartsville, Tennessee. Copies of the Final Environmental Statement (NUREG 75/039) may be obtained from the National Technical Information Service, Springfield, Virginia 22161, at a cost of \$8.75 for printed copy or \$2.25 for microfiche.

Dated at Rockville, Maryland, this 13th day of May 1976.

For The Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,  
Chief, Environmental Projects  
Branch 2, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 76-14740 Filed 5-19-76; 8:45 am]

[Dockets Nos. 50-280 and 50-281]

**VIRGINIA ELECTRIC AND POWER CO.**  
Issuance of Amendments to Facility  
Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments

No. 19 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station, Units Nos. 1 and 2, located in Surry County, Virginia. These amendments are effective as of the date of issuance.

These amendments relate to the operation of Surry Units Nos. 1 and 2 with a positive moderator coefficient in the power range.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on June 30, 1975 (40 F.R. 27509). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 5, 1975, as supplemented January 29, and March 5, 1976, (2) Amendments No. 19 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of May, 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,  
Acting Chief, Operating Reactors  
Branch #4, Division of Operating Reactors.

[FR Doc. 76-14741 Filed 5-19-76; 8:45 am]

[Docket No. 50-537]

**PROJECT MANAGEMENT CORP.**  
Special Meeting on All Pending Motions,  
Scheduling and Related Matters

May 17, 1976.

In the matter of Project Management Corporation, Tennessee Valley Author-

ity (Clinch River Breeder Reactor Plant).

Pursuant to oral notice to and agreement by counsel for all parties and intervenors, by conference telephone call on May 17, 1976, a special meeting will be held on Monday, May 24, 1976, at 10 a.m. at the Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel Office, 4th floor, East-West Towers Bldg., 4350 East West Highway, Bethesda, Maryland, to consider the following:

1. All pending motions and responses.
2. Action consistent with the Memorandum and Order of the Atomic Safety and Licensing Appeal Board entered May 12, 1976 (ALAB-330).
3. Scope and extent of this Licensing Board's Memorandum and Order of April 6, 1976.
4. Schedule revisions or amendments.
5. Other matters reasonably relating to the foregoing subjects.

Counsel are requested to have any relevant papers they desire to submit in the hands of the Licensing Board at the above address on or before 4 p.m., Friday, May 21, 1976.

It is so ordered.

Dated at Bethesda, Maryland, this 17th day of May, 1976.

THE ATOMIC SAFETY AND  
LICENSING BOARD,  
MARSHALL E. MILLER,  
Chairman.

[FR Doc. 76-14896 Filed 5-19-76; 8:45 am]

[Docket No. STN 50-485]

**ROCHESTER GAS AND ELECTRIC CORP.**  
Hearing on Application for Construction  
Permit

In the matter of Rochester Gas and Electric Corporation, (Sterling Power Project Nuclear Unit No. 1).

A Notice of Hearing on Application for Construction Permit was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31686) concerning the application of Rochester Gas and Electric Corporation to construct the Sterling Power Project Nuclear Unit 1 at a site in Cayuga County, New York, approximately 8 miles southwest of Oswego on the southeast shore of Lake Ontario. Rochester Gas and Electric Corporation was identified as the sole owner of the proposed Sterling facility in the original application. However, pursuant to a Memorandum of Understanding entered into May 16, 1974, Central Hudson Gas & Electric Corporation and Orange and Rockland Utilities, Inc. became participants in the facility. This Memorandum of Understanding was amended May 30, 1975 to add Niagara Mohawk Power Corporation as a participant. The four utilities will share in the ownership, financial support, and electrical output of the Sterling facility as set forth below:



Party:	Share percent
Rochester Gas and Electric Corp.	28
Orange and Rockland Utilities, Inc.	33
Central Hudson Gas & Electric Corp.	17
Niagara Mohawk Power Corp.	22

Rochester Gas and Electric Corporation is to have full responsibility for the construction, operation and licensing of the facility.

As a result of the addition of Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation and Niagara Mohawk Power Corporation as joint owners, the Atomic Safety and Licensing Board (Board) on behalf of the Nuclear Regulatory Commission (Commission) is hereby issuing an Amended Notice of Hearing on Application for Construction Permit for the proposed facility. This Amended Notice does not alter or expand the issues for consideration set forth in the initial Notice of Hearing. By this Amended Notice the Commission is, however, affording any person whose interest may be affected by addition of Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation and Niagara Mohawk Power Corporation as joint owners, the opportunity to participate in this proceeding.

Any person whose interest may be affected by the addition of the three companies as joint owners and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the ex-

amination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by June 21, 1976. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like answered to the extent that the questions are within the scope of the issues set forth in the original Notice of Hearing. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board.

Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by June 21, 1976. Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to Auburn L. Mitchell, Esq., Counsel for NRC Staff, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; to Lex K. Larson, Esq., 1757 N Street, N.W., Washington, D.C. 20036, and Gerald Charnoff, Esq., 1800 M Street, N.W., Washington, D.C. 20036, Attorneys for Applicant; Ecology Action, Box 94, Oswego, New York 13126; Ms. Sharon Morey, RD 3, Oswego, New York 13126; and J. Bruce MacDonald, Esq., New York State Atomic Energy Council, 99 Washington Avenue, Albany, New York 12210.

For further details, see the Rochester Gas and Electric Corporation's Environmental Report and Amendment 23 to the application dated September 1975, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. These documents are also available for public inspection at the Oswego City Library, 120 Second Street, Oswego, New York.

Dated at Bethesda, Maryland this 17th day of May 1976.

THE ATOMIC SAFETY AND  
LICENSING BOARD,  
EDWARD LUTON,  
Chairman.

[FR Doc.76-14897 Filed 5-19-76;8:45 am]

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-21]

### ACCIDENT REPORT; STATISTICAL REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

#### Notice of Availability and Receipt

**Aircraft Accident Report.** The National Transportation Safety Board announces the release, May 11, of report No. NTSB-AAR-76-11 concerning Airlift International's takeoff accident at John F. Kennedy International Airport last September 20. The Safety Board determined that the probable cause of the accident involving the cargo carrier's McDonnell Douglas DC-8-63F was the captain's decision to use a runway that was too short for the aircraft's takeoff performance capability under existing load and weather conditions. As a result, the aircraft struck obstacles beyond the departure end of the runway before it began to climb. The Board also found that the flightcrew had failed to use available data which would have informed them that the runway was not long enough for the takeoff. The Board concluded that, although the aircraft did become airborne, the insufficient runway length did not allow the margin of safety that is provided in the normal takeoff criteria as required by 14 CFR 121.189, which relates to takeoff requirements.

**Annual Review of Aircraft Accident Data, U.S. General Aviation, Calendar Year 1974.** This statistical compilation, report No. NTSB-ARG-76-1 released by the Safety Board May 12, contains information compiled from reports of 4,425 general aviation accidents which occurred during 1974. Included in that accident total are 59 collisions between aircraft; by coding each aircraft involved, an additional 59 records are produced, bringing the total accident records to 4,484—a figure reflecting the true number of pilots and aircraft involved. The publication breaks down non-airline accident statistics in 183 pages of tables and graphs. Included are cause/factor tables for each kind of general aviation flying, severity of injury and aircraft damage by kind of flying and type of aircraft, and such selected data as pilot flight time and accident location by States.

Statistical analyses of these accidents shows a continuing pattern of accidents which could have been prevented before the aircraft left the ground, the Safety Board stated. Both preflight planning and weather hazards have been the subject of numerous Safety Board special studies, safety information bulletins, and

accident reports which are available to the general public on request.

**Chart of 1975 Transportation Fatalities.** The transportation death toll in the United States continued to decline in 1975, according to preliminary statistics released May 15 by the Safety Board. The 1975 statistics were issued in the form of its annual pie chart of transportation fatalities. (See press release SB-76-39.) The chart shows these estimated 1975 fatality totals by mode, with comparative 1974 figures in parentheses: Highway—44,690 (44,950); rail-highway grade crossings—910 (1,250); railroad—584 (582); marine—380 (379) commercial and 1,480 (1,475) recreational; aviation—124 (467) air carrier and 1,324 (1,290) general aviation; and pipeline—30 (34).

There were 49,502 fatalities in all transport modes—a reduction of 2 percent from the 50,541 total in 1975. The difference of 1,039 fatalities was caused primarily by 600 fewer highway and grade crossings deaths and 343 fewer fatalities in airline crashes. Airlines registered a 73-percent reduction in 1975, from 467 to 124. Pipeline deaths were down 12 percent, from 34 to 30. All other transportation modes showed increases or decreases of less than 5 percent.

**Aviation Safety Recommendations A-76-67 through A-76-70.** The Safety Board has been assisting the Government of Italy in its investigation of an accident which involved a Trans World Airlines B-707 at Malpensa International Airport near Milan, Italy, last December 22. Although the cause of the accident has not been determined, the Safety Board has found inadequacies in the regulations and procedures pertaining to flag air carrier operations into foreign airports. Accordingly, the Safety Board on May 13 recommended that the Federal Aviation Administration (1) amend the Operations Specifications of U.S. flag air carriers to prohibit pilots from executing an instrument approach or landing at an airport unless the latest visibility has been reported by the U.S. National Weather Service (NWS), by an NWS-approved source, or by an FAA-approved source and unless the reported visibility is equal to or greater than the carrier's landing minimums; (2) amend 14 CFR 121.651 (a) and (b) to prohibit a pilot from executing an instrument approach or from landing at an airport when the NWS, an NWS-approved source, or an FAA-approved source reports that the visibility is less than that prescribed by FAA for landing at that airport; (3) amend 14 CFR 121.651 (c) and (d) to permit the use of a weather report issued by a facility which has been approved by FAA; and (4) amend 14 CFR 121.653 to require that weather reports cited in this rule be issued by the NWS, by an NWS-approved source, or by a source approved by the FAA. The Board asks "urgent followup" on the first recommendation (Class I); the remaining three recommendations are labeled "Class II—priority followup."

**Highway Safety Recommendations H-76-11 through H-76-15.** In a letter issued May 11 to the Secretary of Transportation, the Safety Board has issued five "priority followup" recommendations regarding bridge-railing structure. The recommendations resulted from Board investigation of the collapse of the Yadkin River Bridge near Siloam, North Carolina, February 23, 1975, after an automobile crashed into a vital structural member of the bridge. The Safety Board has recommended that the Federal Highway Administration (1) develop and publish, as a part of the FHWA research program, guidelines for the structural retrofit of bridge railings on existing bridge structures to protect vital structural members from impact by vehicles; (2) include under the National Bridge Inspection Standards and under Highway Safety Program Standard No. 12, "Highway Design, Construction and Maintenance," a requirement that bridge inspection reports be analyzed and evaluated within a specified time period, and that any changes in load limits be posted promptly; (3) include under Highway Safety Program Standard 12, a requirement that all bridges on public roadways be inspected for safety under the same criteria established for bridges on the Federal-aid system under the National Bridge Inspection Standard; (4) institute a program in cooperation with the States which provides for the investigation, by multidisciplinary accident investigation teams, of (a) all bridge collapses on public roadways, and (b) accidents involving vehicles that have struck traffic barrier railings on bridges and damaged structural members vital to the bridge's stability—the number of such investigations to be sufficient to identify the characteristics of individual traffic barrier railings and to identify how such characteristics affect the severity of accidents; and (5) in cooperation with the States, perform a sufficient quantity of skid tests on timber roadway surfaces to establish if such surfaces can normally meet the recommended skid number values contained under Highway Safety Program Standard 12.

**Letters in Response to Aviation Safety Recommendations.** In a May 6 response to recommendation A-76-1, the Federal Aviation Administration states that, in cooperation with the Alaska State Aviation Division, it has developed a new and effective procedure for the issuance of NOTAM's at Alaskan airports which do not have managers. In response to recommendation A-76-2, FAA has requested the Alaska State Aviation Division to complete their program to increase the conspicuity of runways by December 1976. (See 41 FR 7600, February 19, 1976.)

Also on May 6, FAA responded to recommendation A-76-4 (41 FR 10482, March 11, 1976), stating that Airworthiness Directive, Amendment 39-2583 was issued April 13, 1976. According to FAA, this requires repetitive inspections of the wing for wood deterioration and installation of additional drain holes in the wing, and as necessary, wing repair on Bellanca Model Series 14-19, 17-30, and 17-31.

The accident report, statistical report, transportation fatality chart, and safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report and the annual review of aircraft accident data may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)).)

May 17, 1976.

MARGARET L. FISHER,  
Federal Register Liaison Officer.

[FR Doc.76-14743 Filed 5-19-76;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 14, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

#### NEW FORMS

##### UNITED STATES INTERNATIONAL TRADE COMMISSION

Letter questionnaire for users of nonfat dry milk, single-time, food manufacturers, Laverne V. Collins, 395-5867.

Letter questionnaire for importers of dried milk mixtures, single-time, importers, Laverne V. Collins, 395-5867.

#### REVISIONS

##### NATIONAL SCIENCE FOUNDATION

Survey of earned doctorates awarded in the United States, annually, all new Ph. D.'s, Strasser, A., 395-5867.



## EXTENSIONS

## DEPARTMENT OF THE INTERIOR

Bureau of Mines:  
Manganese Ore and Products (Supply and Disposition), 6-1086-MA, monthly, producers of manganese ore and products, Cynthia Wiggins, 395-5631.  
Portland and Masonry Cement (Supply, Disposition, and Stocks), 6-1214-A, annually, cement manufacturers, Cynthia Wiggins, 395-5631.  
Shipments of Aviation Fuels, 6-1301-A, annually, petroleum companies, Hulett, D. T., 395-4790.

WELMA N. BALDWIN,  
Assistant to the Director  
for Administration.

[FR Doc. 76-14994 Filed 5-19-76; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

## CONTINENTAL VENDING MACHINE CORP.

## Notice of Suspension of Trading

MAY 13, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from May 14, 1976 through May 23, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-14719 Filed 5-19-76; 8:45 am]

## PACIFIC STOCK EXCHANGE INC.

## Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 3, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated (the "Exchange") proposes to clarify certain aspects of the transfer fees imposed upon sales and other transfers of membership by Section 9(a) (Initial and Transfer Fees) of its Rule IX (Exchange Membership), to integrate into the present Section 9(a) the Special Transfer Fee of \$5000 imposed upon certain sales and other transfers of memberships as a

part of the Exchange's Options Funding Plan of 1975, and to impose a \$300 processing fee for processing Agreements with Respect to Financing Membership, which are also known as "XYZ Agreements".

The text of the existing Section 9(a) of Rule IX, with brackets used to indicate words to be deleted and underscoring used to indicate words to be added, is set forth in Attachment A to this Notice.

## STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed change is as follows:

The purposes of the proposed rule change are: (1) to clarify certain aspects of the present Section 9(a); (2) to integrate into the present Section 9(a) the Special Transfer Fee originally imposed as a part of the Exchange's Options Funding Plan of 1975, which was the subject of File No. SR-PSE-75-1; and (3) to impose a processing fee for the processing of Agreements with Respect to Financing Membership, which were the subject of File No. SR-PSE-76-12. The purpose of the Special Transfer Fee was discussed in File No. SR-PSE-75-1, and the purpose of the processing fee charged for the processing of Agreements with Respect to Financing Membership is to defray the expenses incurred by the Exchange in connection with such processing.

The proposed rule change relates to the equitable allocation of reasonable fees and other charges among the members and member firms of the Exchange.

Comments on the proposed rule change have not been solicited from Exchange members and member firms, and none have been received.

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 21, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 13, 1976.

## ATTACHMENT A

## Initial [and], Transfer and Processing Fees

Sec. 9(a). In accordance with Section 2 of Article VII of the Constitution, [on the purchase and sale of a membership there shall be an initial fee paid by the buyer and a transfer fee paid by the seller to the Exchange amounting to 5% of the purchase price of the membership, with a minimum of \$300 each. However, on the intra-firm transfers the initial and transfer fees shall be \$100 each.

When a member firm is acquired by a non-member securities firm by merger or otherwise and the non-member firm qualifies as a member firm, a fee of \$500 shall be paid.] the following initial and transfer fees shall be payable in connection with the acquisition or transfer of a membership:

(i) Sale of Membership. Unless one of the special provisions set forth below applies, in the event that a membership is sold by a member or a member organization, the buyer shall pay an initial fee equal to the greater of 5% of the purchase price or \$500.

(ii) Intra-Organization Transfers. In the event that a membership is transferred from one member to another member in the same member organization, the transferor and transferee shall each pay a transfer fee of \$100 to the Exchange, provided, however, that a member who purchased more than one membership in connection with the Options Funding Plan of 1975 may transfer a number of memberships equal to one less than the number of memberships so purchased to a member or members within the same member organization as the transferring member without payment of a transfer fee.

(iii) Inter-Organization Transfers. In the event that a member transfers a membership from one member organization to another member organization (the "new member organization") in connection with joining the new member organization, the member shall pay a transfer fee of \$100 to the Exchange, provided, however, that a member who purchased more than one membership in connection with the Options Funding Plan of 1975 may transfer a number of memberships equal to one less than the number of memberships so purchased to the new member organization without payment of a transfer fee.

(iv) Acquisition of a Member Organization. In the event that a member organization is acquired by a non-member organization, by merger or otherwise, the non-member organization shall pay to the Exchange, upon qualification as a member organization, a transfer fee equal to \$500 plus \$200 for each membership in excess of one held by the member organization acquired.

(v) Member Conferring Privileges of Membership on a Non-Member Organization. In the event that a member confers the privileges of his membership on a non-member organization, the non-member organization shall pay to the Exchange, upon qualification as a member organization, a transfer fee equal to \$500 plus \$200 for each membership in excess of one with respect to which it has been conferred the privileges of membership by the member.

(vi) Transfers to Wholly-Owned Subsidiaries or Parents. In the event that a member

organization transfers one or more memberships to an existing wholly-owned subsidiary or to a corporation that owns 100% of the outstanding capital stock of the member organization prior to and at the time of the transfer, the transferee shall pay a transfer fee of \$500 to the Exchange.

(vii) Special Transfer Fee. In the event that a membership or memberships are sold or transferred by a member or a member organization which purchased one or more Type "B" or Type "C" memberships in connection with the Options Funding Plan of 1975, for a period of one year following the initial purchase date of such Type "B" or Type "C" membership or memberships, a Special Transfer Fee of \$5,000 shall be payable in connection with the transfer of a membership by such members or member organizations, as follows:

(a) Sale of Membership. In the event that a membership or memberships are sold by a member or member organization, the seller shall pay to the Exchange, in addition to the transfer fee set forth in Sec. 9(a)(i) of this Rule, a Special Transfer Fee for each membership sold, up to the number of Type "B" and Type "C" memberships purchased by the seller in connection with the Options Funding Plan of 1975 (less the number of memberships previously sold or transferred by the seller with respect to which the Special Transfer Fee was paid to the Exchange).

(b) Acquisition of a Member Organization. In the event that a member organization is acquired by a non-member organization, by merger or otherwise, the non-member organization shall pay to the Exchange, upon qualification as a member organization, a Special Transfer Fee for each membership held by the acquired member organization which is activated (registered in the name or names of different persons in the non-member organization as members or nominee members) during the one-year period the Special Transfer Fee is applicable, up to the number of Type "B" and Type "C" memberships purchased by the acquired member organization in connection with the Options Funding Plan of 1975 (less the number of memberships previously sold or transferred by the acquired member organization with respect to which the Special Transfer Fee was paid to the Exchange). The transfer fee provided in Sec. 9(a)(iv) of this Rule shall not apply to memberships subject to the Special Transfer Fee provided in this Sec. 9(a)(vii) (b), but it shall apply to any memberships not subject to the Special Transfer Fee provided in this Sec. 9(a)(vii) (b) by virtue of either the limitation on the number of memberships subject to the Special Transfer Fee or the fact that they are not activated (registered in the name or names of different persons in the non-member organization as members or nominee members) during the one-year period the Special Transfer Fee is applicable.

(c) Member Conferring Privileges of Membership on a Non-Member Organization. In the event that a member confers the privileges of his membership on a non-member organization, the non-member organization shall pay to the Exchange, upon qualification as a member organization, a Special Transfer Fee for each membership with respect to which it has been conferred the privileges of membership by the member, up to the number of Type "B" and Type "C" memberships purchased by the member in connection with the Options Funding Plan of 1975 (less the number of memberships previously sold or transferred by the member with respect to which the Special

Transfer Fee was paid to the Exchange). The transfer fee provided in Sec. 9(a)(v) of this Rule shall not apply to memberships subject to the Special Transfer Fee provided in this Sec. 9(a)(vii) (c), but it shall apply to any memberships not subject to the Special Transfer Fee provided in this Sec. 9(a)(vii) (c) by virtue of either the limitation on the number of memberships subject to the Special Transfer Fee or the fact that they are not activated (registered in the name or names of different persons in the non-member organization as members or nominee members) during the one-year period the Special Transfer Fee is applicable.

Notwithstanding the provisions of this Sec. 9(a)(vii), the Board of Governors of the Exchange may in its discretion waive all or any part of the Special Transfer Fee in accordance with the terms of the Options Funding Plan of 1975.

(viii) Fees for Processing Agreements with Respect to Financing of Membership. An individual (referred to as the "applicant" in an Agreement with Respect to Financing Membership) with respect to whom the benefits of membership are conferred or sought to be conferred through an Agreement with Respect to Financing Membership (also known as, and hereinafter referred to as, an "XYZ Agreement"), shall pay to the Exchange a processing fee of \$300 upon the submission of the XYZ Agreement to the Exchange. In the event the individual confers his membership privileges on an existing member organization, the processing fee shall be \$200.

[FR Doc. 76-14717 Filed 5-19-76; 8:45 am]

[File No. 81-201]

## UNITED AIR LINES, INC.

## Notice of Application and Opportunity for Hearing

MAY 11, 1976.

Notice is hereby given that United Air Lines, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to Section 13 of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to Section 12 of the 1934 Act shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to ensure fair dealing in the security, such information and documents required to be included in or filed with an application or registration statement filed pursuant to such Section 12 and such annual reports and such quarterly reports as the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of Section 13 if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, income or assets of the

issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant, a Delaware corporation, is an air carrier which is wholly owned by UAL, Inc. ("UAL").

2. Applicant has outstanding \$82,745,000 principal amount of 5% Subordinated Debentures due December 1, 1991 ("5% Debentures") and \$99,221,000 principal amount of 4 1/4% Subordinated Debentures due July 1, 1992 ("4 1/4% Debentures"). These Debentures were originally convertible into shares of common stock of Applicant.

3. As a result of a plan of reorganization effected in 1969 (by which Applicant became a wholly owned subsidiary of UAL) supplemental indentures were entered into which made the Debentures convertible into shares of common stock of UAL, and also made UAL primarily liable on the Debentures.

4. None of the securities of Applicant (other than the 5% Debentures and 4 1/4% Debentures) are held by any person other than UAL.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Section 13 of the 1934 Act.

Accordingly, Applicant believes that the exemption order requested by it is appropriate in view of the fact that none of the securities of the Applicant (other than the Debentures) are held by any person other than UAL and that it is the 1934 Act Reports of UAL and not those of Applicant in which investors would be primarily interested. Additionally, continued reporting would be burdensome and expensive to Applicant.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than June 4, 1976, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-14718 Filed 5-19-76; 8:45 am]



# **SMALL BUSINESS ADMINISTRATION** **BALTIMORE DISTRICT ADVISORY COUNCIL**

## **Public Meeting; Cancellation**

The Small Business Administration Baltimore District Advisory Council has cancelled its public meetings scheduled for Friday, May 21, 1976, and Saturday, May 22, 1976. For further information write or call Gerard J. Lang, U.S. Small Business Administration, 7800 York Road, Towson, Maryland 21204, (301) 922-2150.

Dated: May 11, 1976.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy.

[FR Doc. 76-14699 Filed 5-19-76; 8:45 am]

[Declaration of Disaster Loan Area No. 1242]

## **NEW YORK**

### **Declaration of Disaster Area**

Monroe, Wayne and adjacent counties within the State of New York constitute a disaster area because of damage resulting from heavy rainfall and flooding on April 15-16, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 6, 1976, and for economic injury until the close of business on February 7, 1977, at:

Small Business Administration,  
District Office,  
Fayette and Salina Streets,  
Syracuse, New York 13202.

or other locally announced locations.

Dated: May 7, 1976.

LOUIS F. LAUN,  
Acting Administrator.

[FR Doc. 76-14700 Filed 5-19-76; 8:45 am]

# **SOUTHWEST CAPITAL INVESTMENTS, INC.**

[License No. 06/06-0179]

## **Notice of Issuance of License**

On March 22, 1976, a notice was published in the FEDERAL REGISTER (41 FR 11909) stating that Southwest Capital Corporation, 127-B Jefferson, N.E., Albuquerque, New Mexico 87108, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the Regulations governing small business investment companies (13 C.F.R. Section 107.102(1976)), for a license to operate as a small business investment company (SBIC).

The notice also stated, among other things, that the applicant had agreed to change its name because of the similarity to the names of former and existing licensees.

Interested parties were given to the close of business, April 6, 1976, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued Li-

cense No. 06/06-0179 in the (new) name of Southwest Capital Investments, Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59-011 Small Business Investment Companies)

Dated: May 10, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 76-14701 Filed 5-19-76; 8:45 am]

# **INTERSTATE COMMERCE COMMISSION**

[Notice No. 51]

## **ASSIGNMENT OF HEARINGS**

MAY 17, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138274 (Sub-No. 16), Shippers Best Express, Inc. now assigned August 4, 1976, at Salt Lake City, Utah is postponed indefinitely.

MC 106835 Sub-24, Hyman Freightways, Inc., now assigned June 14, 1976, at Kansas City, Mo., is cancelled and transferred to modified procedure.

MC-F-11327, National Freight Inc.—Control—Cross Transportation, Inc.; MC-F-11332, Boston & Taunton Transportation Co.—Purchase Portion—Cross Transportation, Inc.; MC-F-11336, Garton's Express, Inc.—Purchase (Portion)—Cross Transportation, Inc.; MC-F-11337, Burgmeyer Bros., Inc.—Purchase (portion)—Cross Transportation, Inc.; MC-F-11338, Kenmore Transportation Co.—Purchase (portion)—Cross Transportation, Inc.; MC-F-11343, Towers Transportation, Inc.—Purchase (portion)—Cross Transportation, Inc.; MC-F-12190 National Freight, Inc.—Purchase—Northeastern Trucking Co.; MC-FC-75620, C.F. Trucking, Inc., Transferor; MC 1386 Sub-4, Garton's Express, Inc.; MC 2860 Sub-No. 144, National Freight, Inc.; and MC-C-7570, Federal Highway Administration vs. Cross Transportation, Inc., now being assigned pre-hearing conference on June 10, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116514 (Sub-34), Edwards Trucking, Inc. now being assigned September 30, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 108341 (Sub-43), Moss Trucking Company, Inc. now being assigned September 30, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 125335 (Sub-3), Good-Way, Inc., application is now being dismissed.

MC 118959 (Sub-128), Jerry Lipps, Inc. now assigned July 15, 1976 at Louisville, Kentucky is now being cancelled, application dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14849 Filed 5-19-76; 8:45 am]

# **FOURTH SECTION APPLICATION FOR RELIEF**

MAY 17, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 4, 1976.

FSA No. 43164—Joint Water-Rail Container Rates—Baltic Shipping Company. Filed by Baltic Shipping Company, (No. 103), for itself and interested rail carriers. Rates on general commodities, between ports in Europe, and rail stations on the U.S. Atlantic Coast Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14847 Filed 5-19-76; 8:45 am]

[Notice No. 62]

# **MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

MAY 12, 1976.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be gov-

erned by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

## **MOTOR CARRIERS OF PROPERTY**

No. MC 48948 (Sub-No. 7TA) (Correction), filed April 8, 1976, published in the FEDERAL REGISTER issue of April 28, 1976, republished as corrected this issue.

Applicant: THE HOCKING CARTAGE COMPANY, R.R. 2, Logan, Ohio 43138. Applicant's representative: James M. Burtch, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass cullet, in dump vehicles, from the plantsite of the Mattoon Lamp plant of The General Electric Company, at or near Mattoon, Ill., to the plantsite of the Logan Glass Plant of The General Electric Company, at or near Logan, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Logan Glass Plant, The General Electric Company, Box 699, Logan, Ohio 43218. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215. The purpose of this republication is to correctly show the authority sought in this proceeding.

No. MC 78400 (Sub-No. 48TA), filed May 3, 1976. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, Mo. 63037. Applicant's representative: John E. Burruss, Jr., Central Trust Bldg., P.O. Box 1069, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk, and household goods, over regular routes serving the facilities of Union Electric Company, at or near Reform, Mo., as an off-route point in connection with applicant's presently authorized regular route operation. Applicant intends to tack its existing authority with MC 78400, applicant also intends to interline at St. Louis, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Union Electric Company, P.O. Box 149, 1901 Gratiot St., St. Louis, Mo. 63168. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 100666 (Sub-No. 319TA), filed May 3, 1976. Applicant: MELTON

TRUCK LINE, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Footwalks, from Gulfport, Miss., to points in Arkansas, Louisiana, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: IKG Industries, a division of Horco Corporation, P.O. Box 479, Nashville, Tenn. 37202. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 9038 Federal Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 117574 (Sub-No. 275TA), filed May 4, 1976. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, building panels, building parts, and materials, accessories, and supplies used in the installation, erection, and construction of buildings, building panels and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company, located at Annville (Lebanon County), Pa., to points in Connecticut, Delaware, the District of Columbia, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia, restricted to traffic originating at the above-named plantsite and storage facilities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Butler Manufacturing Co., Annville, Pa. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 118159 (Sub-No. 174TA), filed May 3, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Novelty ice cream products and water ices (except in bulk), in mechanically-refrigerated trailers, from Ocala, Fla., to points in Alabama, Georgia, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Kentucky, Maryland, Delaware, Pennsylvania, Rhode Island, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Bond Ice Cream, 608 Packerland Drive,

Green Bay, Wis. 54303. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW 3rd St., Oklahoma City, Okla. 73102.

No. MC 119669 (Sub-No. 56TA) (Correction), filed April 9, 1976, published in the FEDERAL REGISTER issue of April 23, 1976, republished as corrected this issue. Applicant: TEMPCO TRANSPORTATION, INC., P.O. Box 254, Plainfield, Ind. 46168. Applicant's representative: G. James Bonnette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat by-products, and articles distributed by meat packing-houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and South Dakota, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429 Indianapolis, Ind. The purpose of this republication is to correct the territorial description.

No. MC 123056 (Sub-No. 3TA), filed May 5, 1976. Applicant: GENE MCGINNIS, doing business as FREDONIA TRUCK LINE, Highway 96 and Jackson St., Fredonia, Kans. 66736. Applicant's representative: Laurel D. McClellan, P.O. Box 478, Fredonia, Kans. 66736. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Soybean meal and soybean mill run, from Fredonia, Kans., to points in Arkansas, Missouri (except St. Louis), Oklahoma, and Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Tex.), under a continuing contract with Archer-Daniels-Midland Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Archer-Daniels-Midland Company, 209 West Adams, P.O. Box 558, Fredonia, Kans. 66736. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 126489 (Sub-No. 30TA), filed May 3, 1976. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066,



Hutchinson, Kans. 66603. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feed* (except salt and salt products), from Hutchinson, Kans., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal-Kan Foods, Inc., 3386 East 44th St., Vernon, Calif. 90058. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128653 (Sub-No. 12TA) (Correction), filed March 30, 1976, published in the *FEDERAL REGISTER* issue of April 23, 1976, republished as corrected this issue. Applicant: LARSON TRANSFER & STORAGE CO., INC., 950 West 94th St., Minneapolis, Minn. 55431. Applicant's representative: R. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn and garden maintenance equipment, snowblowers, and attachments for lawn and garden maintenance equipment and snowblowers, and parts, materials, and supplies used in the manufacture of lawn and garden maintenance equipment and snowblowers*, between Minneapolis, Burnsville, Brooklyn Park, Windom, Minn., and Tomah, Wis., and their commercial zones; (2) *Parts, material and supplies used in the manufacture of lawn and garden maintenance equipment and snowblowers*, between Minneapolis, Burnsville, Brooklyn Park, and Windom, Minn., and Tomah, Wis., on the one hand, and Mankato, Madelia, Shalopee, St. James and St. Cloud, Minn.; Crafton and New Holstein, Wis., on the other, and the commercial zones thereof. Restrictions: (a) The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the Toro Company of Bloomington, Minn.; (b) the authority named in (2) above will not apply on internal combustion engines from New Holstein and Grafton, Wis., to Windom, Minn.; and (c) the authority named in (1) above will not apply on parts, materials, and supplies used in the manufacture of lawn or garden maintenance equipment, including snowblowers and attachments for the above-named commodities between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, Windom, Minn., on shipments having a prior or subsequent movement by air freight, for 180 days. Supporting shipper: The Toro Company, 8111 Lyndale Ave. South, Bloomington, Minn. 55420. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bu-

reau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn. 55401. The purpose of this republication is to correct the restriction in this proceeding.

No. MC 134564 (Sub-No. 4TA), filed May 3, 1976. Applicant: GLOVER TRUCKING CORP., P.O. Box 7206, Holland Station, Suffolk, Va. 23437. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides and emulsifiers used in connection therewith* (except in bulk, in tank vehicles); (1) from Miami and Orlando, Fla.; Atlanta and Bainbridge, Ga.; Wyoming, Ill.; Opelousas, La.; Cockeysville, Md.; Greenville, Miss.; Dayton and Edison, N.J.; Ayden, Goldsboro, and Greensboro, N.C.; Columbus, Ohio; Bamberg and Charleston, S.C., to points in Rockingham, Augusta, Page, Nelson, Greene, Albemarle, Madison, Spotsylvania, Caroline, Essex, and Richmond Counties, Va., points in Virginia in, east, and south of Brunswick, Dinwiddie, Chesterfield, Henrico, New Kent, James City, and York Counties, Va., and the city of Richmond, Va., and points in North Carolina in, east, and north of Northampton, Halifax, Nash, Wilson, Wayne, Lenoir, Craven, and Carteret Counties, and (2) from Holland Station, Suffolk, Va., to points in North Carolina in, east, and north of Northampton, Halifax, Nash, Wilson, Wayne, Lenoir, Craven, and Carteret Counties. Restriction: The above transportation service is limited to that performed under a continuing contract or contracts with Glover Fertilizer & Grain Corp. of Holland Station, Suffolk, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morris H. Glover, Glover Fertilizer & Grain Corp., P.O. Box 7206, Holland Station, Suffolk, Va. 23437. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502, Federal Bldg., Richmond, Va. 23240.

No. MC 135797 (Sub-No. 53TA), filed May 3, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cyper, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oil absorbents, padding, and cushioning materials*; (2) *wallboard, insulation, and insulation materials*; and (3) *Mulch*; also equipment, materials, and accessories used in installation or application of commodities named in (2) and (3), from the plantsite and warehouse facilities of Conwed Corporation, Cloquet, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Oregon, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90

days of operating authority. Supporting shipper: Conwed Corporation, Cloquet, Minn. 55720. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138835 (Sub-No. 21TA), filed May 4, 1976. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 472, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, between Crozet, Va., and Russellville, Ark., restricted to shipments originating at and destined to Morton Frozen Foods Division of ITT Continental Baking Company, Inc., at the above-named points; and (2) *frozen bread dough*, from the plantsite and facilities of Witterau and Company, at or near St. Louis, Mo., to the plantsite and facilities of Morton Frozen Foods Division of ITT Continental Baking Company, Inc., at Russellville, Ark., restricted to the above-named plantsites and facilities, for 180 days. Supporting shipper: Morton Frozen Foods, Division of ITT Continental Baking Co., Inc., P.O. Box 7547, Charlottesville, Va. 22906. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

No. MC 139495 (Sub-No. 145TA), filed May 3, 1976. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dublin, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys and games*, from the plantsite and storage facilities of the Milton Bradley Company, located at or near East Longmeadow, Mass., and Voorheesville, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Texas, North Dakota, South Dakota, Nebraska, Wyoming, Colorado, New Mexico, Montana, Washington, Oregon, Idaho, California, Nevada, Utah, Arizona, Louisiana, and Arkansas, for 180 days. Supporting shipper: Milton Bradley Company, 443 Shaker Road, E. Longmeadow, Mass. 01028. Send Protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139541 (Sub-No. 3TA), filed May 4, 1976. Applicant: JOSEPH RAIMO III, INC., P.O. Box 321, Temple, Pa. 19560. Applicant's representative: John W. Dry, 541 Penn St., Reading, Pa. 19601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand and foundry supplies for International Foundry Supply, Inc., Reading, Pa., between Reading, Pa., on the one hand, and Chicago, Ill.; Cleveland, Ohio; Milwaukee, Wis.; Green Moun-*

*tain, N.C.; Dearborn, Mich.; Fort Worth, Tex., and points in Maryland and New Jersey*, under a continuing contract with International Foundry Supply, Inc., for 180 days. Supporting shipper: International Foundry Supply, Inc., 400 Orton Ave., Reading, Pa. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 140952 (Sub-No. 1TA), filed May 3, 1976. Applicant: HELEN G. LEE, doing business as REFRIGERATED EXPRESS, 1209 Kanawha Terrace, Huntington, W. Va. 25701. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy or confectionery and medicinal candies*, moving in refrigerated equipment, from Huntington, W. Va., to points in Bland, Tazewell, Montgomery, and Giles Counties, Va.; Galla, Lawrence, and Washington Counties, Ohio; Pike, Boyd, and Lawrence Counties, Ky.; and Mercer, McDowell, Wyoming, Raleigh, Mingo, Logan, Wayne, Lincoln, Boone, Fayette, Nicholas, Clay, Kanawha, Putnam, Cabell, Mason, Roane, Calhoun, Gilmer, Braxton, Lewis, Harrison, Doddridge, Ritchie, Wirt, and Wood Counties, W. Va., for 180 days. Supporting shipper: Gary E. Niemeyer, Traffic Manager, Consolidated Foods, Inc., 836 South Chestnut, Centralia, Ill. 62801. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 141972 (Sub-No. 1TA), filed April 28, 1976. Applicant: BEVERLY HUGH COMMINS, doing business as COMMINS TRANSPORT INC., Rt. 1, Box 52-B, King William, Va. 23086. Applicant's representative: Beverly Hugh Commins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and the return of empty containers*, from Williamsburg, Va., to Washington, D.C., and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rocco Franchi, Traffic Manager, Anheuser-Busch, Inc., P.O. Drawer U, Williamsburg, Va. 23185. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 142022TA, filed May 3, 1976. Applicant: FRED LAFLAIR, Route No. 2, Canton, N.Y. 13617. Applicant's representative: Roy D. Pinsky, 345 South Warren St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and*

*poultry feed*, in bulk, in vehicles equipped with self-unloading devices for blower delivery from shipper's plant in Town of Gouverneur (St. Lawrence County), N.Y., to Sheldon Junction, Vt.; *Returned, refused, and rejected shipments on return*, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. E. Christopher, Purchasing/Traffic Manager, Allied Mills, Inc., P.O. Box 277, Alexander, N.Y. 14005. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West Syracuse, N.Y. 13202.

No. MC 142023TA, filed May 3, 1976. Applicant: DALTON EQUIPMENT LIMITED, Highway 2 East, Box 458, Tilbury, Ontario, Canada. Applicant's representative: John W. Bryant, 900 Guardian Bldg., Detroit, Mich. 48228. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except tractors equipped with vehicle beds, bed frames, or fifth wheels); and (2) *agricultural implements, attachments, and tractor parts*, in mixed loads with tractors as described in (1) above, from the plantsites of Massey-Ferguson, Inc., at Detroit and Dearborn, Mich., to the International Boundary between the United States and Canada, at Detroit, Mich., restricted to shipments originating at the above-named plantsites and destined to farm equipment dealers at points in Ontario, Canada, lying on and south of Kings Highway No. 86, between Guelph and Lake Huron, and on, south, and west of Kings Highway No. 6 between Guelph and Port Dover, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Melvin P. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 142026TA, filed April 19, 1976. Applicant: RAY KUMPF, doing business as A. & R. TRANSPORT, 7321 South 78th St., Omaha, Nebr. 68128. Applicant's representative: Ray Kumpf (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trailers and semi-trailers and parts thereof*, in primary and secondary movement, from Elk Point, S. Dak.; Sioux City, Iowa; and Omaha, Nebr., to points in Nebraska, Kansas, Oklahoma, Texas, Arkansas, and Iowa; and from Brady, Tex.; Camden and Ashdown, Ark.; Oklahoma City and Tulsa, Okla.; Great Bend, Kans.; to Omaha, Nebr., and Oklahoma City, Okla., for 180 days. Supporting shipper: Gaston Breazeale, General Partner, American Semi-Trailers of Iowa, 1705 W. South

Omaha, Bridge Road, Council Bluffs, Iowa 51501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 142027TA, filed May 3, 1976. Applicant: R. L. DRAYMEN LTD., 2611 County Line Road, Medina, N.Y. 14103. Applicant's representative: S. Micheal Richards, 44 North Ave., Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories*, from Williamsville, N.Y., to Albion, Bradford, Corry, Coudersport, Edinboro, Erie, Kane, Port Allegany, Ridgway, Sheffield, Shinglehouse, Warren, Westfield, and Youngsville, Pa., under a continuing contract with NAPA Buffalo, Division of Genuine Parts Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: NAPA Buffalo, Division of Genuine Parts Company, 2401 Wehrle Drive, Williamsville, N.Y. 14221. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14846 Filed 5-19-76; 8:45 am]

[Notice No. 251]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall



be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-74478, filed April 30, 1976. Transferee: Timothy P. Huppert, Route 2, Ellsworth, Wis. 54011. Transferor: John B. Klecker, Route 2, Ellsworth, Wis. 54011. Applicant's representative: F. H. Kroeger, Practitioner, 1745 University Ave., St. Paul, Minn. 55104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 64897 (Sub-No. 1), issued August 27, 1942, as follows: farm machinery, twine, feed, furniture, lumber, and building materials, from St. Paul and South St. Paul, Minn., to points (other than municipalities) in the above-specified Wisconsin Towns, to Red Wing, and Lake City, Minn.; and livestock, between points (other than municipalities) in the above-specified Wisconsin Towns, on the one hand, and, on the other, South St. Paul and Newport, Minn. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76530, filed May 13, 1976. Transferee: Theodore E. Malec, doing business as Pierre Bus Tours, 391 Woodland Street, Windsor Locks, Conn. 06096. Transferor: George St. Pierre, doing business as George St. Pierre, 27 Kent St., Plainville, Conn. 06062. Applicant's representative: Thomas W. Murrett, Attorney-at-Law, 342 North Main St., West Hartford, Conn. 06117. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Licenses Nos. MC 12572 (Sub-No. 1) and MC 12572 (Sub-No. 3), issued by the Commission June 30, 1964, and May 10, 1974, as follows: Operations as a broker at Plainville, Conn., in connection with the transportation by motor vehicles in interstate or foreign commerce, of passengers and their baggage, between Danbury, Waterbury, and Hartford, Conn., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and passengers and their baggage, in round-trip tours, beginning and ending at points in Hartford and New Haven Counties, Conn., and extending to points in the above-specified states. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority.

(SEAL) ROBERT L. OSWALD,  
Secretary.

[PR Doc 75-14848 Filed 5-19-76; 8:45 am]

[Ex Parte No. MC-19 (Sub-No. 20)]  
**PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (LIMITATIONS OF LIABILITY)**

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of May, 1976.

Upon consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That, on our own motion, the above-entitled proceeding be, and it is hereby, reopened for the limited purpose of further consideration and clarification on the present record of those portions of our report and order entered in said proceeding on February 23, 1976 (*Practices of Motor Common Carriers of Household Goods (Limitations of Liability)*, 124 M.C.C. 395), which disallow motor common carriers of household goods in interstate or foreign commerce from excluding liability (1) or loss or damage to article of extraordinary value tendered for shipment unless such articles are listed on the bill of lading, and (2) for loss and damage to tendered shipments due to strikes, lockouts, labor disturbances, riots and civil commotions; and which requires these carriers, when settling claims for loss or damage, to use the replacement cost of a lost or damaged item to which to apply a depreciation factor, or when an item cannot be replaced, to use the original cost of the item, augmented by a consumer price index factor, and adjusted downward to reflect depreciation.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

(SEAL) ROBERT L. OSWALD,  
Secretary.

[PR Doc 75-14850 Filed 5-19-76; 8:45 am]

(Volume No. 31)

**PERMANENT AUTHORITY PETITIONS AND APPLICATIONS; FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES); ALTERNATE ROUTE DEVIATION LETTER-NOTICES; AND INTRASTATE APPLICATIONS CONCURRENTLY SEEKING AUTHORITY ON INTERSTATE OR FOREIGN COMMERCE**

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

MAY 14, 1976.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall com-

ply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 114632 (Sub-No. 73) (Notice of filing of petition to modify commodity description) filed May 3, 1976. Petitioner: APPLE LINES, INC., P.O. Box 287, 212 S.W. Second St., Madison, S. Dak. 57042. Petitioner's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Petitioner holds a motor common carrier Certificate in No. MC 114632 (Sub-No. 73), issued March 24, 1976, authorizing transportation over irregular routes, of (A) (1) *Tractors*, with or without attachments, (2) *self-propelled loaders*, (3) *attachments* for (1) and (2) above, and (4) *parts* for (1), (2), and (3) above, from the plant site of Owatonna Manufacturing Company located in Davison County, S. Dak., to points in the United States (except Alaska and Hawaii); and (B) *materials, equipment and supplies*, used in the manufacture and distribution of the commodities named in (A) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plant site of Owatonna Manufacturing Company located in Davison County, S. Dak., restricted to the right of the Commission, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act.

By the instant petition, petitioner seeks: to broaden its commodity description in (a) above to include "(5) *agricultural machinery*; (6) *elevators*; (7) *conveyors*; (8) *mixer mills*; (9) *attachments* for the commodities in (5) through (8) above, and (10) *parts* for the commodities in (5) through (9) above"; and to include the commodities listed in (5) through (9) within its authority on materials, equipment and supplies as stated in (B) above.

No. MC 136803 (Notice of filing of petition for modification of commodity description and clarification of territorial description) filed May 3, 1976. Petitioner: SIOUX CITY BULK FEED SERVICE, INC., P.O. Box 2766, Sioux City, Iowa 51106. Petitioner's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor common carrier Certificate in No. MC 136803, issued November 24, 1972, authorizing transportation, as pertinent, over irregular routes, of (1) *ani-*

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mal and poultry feed, (except in bulk), from Sioux City, Iowa, to points in Wyoming and North Dakota, restricted to the transportation of traffic originating at the plant site and storage facilities of Murphy Products Company, Inc., at Sioux City, Iowa; and (2) *dry animal and poultry feed*, (a) between Le Mars, Iowa, and points in Iowa within 25 miles of Le Mars, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Illinois, Missouri, and Wisconsin, and (b) from Burlington, Wis. to points in South Dakota, points in that part of Nebraska north of the northern boundaries of Washington, Dodge, Colfax, Platte, Boone, Greeley, Valley, Custer, Logan, McPherson, Arthur, Garden, Morrill, and Scotts Bluff Counties, Nebr., and points in that part of Iowa west of the eastern boundaries of Dickinson, Clay, Buena Vista, Sac, and Carroll Counties, Iowa, and on and north of U.S. Highway 30 extending westerly from Ralston, Iowa to California Junction, Iowa, except Le Mars, Iowa, and points within 25 miles of Le Mars.

By the instant petition, petitioner (A) seeks to modify its commodity description so that part (1) will read "(1) *Feed, feed ingredients, pesticides, and health aid products* (except in bulk)"; and part (2) will read "(2) *dry feed, dry feed ingredients, pesticides, and health aid products*";; and (B) seeks to clarify its present "25 miles radius" base territory description in part (2) so as to read "Between points within an area located on and bounded by a line beginning at the South Dakota-Iowa border, and extending east along U.S. Highway 18 to junction U.S. Highway 59, thence south along U.S. Highway 59 to junction U.S. Highway 20, thence west along U.S. Highway 20 to the Nebraska-Iowa border, thence along the Nebraska-Iowa border to the Iowa-South Dakota border, thence along the Iowa-South Dakota border to U.S. Highway 18, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Illinois, Missouri, and Wisconsin."

No. MC 139277 (Notice of filing of petition for modification of permit) filed April 16, 1976. Petitioner: AL E. HALL, doing business as AL E. HALL TRUCKING, P.O. Box 25, Gridley, Ill. 61744. Petitioner's representative: Patrick H. Smyth, Suite 521, 19 South La Salle St., Chicago, Ill. 60603. Petitioner holds a motor contract carrier Permit in No. MC 139277, issued September 23, 1975, authorizing transportation over irregular routes, of (1) *metal roofing and siding, fabricated metal products, and parts, attachments, and accessories* for the commodities in (1) above, from the plant site of Fabral Corporation located at or near Gridley, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia and Wisconsin; and (2) *materials, supplies and equipment* for the commodities described in (1) above, from points in Illinois, Indiana, Iowa, Kansas, Ken-

tucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia and Wisconsin, to the plant site of Fabral Corporation located at or near Gridley, Ill., restricted against the transportation of commodities in bulk, under a continuing contract or contracts, with Fabral Corporation of Lancaster, Pa.

By the instant petition, petitioner seeks (A) to add North Dakota and Texas as additional destination states with respect to part (1); and (B) to add the following as Part (3) to his authority: "(3) *metal roofing and siding, fabricated metal products, and parts, attachments, and accessories* for the commodities in (3) above, and *materials, supplies, and equipment* for the commodities described in (3) above, between the plant site of Fabral Corporation located at or near Gridley, Ill., and the plant site of Fabral Corporation located at or near Jackson, Ga., restricted against the transportation of commodities in bulk; under a continuing contract with Fabral Corporation located at Lancaster, Pa."

**REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION**

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 119815 (Sub-No. 19), (Republication), filed June 6, 1975, and published in the FEDERAL REGISTER issue of July 10, 1975, and republished this issue. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, P.O. Box 579, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. An Order of the Commission, Review Board Number 2, dated April 2, 1976 and served April 9, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of (1) *metal pipe and sheets, fittings, and supplies* used in the installation of the above named commodities from the plant site of Stello Products, Inc., at Spencer, Ind., to points in the United States (except Alaska and

Hawaii), and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to the plant site of Stello Products, Inc., at Spencer, Ind., under a continuing contract or contracts with Stello Products, Inc., of Spencer, Ind.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's grant of authority to handle inbound shipments of materials and supplies used in the manufacture of shipper's commodities.

No. MC 127187 (Sub-No. 13), (Republication) filed December 9, 1974, and published in the FEDERAL REGISTER issue of January 3, 1975, and republished this issue. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. A Report and Order of the Commission, Review Board Number 2, dated May 3, 1976 and served May 10, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *fertilizer and fertilizer ingredients*, from ports of entry on the International Boundary line between the United States and Canada, located in Minnesota, North Dakota, and Montana, to points in Iowa, North Dakota, Nebraska, Minnesota, South Dakota, Wisconsin, and Montana; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate applicant's grant of authority to include service: (1) from the ports of entry on the International Boundary line between the United States and Canada located in Montana; to the named destined points and (2) from the named origin points to points in Montana.

**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING APPLICATIONS**

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's in-

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interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2253 (Sub-No. 72), filed March 23, 1976. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, N.C. 28021. Applicant's representative: Edward G. Villalón, Suite 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between the Ohio-Indiana State Boundary line and the West Virginia-Pennsylvania State Boundary line: From the Ohio-Indiana State Boundary line over Interstate Highway 70, to the West Virginia-Pennsylvania State Boundary line, and return over the same route. (2) Between Wheeling, W. Va., and Cleveland, Ohio: From Wheeling, W. Va., over U.S. Highway 250 to junction Interstate Highway 77, thence over Interstate Highway 77, to Cleveland, Ohio and return over the same route. (3) Between Cincinnati, Ohio and Cleveland, Ohio:

From Cincinnati, Ohio over Interstate Highway 71, to Cleveland, Ohio, and return over the same route. (4) Between Cincinnati, Ohio and Toledo, Ohio: From Cincinnati, Ohio over Interstate Highway 75, to Toledo, Ohio, and return over the same route. (5) Between junction Interstate Highways 71 and 76 and the Ohio-Pennsylvania State Boundary line: From junction Interstate Highways 71 and 76 over Interstate Highway 76, to the Ohio-Pennsylvania State Boundary line, and return over the same route.

(6) Between the Ohio-Indiana State Boundary line and the Ohio-Pennsylvania State Boundary line: From the Ohio-Indiana State Boundary line over Interstate Highway 80, to the Ohio-Pennsylvania State Boundary line, and return over the same route. (7) Between the Ohio-Pennsylvania State Boundary line and Cleveland, Ohio: From the Ohio-Pennsylvania State Boundary line over Ohio Highway 14 to junction Ohio Highway 11, thence over Ohio Highway 11, to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 14, thence over Ohio Highway 14, to Cleveland, Ohio and return over the same route. (8) Between junction Ohio Highway 11 and U.S. Highway 224 and junction Ohio Highway 11 and Interstate Highway 80: From junction Ohio Highway 11 and U.S. Highway 224 over Ohio Highway 11, to junction Interstate Highway 80, and return over the same route. (9) Between Moundsville, W. Va., and Youngstown, Ohio: From Moundsville, W. Va., over West Virginia Highway 2 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, and return over the same route. (10) Between the West Virginia-Pennsylvania State Boundary line and Cincinnati, Ohio: From the West Virginia-Pennsylvania State Boundary line over U.S. Highway 22, to Cincinnati, Ohio, and return over the same route. (11) Between Columbus, Ohio and Toledo, Ohio: From Columbus, Ohio over U.S. Highway 23 to junction U.S. Highway 20, thence over U.S. Highway 20, to Toledo, Ohio, and return over the same route. (12) Between Toledo, Ohio and junction Ohio Highway 420 and U.S. Highway 20: From Toledo, Ohio over Interstate Highway 280 to junction Ohio Highway 420, thence over Ohio Highway 420, to junction U.S. Highway 20, and return over the same route. (13) Between the Ohio-Pennsylvania State Boundary line and Cleveland, Ohio: From the Ohio-Pennsylvania State Boundary line over U.S. Highway 422, to Cleveland, Ohio, and return over the same route.

(14) Between the Ohio-Indiana State Boundary line and the West Virginia-Pennsylvania State Boundary line: From the Ohio-Indiana State Boundary line over U.S. Highways 30 and 30N to the West Virginia-Pennsylvania State Boundary line, and return over the same route. (15) Between Parkersburg, W. Va., and junction Interstate Highway 77 and U.S. Highway 250: From Parkersburg,

W. Va. over Interstate Highway 77, to junction U.S. Highway 250, and return over the same route. (16) Between Akron, Ohio and junction U.S. Highways 20 and 23: From Akron, Ohio over Ohio Highway 18 to junction U.S. Highway 20, thence over U.S. Highway 20, to junction U.S. Highway 23, and return over the same route. (17) Between the Indiana-Ohio State Boundary line and Columbus, Ohio: From the Indiana-Ohio State Boundary line over U.S. Highway 33, to Columbus, Ohio, and return over the same route. (18) Between junction U.S. Highway 30 and U.S. Highway 30S and junction Ohio Highway 117 and U.S. Highway 33: From junction U.S. Highway 30 and U.S. Highway 30S over U.S. Highway 30S to Lima, Ohio, thence over Ohio Highway 117 to junction U.S. Highway 33, and return over the same route. (19) Between junction Interstate Highway 77 and U.S. Highway 250 and junction U.S. Highway 250 and Interstate Highway 80: From junction Interstate Highway 77 and U.S. Highway 250 over U.S. Highway 250, to junction Interstate Highway 80, and return over the same route. In connection with routes (1)-(19), serving all intermediate and off-route points in the State of Ohio and those in Brooke, Hancock, Marshall and Ohio Counties, W. Va., restricted against the transportation of any shipment having both its origin and destination in the State of Ohio. (20) Between the West Virginia-Pennsylvania State Boundary line and junction U.S. Highways 119 and 22: From the West Virginia-Pennsylvania State Boundary line over Interstate Highway 70 to junction U.S. Highway 119, thence over U.S. Highway 119, to junction U.S. Highway 22, and return over the same route.

(21) Between the Ohio-Pennsylvania State Boundary line and junction Interstate Highway 76 and U.S. Highway 219: From the Ohio-Pennsylvania State Boundary line over Interstate Highway 78, to junction U.S. Highway 219, and return over the same route. (22) Between junction Interstate Highways 70 and 79 and junction Interstate Highway 79 and Interstate Highway 80: From junction Interstate Highways 70 and 79 over Interstate Highway 79, to junction Interstate Highway 80, and return over the same route. (23) Between the Ohio-Pennsylvania State Boundary line and junction Interstate Highway 80 and U.S. Highway 219: From the Ohio-Pennsylvania State Boundary line over Interstate Highway 80, to junction U.S. Highway 219, and return over the same route. (24) Between Pittsburgh, Pa. and junction U.S. Highway 30 and U.S. Highway 219: From Pittsburgh, Pa. over U.S. Highway 30, to junction U.S. Highway 219, and return over the same route. (25) Between Pittsburgh, Pa. and junction U.S. Highways 22 and 219: From Pittsburgh, Pa. over U.S. Highway 22, to junction U.S. Highway 219, and return over the same route. (26) Between Pittsburgh, Pa. and the Ohio-Pennsylvania State Boundary line: From Pittsburgh, Pa. over Pennsylvania Highway 60 to junction Pennsylvania Highway 51 near West Mayfield, Pa., thence over Pennsylvania

Highway 51 to the Ohio-Pennsylvania State Boundary line, and return over the same route. (27) Between the West Virginia-Pennsylvania State Boundary line and Pittsburgh, Pa.: From the West Virginia-Pennsylvania State Boundary line over U.S. Highway 22 to Pittsburgh, Pa., and return over the same route. (28) Between the West Virginia-Pennsylvania State Boundary line and Pittsburgh, Pa.: From the West Virginia-Pennsylvania State Boundary line over U.S. Highway 30, to Pittsburgh, Pa., and return over the same route.

(29) Between junction U.S. Highway 22 and 422 at or near Ebensburg, Pa., and the Ohio-Pennsylvania State Boundary line: From junction U.S. Highway 22 and 422 at or near Ebensburg, Pa., over U.S. Highway 422, to the Ohio-Pennsylvania State Boundary line and return over the same route. In connection with routes (20)-(29), serving all intermediate and off-route points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State Boundary line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to Kane, thence along Pennsylvania Highway 321 to Wilcox, thence along U.S. Highway 219 to Somerset, thence along Pennsylvania Highway 31 to junction unnumbered highway, thence along unnumbered highway to Berlin, thence along U.S. Highway 219 to the Pennsylvania-Maryland State Boundary line, restricted in routes (20)-(29), (1) against transportation of any shipment having either its origin or its destination in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State Boundary line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to Kane, thence along Pennsylvania Highway 321 to Wilcox, thence along U.S. Highway 219 to Somerset, thence along Pennsylvania Highway 31 to junction unnumbered highway, thence along unnumbered highway to Berlin, thence along U.S. Highway 219 to the Pennsylvania-Maryland State Boundary line (except points in Allegheny and Westmoreland Counties), on the one hand, and, on the other, carrier's authorized service points in Illinois, Indiana, and Ohio.

(2) Further restricted against the transportation of any shipment having both its origin and destination in Pennsylvania (except between Philadelphia, Pa., on the one hand, and, on the other, points in Allegheny and Westmoreland Counties, Pa.). (30) Between junction U.S. Highway 219 and Interstate Highway 76 and Philadelphia, Pa.: From junction U.S. Highway 219 and Interstate Highway 76 over Interstate Highway 76, to Philadelphia, Pa. and return over the same route, serving off-route points in that part of Delaware County, on and east of U.S. Highway 202 and serving the following intermediate points for purposes of joinder only: The junctions of Interstate Highway 76 and U.S. Highway 30 at or near Napier, Bedford, and Breeze-

wood, Pa.; junction Interstate Highway 76 and U.S. Highway 220; and junction Interstate Highway 76 and U.S. Highway 11 near Carlisle, Pa. (31) Between junction U.S. Highway 219 and U.S. Highway 30 and the Pennsylvania-New Jersey State Boundary line: From junction U.S. Highway 219 and U.S. Highway 30 over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1, to the Pennsylvania-New Jersey State Boundary line, and return over the same route, serving the intermediate point of Philadelphia, Pa., intermediate and off-route points in that part of Delaware County, Pa. on and east of U.S. Highway 202, and serving the Pennsylvania-New Jersey State Boundary line and the following intermediate points for purposes of joinder only: The junctions of Interstate Highway 76 and U.S. Highway 30 at or near Napier, Bedford, Breezewood and Chambersburg, Pa. (32) Between junction U.S. Highway 219 and 22 and the Pennsylvania-New Jersey State Boundary line: From junction U.S. Highways 219 and 22 over U.S. Highway 22, to the Pennsylvania-New Jersey State Boundary line, and return over the same route, serving the Pennsylvania-New Jersey State Boundary line and the following intermediate points for purposes of joinder only: Junction U.S. Highways 22 and 220; junction U.S. Highways 22 and 322 near Lewistown, and junction U.S. Highways 22 and 11 near Amity Hill, Pa.

(33) Between junction U.S. Highway 219 and Interstate Highway 80 and the Pennsylvania-New Jersey State Boundary line: From junction U.S. Highway 219 and Interstate Highway 80 over Interstate Highway 80, to the Pennsylvania-New Jersey State Boundary line, and return over the same route, serving the Pennsylvania-New Jersey State Boundary line and the following intermediate points for purposes of joinder only: Junction Interstate Highway 80 and Pennsylvania Highway 153; junction Interstate Highway 80 and U.S. Highway 220; and junction Interstate Highway 80 and Pennsylvania Highway 26. (34) Between junction U.S. Highway 11 and Interstate Highway 76 near Carlisle, Pa., and junction U.S. Highway 11 and U.S. Highways 322 and 22: (a) From junction U.S. Highway 11 and Interstate Highway 76 near Carlisle, Pa., over U.S. Highway 11 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 11, thence over U.S. Highway 11, to junction U.S. Highways 322 and 22, and return over the same route, serving junction U.S. Highway 11 and Interstate Highway 76, junction U.S. Highway 11 and U.S. Highways 322 and 22 and junction U.S. Highway 11 and Interstate Highway 81 near Summerdale, Pa., for purposes of joinder only; and (b) From junction U.S. Highway 11 and Interstate Highway 76 near Carlisle, Pa., over U.S. Highway 11 to junction U.S. Highways 322 and 22, and return over the same route. (35) Between junction U.S. Highways 322 and 22 near Lewistown, Pa. and junction Pennsylvania Highway 26 and Interstate High-

way 80: From junction U.S. Highway 322 and U.S. Highway 22 near Lewistown, Pa. over U.S. Highway 322 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence over Pennsylvania Highway 26, to junction Interstate Highway 80, and return over the same route, serving junction U.S. Highways 322 and 22 near Lewistown, Pa., junction Pennsylvania Highway 26 and Interstate Highway 80, and junction U.S. Highway 322 and Pennsylvania Highway 144 for purposes of joinder only.

(36) Between junction U.S. Highway 11 and Interstate Highway 76 near Carlisle and Chambersburg, Pa.: From junction U.S. Highway 11 and Interstate Highway 76 near Carlisle, Pa. over U.S. Highway 11, to Chambersburg, Pa., and return over the same route, serving no intermediate points and serving junction U.S. Highway 11 and Interstate Highway 76 near Carlisle, and Chambersburg, Pa. for purposes of joinder only.

(37) Between junction Interstate Highway 80 and U.S. Highway 220 and junction U.S. Highway 220 and Interstate Highway 76: From junction Interstate Highway 80 and U.S. Highway 220 over U.S. Highway 220, to junction Interstate Highway 76, and return over the same route, serving junction Interstate Highway 80 and U.S. Highway 220, junction U.S. Highway 220 and Interstate Highway 76, junction U.S. Highways 220 and 22, and junction U.S. Highway 220 and U.S. Highway 322 for purposes of joinder only. (38) Between junction U.S. Highway 322 and Pennsylvania Highway 144 and junction Pennsylvania Highway 153 and Interstate Highway 80: From junction U.S. Highway 322 and Pennsylvania Highway 144 over U.S. Highway 322 to junction Pennsylvania Highway 153, thence over Pennsylvania Highway 153, to junction Interstate Highway 80, and return over the same route, serving junction U.S. Highway 322 and Pennsylvania Highway 144, junction Pennsylvania Highway 153 and Interstate Highway 80, and junction U.S. Highway 322 and U.S. Highway 220 for purposes of joinder only.

(39) Between junction U.S. Highway 11 and Interstate Highway 81 near Summerdale, Pa. and junction U.S. Highway 22 and Interstate Highway 81 at or near Harrisburg, Pa.: From junction U.S. Highway 11 and Interstate Highway 81 near Summerdale, Pa. over Interstate Highway 81, to junction U.S. Highway 22 at or near Harrisburg, and return over the same route, serving no intermediate points and serving junction U.S. Highway 11 and Interstate Highway 81 near Summerdale, Pa. and junction U.S. Highway 22 and Interstate Highway 81 at or near Harrisburg, Pa. for purposes of joinder only.

(40) Between the Pennsylvania-New Jersey State Boundary line and New York, N.Y.: From the Pennsylvania-New Jersey State Boundary line over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95, to New York, N.Y., and return over the same route. (41) Between the



Pennsylvania-New Jersey State Boundary line and New York, N.Y.: From the Pennsylvania-New Jersey State Boundary line over U.S. Highway 1, to New York, N.Y., and return over the same route. (42) Between the Pennsylvania-New Jersey State Boundary line and junction U.S. Highways 22 and 1: From the Pennsylvania-New Jersey State Boundary line over U.S. Highway 22, to junction U.S. Highway 1, and return over the same route. (43) Between junction Interstate Highways 80 and 287 and junction Interstate Highway 237 and U.S. Highway 1 near Metuchen, N.J.: From junction Interstate Highways 80 and 287 over Interstate Highway 287 to junction U.S. Highway 1 near Metuchen, N.J., and return over the same route. (44) Between junction U.S. Highway 1 and Interstate Highway 278 and New York, N.Y.: From junction U.S. Highway 1 and Interstate Highways 278 and New York, N.Y.: From junction U.S. Highway 1 and Interstate Highway 278 over U.S. Highway 278 to New York, N.Y., and return over the same route. In connection with routes (40)-(44) serving all intermediate and off-route points in Bergen, Burlington, Camden, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Union and Warren Counties, N.J., Nassau and Westchester Counties, N.Y., those points in Suffolk County, N.Y., on and west of New York Highway 110, and those points in Rockland County, N.Y., on and south of New York Highway 210, restricted in routes (40)-(44).

(1) Against the transportation of any shipment having both its origin and destination in New Jersey; (2) against the transportation of shipments between points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State Boundary line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to Kane, thence along Pennsylvania Highway 321 to Wilcox, thence along U.S. Highway 219 to Somerset, thence along Pennsylvania Highway 31 to junction unnumbered highway, thence along unnumbered highway to Berlin, thence along U.S. Highway 219 to the Pennsylvania-Maryland State Boundary line (except points in Allegheny and Westmoreland Counties, Pa.), on the one hand, and, on the other, points in New Jersey (except those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties, N.J., and points in Monmouth County, N.J., on and north of New Jersey Highway 33); (3) against the transportation of shipments between carrier's authorized service points in Alabama, Florida, Georgia, North Carolina and South Carolina, on the one hand, and, on the other, points in Rockland County, N.Y., and points in New Jersey (except those in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Monmouth, Ocean, Passaic, Somerset, Union and Warren Counties, N.J.), and points in that part of Burlington County, N.J.,

on and north of a line beginning at Riverside, N.J., thence along New Jersey Highway 537 to junction unnumbered highway at Masonville, N.J., thence along unnumbered highway to junction New Jersey Highway 541 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Burlington-Ocean County Boundary line).

(4) Further restricted against the transportation of shipments between Chester, Norristown, Philadelphia, West Chester, and York, Pa. and carrier's authorized service points in Delaware, Maryland, Virginia and the District of Columbia, on the one hand, and, on the other, points in Rockland County, N.Y., and points in New Jersey (except those in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.Y.), restricted in routes (1)-(44), to the extent that it duplicates carrier's existing authority, shall not be construed as conferring more than one operating right and shall not be severable by sale or otherwise from the underlying irregular route authority contained in MC 2253 (Sub-Nos. 67 and 70G), and further restricted in routes (1)-(44) against the transportation of, (1) paper and paper products, from the plantsites and facilities of The Mead Corporation at Chillicothe, Ohio, and of Champion International, Inc., at Hamilton and Piqua, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, (2) rejected and returned shipments of paper and paper products; and (3) commodities used in the manufacture of paper and paper products, (except commodities in bulk), from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, to the plantsites and facilities of The Mead Corporation at or near Chillicothe, Ohio, and of Champion International, Inc., at or near Hamilton and Piqua, Ohio.

NOTE.—Under Certificate of Public Convenience and Necessity MC 2253 (Sub-No. 67), applicant holds irregular route authority to serve all of the points and territories embraced in this application. The purpose of the application is to convert that irregular route authority to regular route. Thus applicant does not seek any new service points or territory, nor does it propose to diminish its presently authorized service territory. If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 3252 (Sub-No. 94), filed April 19, 1976. Applicant: MERRILL TRANSPORT CO., a Corporation, 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank

vehicles, from Burlington, Vt., to points in Clinton and Franklin Counties, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine or Boston, Mass.

No. MC 11207 (Sub-No. 367), filed April 7, 1976. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Materials, equipment, machinery and supplies, used in the manufacturing, processing and distribution of iron and steel articles, from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina and Tennessee to the plantsite and facilities of American Cast Iron Pipe Company at Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 13123 (Sub-No. 83), filed April 12, 1976. Applicant: WILSON FREIGHT COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz same address as applicant. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Heat exchangers and equalizers, for air, gas or liquids; machinery and equipment, for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) parts, materials, equipment, and supplies, used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill., and St. Clair County, Ill., on and south of State Highways 177 and 158, on the one hand, and, on the other, points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, at or destined to the plantsite and warehouse facilities of the Singer Company, at Monroe, Randolph, Perry and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 21966 (Sub-No. 4), filed April 22, 1976. Applicant: GLENN W. STOWELL, 281 Leverett Road, RFD 3, Amherst, Mass. 01002. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, wood products, and forest products, between points in Franklin, Hampden,

Hampshire and Worcester Counties, Mass., on the one hand, and, on the other, points in Cheshire, Hillsboro and Rockingham Counties, N.H., points in Connecticut, New Jersey, New York, Pennsylvania and Rhode Island, and points in Windham County, Vt.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., Hartford, Conn., or Albany, N.Y.

No. MC 30237 (Sub-No. 32), filed April 12, 1976. Applicant: YEATTS TRANSPORT COMPANY, Box 666, Altavista, Va. 24517. Applicant's representative: J. J. Eller, Jr., 513 Main St., Altavista, Va. 24517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) New furniture as defined in Appendix II to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and returned shipments of new furniture on return, from Brookneal, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) materials and supplies, used in the manufacture of furniture from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Brookneal, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Roanoke, Va.

No. MC 52704 (Sub-No. 127), filed March 26, 1976. Applicant: GLENN MCLENDON TRUCKING COMPANY, INC., Opelika Highway, P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sugar (except in bulk), from Gramercy and Houma, La., to points in Alabama, Georgia, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 52704 (Sub-No. 128), filed April 9, 1976. Applicant: GLENN MCLENDON TRUCKING COMPANY, INC., Post Office Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Paper, paper

products and woodpulp (except in bulk), from the plantsite of Bowater Southern Paper Corporation located at Calhoun, Tenn., to points in Georgia and Oklahoma; (2) materials, equipment and supplies, used in the manufacture and distribution of paper, paper products and woodpulp (except in bulk), from points in Georgia and Oklahoma, to the plantsite of Bowater Southern Paper Corporation located at Calhoun, Tenn.; and (3) paper mill rolls, from the plantsite of Bowater Southern Paper Corporation located at Calhoun, Tenn., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 52858 (Sub-No. 115), filed April 12, 1976. Applicant: CONVOY COMPANY, a Corporation, 3900 N.W. Yeon Avenue, P.O. Box 10185, Portland, Ore. 97210. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automobiles and trucks, in truckaway service, in secondary movements, between points in Colorado, on the one hand, and, on the other, Utah and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Portland, Ore.

No. MC 56244 (Sub-No. 47), filed April 12, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. No. 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), from the plantsites of National Fruit Product Company, Inc., located at Kent City, Mich., to points in Ohio and Pennsylvania, restricted to the transportation of shipments originating at the above named facilities and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 64932 (Sub-No. 559), filed April 21, 1976. Applicant: ROGERS CARTAGE COMPANY, a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ink, in bulk, in shipper owned vehicles, from the plantsite of Sun Chemical Corporation, at Kankakee, Ill., to points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 57), filed April 23, 1976. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 South

Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, in bulk, from Cleveland, Ohio, to points in New Jersey and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69397 (Sub-No. 19), filed April 12, 1976. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and lumber products, from points in Dorchester and Wilcomico Counties, Md., to points in Delaware, New Jersey, New York, those in Pennsylvania on and east of the Susquehanna River, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 170), filed April 7, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Aluminum and aluminum articles, (a) from East Morris, Ill., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada; and (b) from Riverside and Visalia, Calif., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in Illinois, Indiana, Ohio, and Wisconsin; (2) aluminum and zinc ingots, (a) from Checotah, Okla., to points in Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio, Tennessee, and Texas; and (b) from Cleveland, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Pennsylvania, and Wisconsin; (3) aluminum ingots, blooms, pigs, billets, and slabs, from Ferndale, Wash., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along



the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and points in Illinois, Indiana, Ohio, and Wisconsin, restricted to traffic originating at or destined to the facilities of Alumax, Inc., and its affiliated companies.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 82841 (Sub-No. 173), filed April 22, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Idaho, Montana, Oregon, and Washington, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, restricted to shipments for the Account of Emmer Bros., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 84887 (Sub-No. 4), filed April 12, 1976. Applicant: VETERANS TRUCK LINE, INC., P.O. Box 218, Bristol, Wis. 53104. Applicant's representative: Steve Enich, 1225 West Mitchell Street, Milwaukee, Wis. 53204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Chicago, Ill., and Ozaukee, Washington, Dane, Green Bay, Sauk, Columbia, Dodge, Fond Du Lac, Winnebago, Waupaca, Shawano, Outagamie, Calumet, Sheboygan, Manitowoc, Kewaunee, Brown, Door, Oconto, and Marinette Counties, Wis.

NOTE.—Applicant holds contract carrier authority in MC 47309; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 94350 (Sub-No. 361), filed April 19, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in Minnehaha County, S. Dak., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 103066 (Sub-No. 34), filed April 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 17th St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic granules, fillers, coloring agents and dyes, compounding materials, reground and reprocessed plastic*, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 103066 (Sub-No. 35), filed April 21, 1976. Applicant: STONE TRUCKING COMPANY, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugene D. Anderson, 910 17th St. NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic granules*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 104421 (Sub-No. 18), filed April 20, 1976. Applicant: ECONOLINES, INC., 1415 South 35th, P.O. Box 7215, Council Bluffs, Iowa 51501. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in and used by manufacturers and distributors of trailers, and materials, equipment, supplies, and accessories used in the operation, maintenance, and repair thereof*, between points in Pottawattamie County, Iowa, and Sarpy County, Nebr., on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 105813 (Sub-No. 211), filed April 12, 1976. Applicant: BELFORD TRUCKING CO., INC., 1759 SW. 12th Street, P.O. Box 1936, Ocala, Fla. 32670. Applicant's representative: Arnold L.

Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as are dealt in by chain grocery stores, and advertising material, fixtures, and equipment*, incidental to the sale thereof, in mechanically refrigerated equipment, from Chicago, Ill., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 105984 (Sub-No. 16), filed April 23, 1976. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, 402 East Highway, P.O. Box 577, Iowa Park, Tex. 76367. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Irrigation and sprinkler systems and related accessories and equipment*, from the plantsite and facilities of Lockwood Corporation, located at Wichita Falls, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment used in the manufacture, production, and distribution of the commodities named in (1) above*, from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of Lockwood Corporation, located at Wichita Falls, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita Falls, Tex.

No. MC 107002 (Sub-No. 486), filed April 9, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from Lake Providence, La., to points in Arkansas, Mississippi, and those points in Texas on and north of Interstate Highway 20 and on and east of Interstate Highway 35.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 107818 (Sub-No. 81), filed April 12, 1976. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods (except in bulk)*, from Montezuma, Ga., to points in the United States in and east of Iowa, Minnesota,

Mississippi, Missouri, and Tennessee, restricted against interlining at Montezuma, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 109692 (Sub-No. 36), filed April 19, 1976. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Tom B. Kretsinger, Suite 910 Brookfield Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Nucor Steel Division of Nucor Corporation located at or near Norfolk, Nebr., to points in Arkansas, Missouri, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 110420 (Sub-No. 754), filed April 22, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals, detergents, emulsions, floor finishes, liquid cleaners, and latex*, in bulk, in tank vehicles, from Merton, Wis., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 110525 (Sub-No. 1154), filed April 23, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Peachtree City, Ga., to points in Alabama, Louisiana, Mississippi, Texas, and points in Indiana and Missouri on and south of Interstate Highway 70.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 110563 (Sub-No. 179), filed April 21, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in

bulk), from the plantsite and warehouse facilities utilized by Hillshire Farm Company located at or near New London, Wis., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia, restricted to traffic originating at the above-named plantsite and warehouse facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 110563 (Sub-No. 180), filed April 22, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Louis, Mo., to points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 111545 (Sub-No. 222), filed April 19, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd. SE., Marietta, Ga. 30067. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30065. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* (except commodities which require special equipment because of size or weight), (1) from the plantsite and warehouse facilities of Pacific Tube Company located in Los Angeles County, Calif., to points in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma, and Texas; and (2) from the plantsite and warehouse facilities of Cyprus Tubing and Conduit Co., located at or near Torrance, Calif., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 111729 (Sub-No. 641), filed April 5, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, advertising materials, and drug samples*, between Alexandria Va., on the one hand, and, on the other, Akron, Canton, East Liverpool, Salem, Tallmadge, and Youngstown, Ohio; and Gurnham, Carlisle, Chambersburg, Harrisburg, Hershey, Lancaster, Lebanon, Lemoyne, Philadelphia, Plymouth Meeting, Reading, Springfield, State College, and York, Pa.

NOTE.—Common control may also be involved. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved.

If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 645), filed April 19, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Perishable chemical metal-brightening agent*, not to exceed 50 pounds per package or articles from one consignor to one consignee on any day, (a) between Cleveland and Sandusky, Ohio, on the one hand, and, on the other, Charlotte, N.C.; Chicago, Ill.; Memphis, Tenn.; and Secaucus, N.J., (b) from Sandusky, Ohio, to points in Indiana, Kentucky, Michigan, and Pennsylvania, (c) from Secaucus, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, and Rhode Island, (d) from Charlotte, N.C., to points in North Carolina, South Carolina, Virginia, and West Virginia, (e) from Chicago, Ill., to points in Illinois, Iowa, Minnesota, and Wisconsin, and (f) from Memphis, Tenn., to points in Missouri and Tennessee, restricted in (c) through (f) to an immediately prior out-of-State movement.

NOTE.—Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 647), filed April 21, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, diagnostic test kits, medical instruments, biochemicals, equipment, and supplies*, between Orangeburg, N.Y., on the one hand, and, on the other, points in North Carolina and South Carolina.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 650), filed April 23, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Medical instruments*, between Overland Park, Kans., on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Missouri, Nebraska, and Oklahoma, restricted against the transportation of packages or articles weighing in excess of 40 pounds each and 120 pounds in the



aggregate, from one consignor to one consignee on any one day.

**NOTE.**—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112396 (Sub-No. 18), filed April 19, 1976. Applicant: C & R TRANSFER CO., P.O. Box 1010, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (a) from the plantsites of North Star Steel located in the Minneapolis-St. Paul, Minn., commercial zone, to Rapid City, S. Dak.; (b) from the plantsite and storage facilities of North Star Steel located at or near Wilton, Iowa, to Rapid City, S. Dak.; and (c) from the plantsite and storage facilities of Nucor Steel located at Norfolk, Nebr., to Rapid City, S. Dak., under a continuing contract, or contracts with Dakota Steel & Supply located at Rapid City, S. Dak.

**NOTE.**—Applicant holds common carrier authority in No. MC 123885 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rapid City, S. Dak., or Denver, Colo.

No. MC 112713 (Sub-No. 193), filed April 22, 1976. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, Kans. 66207. Applicant's representative: Edward G. Bafelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the terminal facilities of Republic Freight System, Inc., located in Dade, Broward, and Palm Beach Counties, Fla., on the one hand, and, on the other, points in Dade, Broward, and Palm Beach Counties, Fla., restricted to shipments moving on bills of lading issued by the named freight forwarder.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 112901 (Sub-No. 185), filed April 21, 1976. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, products of corn and blends thereof*, in bulk, in tank vehicles, from Kansas City, Kans.—Kansas City, Mo. Commercial Zone, to points in the United States (except Alaska and Hawaii).

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 114015 (Sub-No. 19), filed April 26, 1976. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O.

Box 666, Chase City, Va. 23924. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, building board, insulation board, fibreboard, and pulpboard*, from the plantsite and storage facilities of the United States Gypsum Company, at Lisbon Falls, Maine, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *returned shipments, of the above specified commodities and materials, supplies, and equipment*, used in the manufacture, installation, and distribution of the aforementioned commodities (except in bulk), from the destination points, to the origin point named in (1) above, under contract with United States Gypsum Company.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 114045 (Sub-No. 433), filed April 26, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart, P.O. Box 61228, D/FW Airport, Tex. 75261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet supplies*, in vehicles equipped with mechanical refrigeration, from Cranbury, N.J., to points in California and Texas.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 114194 (Sub-No. 185), filed March 31, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks, II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends* containing corn products, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company located at or near Lafayette, Ind., to points in the United States (except Alaska and Hawaii).

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 114211 (Sub-No. 257) (Correction), filed January 6, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as corrected this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Self-propelled vehicles* (except those motor vehicles as defined in section 203(a)

(13) of the Interstate Commerce Act and commodities moving in driveway service); (b) *boring and drilling equipment*; (c) *equipment designed for use in conjunction with the commodities in (a) and (b) above*; and (d) *parts and attachments for the commodities in (a), (b), and (c) above*, from Woodbine, Iowa and Cherokee, Iowa and Omaha, Nebr., to points in the United States (except Alaska and Hawaii); (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Woodbine, Iowa and Cherokee, Iowa and Omaha, Nebr.; and (3) *the commodities* described in (1) above which at the time of movement is being transported for the purpose of display or experiment and is moving between the sites of plants, sales branches, warehouses, experimental stations, farms, show exhibits of field demonstrations, between points in the United States (except Alaska and Hawaii).

**NOTE.**—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Omaha, Nebr.

No. MC 114457 (Sub-No. 260), filed April 19, 1976. Applicant: DART TRANSPORT COMPANY, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plant and warehouse facilities of Tennessee Doughnut Company located in Davidson County, Tenn., to points in Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**NOTE.**—If a hearing is deemed necessary, the applicant requests a consolidated hearing at Minneapolis-St. Paul or Chicago, Ill.

No. MC 114946 (Sub-No. 3), filed April 23, 1976. Applicant: OSBORNE B. CAUGH, INC., College Highway, P.O. Box 54, Southwick, Mass. 01077. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Enfield Township, Conn., to Berkshire, Franklin, Hampden, and Hampshire Counties, Mass.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Mass., or Hartford, Conn.

No. MC 115215 (Sub-No. 23), filed April 5, 1976. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Perry, Fla. 32347. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

*Poles, posts, timbers, and lumber*, from points in Alabama, to points in Florida.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla., or Atlanta, Ga.

No. MC 115322 (Sub-No. 115), filed April 21, 1976. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Highway 527, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs and potato products*, in straight or mixed shipments (except in bulk), from the plantsite and storage facilities of McCain Foods Inc., located at Portland, Maine, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine, or Washington, D.C.

No. MC 115496 (Sub-No. 43), filed April 12, 1976. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, and particle board*, from the manufacturing facilities of Louisiana-Pacific Corporation, located at or near Clayton, Ala., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan (lower Peninsula), Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the above origin and destined to the above destinations.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 115841 (Sub-No. 520), filed April 21, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 107 Vulcan Rd., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk); and (2) *advertising matter, premiums and display materials*, when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of M & M/Mars, a division of Mars, Incorporated located at or near Waco, Tex., to points in Alabama, Arizona, Arkansas, Cali-

fornia, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Utah, Washington, and the District of Columbia.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing at either Washington, D.C. or Dallas, Tex.

No. MC 115904 (Sub-No. 51), filed April 22, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Denver, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Texas and Utah, restricted against the transportation of those commodities falling within the category described in Mercer Extension-Oil Field Commodities, 74 M.C.C. 459, and further restricted to the transportation of traffic originating at the facilities of Amoco Chemicals Corporation at Denver, Colo.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 116300 (Sub-No. 23), (Correction) filed January 30, 1976, published in the FEDERAL REGISTER issue of April 15, 1976, republished as corrected this issue. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*; and (2) *materials and supplies* used in agriculture, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed loads with salt products and salt products; (a) from Avery Island, Anse LaButte, Baldwin, Jefferson Island and Weeks Island, La., to points in Florida, Georgia, and Tennessee; (b) from Anse LaButte, and Baldwin, La., to points in Arkansas, Louisiana, and Texas; and (c) from Weeks Island, La., to points in Arkansas, and Texas.

**NOTE.**—The purpose of this republication is to correct the commodity description in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 116519 (Sub-No. 33), filed April 12, 1976. Applicant: FREDRICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, compactors, truck bodies and trailers*,

equipped specifically for the collection and compaction of waste materials, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to points in the United States (except Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Hawaii, Oregon, Utah, Washington, and Wyoming), restricted (1) to traffic in foreign commerce; and (2) to traffic originating at the plantsite and facilities of Universal Handling Equipment Company, at Hamilton, Ontario, Canada, and destined to customers of Universal Handling Equipment Company, located at points within the destination territory.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 50), filed April 26, 1976. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Salem, Oreg.; San Francisco, and Los Angeles, Calif.; and Salt Lake City, Utah, to Denver, Colo.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Salt Lake City, Utah.

No. MC 118159 (Sub-No. 173), filed April 21, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson, Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), and *materials and supplies* used in the manufacture or distribution of paper and paper products (except commodities in bulk), between the plantsite of Southwest Packaging, Inc. located at or near Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118202 (Sub-No. 52), filed April 20, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and accessories*, from the plantsite and warehouse facilities of Powers-Fiat Corporation located at or near Plainview, Long Island, N.Y., to points in the United States in and west of Kentucky, Mississippi, Ohio and Tennessee.

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NOTE.—Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118203 (Sub-No. 53), filed April 26, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire and Chippewa Falls, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities of Packerland Packing Company, at the above named origins.

NOTE.—Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 119155 (Sub-No. 5), filed April 15, 1976. Applicant: ROBERT SAMUEL SEEMAN and ROBERT WILLIAM SEEMAN, doing business as SEEMAN'S TOWING SERVICE, P.O. Box 27023, Chicago, Ill. 60627. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wrecked, damaged, or disabled motor vehicles*, when towed by wrecker type equipment; and (2) *used motor vehicles* dispatched to replace wrecked, damaged, or disabled motor vehicles, when towed by wrecker type equipment, between points in Cook, DuPage, Kane, Kendall, Grundy, Will, and Kankakee Counties, Ill., and Lake and Porter Counties, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, New York, Oklahoma, Pennsylvania, Tennessee, Texas, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 86), filed April 20, 1976. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a common carrier, by motor vehicle, over ir-

regular routes, transporting: *Frozen foods*, from the plantsites and facilities of Orchard Hill Farms Inc., located at or near Red Hook and Germantown, N.Y., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant did not specify a location.

No. MC 119726 (Sub-No. 67), filed April 22, 1976. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beatty, Suite 1000, 130 East Washington St., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Ground clay* (except in bulk), from the plant and warehouse facilities of the Oil-Dri Corporation of America, at or near Ochlocknee, Ga., to points in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119726 (Sub-No. 68), filed April 22, 1976. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beatty, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ground clay*, (except in bulk), from the plant and warehouse facilities of the Oil-Dri Corporation of America located at or near Ripley, Miss., to Kansas City, Kans.; Kansas City and St. Louis, Mo.; Detroit, Mich.; Pittsburgh, Pa.; and points within 25 miles of the above destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 119741 (Sub-No. 57), filed April 22, 1976. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, 3225 5th Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Algona, Iowa, to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119789 (Sub-No. 287), filed March 29, 1976. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's

representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages* (except in bulk), between points in California, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, New Mexico, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 119974 (Sub-No. 55), filed April 19, 1976. Applicant: L.C.L. TRAN-SIT COMPANY, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar, products of corn and blends thereof*, in bulk, from Kansas City, Kans.-Kansas City, Mo., Commercial Zone, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Washington, D.C.

No. MC 119974 (Sub-No. 56), filed April 22, 1976. Applicant: L.C.L. TRAN-SIT COMPANY, a Corporation, 949 Advance Street, Green Bay, Wis. 54305. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, (1) from the plantsite and warehouse facilities of Packerland Packing Co., Inc., at Green Bay, Eau Claire and Chippewa Falls, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota; and (2) from the plantsite and warehouse facilities of Peck Meat Packing Corporation, at Milwaukee, Wis.; Menominee, Mich.; and Gibbon, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin, restricted in (1) and (2) to the transportation of traffic originating at the above-named origins and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Washington, D.C.

No. MC 121082 (Sub-No. 12), filed March 22, 1976. Applicant: ALLIED DELIVERY SYSTEM, INC., 2201 Fenkel, Detroit, Mich. 48238. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48064. Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight and moving in shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate, freight forwarders, between Buffalo, N.Y., and points in Michigan, Ohio, Illinois, and Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit or Lansing, Mich.

No. MC 123255 (Sub-No. 72), filed April 23, 1976. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plumbing fixtures and supplies* from Perrysville, Ohio, and points in Ripely Township (Holmes County), Ohio, to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of the commodities specified in (1) above, and rejected and returned shipments of the commodities specified in (1) above, from points in the United States (except Alaska and Hawaii) to Perrysville, Ohio, and points in Ripley Township (Holmes County), Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 123640 (Sub-No. 22), filed April 6, 1976. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, Ind. 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold, dealt in or used by chain or department stores, between Fort Wayne, Ind., on the one hand, and, on the other, points in Massachusetts, Maryland, New York, New Jersey, North Carolina, and Virginia, under a continuing contract or contracts, with Supermarket Service Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123744 (Sub-No. 23), filed April 13, 1976. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, Pa. 16881. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Kyanite and mullite*, from points in Prince Edward, Buckingham, Charlotte, and Appomattox Counties, Va., to points in New York, Pennsylvania, Maryland, New Jersey, and East Liverpool, Ohio; and (2) *returned shipments and containers* in the reverse direction.

NOTE.—Applicant intends to tack its requested authority at Centre County, Clearfield, Clymer, Mt. Union, Womelsdorf, Pa., to provide service to points in Alabama, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Mississippi, Missouri, New Hampshire, North Carolina, Rhode Island, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 124083 (Sub-No. 52), filed April 23, 1976. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 S. Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap rubber*, from Findlay, Ohio, to East St. Louis, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Columbus, Ohio.

No. MC 124328 (Sub-No. 98), filed April 23, 1976. Applicant: BRINK'S INCORPORATED, 1 Crossroads of Commerce Corner, Suite 710, Rolling Meadows, Ill. 60008. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Laredo, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 124821 (Sub-No. 18), filed April 27, 1976. Applicant: WILLIAM GILCHRIST, 105 North Keyser Avenue, Old Forge, Pa. 18518. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Roofing and roofing materials*; (2) *materials and supplies* used in the distribution and installation of the commodities described in (1) above (except in bulk), from the facilities of Flintkote Company located at or near Peachtree City, Ga., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of roofing and roofing materials (except in bulk), from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, to the facilities of Flintkote Company at or near Peachtree City, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125040 (Sub-No. 4), filed April 21, 1976. Applicant: R. CONLEY, INC., 6891 Seneca Street, Elma, N.Y. 14059. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 4604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Sodas (Wayne County, N.Y.), to points in Massachusetts, New Jersey, New York, Pennsylvania, and Virginia.

NOTE.—Applicant holds contract carrier authority in No. MC 110663 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Rochester or Buffalo, N.Y., or Washington, D.C.

No. MC 125313 (Sub-No. 3), filed April 5, 1976. Applicant: CLEVELAND SYRUP CORPORATION, 4999 Mead Ave., Cleveland 27, Ohio 44127. Applicant's representative: Edwin C. Reminger, 731 Leader Bldg., Cleveland, Ohio 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, in tank vehicles, from the facilities of A. E. Staley Manufacturing Company located at or near Lafayette, Ind., to points in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127303 (Sub-No. 22), filed April 26, 1976. Applicant: HENRY ZELMER, doing business as ZELMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Helsley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW, Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials, equipment, and supplies*, from Minneapolis-St. Paul, Minn., to points in Kansas, and empty containers and brewery supplies on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 127337 (Sub-No. 16), filed April 19, 1976. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, 425 13th St. NW., Suite 1032, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Citrus fruits and juices, and agricultural commodities* exempt from economic regulation under Section 203(b) (6) of the Interstate Commerce Act, when transported in mixed loads with citrus fruits and juices (except in bulk, in tank vehicles), from points in Florida to ports of entry on the International Boundary line between the United States and Canada, located at Maine and Massachusetts, restricted to the transportation of shipments destined to points in the Provinces of New-

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foundland, New Brunswick, Nova Scotia, and Prince Edward Island.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine, or Boston, Mass.

No. MC 127651 (Sub-No. 33), filed April 13, 1976. Applicant: EVERETT G. ROEHL, INC., P.O. Box 7, East 29th Street, Marshfield, Wis. 54449. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Compressed wood products* (except commodities in bulk), from the plantsite of the Weyerhaeuser Company located at or near Marshfield, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and South Dakota.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held either at Chicago, Ill., or Madison, Wis.

No. MC 128273 (Sub-No. 218) (Correction), filed Jan. 5, 1976, published in the FEDERAL REGISTER issue of March 4, 1976, republished as corrected this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Jr., 1403 South Horton Street, Fort Scott, Kans. 66701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except canned goods, frozen foods, and commodities in bulk), from Pittsburg, Modesto, and Stockton, Calif., to points in and east of North Dakota, South Dakota, Wyoming, Colorado, and New Mexico, restricted to movement in mixed loads with canned goods.

**NOTE.**—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 128592 (Sub-No. 7), filed April 19, 1976. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen Foods*, from points in Pennsylvania, Texas, and Wisconsin, to the distribution facilities of the Burger King Corporation located at Greensboro, N.C., Syosett, N.Y., Bellmawr, N.J., Atlanta, Ga., Miami, Fla., Minneapolis, Minn., Detroit, Mich., Solon, Ohio, Santa Fe Springs, Calif., Kansas City, Mo., Denver, Colo., Houston and Arlington, Tex., and Boston, Mass.; and (2) *such commodities as are sold or used by operators of restaurant chains* (except commodities in bulk), from Miami, Fla., to the distribution facilities of the Burger King Corporation located at Greensboro, N.C., Syosett, N.Y., Bellmawr, N.J., Atlanta, Ga., Minneapolis, Minn., Detroit, Mich., Solon, Ohio, Santa Fe Springs, Calif.,

Kansas City, Mo., Denver, Colo., Houston and Arlington, Tex., and Boston, Mass., under a continuing contract or contracts in (1) and (2) above with the Burger King Corporation.

**NOTE.**—Applicant holds common carrier authority in MC 138308 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 128750 (Sub-No. 6), filed April 20, 1976. Applicant: PITT TRUCK, INC., P.O. Box 173, Augusta, Ill. 62311. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plantsite and storage facilities of American Cyanamid Company located in Marion County, Mo., to points in Illinois.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Springfield, Ill.; St. Louis, Mo.; or Chicago, Ill.

No. MC 129455 (Sub-No. 12), filed April 6, 1976. Applicant: CARRETTA TRUCKING, INC., 1815 Front St., Scotch Plain, N.J. 07076. Applicant's representative: Charles J. Williams (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic pellets, plastic resin, plastic film, and plastic articles* (except in bulk), from Newark and Passaic, N.J., and Hickory, N.C., to points in Arizona, California, Colorado, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Texas, and Utah, restricted to a transportation service to be performed under a continuing contract or contracts, with Pantasote Company of New York, Inc., division of The Panasote Company.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 129984 (Sub-No. 3), filed April 8, 1976. Applicant: GLENN PETERSON, doing business as PETERSON TRANSIT, Route No. 2, Merrill, Wis. 54452. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Waste paper and printing papers* other than newsprint, from Merrill, Wis., to points in Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota and Tennessee, restricted to transportation to be performed under a continuing contract or contracts with Ward Paper Company of Merrill, Wis.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis., or Chicago, Ill.

No. MC 133095 (Sub-No. 96), filed April 15, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box

434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Carpeting and materials, equipment, and supplies* utilized in the manufacture and distribution thereof, between Marlin, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

**NOTE.**—Applicant holds contract carrier authority in MC 130032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133123 (Sub-No. 12), filed April 12, 1976. Applicant: RUJAC TRUCKING CORP., 1133 Avenue of the Americas, Room 3210, New York, N.Y. 10036. Applicant's representative: Bruce J. Robbins, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods and parts*; and (2) *materials, equipment, and supplies* used or useful in the operation, manufacture, and repair thereof, from the facilities of Toshiba America, Inc., located at New York (Flushing), N.Y., and points in the New York, N.Y., Commercial Zone as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b) (8) of the Act (the exempt zone), to points in New Jersey; New York; and those in Pennsylvania in and east of Susquehanna; Wyoming; and points in Luzerne, Schuylkill, Berks, and Montgomery Counties, Pa., and the Philadelphia, Pa., Commercial Zone, under a continuing contract, or contracts, with Toshiba America, Inc.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 133133 (Sub-No. 13), filed April 5, 1976. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum St., Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from points in Hamilton County, Ohio, to points in the Lower Peninsula of Michigan.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Chicago, Ill.

No. MC 133270 (Sub-No. 6), filed April 23, 1976. Applicant: ROBERTSON FOODS CO., INC., 10061 Redwood Highway, Wilderville, Ore. 97543. Applicant's representative: Earl V. White, SW. Fourth Ave., Portland, Ore. 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat*, in vehicles equipped with mechanical refrigeration,

from Toppenish, Wash., to points in California.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 133276 (Sub-No. 13), filed April 9, 1976. Applicant: BERRY TRANSPORT, INC., 5315 NW. St. Helens Road, Portland, Ore. 97210. Applicant's representative: Brian S. Stern, Wilson Plaza Bldg., 2425 Wilson Blvd. No. 327, Arlington, Va. 22201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Salem, Ore., to Portland, Ore.; (2) *cannery supplies and machinery*, from Portland, Ore., to Salem, Ore.; (3) (A) *canned goods*, and *cannery supplies and machinery*, and (B) *fresh fruit and empty fruit containers*, when transported in the same vehicle and at the same time with the commodities specified in (3) (A), (1) between Salem, Ore., and Vancouver, Wash.; and (2) between Salem, Ore., and Portland, Ore., restricted to the transportation of traffic moving to and from Vancouver, Wash.; (4) *tin plate*, from Vancouver, Wash., to Toppenish and Yakima, Wash.; (5) (A) *canned goods*, *cans*, *can ends*, *cannery supplies*, and *machinery*, between Hammond and Astoria, Ore., on the one hand, and, on the other, Vancouver, Wash.; (B) *canned goods*, *cans*, *can ends*, *tin plate*, *cannery supplies*, and *machinery*, between Salem and Portland, Ore., on the one hand, and, on the other, Toppenish and Yakima, Wash.; and (C) *cans*, *can ends*, *cannery supplies*, and *machinery*, between Hammond, Ore., and Toppenish, Wash.; (6) *fresh fruit and vegetables*, *empty fruit containers*, and *fruit and vegetable seeds*, when transported in the same vehicle and at the same time with regulated commodities (otherwise authorized) as follows, (A) *fresh vegetables*, from Aurora, Brooks, Cedar Hills, Oregon City, Scappoose, Sherwood, and Woodburn, Ore., and Pioneer, Ridgefield, and Vancouver, Wash., to Portland, Ore.; (B) *fresh fruit*, from Gresham, The Dalles, Scenic, Sherwood, and Woodburn, Ore., to Vancouver, Wash.; and (D) *fruit and vegetable seeds*, between Salem and Portland, Ore., and Vancouver, Wash.; and (7) (A) *fruits and vegetables*, processed (not including processing by freezing) and canned, and (B) *fresh fruits and vegetables*, when transported in the same vehicle and at the same time with regulated commodities (otherwise authorized), between Dundee and Portland, Ore., and Vancouver, Wash., restricted in (1) through (7) above to the transportation of traffic originating at or destined to the facilities utilized by Del Monte Corporation.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133689 (Sub-No. 73), filed April 26, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and storage facilities of Maple Island, Inc., located at or near Claremont and Preston, Minn., to Lockport, N.Y., restricted to traffic originating at the above-named origins and destined to the named destination.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134068 (Sub-No. 28), filed April 23, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Avenue, P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuff ingredients* (except in bulk, in tank vehicles), from San Francisco, Calif., to points in Illinois, Indiana, Michigan, and Wisconsin.

**NOTE.**—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 134308 (Sub-No. 12) (Correction), filed March 30, 1976, published in the Federal Register issue of April 29, 1976, republished as corrected this issue. Applicant: (ADDO EXPRESS, INC., 1257 E. Reno, Oklahoma City, Okla. 73117. Applicant's representative: Roland Rice, 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the facilities of the Houston Chemical Company, Division of P.P.G. Industries, near Woodward, Okla., as an off-route point in conjunction with carrier's existing authority.

**NOTE.**—The purpose of this republication is to change the irregular route authority to that of regular route authority. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 134404 (Sub-No. 25), filed April 9, 1976. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, So. Bound Brook, N.J. 08880. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cleaning products, toilet preparations, nutritional foods and related articles, materials, supplies, and equipment* used in the manufacture, distribution, or sale of the above commodities (except in bulk), from Franklin, Ky., to Dallas, Tex., Bedford Park, Ill., Milwaukee, Ore., Denver, Colo., Chicago, Ill., Salt Lake City, Utah, and Kansas City, Kans., restricted to a service performed under a continuing contract or contracts with The Drackett Products Co.

**NOTE.**—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 134734 (Sub-No. 29), filed April 12, 1976. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, tools, and related advertising materials*, from the plantsite and facilities of Moog Automotive, Inc., at or near Creve Coeur, Mo., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Moog Automotive, Inc.

**NOTE.**—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135732 (Sub-No. 19), filed April 26, 1976. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, N.J. 07207. Applicant's representative:



Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lard, tallow, shortening, vegetable oil shortening, margarine, and cooking oils* (except commodities in bulk), from the plantsite and warehouse facilities of or utilized by Swift Edible Oil Company, located at or near Bradley, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 136032 (Sub-No. 17), filed April 14, 1976. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: A. J. Swanson, 521 South 14th St., Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Hair and skin care products, toilet preparations, and equipment, materials, and supplies*, used in the manufacture and distribution thereof (except chemicals and commodities in bulk), in mechanically refrigerated trailers, between points within a 65 mile radius of Los Angeles, Calif., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85, under a continuing contract, or contracts, with Redken Laboratories, Inc.

NOTE.—Applicant holds common carrier authority in MC 133095 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex.

No. MC 136464 (Sub-No. 22), filed April 20, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Hosiery, apparel, and materials and supplies* used in the manufacture of hosiery and apparel: (a) from points in North Carolina, Marion, and Hartsville, S.C.; Pensacola, Fla.; and Savannah, Ga., to Los Cruces, N. Mex.; (b) from Winston-Salem, N.C., and Los Cruces, N. Mex., to Albuquerque, N. Mex.; Houston, Dallas, and San Antonio, Tex.; Denver, Colo.; Salt Lake City, Utah; Los Angeles, San Francisco, and Sacramento, Calif.; Seattle, Wash.; Portland, Oreg.; Phoenix, Ariz.; St. Louis and Kansas City, Mo.; Omaha, Neb.; Oklahoma City, Okla.; and New Orleans, La.; and (a) from Los Cruces, N. Mex., to Winston-Salem, N.C., and Hartsville and Marion, S.C., under a continuing contract, or

contracts with Legg's Products, Inc., of Winston-Salem, N.C.

NOTE.—Applicant holds common carrier authority in No. MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greensboro or Charlotte, N.C.

No. MC 136464 (Sub-No. 23), filed April 20, 1976. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Textiles and textile products, furniture, lamps, and lamp shades*, from Memphis, Tenn., Asheboro and Cramerton, N.C., and points in Guilford County, N.C., to points in California, Oregon, and Washington, restricted to shipments originating at facilities used by Burlington Industries, Inc., and further restricted to the transportation service to be performed under a continuing contract, or contracts with the Burlington Industries, Inc.

NOTE.—Applicant holds common carrier authority in MC 138635 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Greensboro, N.C.

No. MC 136786 (Sub-No. 95), filed April 23, 1976. Applicant: ROBOC TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, and vermicelli*, with or without other ingredients, *soybean products and dried soup mix*, from Minneapolis, Minn., to points in Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136828 (Sub-No. 8), filed April 23, 1976. Applicant: COX & SHAY, INC., P.O. Box 0, Gilmer Industrial Park, Pinson, Ala. 35126. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, machinery, and supplies*, used in the manufacturing, processing, and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to the plant and facilities of American Cast Iron Pipe Company, at Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 138018 (Sub-No. 28), filed April 23, 1976. Applicant: REFRIGERATED FOODS, INC., 1420 33rd St., P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Har-

vey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Washington, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 138313 (Sub-No. 19), filed April 23, 1976. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, and wood products*, from points in Montana to points in Idaho, Oregon, and Washington.

NOTE.—Applicant holds contract carrier authority in No. MC 126780 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, Mont., or Seattle, Wash.

No. MC 138835 (Sub-No. 20), filed April 20, 1976. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 1059, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen, from the plantsite and warehouse facilities of Ore-Ida Foods, Inc., located at Greenville, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138941 (Sub-No. 16), filed April 21, 1976. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir St., Pomona, Calif. 91766. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Vanities, vanity tops, shower doors, and kitchen cabinets*, from Van Nuys, Calif., to points in the United States in and east of Iowa, Minnesota, Missouri, Oklahoma, and Texas, under a continuing contract, or contracts, with Commodore Vanity Company, division of G. J. Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 139005 (Sub-No. 3), filed April 7, 1976. Applicant: JAMES D. HOELZEMAN, doing business as SCRAP HAULERS, 13840 S. Halsted, Riverdale, Ill. 60627. Applicant's representative: Philip A. Lee, 120 W. Madison, Suite 618, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste and waste products*, between Illinois, Indiana, Michigan, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139096 (Sub-No. 2), filed April 26, 1976. Applicant: RENO ARMORED TRANSPORT, INC., 1130 South Flower Street, Los Angeles, Calif. 90015. Applicant's representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Film and photofinished prints and slides*, between Reno, Nev., on the one hand, and, on the other, Kings Beach, South Lake Tahoe, Tahoe City, and Truckee, Calif., and Incline Village and Roundhill, Nev., under a continuing contract or contracts with Bennetts Photo Service.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Reno, Nev.

No. MC 139495 (Sub-No. 144), filed April 20, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* (except chemicals, vegetable oils, and vegetable oil products), as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from the plantsite, warehouses, and storage facilities used by National Beef Packing Company, at or near Liberal, Kans., to points in the United States (except Alaska, Hawaii, Montana, North Dakota, South Dakota, and Wyoming); and (b) from the plantsite, warehouse, and storage facilities used by National Beef Packing Company located at Kansas City, Kans., to points in the United States (except Alaska, Arkansas, California, Louisiana, Hawaii, Idaho, Kentucky, Mississippi, Montana, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Washington, and Wyoming), (2) fresh meat, from Fort Morgan and Sterling, Colo. and points in Iowa, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, to the plantsites and warehouse facilities of National

Beef Packing Company located at or near Liberal and Kansas City, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139727 (Sub-No. 3) (Correction), filed February 25, 1976, published in the FEDERAL REGISTER issue of April 29, 1976 as MC 139737 (Sub-No. 3), republished as corrected this issue. Applicant: MADEWELL METALS, INC., 301 East Shawnee, Muskogee, Okla. 74401. Applicant's representative: Robert E. Jensen, 1130 17th St. NW., Washington, D.C. 200036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lead, lead alloy, lead oxide, and lead byproducts* in bulk and ingot form, from Schuykill Metals Corporation, located at Baton Rouge, La., to Newport and Leno, Ark.; Orlando, Plant City, and Tampa, Fla.; Atlanta and Conyers, Ga.; Attica and Indianapolis, Ind.; Louisville, Ky.; Shreveport, La.; Kansas City, Mo.; Memphis, Tenn.; Beaumont, Dallas, Houston, San Antonio, Terrell, and Garland, Tex.; Richmond, Va.; New York City and Brooklyn, N.Y.; East Alton, Ill. (located near East St. Louis just over the Missouri State line); Pomona, Signal Hill, Santa Ana, Antioch, Calif., and City of Industry and City of Commerce, Calif. (located near Los Angeles in Los Angeles County), under a continuing contract or contracts, with Schuykill Metals Corporation, located at Baton Rouge, La.

NOTE.—The purpose of this republication is to correct the docket number which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., Baton Rouge, La., or Washington, D.C.

No. MC 139923 (Sub-No. 10), filed April 12, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74709. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except in bulk), from the plantsites and storage facilities of or utilized by Witco Chemical Corporation, located at or near Bakersfield, Los Angeles, and Richmond, Calif., to Atlanta, Ga.; Morristown, N.J.; and Rock Island, Ill., and points in Arizona, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139923 (Sub-No. 11), filed April 21, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74709. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Shelving and component parts of shelving*, from the facilities of Kirsch Company, located at or near Rockford, Ill., to points

in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and (2) *curtain and drapery rods, hardware, accessories and parts, bath and shower hardware, and accessories and parts thereof*, from the facilities of Kirsch Company, located at or near Sturgis, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, restricted in parts (1) and (2) to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140003 (Sub-No. 4), filed April 26, 1976. Applicant: BALL MOTOR LINE OF APOPKA, INC., P.O. Drawer AL, Apopka, Fla. 32703. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale plumbing and electrical suppliers* (except commodities which because of size and weight require special equipment), from points in Alabama, Arkansas, California, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to points in Florida, under a continuing contract with Hughes Supply, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 140409 (Sub-No. 1), filed April 26, 1976. Applicant: MINN-CAL, INC., P.O. Box 657, Mandan, N. Dak. 58554. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Flavorland Industries, Inc., located at or near Fargo and West Fargo, N. Dak., to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 139110 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, or St. Paul, Minn.

No. MC 141034 (Sub-No. 2), filed March 26, 1976. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, Mass. 01607. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority



sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, between Merrimack, N.H., on the one hand, and, on the other, East Cambridge, Mass.; and (2) *beverage containers*, between Merrimack, N.H., on the one hand, and, on the other, Lawrence, Mass., under a continuing contract or contracts with Anheuser-Busch, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Boston, Mass.

No. MC 141565 (Sub-No. 3), filed April 26, 1976. Applicant: CENTRAL TRANSPORT, INC., 2904 West 2nd Street, Sioux Falls, S. Dak. 57104. Applicant's representative: Mark Menard, P.O. Box 480, 407 West 14th Street, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial refuse containers, gravity flow boxes, and hay feeders*, from the plantsite or storage facilities of Teem Enterprises, Inc., at Sioux Falls, S. Dak., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming, under contract with Teem Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 141570 (Sub-No. 2), filed April 22, 1976. Applicant: ELECTRONICS TRANSPORT, INC., 3213 Eighth Avenue North, P.O. Box 31103, Birmingham, Ala. 35222. Applicant's representative: M. Crain Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines and parts, materials, and supplies*, used in the manufacture, installation, or sale of such commodities, between Mobile, Ala., on the one hand, and, on the other, points in Florida, west of the Apalachicola River, and points in Mississippi, on and south of U.S. Highway 80, under contract with Xerox Corporation.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 141575 (Sub-No. 3), filed February 27, 1976. Applicant: ECONOMY TRUCKING SERVICE, INC., 1079 West Side Ave., Jersey City, N.J. 07306. Applicant's representative: Ira G. Megdal, P.O. Box 459-460, 499 Cooper Landing Rd., Cherry Hill, N.J. 08002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by department stores, and supplies and equipment used in the conduct of such business*, from points in New York, N.Y. and its Commercial Zone and points in Connecticut, Massachusetts,

and New Jersey, to points in Michigan, under a continuing contract or contracts with Giantway, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Trenton or Newark, N.J.

No. MC 141701 (Correction), filed January 12, 1976, published in the FEDERAL REGISTER issue of March 25, 1976, republished as corrected this issue. Applicant: D & P TRUCKING, INC., 15 Scout Ave., South Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, scouring, washing compounds, display materials, and supplies* (except commodities in bulk, in tank vehicles); and (2) *materials, equipment, and supplies* used in the manufacture and sale of materials, equipment, and supplies (except commodities in bulk, in tank vehicles), between Clifton, N.J., and Berkeley, R.I., on the one hand, and, on the other, Los Angeles, Calif.; Denver, Colo.; Savannah, Ga.; Peoria, Ill.; Detroit, Mich.; Cleveland, Ohio; New York, N.Y.; and Fort Worth and Dallas, Tex., and their Commercial Zones as defined by the Commission, under a continuing contract or contracts with Glamorene Products Corp., Clifton, N.J.

NOTE.—The purpose of this republication is to include Cleveland, Ohio, to the territorial description which was previously omitted. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 141745 (Sub-No. 1), filed April 12, 1976. Applicant: ROBERT F. RANDGAARD, doing business as BOB'S TRUCKING, 2610 East Whitton, Phoenix, Ariz. 85016. Applicant's representative: Phil B. Hammond, Tenth Floor, 111 West Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and trim, including upholstery and drapery fabric and related accessories*, from New Orleans, La., to Phoenix, Ariz.; Bakersfield, Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, San Ysidro, Santa Clara, and Stockton, Calif.; and El Paso, Tex., under contract with American Textile & Trim Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Los Angeles, Calif.

No. MC 141758 (Correction), filed January 28, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, Conn. 06040. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (a) from the plantsite of Colonial Fiber Company located in Manchester, Conn., to Lynchburg, Va.; Barboursville, W. Va.; and points in

Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin; (b) from the plantsite of Colonial Fiber Company located in Manchester, Conn., to points in the Provinces of Quebec and Ontario, Canada, via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; (c) from the plantsite of Colonial Fiber Company located in Bar Mill, Maine, to Lynchburg, Va., and to points in Connecticut, Indiana, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Tennessee; and (d) from the plantsite of Colonial Fiber Company, located in Bar Mills, Maine, to points in the Provinces of Quebec and Ontario, Canada, via those ports of entry on the International boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.

(e) From the plantsite of Colonial Fiber Company located in Covington, Tenn., to Lynchburg, Va., and to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Wisconsin, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and West Virginia; (f) from the plantsite of Colonial Fiber Company, located in Covington, Tenn., to points in the Provinces of Quebec and Ontario, Canada, via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; and (g) from the plantsite of Colonial Fiber Company, located in Rochester, N.H., to points in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; and (2) *products, materials, and machinery*, used in the manufacture of paper and paper products: (a) from Lynchburg, Va., and points in Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin, to the plantsite of Colonial Fiber Company, located in Manchester, Conn.; (b) from points in the Provinces of Quebec and Ontario, Canada, to the plantsite of Colonial Fiber Company, located in Manchester, Conn., via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; (c) from Lynchburg, Va., and points in Connecticut, Indiana, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Tennessee, to the plantsite of Colonial Fiber Company, located in Bar Mill, Maine; (d) from points in the Provinces of Quebec and Ontario, Canada, to the plantsite of Colonial Fiber Company, located in Bar Mills, Maine, via those ports of entry on the International Boundary line between

the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.

(e) From Lynchburg, Va., and points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, West Virginia, and Tennessee, to the plantsite of Colonial Fiber Company, located in Covington, Tenn.; (f) from points in the Provinces of Quebec and Ontario, Canada, to the plantsite of Colonial Fiber Company, located in Covington, Tenn.; and (g) from points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Ohio, to the plantsite of Colonial Fiber Company, located in Rochester, N.H.; restricted in (2) above to traffic destined to the named plantsites, under continuing contract with Colonial Fiber Company.

NOTE.—The purpose of this republication is to change the requested authority in this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 141758 (Sub-No. 1), filed March 18, 1976. Applicant: LYDALL EXPRESS, INC., 615 Park Street, Manchester, Conn. 06040. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal and plastic balls*, (a) from the plantsite of Spheric Corp., located in Washington, Ind., to points in the Provinces of Quebec and Ontario, Canada, via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; (c) from the plantsite of Spheric Corporation, located in Hartford, Conn., to Lynchburg, Va.; Barboursville, W. Va.; and points in Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee; (b) from the plantsite of Spheric Corp., located in Washington, Ind., to points in the Provinces of Quebec and Ontario, Canada, via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; (c) from the plantsite of Spheric Corporation, located in Hartford, Conn., to Lynchburg, Va.; Barboursville, W. Va.; and points in Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin; and (d) from the plantsite of Spheric Corporation, located in Hartford, Conn., to points in the Provinces of Quebec and Ontario, Canada, via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.

(2) *Products, materials, and machinery*, used in the manufacture of metal and plastic balls: (a) from points in Connecticut, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee, to the plantsite of Spheric Corp., located in Washington, Ind.; (b) from points in the Provinces

of Quebec and Ontario, Canada, to the plantsite of Spheric Corp., located in Washington, Ind., via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; (c) from Lynchburg, Va.; Barboursville, W. Va.; and points in Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin, plantsite of Spheric Corporation, located in Hartford, Conn.; and (d) from points in the Provinces of Quebec and Ontario, Canada, to the plantsite of Spheric Corporation, located in Hartford, Conn., via those ports of entry on the International Boundary line between the United States and Canada, located in Highgate Springs, Vt.; Rouses Point and Niagara Falls, N.Y.; and Detroit, Mich.; restricted in (2) above to traffic destined to the named plantsites; under continuing contracts in (1) (a) and (b) and 2 (a) and (b) above with Spheric Corp., located in Washington, Ind., and in (1) (c) and (d) and (2) (c) and (d) above with Spheric Corporation, located in Hartford, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hartford, Conn., or Washington, D.C.

No. MC 141805 (Amendment), filed February 17, 1976, published in the FEDERAL REGISTER issue of March 18, 1976, republished as amended this issue. Applicant: HOOSIER TRANSPORT, INC., P.O. Box 414, State Road 36, Danville, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and household goods as defined by the Commission), between the Southwind Maritime Centre, at or near Mount Vernon, Posey County, Ind., on the one hand, and, on the other, points in Arkansas, Indiana, Illinois, Missouri, Ohio, and Tennessee, restricted to traffic having a prior or subsequent movement by water.

NOTE.—The purpose of this republication is to broaden the scope of the application. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 141906 (Sub-No. 2), filed April 15, 1976. Applicant: CHARLIE BREWSTER, doing business as BREWSTER & SONS, Route 2, Blackshear, Ga. 31516. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, from Blackshear, Ga., to points in Nassau and Duval Counties, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 141915 (Sub-No. 2), filed April 9, 1976. Applicant: CHARLES LOCK AND TIMOTHY LOCK, doing business as LOCK TRUCK LINE, P.O. Box 23, Carrollton, Mo. 64633. Applicant's representative: Tom B. Kretsinger, Suite 910 Brookfield Bldg., 101 W. Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except of those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from the Carrollton, Mo., piggyback ramp to Carrollton, Macon, Marshall, Moberly, Milan, Chillicothe, Trenton, and Richmond, Mo., restricted to the transportation of shipments having a prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 141928 (Sub-No. 2), filed April 1, 1976. Applicant: KOHLMAN INDUSTRIES, LTD., Box 866, 29170 Fraser Highway, Aldergrove, B.C., Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points on the International Boundary line between the United States and Canada located at or near Lynden or Sumas, Wash., on the one hand, and, on the other, Strandell, Wash., restricted to traffic moving to or from Aldergrove and Vancouver, B.C., under a continuing contract or contracts with Can Am Industries Ltd.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141932 (Sub-No. 1), filed March 29, 1976. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery* (except in bulk): (a) from the plantsites and/or storage facilities of The Schrafft Candy Company, located in Middlesex and Suffolk Counties, Mass., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (b) from the plantsites and/or storage facilities of Deran Confectionary, Division of Borden, Inc., located in Middlesex and Suffolk Counties, Mass., and North Grosvenordale, Conn., to points in Alabama, Arkansas, Connecticut, Delaware,



Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; and (c) from the plantsites and/or storage facilities of Nabisco Confections, Inc., Subsidiary of Nabisco, Inc., located in Bristol, Middlesex, and Norfolk Counties, Mass., and Ashton, R.I., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; and (2) returned and rejected shipments of the above-described commodities, from the above-named destination points in (a) through (c) above, to the origins respectively set forth in (a) through (c) above.

NOTE.—Applicant holds contract carrier authority in MC 129600 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141938 (Sub-No. 1), filed April 5, 1976. Applicant: S & S TRUCKING AND WAREHOUSING, INC., 7100 NW, 12th Street, Miami, Fla. 33126. Applicant's representative: John B. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: General commodities, between points in Dade County, Fla., having prior or subsequent movement by water, under contract with Arncam Shipping Co., Inc., restricted against the transportation of said commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment, and commodities requiring refrigeration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 141943 (Sub-No. 2), filed April 21, 1976. Applicant: BOWMAN COMPANY, 4006 South Brook St., Louisville, Ky. 40214. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Printing cylinders, reproduction artwork, proofs, and samples, between Louisville, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Massachusetts, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, and Virginia, restricted to service to and from the plantsite of Southern Gravure Service, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 141961, filed March 22, 1976. Applicant: CARMAN CARRIER, INC., 1005 W. Riverside Drive, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Conveying and feeding equipment for bulk materials and equipment, materials, and supplies used in the manufacture of conveying and feed equipment for bulk materials, between the plantsite of Carman Industries, Inc., located at Jeffersonville, Ind., on the one hand, and, on the other, points in the United States (except Idaho, Montana, Oregon, Washington, Alaska, and Hawaii), under a continuing contract with Carman Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Louisville, Ky.

No. MC 141962, filed March 22, 1976. Applicant: MILTON MONOXELOS, doing business as NORTHEAST REFRIGERATED DISTRIBUTING CO., East Street, Tewksbury, Mass. 01876. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Northeast Refrigerated Distributing Co., located in Tewksbury, Mass., to points in Massachusetts, restricted to shipments moving in temperature controlled equipment.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 141964, filed March 25, 1976. Applicant: AMERICAN INTERSTATE MOTOR FREIGHT, Andrews Drive, P.O. Box 211, West Paterson, N.J. 07425. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Metal stampings and scrap metals, from the facilities of United Tool & Stamping Company, located at West Paterson, N.J., to points in Delaware, Maryland, New York, North Carolina, Pennsylvania, and Virginia; and (2) materials, supplies, and equipment used in the manufacturing of metal stampings (except in bulk), from points in Delaware, Maryland, New York, North Carolina, Pennsylvania, and Virginia, to the facilities of United Tool & Stamping Company, located at West Paterson, N.J., (1) and (2) are under a continuing contract with United Tool & Stamping Company, West Paterson, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 141968 (Sub-No. 1), filed April 19, 1976. Applicant: WINN EXPRESS COMPANY, INC., 217 Hunter St. SE, Atlanta, Ga. 30312. Applicant's representative: Archie B. Culbreth, Suite 246, 1262 West Peachtree St. NW, Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by general merchandise stores, department stores, mail order houses, and drug stores, between Atlanta, Ga., and points in its Commercial Zone, on the one hand, and, on the other, points in Georgia, under a continuing contract, or contracts, with J. C. Penney Company, Inc., and its subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 141994, filed April 15, 1976. Applicant: EDWARD J. HROBAK, 11280 Center Road, Garrettsville, Ohio 44231. Applicant's representative: Lewis S. Witherspoon, 88 East Broad St., Suite 930, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Cheeses, in mechanically temperature controlled equipment, from Newbury, Geauga County, Ohio and Cleveland, Cuyahoga County, Ohio, to Denver, Colo.; Carthage, Springfield, and St. Louis, Mo.; and Omaha, Nebr., under a continuing contract, or contracts, with Great Lakes Cheese Company, Inc., and Miceli Dairy Products Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 142001, filed April 5, 1976. Applicant: RITE-GUY HAULING, INC., 1909 Weber Drive, Madison, Wis. 53713. Applicant's representative: Edward Solie, Executive Bldg., Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Fly ash and slag, in bulk, from the plant facilities of Wisconsin Power & Light Company, at or near Beloit, Cassville, Portage, and Sheboygan, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota, under a continuing contract or contracts with National Minerals Corporation-Wisconsin, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 142002, filed April 8, 1976. Applicant: NORTHSIDE REPAIR & TOWING SERVICE, INC., 510 Webster Avenue, North Mankato, Minn. 56001. Applicant's representative: Grant J. Merritt, 415 Peavey Building, 730 Second Avenue S., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked or disabled vehicles and replacement vehicles, by use of wrecker equipment, between points Minnesota, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Min-

nesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 142003, filed April 8, 1976. Applicant: LANNA F. SITAR AND CAROL D. SITAR, doing business as L & C TRUCKING CO., a partnership, 2501 South Artesian Avenue, Chicago, Ill. 60606. Applicant's representative: Eugene L. Cohn, One N. LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Batteries and battery parts, between the ESB Industrial Plant Site, at Richmond, Ky.; the ESB Service Center site, at Benton, Ill.; Chicago, Ill., and points in the Chicago, Ill. Commercial Zone, as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 142005, filed April 6, 1976. Applicant: CHARLES D. ZEISLOFT, 403 East Elm Street, Wenonah, N.J. 08090. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Slag, from the facilities of Grays Ferry Slag Corp., located in Swedeland, Pa., to the facilities of E. P. Henry & Son, Inc. in Woodbury, N.J., and the facilities of E. P. Henry Co. and Vineland, N.J., under continuing contract or contracts with E. P. Henry & Son, Inc., and E. P. Henry Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 142006, filed April 5, 1976. Applicant: LYNBROOK SALVAGE CORP., 170 Mapes Avenue, Newark, N.J. 07112. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Corrugated roofing and siding, from Jersey City, N.J., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia; and (2) materials and supplies, used in the manufacturing of roofing and siding (except in bulk and tank vehicles) from the destination points named in (1) above, to Jersey City, N.J., under a continuing contract with Corrugated Metals, Inc., at Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 141971-EX, filed April 15, 1976. Applicant: NEW ORLEANS TRAFFIC AND TRANSPORTATION

BUREAU, International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130. Applicant's representative: G. B. Perry (same address as applicant). Authority sought for exemption from economic regulation in interstate or foreign commerce within one state as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, within points in the Commercial Zone of New Orleans, La., as described in 117 M.C.C. 816, when operations are performed as incidental to prior or subsequent transportation by common carriers by water, to the Shipping Act, 1916. The nature, character, or quantity of the transportation to be exempted would not impair uniform regulation by the Interstate Commerce Commission and would serve the public interest, as expressed in Section 204 (4a).

#### PASSENGER APPLICATIONS

No. MC 544 (Sub-No. 1), filed April 19, 1976. Applicant: VANCOUVER-PORTLAND BUS CO., 111 East Fifth Street, Vancouver, Wash. 98660. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Ore. 97204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in charter operations, beginning and ending at points in Clackamas, Multnomah, and Washington Counties, Ore., and Clark County, Wash., and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 58522 (Sub-No. 10), filed April 19, 1976. Applicant: RIVER TRAILS TRANSIT LINES, INC., P.O. Box 307, Highway 20 West, Galena, Ill. 61038. Applicant's representative: Richard A. Westley, 4508 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage in round-trip, special, and charter operations, beginning and ending at points in Jo Daviess County, Ill. (except points in the Dubuque, Iowa, Commercial Zone); Grant County, Wis. (except points in the Dubuque, Iowa, Commercial Zone); Lafayette County, Wis., and that portion of Iowa County, Wis., on, south, and west of a line extending from the western boundary of Iowa County, along U.S. Highway 18 to junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to the southern boundary of Iowa County, and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dubuque, Iowa; Madison, Wis.; or Chicago, Ill.

No. MC 113770 (Sub-No. 4), filed April 12, 1976. Applicant: WILLIAM S. CARROLL, 640 Hammond Street, Brookline, Mass. 02148. Applicant's representa-

tive: James F. Martin, Jr., 3003 Windsor Ridge Road, Westboro, Mass. 01581. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers, in special operations, from Milford and Beltingham, Mass., and Woonsocket, R.I., to site of Plainfield Greyhound Park, Plainfield, Conn., and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 138713 (Sub-No. 1), filed April 1, 1976. Applicant: R & G TRAN-SIT CORPORATION, P.O. Box 248, Staunton, Ill. 62088. Applicant's representative: Richard L. Odorizzi (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in charter and special operations, beginning and ending in Litchfield, Hillsboro, Greenville, and Edwardsville, Ill., and points in Macoupin County, Ill., and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant does not specify any particular location.

No. MC 139614 (Sub-No. 1), filed April 8, 1976. Applicant: ERIN TOURS, INC., 2019 Haring Street, Brooklyn, N.Y. 11229. Applicant's representative: Larsh B. Mewhinney, 235 Mamaronock Avenue, White Plains, N.Y. 10605. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in charter and special operations, from New York, N.Y., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Brooklyn, or New York, N.Y.

No. MC 142007, filed April 14, 1976. Applicant: OTTE BUS SERVICE INC., Route #1, Cedar Grove, Wis. 53013. Applicant's representative: Michael S. Varda, 121 So. Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special and charter operations, beginning and ending at points in Sheboygan and Ozaukee Counties, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Sheboygan, Wis.

No. MC 142011, filed April 1, 1976. Applicant: LEISURE TIME TOURS, 12 Industrial Avenue, Upper Saddle River, N.J. 07458. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road,



Great Neck, N.Y. 11021. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, with express and newspapers* in the same vehicle with passengers, between junction New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J., and Manhattan, N.Y., as follows: (a) From junction New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J., thence over New Jersey Highway 17 to junction with Interstate Route 80, in Lodi, N.J., thence over Interstate Route 80 to junction Interstate Route 95 (New Jersey Turnpike extension) thence over Interstate 95 to junction New Jersey Route 3, thence over New Jersey Route 3 to the Lincoln Tunnel to Manhattan, and return, over the same route, serving no intermediate points and serving the junction of New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J., for the purpose of joinder only. (b) From New Jersey Highway 4 in Paramus, N.J., over New Jersey Highway 17 to New Jersey Highway 3 in East Rutherford, N.J., thence over New Jersey Highway 3 to the Lincoln Tunnel, thence through the Lincoln Tunnel to Manhattan, N.Y., serving no intermediate points and serving the junction of New Jersey Highway 4 and New Jersey Highway 17 in Paramus, N.J., for the purpose of joinder only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

## BROKER APPLICATIONS

No. MC 130287 (Sub-No. 1), filed April 12, 1976. Applicant: JAMES W. VANGEMERT, 53 Commerce SW., Grand Rapids, Mich. 49502. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Grand Rapids, Mich., to sell or offer to sell the transportation of passengers and their baggage, beginning and ending at points in the Lower Peninsula of Michigan (except Kent County, Mich.), and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 130386, filed March 2, 1976. Applicant: DAVID P. BOLLONE, doing business as TRAVEL UNLIMITED, 322 East Main Street, Belleville, Ill. 62220. Applicant's representative: David P. Bollone (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Belleville, Ill., to sell or offer to sell the transportation of passengers as individuals and in groups, and their baggage in the same vehicle with passengers, in special and charter operations, in sightseeing and pleasure tours, by motor, air, water, and rail carriers, beginning and ending at Belleville, Ill., and points in Clinton, Madison, Monroe, and St. Clair Counties, Ill.; St. Louis,

Mo., and its Commercial Zone; and points in St. Louis County, Mo., and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Belleville, Ill.; St. Louis, Mo.; or Chicago, Ill.

No. MC 130374, filed April 19, 1976. Applicant: JEFFREY LEE HUBBARD, doing business as HUBBARD TOURS, 1520A Martin Street, Suite 106, Parkway Office Suites, Winston-Salem, N.C. 27103. Applicant's representative: Robert Sapp, Maine Street, Winston-Salem, N.C. 27101. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Winston-Salem, N.C., to sell or offer to sell the transportation of passengers, both individually and in groups, and their baggage in special and charter operations, beginning and ending at points in Forsyth County, and Winston-Salem, N.C., and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 130375, filed April 2, 1976. Applicant: MAXINE WILLIER, doing business as MID-MISSOURI TRAVEL AGENCY and MID-MISSOURI TRAVELERS, P.O. Box 144, Lancaster, Mo. 63548. Applicant's representative: E. Richard Webber, 110 West Monroe Street, Memphis, Mo. 63555. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Lancaster and Moberly, Mo., to sell or offer to sell the transportation of individual passengers and groups of passengers and their baggage in the same vehicle with passengers, in special operations, sightseeing, pleasure, and round trip tours, by motor carriers, beginning and ending at points in that part of Missouri on, east, and north of a line commencing at the Iowa-Missouri State Boundary line (except points in St. Louis County, Mo.) and extending to points in the United States, including Alaska and Hawaii, and points in the Providence of Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lancaster or Kirksville, Mo.

No. MC 130377, filed April 20, 1976. Applicant: BYRON W. HOUSE TRAVEL AGENCY, INC., 1020 West Fourth St., Little Rock, Ark. 72201. Applicant's representative: Byron W. House, Jr. (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Little Rock, Ark., to sell or offer to sell the transportation of passengers and their baggage, both individuals and groups, in charter and special operations, beginning and ending at Little Rock, Ark., and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

## FREIGHT FORWARDER APPLICATIONS

No. FF-339 (Sub-No. 2), filed April 16, 1976. Applicant: TOWNE INTERNATIONAL FORWARDING, INC., P.O. Box 19516, Houston, Tex. 77024. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW, Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by rail, motor, water, and express in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *Used automobiles*, between points in the United States including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present scope of authority. If a hearing is deemed necessary, the applicant requests it be held at San Antonio, Tex.

No. FF-375 (Sub-No. 1), filed April 22, 1976. Applicant: SECURITY FORWARDERS, INCORPORATED, 100 West Airline Highway, Kenner, La. 70062. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW, Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by rail, motor, water, and express in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

## FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) and 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12734 (Correction), ROGERS MOTOR LINES, INC.—Purchase (Portion)—Donald Sunshine, Trustee in Bankruptcy, GENE ADAMS REFRIGERATED TRUCKING SERVICE, INC., published in the January 21, 1976, FEDERAL REGISTER. Notice should read as follows: Vendee is authorized to operate as a common carrier in New

York, Pennsylvania, Delaware, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Ohio, Virginia, West Virginia, the District of Columbia, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—MC 141076 (Sub No. 5), is a directly related matter, published in the March 3, 1976, FEDERAL REGISTER.

No. MC-F-12794 (Correction), STARR TRANSIT CO., INC.—Purchase—BLUE BUS LINES, published in the March 25, 1976, FEDERAL REGISTER at 41 F.R. 12395. Such notice should read as follows: Applicants' attorney: Edward F. Bowes, and that vendee is authorized to operate as a contract carrier in New Jersey and Pennsylvania, and as a common carrier in regular route, charter, and special operations, the latter extending throughout the United States.

No. MC-F-12829. Authority sought for purchase by SECO TRUCKING CO., 219 North Jackson, Mason City, IA 50401, of the operating rights of CLACKAMAS TRUCKING CO., P.O. Box 127, Clackamas, OR 97015, of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, P.O. Box 624, Springfield, VA 22150. Operating rights sought to be transferred: *Classes A and B explosives, and blasting agents, supplies and materials used in connection* Vendee is authorized to operate as a contract carrier over irregular routes from the plantsite of the Atlas Powder Company, near Atlas, Mo., to points in Oregon and Washington, with no transportation for compensation on return except as otherwise authorized, with restrictions. Vendee is authorized to operate as a contract carrier in Pennsylvania, Illinois, Missouri, Iowa, Nebraska, South Dakota, Minnesota, Michigan, North Dakota, Wisconsin, Kansas, Oklahoma, Arkansas, Indiana, Ohio, Arizona, Louisiana, New Mexico, and Texas, and as a common carrier in Missouri and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12831. Authority sought for merger by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223, of the operating rights and property of JOE HODGES TRANSPORTATION CORPORATION, also of Denver, CO 80223, address, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY and DAVID H. RATNER, all of 310 South Michigan Avenue, Chicago, IL 60604, of control of such rights through the transaction. Applicants' attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be merged: *Classes A and B explosives and general commodities*, except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a common carrier over regular routes, between Oklahoma City, Okla., and Lawton, Okla., serving certain intermediate points, between

Chickasha, Okla., and Alex, Okla., between Lawton, Okla., and Waurika, Okla., serving no intermediate points, between Oklahoma City, Okla., and Gotebo, Okla., between Mangum, Okla., and Willow, Okla., serving the intermediate point of Brinkman, Okla., between Mangum, Okla., and the Oklahoma-Texas State line, serving all intermediate points and the off-route points of Jester and Eastview, Okla., between Lawton, Okla., and Hobart, Okla., between Anadarko, Okla., and Lawton, Okla., serving all intermediate points, between Vernon, Tex., and Lone Wolf, Okla., serving all intermediate points, with service at Vernon restricted against transportation of traffic originating at destined to Quanah, Tex., between Eldorado, Okla., and Gould, Okla., serving all intermediate points, and the off-route points of Louis, Okla., between Altus, Okla., and Quanah, Tex., serving all intermediate points, between Altus, Okla., and Hollis, Okla., serving all intermediate points, between Memphis, Tex., and Hollis, Okla., serving no intermediate points, between Childress, Tex., and junction U.S. Highways 62 and 83 (east of Memphis, Tex.), serving no intermediate points except as otherwise authorized.

General commodities, excepting among others, *Classes A and B explosives*, household goods and commodities in bulk, between Hollis, Okla., and Wellington, Tex., serving all intermediate points, between Wellington, Tex., and Wheeler, Tex., serving all intermediate points, and the off-route point of the United Carbon Co., plantsite (located approximately six miles east of Shamrock, Tex., on U.S. Highway 66, at Norrick, Tex.), between Comanche, Okla., and the Oklahoma-Texas State line, located approximately 2 miles south of Terral, Okla., serving all intermediate points, and serving the oilfields located at or near Oscar, Okla., approximately 13 miles southeast of Ryan, Okla., as off-route points, between Walters, Okla., and Waurika, Okla., between Temple, Okla., and junction Oklahoma Highways 53 and 65, between Comanche, Okla., and Springer, Okla., between Duncan, Okla., and Admore, Okla., serving all intermediate points, between Hollis, Okla., and junction Oklahoma Highway 7 and U.S. Highway 81, between Mangum, Okla., and Chickasha, Okla., between Walters, Okla., and junction Oklahoma Highway 44 and U.S. Highway 66, between Frederick, Okla., and Taloga, Okla., between junction Oklahoma Highways 5 and 36, located approximately 3 miles south of Chattanooga, Okla., and junction Oklahoma Highway 36 and U.S. Highway 277, located approximately 2 miles north of Geronimo, Okla., between Roosevelt, Okla., and Cooperton, Okla., between Sentinel, Okla., and Rocky, Okla., between Elk City, Okla., and junction Oklahoma Highway 47 and U.S. Highway 183, approximately 2 miles south of Putnam, Okla., between Gracemont, Okla., and Geary, Okla.

Between Frederick, Okla., and Grandfield, Okla., between Davidson, Okla., and

Waurika, Okla., between Oklahoma City, Okla., and Sayre, Okla., between Carter, Okla., and junction Oklahoma Highway 34 and U.S. Highway 66, between Oklahoma City, Okla., and the Oklahoma-Texas State line, located approximately 1 mile west of Texola, Okla., serving all intermediate points, between Weatherford, Okla., and Sayre, Okla., serving all intermediate points, and serving Sweetwater, Okla., as an off-route point, between junction U.S. Highway 281 and Oklahoma Highway 9, located approximately 8 miles of Anadarko, Okla., and junction Oklahoma Highway 5 and U.S. Highway 281, serving all intermediate points, between Lawton, Okla., and Wichita Falls, Tex., serving all intermediate points and the intermediate and off-route points in the Lawton, Okla., and Wichita Falls, Tex., Commercial Zones as defined by the Commission, between Dallas, Tex., and Terral, Okla., serving no intermediate points, with restrictions; between Oklahoma City, Okla., and Boise City, Okla., serving all intermediate points and serving the off-route points of Keyes, Okla., and the plantsites of the North Natural Gas Company, located near Elmwood, Okla., and the Cities Service Gas Company, located near Guymon, Okla., between junction U.S. Highways 64 and 283 at or near Roseton, Okla., and Cheyenne, Okla., between Seiling, Okla., and Gage, Okla., between Forgan, Okla., and junction U.S. Highways 183 and 270, at or near Fort Supply, Okla., serving all intermediate points, over numerous alternate routes for operating convenience only. NAVAJO FREIGHT LINES, INC., is authorized to operate as a common carrier in Illinois, Indiana, Iowa, Kansas, Colorado, Oklahoma, New Mexico, Arizona, California, Wyoming, Utah, Nebraska, Missouri, Texas, Nevada, Louisiana, Virginia, Maryland, Arkansas, Florida, New York, Tennessee, Kentucky, Ohio, and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12832. Authority sought to lease by HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, TX 77015, of the operating rights of SIGNAL TRUCKING SERVICE, LTD., c/o DAVID B. COMMONS, RECEIVER, 3700 Wilshire Boulevard, Suite 880, Los Angeles, CA 90010, of control of such rights through the lease. Applicants' attorneys: Martin J. Rosen 256 Montgomery Street, San Francisco, CA 94104, and Warren N. Grossman, 606 So. Olive Street, Los Angeles, CA 90014. Operating rights sought to be leased: *General commodities*, with exceptions as a common carrier over irregular routes, between Los Angeles Harbor, Calif., on the one hand, and, on the other, Los Angeles and Vernon, Calif.; from Los Angeles Harbor to Walnut Park and Huntington Park, Calif., and points and places within five miles of the intersection of Ninth and Indiana Streets, Los Angeles, with no transportation for compensation on return, except as otherwise authorized;



from Huntington Park and South Gate, Calif. and points and places south of Whittier Boulevard and East of Alameda Street, within five miles of the East Los Angeles City limits to Los Angeles Harbor, Calif.; from Los Angeles Harbor to South Gate, Calif., and points and places south of Whittier Boulevard and East of Alameda Street within five miles of the East Los Angeles City limits, except those points and places within five miles of the intersection of Ninth and Indiana Streets, Los Angeles, Calif., authorized to the above-specified origin points; between Long Beach, Calif., on the one hand, and, on the other, Vernon, Huntington Park and South Gate, Calif., and points and places south of Whittier Boulevard and East of Alameda Street within five miles of East Los Angeles City Limits; between Los Angeles, Wilmington, and Moneta, Calif., on the one hand, and, on the other, points and places in California within 80 miles of Los Angeles, not including points and places in San Diego County, Calif.; between points and places in the Los Angeles, Calif., Commercial zone as defined by the Commission in 3 M.C.C. 248; from Long Beach and Los Angeles Harbor, Calif., to San Diego, Calif.

General commodities between Los Angeles, Cal., on the one hand, and Los Angeles Harbor, Cal., on the other, limited to steamship traffic only, with restrictions; general commodities, with exceptions between points in San Francisco, Alameda, San Mateo, and Contra Costa Counties, California; between points in Santa Clara County, California, San Mateo, California, points in that part of San Mateo County, located south of San Mateo on U.S. Highways 101 and 101 By-Pass, Hayward, California, and points in that part of Alameda County, California, located south of Hayward on California State Highways 9 and 17; transportation in interstate or foreign commerce of the following named commodities: Iron and steel articles, nonferrous metals, and nonferrous metal products (except household appliances and housewares); clay and clay products, heavy machinery and heavy machinery parts, (a) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, petroleum, their products and byproducts, water, and sewage, and (b) machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines used in the transmission of natural gas, petroleum, their products and byproducts, water, and sewage, contractors, mining, and military equipment, materials and supplies, power or communications distribution and metal processing equipment, materials and supplies, commodities the transportation of which requires by reason of their size or weight the use of special equipment, electrical cables, scrap metals, and firefighting equipment, ma-

terials and supplies, between points in California. Vendee is authorized to operate as a common carrier in Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12833. Authority sought for purchase by MOUNTAINSIDE TRANSPORT, INC., 130 Davidson Avenue, Somerset N.J. 08873, of the operating rights and property of GEORGE O. KRILL, INC., 4828 Hollins Ferry Road, Baltimore, MD 21227, and for acquisition by ARTHUR M. GOLDBERG, P.O. Box 514, Edison, NJ 08817, and TRANSCO GROUP, INC., 130 Davidson Avenue, Somerset, NJ 08873, of control of such rights and property through the purchase. Applicants' attorneys: A David Millner P.O. Box 1409, Fairfield, NJ 07006, and William J. Little, 10 East Baltimore Street, Baltimore, MD 21202. Operating rights sought to be transferred: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, as a contract carrier over irregular routes between points within the territory bounded by a line beginning at New Castle, Del., and extending south along the west shore of Delaware Bay and the Atlantic Ocean to Cape Charles, Va., thence north along the east shore of Chesapeake Bay to Stevensville, Md., thence across Chesapeake Bay to Annapolis, Md., thence in a northwesterly direction to Damascus, Md., thence in a southwesterly direction to the Potomac River at a point one mile south of Seneca, Md., thence along the east bank of the Potomac River to Hancock, Md., thence north to Warefordsburg, Pa., thence in a northeasterly direction through Mercersburg, Chambersburg, and Carlisle, Pa., to Roseglan, Pa., thence east to Fredericksburg, Pa., thence south through Lebanon and Manheim, Pa., to the Susquehanna River at a point five miles north of Airville, Pa., thence in a southeasterly direction along the east bank of the Susquehanna River to the Pennsylvania-Maryland State line, thence east and south along the Pennsylvania-Maryland-Delaware State lines to a point one mile northeast of Elkton, Md., and thence east to one mile northeast of Elkton, Md., and thence east to New Castle, Del., including the points named; between points in the above-specified territory, on the one hand, and, on the other, Philadelphia, Pa., Wilmington, Del., Richmond, Va., and points in the District of Columbia.

Fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to points in the above-specified territory.

with no transportation for compensation on return except as otherwise authorized; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, between points within the territory bounded by a line beginning at Annapolis, Md., and extending south along the west shore of Chesapeake Bay to Point Lookout, Md., thence in a northwesterly direction along the northeast bank of the Potomac River to Rock Point, Md., thence across the Potomac River to Colonial Beach, Va., thence west through Fredericksburg, Orange, Harrisonburg, and Rawley Springs, Va., to the Virginia-West Virginia State line at a point eight miles northwest of Rawley Springs, thence in a northeasterly direction along the Virginia-West Virginia State line to Ridge, W. Va. (a point two miles beyond the State line), thence in a northwesterly direction to Paw Paw, W. Va., thence along the south bank of the Potomac River to a point directly west of Dickerson, Md., thence in a northwesterly direction to Ridgeville, Md., and thence in a southeasterly direction through Laurel, Md., to Annapolis, Md., including the pointed named, between points in the immediately above-specified territory, on the one hand, and, on the other, Baltimore, Md.; fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in Maryland, Virginia, and West Virginia to points in the territory specified immediately above, with no transportation for compensation on return except as otherwise authorized, with restrictions.

MOUNTAINSIDE TRANSPORT, INC., holds no authority from this Commission. However, the stock of MOUNTAINSIDE TRANSPORT, INC., is held by Arthur M. Goldberg and Gary I. Goldberg. Arthur M. Goldberg additionally controls Transco Group, Inc., a holding company. Transco Group, Inc., owns all the stock of GROSS & HECHT TRUCKING CORP., a contract carrier, who under MC 59806 is authorized to operate in New York and New Jersey. MOUNTAINSIDE TRANSPORT, INC., is additionally affiliated with KEYSTONE TRUCKING CO., another contract carrier who under MC 140092 (Sub-No. 1), is authorized to operate in New York, New Jersey, and Pennsylvania, in its order the Commission conditioned issuance of its permit subject to the condition that KEYSTONE TRUCKING CORP. and GROSS & HECHT TRUCKING CORP., file an application under Section 5(2) of the Act, or an affidavit indicating why such 5(2) application is unnecessary. In addition, MOUNTAINSIDE TRANSPORT, INC., is affiliated with NEWPORT TRUCKING CORP., Newport is a noncarrier operating RELAY TRANSPORT, INC., under temporary authority. Relay is a contract carrier for PEPSICO, INC., and PEPSI COLA METROPOLITAN BOTTLING CO. in Permit No. MC 111309 and Sub numbers thereunder and is authorized

to operate in New York, Virginia, Delaware, Maryland, New Jersey, Pennsylvania, the District of Columbia, Connecticut, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and West Virginia. That on April 21, 1976, an initial decision was served approving the purchase by NEWPORT TRUCKING CORP. of RELAY TRANSPORT, INC. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12835. Authority sought for purchase by B & B TRUCKING, INC., 83 Egleston Road, Westfield, MA, of the operating rights of A. FOURNIER'S EXPRESS, INC., 466 Spring Street, Windsor Locks, CT, and for acquisition by LAVAL BOISSONNAULT, 321 Springfield Street, Agawam, MA 01001, and ROLAND BOISSONNAULT, 1 Scarfo Drive, Westfield, MA 01085, of control of such rights through the purchase. Applicants' attorney: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes, between Windsor Locks, Conn., and Chicopee Falls and Westfield, Mass., between Vernon, Conn., and Chicopee, Mass., serving all intermediate points, and the off-route points of Somersville, Ellington, and Tolland, Conn.; Tobacco, as a common carrier over irregular routes from Windsor Locks, Conn., to Hatfield, Mass., with no transportation for compensation on return except as otherwise authorized, hand and floor trucks and parts, processing conveyors, reeling machines, reels, sheet steel, steel boxes, truck bodies, trailers, skids, machine parts, and fabricated steel, from Windsor Locks, Conn., to Springfield, Brightwood, Chicopee, Chicopee Falls, Westfield, Indian Orchard, Boston, and Andover, Mass., with no transportation for compensation on return except as otherwise authorized; general commodities with exceptions between Bradley Field, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut and Massachusetts with 50 miles of Windsor Locks, Conn., between La Guardia and John F. Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn., with restrictions. Under a certificate of registration, vendee is authorized to operate as a common carrier solely within the State of Massachusetts. Application has been filed for temporary authority under section 210a (b).

NOTE.—MC 19458 Sub-No. 3, is a directly related matter.

#### OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer appli-

cations under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 59501 (Sub-No. 3), filed April 12, 1976. Applicant: E & L TRUCKING CO., 117 Webster Street, Pawtucket, R.I. 02861. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, P.O. Box 2184, Peabody, Mass. 01960. Authority sought to operate as a common carrier, by motor vehicle; over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, in hopper vehicles, and those requiring special equipment), serving points in Rhode Island as off-route points in connection with applicant's regular route authority between points in Rhode Island and Massachusetts.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12814 published in the FEDERAL REGISTER issue of April 29, 1976. If a hearing is deemed necessary, the applicant requests it be held at Providence, R.I.

No. MC 109533 (Sub-No. 75), filed April 21, 1976. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Lipfert, 1660 L Street, Suite 1100, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Louisville, Ky., and Hazel, Ky., serving all intermediate points and points in Breckenridge, Bullitt, Butler, Caldwell, Calloway, Christian, Crittenden, Daviess, Edmonson, Grayson, Hancock, Hardin, Hart, Henderson, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Meade, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., as off-route points: From Louisville over Interstate Highway 65 to junction West-

ern Kentucky Parkway, thence over Western Kentucky Parkway to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Purchase Parkway, thence over Purchase Parkway to Benton, Ky., thence over U.S. Highway 641 to Hazel, and return over the same route; (2) between Madisonville, Ky., and junction U.S. Highway 41 and Western Kentucky Parkway, serving all intermediate points: From Madisonville over U.S. Highway 41 to junction Western Kentucky Parkway and return over the same route; and (3) between Paducah, Ky., and junction U.S. Highway 62 and Western Kentucky Parkway, serving all intermediate points: From Paducah over U.S. Highway 62 to junction Western Kentucky Parkway and return over the same route.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12822 published in the FEDERAL REGISTER issue of April 5, 1976. If a hearing is deemed necessary, the applicant requests it be held at Louisville or Frankfort, Ky.

No. MC 125499 (Sub-No. 3), filed April 14, 1976. Applicant: L V COMPANY, INC., R.D. No. 1, Coplay, Lehigh County, Pa. 18037. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Shale derived aggregate in bulk, (1) from Tamaqua, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, and the District of Columbia and points in New York within 200 miles of Tamaqua, Pa.; and (2) from points in Plains Township, Luzerne County, Pa., to points in Connecticut, Delaware, Maryland, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.), New York, Rhode Island, and the District of Columbia, under a continuing contract or contracts with Bylite Corporation.

NOTE.—The purpose of this application is to convert a Certificate of Public Convenience and Necessity to a Permit. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12301 published in the FEDERAL REGISTER issue of September 18, 1974. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 134493 (Sub-No. 2), filed April 9, 1976. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 800 Joliet Street, Joliet, Ill. 60436. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: General commodities (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, commodities of unusual value, and commodities which because of size or weight require special equipment), (1) Irregular Routes: Between points in Cook and DuPage Counties, Ill., points in that part of Lake County, Ill., on and south of Illinois



Highway 132, points in McHenry and Kane Counties, Ill., on and east of Illinois Highway 31, and points in that part of Will County, Ill., located on and north of a line commencing on U.S. Highway 80 at the Will-Kendall-Grundy Counties Line, thence along U.S. Highway 80 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction with Manhattan Road, thence along Manhattan Road to Fairthorn Road, thence along Fairthorn Road to the Illinois-Indiana State Line; and (2) Regular Routes: Serving the described in (1) above as off-route points in connection with carrier's otherwise authorized regular-route operations, between Chicago, Chicago Heights, and Waukegan, Ill., and St. Louis, Mo.

**NOTE.**—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-P-12811 published in the *FEDERAL REGISTER* issue of April 22, 1976. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 41790 (Partial Correction), filed March 3, 1976, published in the *FEDERAL REGISTER* issue of April 15, 1976, republished as corrected this issue. Applicant: OSBORNE GROUP, INC., 125 University Avenue, Berkeley, Calif. 94710. Applicant's representative: James H. Gulseth (same address as applicant).

**NOTE.**—Notice previously published in the *FEDERAL REGISTER* of April 15, 1976. The purpose of this partial correction is to indicate that applicant seeks to convert a Permit to a Certificate of Public Convenience and Necessity in lieu of a Certificate of Registration. The rest of the publication remains the same. This is a matter directly related to a Section 5(2) finance proceeding in MC-P-12785 published in the *FEDERAL REGISTER* issue of March 17, 1976. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this *FEDERAL REGISTER* notice.

Each applicant states that there will be no significant effect on the quality of the environment resulting from approval of its request.

No. MC 263 (Deviation No. 16), GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, Idaho 83201, filed March 17, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of

general commodities, with certain exceptions, over a deviation route as follows: From Salt Lake City, Utah, over Interstate Highway 80 to junction U.S. Highway 287 at Rawlins, Wyo., thence over U.S. Highway 287 to junction Wyoming Highway 220, thence over Wyoming Highway 220 to Casper, Wyo., thence over Interstate Highway 25 to junction U.S. Highway 18 at Orin, Wyo., thence over U.S. Highway 18 to junction South Dakota Highway 79, thence over South Dakota Highway 79 to Rapid City, S. Dak., thence over Interstate Highway 90 to junction Minnesota Highway 15 at Fairmont, Minn., thence over Minnesota Highway 15 to junction Minnesota Highway 60 at Madelia, Minn., thence over Minnesota Highway 60 to junction U.S. Highway 169 at Mankato, Minn., thence over U.S. Highway 169 to Minneapolis, Minn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salt Lake City, Utah, over U.S. Highway 91 to junction U.S. Highway 191 near Brigham City, Utah, thence over U.S. Highway 191 to junction U.S. Highway 91 at Downey, Idaho, thence over U.S. Highway 91 to junction U.S. Highway 10 near Butte, Mont., thence over U.S. Highway 10 to junction U.S. Highway 52 at Fargo, N. Dak., thence over U.S. Highway 52 to Minneapolis, Minn., and return over the same route.

No. MC 921 (Deviation No. 5), DEAN TRUCK LINE, INC., P.O. Drawer 632, Fulton Drive, Corinth, Miss. 38834, filed May 10, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows:

(1) From Montgomery, Ala., over Interstate Highway 65 to Birmingham, Ala., thence over U.S. Highway 78 to Tupelo, Miss., (2) From Montgomery, Ala., over Interstate Highway 65 to junction Alabama Highway 157 north of Cullman, Ala., thence over Alabama Highway 157 to junction U.S. Alternate Highway 72, thence over U.S. Alternate Highway 72 to junction U.S. Highway 72, thence over U.S. Highway 72 to Corinth, Miss., (3) From Montgomery, Ala., over Interstate Highway 65 to Alternate U.S. Highway 72 near Decatur, Ala., thence over Alternate U.S. Highway 72 to Corinth, Miss., and (4) From Montgomery, Ala., over Interstate Highway 65 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Alternate Highway 72, thence over U.S. Alternate Highway 72 to Corinth, Miss., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Montgomery, Ala., over U.S. Highway 80 to Demopolis, Ala., thence over U.S. Highway 43 to Tuscaloosa, Ala., thence over U.S. Highway 82

to junction Alternate U.S. Highway 45 near Mayhew, Miss., thence over Alternate U.S. Highway 45 and U.S. Highway 45 to Tupelo and Corinth, Miss., and return over the same routes.

No. MC 2202 (Deviation No. 151), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed May 6, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction Indian Nation Turnpike and U.S. Highway 271 approximately one mile south of Hugo, Okla., over Indian Nation Turnpike to junction U.S. Highway 69, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction Indian Nation Turnpike and U.S. Highway 271 near Hugo, Okla., over U.S. Highway 271 to Antlers, Okla., thence over Oklahoma Highway 3 to Atoka, Okla., thence over U.S. Highway 69 to junction Indian Nation Turnpike, and return over the same route.

No. MC 2202 (Deviation No. 152), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed May 10, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Rock Island, Ill., over U.S. Highway 67 to junction Illinois Highway 67 to junction Interstate Highway 55, thence over Interstate Highway 55, thence over Illinois Highway 78 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Alternate U.S. Highway 45, thence over Alternate U.S. Highway 45 to junction U.S. Highway 45, thence over U.S. Highway 45 to Meridian, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rock Island, Ill., over Illinois Highway 92 to Mendota, Ill., thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 31 to Columbus, Ind., thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to Sellersburg, Ind., thence over U.S. Highway 31E or 31W to Louisville, Ky., thence over U.S. Highway 31W to Nashville, Tenn., thence over U.S. Highway 31 to Birmingham, Ala., thence over U.S. Highway 11 to Meridian, Miss., and return over the same route.

No. MC 49387 (Deviation No. 10), ORSCHELN BROS. TRUCK LINES,

INC., Highway 24 East, P.O. Box 658, Moberly, Mo. 65270, filed May 10, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 44, thence over Interstate Highway 44 to Springfield, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same route.

No. MC 108449 (Deviation No. 8), INDIANHEAD TRUCK LINE, INC., Box 3355, St. Paul, Minn. 55165, filed May 10, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 30 and U.S. Highway 24 at New Haven, Ind., over U.S. Highway 24 to junction U.S. Highway 127 near Cecil, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 30 and U.S. Highway 24, over U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway 127 to junction U.S. Highway 24 near Cecil, Ohio, and return over the same route.

No. MC 111231 (Deviation No. 49), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed

May 3, 1976. Carrier's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over U.S. Highway 278 to junction Alabama Highway 17 near Hamilton, Ala., thence over Alabama Highway 17 to junction U.S. Highway 278 near Sulligent, Ala., thence over U.S. Highway 278 to junction U.S. Highway Alternate 45 near Okolona, Miss., thence over U.S. Highway Alternate 45 to junction Mississippi Highway 8, thence over Mississippi Highway 8 to Cleveland, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to Cleveland, Miss., and return over the same route.

No. MC 111383 (Deviation No. 46), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed April 21, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over Muskogee Turnpike to junction Interstate Highway 40, thence over Interstate Highway 40 to Memphis, Tenn., thence over U.S. Highway 72 and Alternate U.S. Highway 72 to Decatur, Ala., thence over U.S. Highway 31 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 278, thence over U.S. Highway 278 to Gadsden, Ala., thence over U.S. Highway 431 to junction U.S. Highway 78 near Oxford, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently

authorized to transport the same commodities, over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction Oklahoma Highway 3 near Coalgate, Okla., thence over Oklahoma Highway 3 to Antlers, Okla., thence over U.S. Highway 271 to Mt. Pleasant, Tex., thence over U.S. Highway 67 to Naples, Tex., thence over Texas Highway 77 to the Louisiana-Texas State line, thence over Louisiana Highway 1 to Shreveport, La., thence over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., thence over U.S. Highway 78 to Oxford, Ala., and return over the same route.

No. MC 111383 (Deviation No. 50), BRASWELL MOTOR FREIGHT LINES, INC., P.O. Box 4447, Dallas, Tex. 75208, filed May 4, 1976. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Round Rock, Tex., over U.S. Highway 79 to junction U.S. Highway 84 at Palestine, Tex., thence over U.S. Highway 84 to junction Louisiana Highway 5 at Logansport, La., thence over Louisiana Highway 5 to junction U.S. Highway 171, thence over U.S. Highway 171 to Shreveport, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Round Rock, Tex., over U.S. Highway 81 to Waco, Tex., thence over U.S. Highway 77 to Dallas, Tex., thence over U.S. Highway 80 to Shreveport, La., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-14590 Filed 5-19-76;8:45 am]



# federal register

THURSDAY, MAY 20, 1976



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PART II:

## FEDERAL ELECTION COMMISSION

Federal Election  
Commission Clearing House  
Advisory Panel

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Hearing

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**FEDERAL ELECTION COMMISSION**

[Notice 1976-26]

**FEDERAL ELECTION COMMISSION  
CLEARINGHOUSE ADVISORY PANEL**

**Notice of Hearing**

In accordance with the Clearinghouse Advisory Panel Charter approved by the Federal Election Commission on November 25, 1975, and in the spirit of the Federal Advisory Committee Act (Public Law 92-463), the Commission announces the following panel meeting:

Name: Federal Election Commission Clearinghouse Advisory Panel.  
Date: 9-10 June 1976.

**NOTICES**

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Place: St. Francis Hotel, Union Square, San Francisco, California.

Time: 0900-1200; 1400-1630 on 9 June 1976; 0900-1200; 1400-1630 on 10 June 1976.

Proposed agenda: Discussion sessions addressing research priorities, topics and projects in election administration including: Planning and management; registration; balloting; tabulation and records.

Purpose of the meeting: The Panel will review past Clearinghouse research efforts, discuss present problems in the administration of federal elections, and formulate recommendations to the Federal Election Commission Clearinghouse for its future research program.

The Advisory Panel meeting is open to the public depending on available

space. Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, the Panel Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Panel should be addressed to Dr. Gray Greenhalgh, Clearinghouse on Election Administration, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

Dated: May 17, 1976.

NEIL STAEBLER,  
*Acting Vice Chairman for the  
Federal Election Commission.*

[FR Doc.76-14935 Filed 5-19-76; 8:46 am]

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# **federal register**

THURSDAY, MAY 20, 1976



PART III:

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Federal Insurance  
Administration**

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### **NATIONAL FLOOD INSURANCE PROGRAM**

**Notice of Flood Prone Areas of  
Communities Subject to Section 202;  
Prohibition of Federal and Federally  
Related Assistance**

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# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration  
[Docket No. N-76-376]

## NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject  
to Section 202 Prohibition of Federal  
and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (PL 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the Federal Register at 40 F.R. 15580-15677.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are pro-

## NOTICES

hibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC §§ 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to June 1, 1975, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participa-

tion in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the Federal Register under 24 CFR § 1914.4 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.

## NOTICES

UNINCORPORATED AREAS ONLY		UNINCORPORATED AREAS ONLY	
COMMUNITY NUMBER	NAME	COMMUNITY NUMBER	NAME
010229	ALLGOOD, TOWN OF LOUISIANA CO.	020099	HOONAH, CITY OF (UNORGANIZED BORO.)
010230	BABIE, TOWN OF LOUISIANA CO.	020108	MOOPER BAY, CITY OF (UNORGANIZED BORO.)
010231	BARRY, TOWN OF LOUISIANA CO.		
010232	BECK, TOWN OF LOUISIANA CO.		
010233	BECK, TOWN OF LOUISIANA CO.		
010234	BECK, TOWN OF LOUISIANA CO.		
010235	BECK, TOWN OF LOUISIANA CO.		
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010259	BECK, TOWN OF LOUISIANA CO.		
010260	BECK, TOWN OF LOUISIANA CO.		
010261	BECK, TOWN OF LOUISIANA CO.		
010262	BECK, TOWN OF LOUISIANA CO.		
010263	BECK, TOWN OF LOUISIANA CO.		
010264	BECK, TOWN OF LOUISIANA CO.		
010265	BECK, TOWN OF LOUISIANA CO.		
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010267	BECK, TOWN OF LOUISIANA CO.		
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010280	BECK, TOWN OF LOUISIANA CO.		
010281	BECK, TOWN OF LOUISIANA CO.		
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010298	BECK, TOWN OF LOUISIANA CO.		
010299	BECK, TOWN OF LOUISIANA CO.		
010300	BECK, TOWN OF LOUISIANA CO.		
010301	BECK, TOWN OF LOUISIANA CO.		
010302	BECK, TOWN OF LOUISIANA CO.		
010303	BECK, TOWN OF LOUISIANA CO.		
010304	BECK, TOWN OF LOUISIANA CO.		
010305	BECK, TOWN OF LOUISIANA CO.		
010306	BECK, TOWN OF LOUISIANA CO.		
010307	BECK, TOWN OF LOUISIANA CO.		
010308	BECK, TOWN OF LOUISIANA CO.		
010309	BECK, TOWN OF LOUISIANA CO.		
010310	BECK, TOWN OF LOUISIANA CO.		
010311	BECK, TOWN OF LOUISIANA CO.		
010312	BECK, TOWN OF LOUISIANA CO.		
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010322	BECK, TOWN OF LOUISIANA CO.		
010323	BECK, TOWN OF LOUISIANA CO.		
010324	BECK, TOWN OF LOUISIANA CO.		
010325	BECK, TOWN OF LOUISIANA CO.		
010326	BECK, TOWN OF LOUISIANA CO.		
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010328	BECK, TOWN OF LOUISIANA CO.		
010329	BECK, TOWN OF LOUISIANA CO.		
010330	BECK, TOWN OF LOUISIANA CO.		
010331	BECK, TOWN OF LOUISIANA CO.		
010332	BECK, TOWN OF LOUISIANA CO.		
010333	BECK, TOWN OF LOUISIANA CO.		
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010335	BECK, TOWN OF LOUISIANA CO.		
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010340	BECK, TOWN OF LOUISIANA CO.		
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010360	BECK, TOWN OF LOUISIANA CO.		
010361	BECK, TOWN OF LOUISIANA CO.		
010362	BECK, TOWN OF LOUISIANA CO.		
010363	BECK, TOWN OF LOUISIANA CO.		
010364	BECK, TOWN OF LOUISIANA CO.		
010365	BECK, TOWN OF LOUISIANA CO.		
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010380	BECK, TOWN OF LOUISIANA CO.		
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010398	BECK, TOWN OF LOUISIANA CO.		
010399	BECK, TOWN OF LOUISIANA CO.		
010400	BECK, TOWN OF LOUISIANA CO.		
010401	BECK, TOWN OF LOUISIANA CO.		
010402	BECK, TOWN OF LOUISIANA CO.		
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010495	BECK, TOWN OF LOUISIANA CO.		
010496	BECK, TOWN OF LOUISIANA CO.		
010497	BECK, TOWN OF LOUISIANA CO.		
010498	BECK, TOWN OF LOUISIANA CO.		
010499	BECK, TOWN OF LOUISIANA CO.		



## \* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050028	GILA COUNTY *	NOVEMBER 01, 1974
TOTAL IN THE STATE		

1

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## \* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050376	ADONA, CITY (PERRY CO.)	APRIL 18, 1975
050377	ALEXANDER, TOWN OF (PULASKI & SALINE)	APRIL 18, 1975
050017A	ALPENA, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND
050303	AMITY, CITY OF (CLARK CO.)	OCTOBER 03, 1975
050123	AUREY, TOWN OF (LEE CO.)	FEBRUARY 21, 1975
050305	BARLING, CITY OF (SEBASTIAN)	DECEMBER 08, 1974
050306	BARTON, CITY OF (CLARK CO.)	FEBRUARY 19, 1975
05030A	BERRYVILLE, CITY OF (CLARK CO.)	APRIL 18, 1975
050386	BETHEL HEIGHTS, TOWN (BENTON CO.)	APRIL 18, 1975
050390	BLEVINS, CITY (CHEMPSTEAD CO.)	APRIL 25, 1975
050131	BRADFORD, CITY OF (WHITE CO.)	APRIL 18, 1975
050393	BRANCH, CITY (FRANKLIN CO.)	FEBRUARY 21, 1975
050394	BULL SHOALS, CITY (PULASKI CO.)	MAY 02, 1975
050310	CAMMACK, TOWN	APRIL 25, 1975
050396	CASH, TOWN (CRAIGHEAD CO.)	APRIL 18, 1975
050397	CASH, TOWN (CRAIGHEAD CO.)	APRIL 18, 1975
050405	CELESTINE, CITY (PINE CO.)	APRIL 18, 1975
050320	CHERRY, CITY OF (HARRIS)	FEBRUARY 18, 1975
050321	CHERRY, CITY OF (HARRIS)	FEBRUARY 18, 1975
050214	CHERRY, CITY OF (HARRIS)	FEBRUARY 18, 1975
050410	CHERRY, CITY OF (HARRIS)	FEBRUARY 18, 1975
050019A	CHERRY, CITY OF (HARRIS)	FEBRUARY 18, 1975
050413	FISHER, TOWN (POLK CO.)	DECEMBER 20, 1974
050414	EMERSON, TOWN (COLUMBIA CO.)	APRIL 25, 1975
050022A	GARNER, TOWN OF (WHITE CO.)	APRIL 18, 1975
050324	GENTRY, CITY	APRIL 18, 1975
050327	GRAVETT, CITY	APRIL 18, 1975
050329	GREEN FOREST, CITY (CARROLL CO.)	APRIL 18, 1975
050248	GUION, TOWN	APRIL 18, 1975
050330	HARDY, TOWN	APRIL 18, 1975
050331	HARDY, TOWN	APRIL 18, 1975
050334	HARDY, TOWN	APRIL 18, 1975
050354	HECTOR, TOWN	APRIL 18, 1975
050255A	HIGGINSON, TOWN OF (WHITE CO.)	APRIL 18, 1975
050120A	IMBODEN, TOWN (LAWRENCE CO.)	APRIL 18, 1975
050336	JUNCTION CITY, CITY (BENTON CO.)	APRIL 18, 1975
050260	KNOXVILLE, TOWN OF (JOHNSON CO.)	APRIL 18, 1975
050261	LEOLA, TOWN OF (GRANT CO.)	APRIL 18, 1975
050333	LOCKESBURG, TOWN	APRIL 18, 1975
050332	LOVELL, TOWN	APRIL 18, 1975
050347	MARSHALL, CITY	APRIL 18, 1975
050343	MCNEIL, CITY	APRIL 18, 1975
050348	MELBOURNE, CITY	APRIL 18, 1975

TOTAL IN THE STATE

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## \* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050246	MENEFEE, TOWN	APRIL 18, 1975
050049	MITCHELLVILLE, TOWN OF (DESHA CO.)	NOVEMBER 28, 1974
050055	MOUNTAINBURG, TOWN OF (CRAWFORD CO.)	NOVEMBER 28, 1974
050051A	MOUNTAINBURG, TOWN OF (CRAWFORD CO.)	MAY 02, 1975
050249	OAK GROVE, TOWN OF (CARROLL CO.)	NOVEMBER 28, 1975
050273	OXFORD, TOWN	FEBRUARY 21, 1975
050271	O'KEAN, TOWN	APRIL 25, 1975
050360	PANGBURN, CITY	APRIL 18, 1975
050007A	PARKDALE, CITY OF (ASHLEY CO.)	APRIL 18, 1975
050363	PLAINVIEW, CITY	MARCH 29, 1975
050277	POTTSVILLE, TOWN	APRIL 18, 1975
050279	POTTSVILLE, TOWN	APRIL 18, 1975
050404	RISON, CITY OF (CLEVELAND CO.)	APRIL 25, 1975
050284	RUSSELL, TOWN	MARCH 08, 1974
050286	SCRANTON, TOWN	APRIL 11, 1975
050290	SULPHUR ROCK, TOWN (INDEPENDENCE CO.)	APRIL 18, 1975
050043A	WALDO, CITY OF (COLUMBIA CO.)	APRIL 25, 1975
050299	WILTON, TOWN	APRIL 18, 1975
050077A	WINCHESTER, TOWN OF (COKER CO.)	APRIL 11, 1975

TOTAL IN THE STATE

62

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## NOTICES

* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
060071	BARTON, CITY	JANUARY 17, 1976	080003	BENNETT, TOWN OF CADAMUS CO.,J	NOVEMBER 22, 1974
060072	BEYER, COUNTY	SEPTEMBER 04, 1974	080184	BUONE, TOWN OF PUEBLO CO.,J	SEPTEMBER 06, 1974
060190A	CARMEL BY-THE-SEA, CITY OF MONTEREY CO.,J	JUNE 14, 1974	080111	CRONE, TOWN OF ELOGAN CO.,J	JANUARY 09, 1974
060249	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080120	QUINSAUR, TOWN OF COCHETI CO.,J	AUGUST 30, 1974
060250	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080174	DUVE CREEK, TOWN OF CALDWELL CO.,J	MAY 24, 1974
060251	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080204	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060252	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080205	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060253	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080206	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060254	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080207	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060255	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080208	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060256	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080209	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060257	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080210	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060258	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080211	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060259	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080212	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060260	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080213	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060261	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080214	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060262	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080215	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060263	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080216	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060264	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080217	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060265	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080218	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060266	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080219	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060267	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080220	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060268	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080221	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060269	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080222	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060270	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080223	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060271	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080224	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060272	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080225	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060273	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080226	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060274	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080227	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060275	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080228	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060276	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080229	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060277	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080230	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060278	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080231	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060279	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080232	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060280	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080233	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060281	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080234	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060282	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080235	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060283	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080236	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060284	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080237	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060285	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080238	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060286	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080239	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060287	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080240	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060288	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080241	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060289	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080242	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060290	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080243	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060291	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080244	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060292	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080245	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060293	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080246	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060294	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080247	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060295	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080248	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060296	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080249	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060297	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080250	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060298	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080251	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060299	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080252	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060300	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080253	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060301	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080254	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060302	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080255	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060303	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080256	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060304	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080257	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060305	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080258	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060306	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080259	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060307	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080260	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060308	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080261	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060309	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080262	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060310	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080263	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060311	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080264	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060312	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080265	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060313	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080266	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060314	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080267	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060315	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080268	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060316	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080269	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060317	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080270	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060318	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080271	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060319	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080272	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060320	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080273	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060321	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080274	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060322	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080275	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060323	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080276	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060324	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080277	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060325	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080278	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060326	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080279	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060327	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080280	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060328	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080281	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060329	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080282	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060330	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080283	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060331	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080284	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060332	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080285	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060333	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080286	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060334	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080287	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060335	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080288	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060336	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080289	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060337	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080290	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060338	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080291	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060339	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080292	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060340	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080293	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060341	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080294	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060342	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080295	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060343	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080296	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060344	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080297	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060345	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080298	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060346	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080299	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060347	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080300	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060348	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080301	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060349	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080302	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060350	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080303	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060351	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080304	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060352	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080305	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060353	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080306	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060354	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080307	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060355	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080308	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060356	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080309	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060357	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080310	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060358	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080311	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060359	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080312	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060360	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080313	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060361	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080314	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060362	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080315	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060363	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080316	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060364	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080317	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060365	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080318	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060366	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080319	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060367	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080320	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060368	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080321	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060369	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080322	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060370	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080323	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060371	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080324	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060372	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080325	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060373	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080326	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060374	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080327	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060375	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080328	ELIZABETH, TOWN OF CALBERT CO.,J	NOVEMBER 26, 1974
060376	COACHELLA, CITY OF RIVERSIDE CO.,J	MAY 17, 1974	080329	ELIZABETH, TOWN OF CALBERT CO.,J	NO

* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	CONNECTICUT	COMMUNITY NAME	DELAWARE	HAZARD AREA IDENTIFIED
090183	CANTERSBURY, TOWN OF	WINDHAM CO.	100013	KENTON, TOWN OF	KENT CO-3
090155	LEMINSTER, TOWN OF	WINDHAM CO.	100014	LEIPSIC, TOWN OF	KENT CO-3
090156	SALCH, TOWN OF	WINDHAM CO.	100014	LEIPSIC, TOWN OF	KENT CO-3
090182	SCOTLAND, TOWN OF	WINDHAM CO.	100014	MILLVILLE, TOWN OF	ESSEX CO-3
TOTAL IN THE STATE			100056	ODESSA, TOWN OF	INEH CASTLE CO-1
4			TOTAL IN THE STATE		
4			4		



* UNINCORPORATED AREAS ONLY		
FLORIDA		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
120323	BITHLO, TOWN OF CORANGE CO.*	DECEMBER 13, 1974 AND
120197A	BRIMY BREEZES, TOWN OF PALM BEACH CO.*	JANUARY 23, 1974 AND
120324	BRISTOL, TOWN OF CLIBERTY CO.*	JANUARY 30, 1974
120164	BROOKER, TOWN OF ESCROW CO.*	DECEMBER 13, 1974
120177A	BUTLER, CITY OF ESCROW CO.*	AUGUST 30, 1974 AND
120124A	CAMPBELLTON, CITY OF JACKSON CO.*	JANUARY 09, 1974
120269	NORTH DAVENPORT, CITY OF POLK CO.	SEPTEMBER 04, 1974 AND
120130	SNEADS, TOWN OF JACKSON CO.*	JANUARY 30, 1974
120100A	MEANITCHKA, TOWN OF GULF CO.*	JUNE 28, 1974
		AUGUST 02, 1974
		AUGUST 09, 1974 AND
		JANUARY 09, 1974

TOTAL IN THE STATE

* UNINCORPORATED AREAS ONLY		
GEORGIA		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130235A	ADAIRSVILLE, TOWN OF EBARTON CO.*	JUNE 14, 1974 AND
130360	AILEY, TOWN OF MONTGOMERY CO.*	JANUARY 23, 1974
130358	ALVATON, TOWN OF MERIWETHER CO.*	APRIL 04, 1975
130270A	BAKER COUNTY *	APRIL 04, 1975 AND
130205A	BALOWIN, TOWN OF COAKS CO.*	MARCH 28, 1975
130423	BALL GROUND, CITY OF CHEROKEE CO.*	DECEMBER 28, 1974 AND
130402	BOSTON, CITY OF THOMAS CO.*	JANUARY 23, 1974 AND
130362	BOSTWICK, TOWN OF MORGAN CO.*	APRIL 18, 1975
130428	BOWMAN, CITY OF ELBERT CO.*	APRIL 04, 1975
130343	BRASSETON, CITY OF JACKSON CO.*	APRIL 18, 1975
130323	BURDORF, CITY OF ECHINNETT * HALL CO.*	APRIL 04, 1975
130373	CALHOUN, CITY OF CLAYTON CO.*	APRIL 18, 1975
130335	CHALMERS, TOWN OF SPRINGS, TOWN OF MERIWETHER CO.*	APRIL 18, 1975
130332	CLEVELAND, CITY OF EMILIE CO.*	APRIL 11, 1975
130318	CUBBURN, CITY OF TATNALL CO.*	APRIL 11, 1975
130279	CUBURN, CITY OF TATNALL CO.*	APRIL 11, 1975
130355	COLBERT, TOWN OF MADISON CO.*	APRIL 11, 1975
130329	CORNELLIA, CITY OF CHABERSHAM CO.*	APRIL 11, 1975
130198A	CHAMPION, CITY OF COLLETHORPE CO.*	APRIL 11, 1975
130324	OACULA, TOWN OF ECHINNETT CO.*	APRIL 11, 1975
130129A	DANLON, CITY OF CLUMPKIN CO.*	APRIL 11, 1975
130064	DARSONVILLE, CITY OF COAKS CO.	APRIL 11, 1975
130356	DEARING, TOWN OF COUFFIC CO.*	APRIL 11, 1975
130330	DEMOH, TOWN OF CHABERSHAM CO.*	APRIL 11, 1975
130215	DENTON, CITY OF JEFF DAVIS CO.*	APRIL 11, 1975
130305	DOUGLASVILLE, CITY OF DOUGLAS CO.*	APRIL 11, 1975
130381	DOUGLASVILLE, CITY OF DOUGLAS CO.*	APRIL 11, 1975
130359	FORSTIN, CITY OF CHADWICK CO.*	APRIL 11, 1975
130313	FRANKLIN SPRINGS, CITY OF FRANKLIN CO.*	APRIL 11, 1975
130234	GIRARD, TOWN OF BURKE CO.*	APRIL 11, 1975
130419	GLENWOOD, CITY OF MEELER CO.*	APRIL 11, 1975
130220	GHEENSBORO, CITY OF GREGG CO.*	APRIL 11, 1975
130311A	HAGAN, CITY OF EVANS CO.*	APRIL 11, 1975
130107A	HAMPTON, CITY OF CHERRY CO.*	APRIL 11, 1975
130299	MARLSON, TOWN OF COMETA * MERIWETHER CO.*	APRIL 11, 1975
130192A	MELEN, CITY OF EMILIE CO.*	APRIL 11, 1975

* UNINCORPORATED AREAS ONLY		
GEORGIA		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
130385	MILLTONIA, TOWN OF ESCHEVEN CO.*	APRIL 11, 1975
130221A	MIRAM, CITY OF EPAULDING CO.*	OCTOBER 18, 1974 AND
130291	MORELAND, TOWN OF CHARLTON CO.*	JANUARY 23, 1974
130274	MORELAND, TOWN OF CHABERSHAM CO.*	APRIL 11, 1975
130275	MORELAND, TOWN OF CHABERSHAM CO.*	APRIL 11, 1975
130043A	JAMESBORO, CITY OF ECLATON CO.*	APRIL 11, 1975
130277	KINGSTON, CITY OF ECLATON CO.*	APRIL 11, 1975
130409	LINWOOD, TOWN OF WALKER CO.*	APRIL 11, 1975
130326	LOGANVILLE, CITY OF GRINNETT * WALTON CO.*	APRIL 11, 1975
130128A	LUDOWICI, CITY OF CLONG CO.*	APRIL 11, 1975
130294	LYERT, CITY OF ECHATOOGA CO.*	APRIL 11, 1975
130223A	LYONS, CITY OF ETOHES CO.*	APRIL 11, 1975
130224	MADISON, CITY OF INORGAN CO.	APRIL 11, 1975
130392	MARTIN, TOWN OF STEPHENS CO.*	APRIL 11, 1975
130342	MCDONOUGH, CITY OF CHERRY CO.*	APRIL 11, 1975
130421	MCINTYRE, TOWN OF WILKINSON CO.*	APRIL 11, 1975
130295	MENLO, TOWN OF ECHATOOGA CO.*	APRIL 11, 1975
130376	MOLENA, CITY OF EPIKE CO.*	APRIL 11, 1975
130300	MORELAND, TOWN OF COMETA COUNTY	APRIL 11, 1975
130302	MOUNTAIN CITY, TOWN OF CHABUN CO.*	APRIL 11, 1975
130353	MOUNTAIN CITY, TOWN OF ECLATON CO.*	APRIL 11, 1975
130296	NELSON, CITY OF ECHEROKEE * FLECKENS CO.*	APRIL 11, 1975
130161A	NERINGTON, TOWN OF ESCHEVEN CO.*	APRIL 11, 1975
130334	OAKWOOD, TOWN OF ECLATON CO.*	APRIL 11, 1975
130189A	ODUM, CITY OF EATNE CO.*	APRIL 11, 1975
130367	OXFORD, TOWN OF ECLATON CO.*	APRIL 11, 1975
130284	PULASKI, TOWN OF ECLATON CO.*	APRIL 11, 1975
130284	PULASKI, TOWN OF ECLATON CO.*	APRIL 11, 1975
130162A	ROCKY FOUNTAIN, TOWN OF ECLATON CO.*	APRIL 11, 1975
130439	SALE CITY, TOWN OF ECLATON CO.*	APRIL 11, 1975
130168	SCOTLAND, CITY OF ECLATON CO.*	APRIL 11, 1975
130301	SENOIA, CITY OF COMETA CO.*	APRIL 11, 1975
130339	SHILOH, CITY OF CHABERSHAM CO.*	APRIL 11, 1975
130433	STAPLETON, TOWN OF JEFFERSON CO.*	APRIL 11, 1975
130308	STILLMORE, TOWN OF ECLATON CO.*	APRIL 11, 1975
130260	STONE MOUNTAIN, CITY OF ECLATON CO.*	APRIL 11, 1975
130289	SUNNY SIDE, VILLAGE OF ECLATON CO.*	APRIL 11, 1975
130328	SUNNYSIDE, CITY OF ECLATON CO.*	APRIL 11, 1975
130380	TALLULAH FALLS, CITY OF ECLATON CO.*	APRIL 11, 1975
130288	TEMPLE, TOWN OF ECLATON CO.*	APRIL 11, 1975
130422	TOONSBORO, TOWN OF ECLATON CO.*	APRIL 11, 1975



* UNINCORPORATED AREAS ONLY			HAZARD AREA IDENTIFIED
COMMUNITY NUMBER	NAME	GEORGIA	
130341	UVALDE, TOWN, MONTGOMERY CO.*J		APRIL 25, 1975
135185A	VERMILION, TOWN OF, LAMAR CO.*J		JULY 27, 1973 AND OCTOBER 31, 1975
130270	WHITE, TOWN, CLAYTON CO.*J		APRIL 04, 1975
130217	WINSTONVILLE, CITY, CLARKE CO.*J		APRIL 11, 1975

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TOTAL IN THE STATE

* UNINCORPORATED AREAS ONLY			HAZARD AREA IDENTIFIED
COMMUNITY NUMBER	NAME	IDAHOW	
160042	ALBION, TOWN	ECASSIA COJ	JANUARY 10, 1975
160015A	CHATELLET, CITY OF	CEBERHAM CO.*J	FEBRUARY 27, 1974 AND FEBRUARY 27, 1974 AND
160005A	COUNCIL, CITY OF	ECADAMS CO.*J	MAY 03, 1974 AND DECEMBER 12, 1975
160048A	FERDINAND, CITY OF	ECIDAHOW CO.*J	SEPTEMBER 06, 1974 AND APRIL 09, 1976
160078A	Ferman Lake, City of (Mootenat Co.)		September 06, 1974 and February 20, 1976
160004A	GARDEN CITY, CITY OF	ECADA CO.*J	DECEMBER 17, 1973
160139	HAGERMAN, CITY	ECODDING COJ	MAY 02, 1975
160173	KIMBERLY, CITY	ECRIN FALLS COJ	MAY 02, 1975
160177	MACKAY, CITY	ECODDING COJ	MAY 02, 1975
160181	NEW MEADOWS, CITY OF	ECADAMS COJ	DECEMBER 13, 1974
160045	OAKLEY, TOWN OF	ECASSIA COJ	FEBRUARY 21, 1975
160039	PARMA, CITY OF	ECANYON CO.*J	OCTOBER 18, 1974
160152	ROBERTS, CITY	ECJEFFERSON COJ	MAY 17, 1974
160119A	VICTOR, CITY OF	ECJETON CO.*J	JANUARY 24, 1975 SEPTEMBER 06, 1974 AND DECEMBER 05, 1975

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TOTAL IN THE STATE

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76 UMI







## NOTICES

[illegible]

UNINCORPORATED AREAS ONLY		HAZARD AREA IDENTIFIED	
COMMUNITY NUMBER	NAME	HAZARD AREA	IDENTIFIED
180190	WEST WADEN SPRINGS, TOWN OF CUNRANCE CO.+J	APRIL	09, 1976
180195	WEST TOWNE MAUTE, TOWN OF VIGO CO.	DECEMBER	28, 1973
180134	WHITING, CITY, CLAKE CO.J	NOVEMBER	22, 1974
180134	WHITING, CITY, CLAKE CO.J	JANUARY	10, 1975
180272	WILLIAMSPORT, TOWN OF WARREN CO.J	DECEMBER	17, 1973
180204	WINSLOW, TOWN OF PIKE CO.+J	DECEMBER	17, 1973 AND JANUARY 30, 1976
TOTAL IN THE STATE			83



## NOTICES

[illegible]

## NOTICES

* UNINCORPORATED AREAS ONLY			KANSAS			HAZARD AREA IDENTIFIED			* UNINCORPORATED AREAS ONLY			KANSAS			HAZARD AREA IDENTIFIED		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200340	ATMOL, CITY OF CSMITH CO.3	DECEMBER 13, 1974	200310	MCCRACKEN, CITY OF CRUSH CO.3	NOVEMBER 22, 1974	200310	MCCRACKEN, CITY OF CRUSH CO.3	NOVEMBER 22, 1974	200310	MCCRACKEN, CITY OF CRUSH CO.3	NOVEMBER 22, 1974	200310	MCCRACKEN, CITY OF CRUSH CO.3	NOVEMBER 22, 1974	200310	MCCRACKEN, CITY OF CRUSH CO.3	NOVEMBER 22, 1974
200287A	BELLEVILLE, CITY OF ENEPUBLIC CO.3	FEBRUARY 01, 1975	200051A	MINNEOLA, CITY OF CLARK CO.3	FEBRUARY 08, 1974	200051A	MINNEOLA, CITY OF CLARK CO.3	FEBRUARY 08, 1974	200051A	MINNEOLA, CITY OF CLARK CO.3	FEBRUARY 08, 1974	200051A	MINNEOLA, CITY OF CLARK CO.3	FEBRUARY 08, 1974	200051A	MINNEOLA, CITY OF CLARK CO.3	FEBRUARY 08, 1974
200128	BLUFF CITY, CITY OF CHAPARR CO.3	OCTOBER 31, 1974	200055	MORGANVILLE, CITY OF CLAY CO.3	OCTOBER 17, 1975	200055	MORGANVILLE, CITY OF CLAY CO.3	OCTOBER 17, 1975	200055	MORGANVILLE, CITY OF CLAY CO.3	OCTOBER 17, 1975	200055	MORGANVILLE, CITY OF CLAY CO.3	OCTOBER 17, 1975	200055	MORGANVILLE, CITY OF CLAY CO.3	OCTOBER 17, 1975
200130A	BURTON, CITY OF CHARLEY CO.3	DECEMBER 27, 1974	200032	MORGANVILLE, CITY OF CROOK CO.3	DECEMBER 20, 1974	200032	MORGANVILLE, CITY OF CROOK CO.3	DECEMBER 20, 1974	200032	MORGANVILLE, CITY OF CROOK CO.3	DECEMBER 20, 1974	200032	MORGANVILLE, CITY OF CROOK CO.3	DECEMBER 20, 1974	200032	MORGANVILLE, CITY OF CROOK CO.3	DECEMBER 20, 1974
200230A	CANEY, CITY OF CHONTAGERY CO.3	MARCH 15, 1974	20035A	MORGANVILLE, CITY OF CASHINGTON CO.3	DECEMBER 06, 1974	20035A	MORGANVILLE, CITY OF CASHINGTON CO.3	DECEMBER 06, 1974	20035A	MORGANVILLE, CITY OF CASHINGTON CO.3	DECEMBER 06, 1974	20035A	MORGANVILLE, CITY OF CASHINGTON CO.3	DECEMBER 06, 1974	20035A	MORGANVILLE, CITY OF CASHINGTON CO.3	DECEMBER 06, 1974
		OCTOBER 24, 1975			MARCH 01, 1974			MARCH 01, 1974			MARCH 01, 1974			MARCH 01, 1974			MARCH 01, 1974
200004	COLONY, CITY OF JACKSON CO.3	DECEMBER 20, 1974	200197A	MOUND CITY, CITY OF CLINN CO.3	NOVEMBER 22, 1974	200197A	MOUND CITY, CITY OF CLINN CO.3	NOVEMBER 22, 1974	200197A	MOUND CITY, CITY OF CLINN CO.3	NOVEMBER 22, 1974	200197A	MOUND CITY, CITY OF CLINN CO.3	NOVEMBER 22, 1974	200197A	MOUND CITY, CITY OF CLINN CO.3	NOVEMBER 22, 1974
2000139	DELIA, CITY OF JACKSON CO.3	DECEMBER 20, 1974	2003A0	NEOSHO FALLS, CITY OF LINDSEY CO.3	NOVEMBER 31, 1975	2003A0	NEOSHO FALLS, CITY OF LINDSEY CO.3	NOVEMBER 31, 1975	2003A0	NEOSHO FALLS, CITY OF LINDSEY CO.3	NOVEMBER 31, 1975	2003A0	NEOSHO FALLS, CITY OF LINDSEY CO.3	NOVEMBER 31, 1975	2003A0	NEOSHO FALLS, CITY OF LINDSEY CO.3	NOVEMBER 31, 1975
2000079	DENTON, CITY OF COONIPAN CO.3	AUGUST 30, 1974	200204	NEOSHO RAPIDS, CITY OF CLYTON CO.3	JANUARY 03, 1975	200204	NEOSHO RAPIDS, CITY OF CLYTON CO.3	JANUARY 03, 1975	200204	NEOSHO RAPIDS, CITY OF CLYTON CO.3	JANUARY 03, 1975	200204	NEOSHO RAPIDS, CITY OF CLYTON CO.3	JANUARY 03, 1975	200204	NEOSHO RAPIDS, CITY OF CLYTON CO.3	JANUARY 03, 1975
2000235	DUNLAP, CITY OF CHORRIS CO.3	DECEMBER 27, 1974	200144	NETARAKA, CITY OF JACKSON CO.3	NOVEMBER 22, 1974	200144	NETARAKA, CITY OF JACKSON CO.3	NOVEMBER 22, 1974	200144	NETARAKA, CITY OF JACKSON CO.3	NOVEMBER 22, 1974	200144	NETARAKA, CITY OF JACKSON CO.3	NOVEMBER 22, 1974	200144	NETARAKA, CITY OF JACKSON CO.3	NOVEMBER 22, 1974
2000288A	ELKHART, CITY OF CHMONT CO.3	JANUARY 07, 1975	200047	NEW STAMBERIA, CITY OF CECIL CO.3	DECEMBER 27, 1974	200047	NEW STAMBERIA, CITY OF CECIL CO.3	DECEMBER 27, 1974	200047	NEW STAMBERIA, CITY OF CECIL CO.3	DECEMBER 27, 1974	200047	NEW STAMBERIA, CITY OF CECIL CO.3	DECEMBER 27, 1974	200047	NEW STAMBERIA, CITY OF CECIL CO.3	DECEMBER 27, 1974
		MAY 24, 1974	200150	NORTONVILLE, CITY OF CUFFENSON CO.3	NOVEMBER 08, 1974	200150	NORTONVILLE, CITY OF CUFFENSON CO.3	NOVEMBER 08, 1974	200150	NORTONVILLE, CITY OF CUFFENSON CO.3	NOVEMBER 08, 1974	200150	NORTONVILLE, CITY OF CUFFENSON CO.3	NOVEMBER 08, 1974	200150	NORTONVILLE, CITY OF CUFFENSON CO.3	NOVEMBER 08, 1974
200271	EMMETT, CITY OF CHMONT CO.3	DECEMBER 05, 1975	200252A	OSAGE CITY, CITY OF OSAGE CO.3	MARCH 01, 1974	200252A	OSAGE CITY, CITY OF OSAGE CO.3	MARCH 01, 1974	200252A	OSAGE CITY, CITY OF OSAGE CO.3	MARCH 01, 1974	200252A	OSAGE CITY, CITY OF OSAGE CO.3	MARCH 01, 1974	200252A	OSAGE CITY, CITY OF OSAGE CO.3	MARCH 01, 1974
200028	FAIRVIEW, CITY OF CHMONT CO.3	DECEMBER 08, 1974	200311	OTIS, CITY OF CRUSH CO.3	FEBRUARY 28, 1975	200311	OTIS, CITY OF CRUSH CO.3	FEBRUARY 28, 1975	200311	OTIS, CITY OF CRUSH CO.3	FEBRUARY 28, 1975	200311	OTIS, CITY OF CRUSH CO.3	FEBRUARY 28, 1975	200311	OTIS, CITY OF CRUSH CO.3	FEBRUARY 28, 1975
200021	FANTANA, CITY OF CHMONT CO.3	NOVEMBER 08, 1974	200357	PALMER, CITY OF CRASHINGTON CO.3	NOVEMBER 22, 1974	200357	PALMER, CITY OF CRASHINGTON CO.3	NOVEMBER 22, 1974	200357	PALMER, CITY OF CRASHINGTON CO.3	NOVEMBER 22, 1974	200357	PALMER, CITY OF CRASHINGTON CO.3	NOVEMBER 22, 1974	200357	PALMER, CITY OF CRASHINGTON CO.3	NOVEMBER 22, 1974
200024	FULTON, CITY OF LEBOURNON CO.3	DECEMBER 20, 1974	200198	PARKER, CITY OF LINN CO.3	DECEMBER 20, 1974	200198	PARKER, CITY OF LINN CO.3	DECEMBER 20, 1974	200198	PARKER, CITY OF LINN CO.3	DECEMBER 20, 1974	200198	PARKER, CITY OF LINN CO.3	DECEMBER 20, 1974	200198	PARKER, CITY OF LINN CO.3	DECEMBER 20, 1974
200032	GALLOP, CITY OF CSMITH CO.3	JANUARY 10, 1975	200105A	POHONA, CITY OF CFRANKLIN CO.3	FEBRUARY 07, 1975	200105A	POHONA, CITY OF CFRANKLIN CO.3	FEBRUARY 07, 1975	200105A	POHONA, CITY OF CFRANKLIN CO.3	FEBRUARY 07, 1975	200105A	POHONA, CITY OF CFRANKLIN CO.3	FEBRUARY 07, 1975	200105A	POHONA, CITY OF CFRANKLIN CO.3	FEBRUARY 07, 1975
2000227	GLEN EDELL, CITY OF CHITCHELL CO.3	DECEMBER 27, 1974															
2000239A	GROESBECK, CITY OF CHAMON CO.3	NOVEMBER 22, 1974	20025A	PORTIS, CITY OF COSBORNE CO.3	DECEMBER 28, 1974	20025A	PORTIS, CITY OF COSBORNE CO.3	DECEMBER 28, 1974	20025A	PORTIS, CITY OF COSBORNE CO.3	DECEMBER 28, 1974	20025A	PORTIS, CITY OF COSBORNE CO.3	DECEMBER 28, 1974	20025A	PORTIS, CITY OF COSBORNE CO.3	DECEMBER 28, 1974
200239A	GUFF, CITY OF CHENAMA CO.3	NOVEMBER 08, 1974	200353	GUENARO, CITY OF COSAGE CO.3	DECEMBER 27, 1974	200353	GUENARO, CITY OF COSAGE CO.3	DECEMBER 27, 1974	200353	GUENARO, CITY OF COSAGE CO.3	DECEMBER 27, 1974	200353	GUENARO, CITY OF COSAGE CO.3	DECEMBER 27, 1974	200353	GUENARO, CITY OF COSAGE CO.3	DECEMBER 27, 1974
		FEBRUARY 01, 1974	20029A	RATHMOND, CITY OF ERICE CO.3	DECEMBER 27, 1974	20029A	RATHMOND, CITY OF ERICE CO.3	DECEMBER 27, 1974	20029A	RATHMOND, CITY OF ERICE CO.3	DECEMBER 27, 1974	20029A	RATHMOND, CITY OF ERICE CO.3	DECEMBER 27, 1974	20029A	RATHMOND, CITY OF ERICE CO.3	DECEMBER 27, 1974
2000111	GRANDVIEW PLAZA, CITY OF EGAREY CO.3	AUGUST 09, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200006	GREELET, CITY OF ENDERSON CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974
200044	GRIELEY, CITY OF COFFEY CO.3	NOVEMBER 22, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER 27, 1974	200025	REDFIELD, CITY OF LEBOURNON CO.3	DECEMBER						



* UNINCORPORATED AREAS ONLY			
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED
210070A	ALLEN, TOWN OF CLOD CO.3	JANUARY 23, 1974 AND	DECEMBER 08, 1974 AND
210073A	ARLINGTON, TOWN OF CEARLISLE CO.3	FEBRUARY 27, 1974	FEBRUARY 20, 1974
210074A	BADDELL, TOWN OF CEARLISLE CO.3	MAY 17, 1974 AND	FEBRUARY 01, 1974
210106A	BERRY, TOWN OF CHARMISON CO.3	DECEMBER 23, 1974	OCTOBER 18, 1974
210187A	BOONEVILLE, CITY OF COASLEY CO.3	AUGUST 16, 1974 AND	JANUARY 23, 1974
210181A	BRADFORDSVILLE, CITY OF CHARLTON CO.3	FEBRUARY 20, 1974 AND	NOVEMBER 28, 1974
210023	BREATHT COUNTY	FEBRUARY 01, 1974 AND	AUGUST 18, 1974
210201A	BRODEHEAD, CITY OF BROCK CASTLE CO.3	MAY 10, 1974 AND	FEBRUARY 20, 1974
210154A	CALHOUN, TOWN OF CMCLEAN CO.3	FEBRUARY 20, 1974	FEBRUARY 01, 1974
210042	CARLISLE COUNTY	JANUARY 03, 1975	FEBRUARY 01, 1974
210057	CASEY COUNTY	FEBRUARY 27, 1974 AND	JANUARY 03, 1975
210111	CLINTON, TOWN OF CHICKMAN CO.3	FEBRUARY 01, 1974	OCTOBER 18, 1974
210243	COAL RUN, CITY EPIKE CO.3	OCTOBER 18, 1974	MAY 24, 1974 AND
210227A	CORBIN, CITY OF CRMITLEY CO.3	DECEMBER 13, 1974	MARCH 05, 1974
210143	CRAB ORCHARD, TOWN OF ELLINCOLN CO.3	JANUARY 10, 1975	OCTOBER 05, 1974
210090	CUMBERLAND, CITY OF ELETCHER CO.3	JUNE 14, 1974 AND	MAY 10, 1974
210238A	FLORENCE, TOWN OF CROONE CO.3	JANUARY 03, 1975	MARCH 05, 1974
210038	FORT THOMAS, CITY OF CAMPBELL CO.3	FEBRUARY 20, 1974 AND	MARCH 05, 1974
210081	GARRARD COUNTY	JANUARY 25, 1974 AND	MARCH 05, 1974
210096	GHEAT, TOWN OF CARROLL CO.3	OCTOBER 18, 1974	MARCH 05, 1974
210078	GLENDUE, CITY OF GALLATI CO.3	OCTOBER 18, 1974	MARCH 05, 1974
210094	HARDIN COUNTY	JANUARY 18, 1974	MARCH 05, 1974
210145	HARDIN, TOWN OF CHAMSHALL CO.3	FEBRUARY 01, 1974	MARCH 05, 1974
210032	HAZEL, TOWN OF CALLOHAT CO.3	JUNE 14, 1974	MARCH 05, 1974
210110	HENRY COUNTY	MAY 10, 1974	MARCH 05, 1974
210077	HICKMAN, CITY OF EFLTON CO.3	AUGUST 07, 1974	MARCH 05, 1974
210112	HOPKINS COUNTY	OCTOBER 18, 1974	MARCH 05, 1974
210137	HYDEN, CITY OF ELESLE CO.3	JUNE 28, 1974	MARCH 05, 1974
210138	JENKINS, CITY OF ELETCHER CO.3	OCTOBER 18, 1974	MARCH 05, 1974
210134	LAUREL COUNTY	MAY 24, 1974	MARCH 05, 1974
210304	LEBANON JUNCTION, CITY OF EBULLITT CO.3	JUNE 07, 1974	MARCH 05, 1974
210085	LEITCHFIELD, TOWN OF EGRATSON CO.3	DECEMBER 27, 1974	MARCH 05, 1974
210144	MARTIN COUNTY	MAY 10, 1974	MARCH 05, 1974
210071A	MARTIN, TOWN OF CLOTO CO.3	DECEMBER 13, 1974	MARCH 05, 1974
210233A	MCHENRY, TOWN OF EOHIO CO.3	MAY 24, 1974 AND	MARCH 05, 1974
210233A	MCHENRY, TOWN OF EOHIO CO.3	FEBRUARY 27, 1974	MARCH 05, 1974
210233A	MCHENRY, TOWN OF EOHIO CO.3	OCTOBER 25, 1974	MARCH 05, 1974

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TOTAL IN THE STATE

FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976

## \* UNINCORPORATED AREAS ONLY

* UNINCORPORATED AREAS ONLY			
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED
220114	ALBANY, VILLAGE OF ELVINGTON PARISH3	APRIL 12, 1974	APRIL 12, 1974
220231	ANGIE, VILLAGE OF WASHINGTON PARISH3	JANUARY 01, 1975	JANUARY 01, 1975
220235A	APRIS, VILLAGE OF TLAIBANE PARISH3	DECEMBER 17, 1975	DECEMBER 17, 1975
220235A	APRIS, VILLAGE OF TLAIBANE PARISH3	JANUARY 17, 1975	JANUARY 17, 1975
220314	BENICE, TOWN OF UNION CO.3	APRIL 05, 1974	APRIL 05, 1974
220147A	BOYCE, TOWN OF EAPIQUES PARISH3	APRIL 05, 1974	APRIL 05, 1974
220235A	BOYCE, TOWN OF EAPIQUES PARISH3	APRIL 05, 1974	APRIL 05, 1974
220325	FARMVILLE TOWN, UNION CO.3	OCTOBER 17, 1975	OCTOBER 17, 1975
220117A	FRENCH SETTLEMENT, VILLAGE OF ELVINGTON PAR.3	MAY 02, 1975	MAY 02, 1975
220291	GRAND CANE VIL, EDE SOTO CO.3	OCTOBER 25, 1974 AND	OCTOBER 25, 1974 AND
220338	MARION VIL, EDE SOTO CO.3	MARCH 12, 1974	MARCH 12, 1974
220057A	MORSE, TOWN EACADIA PARISH3	MAY 05, 1975	MAY 05, 1975
220012A	OBERLIN, CITY OF CALLEN PARISH3	NOVEMBER 23, 1973 AND	NOVEMBER 23, 1973 AND
220203	PEARL RIVER, TOWN OF EST. TAMMANT PARISH3	JUNE 21, 1974 AND	JUNE 21, 1974 AND
220212A	ROSELAND, TOWN OF CTANGIPAHIA PARISH3	NOVEMBER 14, 1975	NOVEMBER 14, 1975
220212A	ROSELAND, TOWN OF CTANGIPAHIA PARISH3	MAY 24, 1974	MAY 24, 1974
220258	SIBLEY, VILLAGE OF WEBSTER PARISH3	OCTOBER 26, 1973 AND	OCTOBER 26, 1973 AND
220258	SIBLEY, VILLAGE OF WEBSTER PARISH3	APRIL 09, 1974	APRIL 09, 1974
220258	SIBLEY, VILLAGE OF WEBSTER PARISH3	FEBRUARY 08, 1975	FEBRUARY 08, 1975
220310	SIMMONS, VILLAGE OF EPIPHANY PARISH3	APRIL 25, 1975	APRIL 25, 1975
220130	SPRINGFIELD, TOWN OF ELLICOLN PARISH3	FEBRUARY 07, 1975	FEBRUARY 07, 1975
220130	SPRINGFIELD, TOWN OF ELLICOLN PARISH3	AUGUST 23, 1974	AUGUST 23, 1974
220137A	STERLINGTON, TOWN OF EOUACHITA PARISH3	DECEMBER 17, 1973 AND	DECEMBER 17, 1973 AND
220205A	SUN, VILLAGE OF CST. TAMMANT PARISH3	JANUARY 09, 1976	JANUARY 09, 1976
220099A	TURKEY CREEK, VILLAGE OF EVANGELINE PARISH3	AUGUST 30, 1974 AND	AUGUST 30, 1974 AND
220234	VARNADO, VILLAGE OF ERAWINGTON PARISH3	APRIL 16, 1974	APRIL 16, 1974
220230	WASHINGTON PARISH	OCTOBER 25, 1974	OCTOBER 25, 1974
220230	WASHINGTON PARISH	JANUARY 10, 1975	JANUARY 10, 1975

TOTAL IN THE STATE

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	■ UNINCORPORATED AREAS ONLY	
	NAME	
	TOTAL IN THE STATE	94

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* UNINCORPORATED AREAS ONLY			
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED
MARYLAND			
240102A	DEER PARK, TOWN OF EGARRETT CO.3	NOVEMBER 08, 1974	SEPTEMBER 04, 1974
240059	QUEEN ANNE, TOWN OF QUEEN ANNETS CO.3	AUGUST 09, 1974	JULY 24, 1974
TOTAL IN THE STATE			
2			
MASSACHUSETTS			
250018	ACUSHNET, TOWN OF BRISTOL CO.3		JULY 19, 1974
250134	BLANDFORD, TOWN OF CHAMPDEN CO.3		JULY 19, 1974
250135	BRIMFIELD, TOWN OF CHAMPDEN CO.3		JULY 19, 1974
250136	CHESTER, TOWN OF CHAMPDEN CO.3		DECEMBER 04, 1974
250100	CLINTON, TOWN OF WINDSOR CO.3		AUGUST 07, 1974
250191	QUINCY, TOWN OF CHAMPDEN CO.3		NOVEMBER 29, 1974
250140	EAST HAMPTON, TOWN OF CHAMPDEN CO.3		SEPTEMBER 06, 1974
250105A	GARDNER, CITY OF WINDSOR CO.3		MARCH 12, 1974
250070	GAY HEAD, TOWN OF CHAMPDEN CO.3		DECEMBER 04, 1974
250071	GOSNOLD, TOWN OF CHAMPDEN CO.3		DECEMBER 04, 1974
250139	GRANVILLE, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250131	LEICESTER, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250141	LEICESTER, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250146	MONTGOMERY, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250032	NEW ASHFORD, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250324	OAKMAN, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250326	PARTON, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250148	PELHAM, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250036	PENNY, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250149	PLAINFIELD, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250151	PLAINFIELD, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250152	PLAINFIELD, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250151	TOLLAND, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250222A	TOLLAND, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250043	TYRINGHAM, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250130	WARRICK, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250044	WASHINGTON, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250131	WENDELL, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250074	WEST TISBURY, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
250047	WINDSOR, TOWN OF WINDSOR CO.3		DECEMBER 04, 1974
TOTAL IN THE STATE			
31			

* UNINCORPORATED AREAS ONLY			
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED
MICHIGAN			
240210A	BANGOR, TOWNSHIP	JANUARY 10, 1975 AND JANUARY 09, 1974	
240192	BERLIN, TOWNSHIP OF EST. CLAIR CO.3	AUGUST 23, 1974	
240027	BLAINE, TOWNSHIP OF CENETIE CO.3	SEPTEMBER 24, 1974	
240073	BURTON, TWP	AUGUST 14, 1974	
240472A	CLARKSTON, VILLAGE COAKLAND CO.3	APRIL 25, 1975	
240437	CLINTON, VILLAGE ELENAMEE CO.3	OCTOBER 31, 1975	
240195	CLYDE, TOWNSHIP OF EST. CLAIR CO.3	APRIL 18, 1975	
240515	COSARELL, CITY ESANILAC CO.3	JULY 24, 1974	
240349	ELLSWORTH, VILLAGE CANTRIM CO.3	APRIL 11, 1975	
240327A	EVART, CITY COSCEOLA CO.3	APRIL 11, 1975	
240137	HINTON, TOWNSHIP OF EMECOSTA CO.3	APRIL 25, 1975	
240084	ITHACA, CITY OF CERATIST CO.3	SEPTEMBER 04, 1974	
240012	LAKE LINDEN, VILLAGE EHOUGHTON CO.3	DECEMBER 27, 1974	
240014	LINCOLN, TOWNSHIP OF LAKENAC CO.3	APRIL 11, 1975	
240184	MAPLE RAPIDS, VILLAGE LCLINTON CO.3	JUNE 14, 1974	
240328	MARION, VILLAGE COSCEOLA CO.3	APRIL 25, 1975	
240310	MELVINDALE, CITY EMATNE CO.3	JANUARY 10, 1975	
240290B	RIVENVIEW, CITY OF EMATNE CO.3	MAY 03, 1974 AND FEBRUARY 28, 1975	
240293	SUMPTER, TOWNSHIP OF EMATNE CO.3	FEBRUARY 13, 1974	
240334	ULBY, VILLAGE CHURON CO.3	JUNE 28, 1974	
240049	NEESAR, TOWNSHIP OF EBERRIEN CO.3	APRIL 11, 1975	
240470	WHITE CLOUD, CITY EMATNE CO.3	JUNE 28, 1974	
240329	TALE, CITY EST. CLAIR CO.3	APRIL 11, 1975	
TOTAL IN THE STATE			
23			

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* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270210A	NARBA, CITY OF CITASCA CO.,J	270210A	280135	BOONEVILLE, CITY OF PRENTISS CO.,J	25, 1975
270210B	WATSON, CITY OF CHIPPEWA CO.,J	270210B	280136	BRATTON, VILLAGE OF LINCOLN CO.,J	APRIL 19, 1974
270210C	WATSON, CITY OF CHIPPEWA CO.,J	270210C	280137	BRATTON, VILLAGE OF LINCOLN CO.,J	JULY 19, 1974
270210D	WATSON, CITY OF CHIPPEWA CO.,J	270210D	280138	BRATTON, VILLAGE OF LINCOLN CO.,J	DECEMBER 20, 1974
270210E	WATSON, CITY OF CHIPPEWA CO.,J	270210E	280139	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210F	WATSON, CITY OF CHIPPEWA CO.,J	270210F	280140	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210G	WATSON, CITY OF CHIPPEWA CO.,J	270210G	280141	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210H	WATSON, CITY OF CHIPPEWA CO.,J	270210H	280142	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210I	WATSON, CITY OF CHIPPEWA CO.,J	270210I	280143	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210J	WATSON, CITY OF CHIPPEWA CO.,J	270210J	280144	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210K	WATSON, CITY OF CHIPPEWA CO.,J	270210K	280145	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210L	WATSON, CITY OF CHIPPEWA CO.,J	270210L	280146	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210M	WATSON, CITY OF CHIPPEWA CO.,J	270210M	280147	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210N	WATSON, CITY OF CHIPPEWA CO.,J	270210N	280148	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210O	WATSON, CITY OF CHIPPEWA CO.,J	270210O	280149	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210P	WATSON, CITY OF CHIPPEWA CO.,J	270210P	280150	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Q	WATSON, CITY OF CHIPPEWA CO.,J	270210Q	280151	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210R	WATSON, CITY OF CHIPPEWA CO.,J	270210R	280152	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210S	WATSON, CITY OF CHIPPEWA CO.,J	270210S	280153	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210T	WATSON, CITY OF CHIPPEWA CO.,J	270210T	280154	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210U	WATSON, CITY OF CHIPPEWA CO.,J	270210U	280155	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210V	WATSON, CITY OF CHIPPEWA CO.,J	270210V	280156	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210W	WATSON, CITY OF CHIPPEWA CO.,J	270210W	280157	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210X	WATSON, CITY OF CHIPPEWA CO.,J	270210X	280158	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Y	WATSON, CITY OF CHIPPEWA CO.,J	270210Y	280159	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Z	WATSON, CITY OF CHIPPEWA CO.,J	270210Z	280160	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210A	WATSON, CITY OF CHIPPEWA CO.,J	270210A	280161	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210B	WATSON, CITY OF CHIPPEWA CO.,J	270210B	280162	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210C	WATSON, CITY OF CHIPPEWA CO.,J	270210C	280163	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210D	WATSON, CITY OF CHIPPEWA CO.,J	270210D	280164	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210E	WATSON, CITY OF CHIPPEWA CO.,J	270210E	280165	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210F	WATSON, CITY OF CHIPPEWA CO.,J	270210F	280166	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210G	WATSON, CITY OF CHIPPEWA CO.,J	270210G	280167	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210H	WATSON, CITY OF CHIPPEWA CO.,J	270210H	280168	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210I	WATSON, CITY OF CHIPPEWA CO.,J	270210I	280169	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210J	WATSON, CITY OF CHIPPEWA CO.,J	270210J	280170	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210K	WATSON, CITY OF CHIPPEWA CO.,J	270210K	280171	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210L	WATSON, CITY OF CHIPPEWA CO.,J	270210L	280172	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210M	WATSON, CITY OF CHIPPEWA CO.,J	270210M	280173	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210N	WATSON, CITY OF CHIPPEWA CO.,J	270210N	280174	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210O	WATSON, CITY OF CHIPPEWA CO.,J	270210O	280175	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210P	WATSON, CITY OF CHIPPEWA CO.,J	270210P	280176	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Q	WATSON, CITY OF CHIPPEWA CO.,J	270210Q	280177	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210R	WATSON, CITY OF CHIPPEWA CO.,J	270210R	280178	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210S	WATSON, CITY OF CHIPPEWA CO.,J	270210S	280179	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210T	WATSON, CITY OF CHIPPEWA CO.,J	270210T	280180	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210U	WATSON, CITY OF CHIPPEWA CO.,J	270210U	280181	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210V	WATSON, CITY OF CHIPPEWA CO.,J	270210V	280182	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210W	WATSON, CITY OF CHIPPEWA CO.,J	270210W	280183	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210X	WATSON, CITY OF CHIPPEWA CO.,J	270210X	280184	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Y	WATSON, CITY OF CHIPPEWA CO.,J	270210Y	280185	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Z	WATSON, CITY OF CHIPPEWA CO.,J	270210Z	280186	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210A	WATSON, CITY OF CHIPPEWA CO.,J	270210A	280187	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210B	WATSON, CITY OF CHIPPEWA CO.,J	270210B	280188	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210C	WATSON, CITY OF CHIPPEWA CO.,J	270210C	280189	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210D	WATSON, CITY OF CHIPPEWA CO.,J	270210D	280190	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210E	WATSON, CITY OF CHIPPEWA CO.,J	270210E	280191	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210F	WATSON, CITY OF CHIPPEWA CO.,J	270210F	280192	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210G	WATSON, CITY OF CHIPPEWA CO.,J	270210G	280193	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210H	WATSON, CITY OF CHIPPEWA CO.,J	270210H	280194	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210I	WATSON, CITY OF CHIPPEWA CO.,J	270210I	280195	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210J	WATSON, CITY OF CHIPPEWA CO.,J	270210J	280196	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210K	WATSON, CITY OF CHIPPEWA CO.,J	270210K	280197	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210L	WATSON, CITY OF CHIPPEWA CO.,J	270210L	280198	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210M	WATSON, CITY OF CHIPPEWA CO.,J	270210M	280199	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210N	WATSON, CITY OF CHIPPEWA CO.,J	270210N	280200	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210O	WATSON, CITY OF CHIPPEWA CO.,J	270210O	280201	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210P	WATSON, CITY OF CHIPPEWA CO.,J	270210P	280202	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Q	WATSON, CITY OF CHIPPEWA CO.,J	270210Q	280203	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210R	WATSON, CITY OF CHIPPEWA CO.,J	270210R	280204	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210S	WATSON, CITY OF CHIPPEWA CO.,J	270210S	280205	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210T	WATSON, CITY OF CHIPPEWA CO.,J	270210T	280206	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210U	WATSON, CITY OF CHIPPEWA CO.,J	270210U	280207	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210V	WATSON, CITY OF CHIPPEWA CO.,J	270210V	280208	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210W	WATSON, CITY OF CHIPPEWA CO.,J	270210W	280209	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210X	WATSON, CITY OF CHIPPEWA CO.,J	270210X	280210	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Y	WATSON, CITY OF CHIPPEWA CO.,J	270210Y	280211	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Z	WATSON, CITY OF CHIPPEWA CO.,J	270210Z	280212	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210A	WATSON, CITY OF CHIPPEWA CO.,J	270210A	280213	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210B	WATSON, CITY OF CHIPPEWA CO.,J	270210B	280214	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210C	WATSON, CITY OF CHIPPEWA CO.,J	270210C	280215	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210D	WATSON, CITY OF CHIPPEWA CO.,J	270210D	280216	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210E	WATSON, CITY OF CHIPPEWA CO.,J	270210E	280217	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210F	WATSON, CITY OF CHIPPEWA CO.,J	270210F	280218	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210G	WATSON, CITY OF CHIPPEWA CO.,J	270210G	280219	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210H	WATSON, CITY OF CHIPPEWA CO.,J	270210H	280220	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210I	WATSON, CITY OF CHIPPEWA CO.,J	270210I	280221	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210J	WATSON, CITY OF CHIPPEWA CO.,J	270210J	280222	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210K	WATSON, CITY OF CHIPPEWA CO.,J	270210K	280223	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210L	WATSON, CITY OF CHIPPEWA CO.,J	270210L	280224	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210M	WATSON, CITY OF CHIPPEWA CO.,J	270210M	280225	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210N	WATSON, CITY OF CHIPPEWA CO.,J	270210N	280226	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210O	WATSON, CITY OF CHIPPEWA CO.,J	270210O	280227	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210P	WATSON, CITY OF CHIPPEWA CO.,J	270210P	280228	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Q	WATSON, CITY OF CHIPPEWA CO.,J	270210Q	280229	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210R	WATSON, CITY OF CHIPPEWA CO.,J	270210R	280230	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210S	WATSON, CITY OF CHIPPEWA CO.,J	270210S	280231	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210T	WATSON, CITY OF CHIPPEWA CO.,J	270210T	280232	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210U	WATSON, CITY OF CHIPPEWA CO.,J	270210U	280233	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210V	WATSON, CITY OF CHIPPEWA CO.,J	270210V	280234	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210W	WATSON, CITY OF CHIPPEWA CO.,J	270210W	280235	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210X	WATSON, CITY OF CHIPPEWA CO.,J	270210X	280236	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Y	WATSON, CITY OF CHIPPEWA CO.,J	270210Y	280237	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Z	WATSON, CITY OF CHIPPEWA CO.,J	270210Z	280238	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210A	WATSON, CITY OF CHIPPEWA CO.,J	270210A	280239	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210B	WATSON, CITY OF CHIPPEWA CO.,J	270210B	280240	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210C	WATSON, CITY OF CHIPPEWA CO.,J	270210C	280241	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210D	WATSON, CITY OF CHIPPEWA CO.,J	270210D	280242	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210E	WATSON, CITY OF CHIPPEWA CO.,J	270210E	280243	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210F	WATSON, CITY OF CHIPPEWA CO.,J	270210F	280244	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210G	WATSON, CITY OF CHIPPEWA CO.,J	270210G	280245	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210H	WATSON, CITY OF CHIPPEWA CO.,J	270210H	280246	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210I	WATSON, CITY OF CHIPPEWA CO.,J	270210I	280247	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210J	WATSON, CITY OF CHIPPEWA CO.,J	270210J	280248	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210K	WATSON, CITY OF CHIPPEWA CO.,J	270210K	280249	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210L	WATSON, CITY OF CHIPPEWA CO.,J	270210L	280250	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210M	WATSON, CITY OF CHIPPEWA CO.,J	270210M	280251	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210N	WATSON, CITY OF CHIPPEWA CO.,J	270210N	280252	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210O	WATSON, CITY OF CHIPPEWA CO.,J	270210O	280253	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210P	WATSON, CITY OF CHIPPEWA CO.,J	270210P	280254	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Q	WATSON, CITY OF CHIPPEWA CO.,J	270210Q	280255	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210R	WATSON, CITY OF CHIPPEWA CO.,J	270210R	280256	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210S	WATSON, CITY OF CHIPPEWA CO.,J	270210S	280257	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210T	WATSON, CITY OF CHIPPEWA CO.,J	270210T	280258	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210U	WATSON, CITY OF CHIPPEWA CO.,J	270210U	280259	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210V	WATSON, CITY OF CHIPPEWA CO.,J	270210V	280260	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210W	WATSON, CITY OF CHIPPEWA CO.,J	270210W	280261	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210X	WATSON, CITY OF CHIPPEWA CO.,J	270210X	280262	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Y	WATSON, CITY OF CHIPPEWA CO.,J	270210Y	280263	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210Z	WATSON, CITY OF CHIPPEWA CO.,J	270210Z	280264	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210A	WATSON, CITY OF CHIPPEWA CO.,J	270210A	280265	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210B	WATSON, CITY OF CHIPPEWA CO.,J	270210B	280266	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210C	WATSON, CITY OF CHIPPEWA CO.,J	270210C	280267	BRATTON, VILLAGE OF LINCOLN CO.,J	NOVEMBER 29, 1974
270210D	WATSON, CITY OF CHIPPEWA CO.,J	270210D	280268	BRATTON, VILL	

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FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976

COMMUNITY NUMBER	NAME	MISSOURI	■ UNINCORPORATED AREAS ONLY
290749	ARIAN, CITY CENTER CO-3		
290751	ARPORT DRIVE VILLAGE OF (JASPER)		
290005A	AMAZONIA, TOWN OF LANDOR CO-3		
290762	ANDRETT, CITY OF (BATES CO)		
290217A	ANDERSON, CITY OF ELMONDALD CO-3		
290287	ANKONA, VILLAGE OF (SPIKE COU)		
290243	ANNAPOLIS, CITY OF CLIFTON CO-3		
290229A	ANNISTON, TOWN OF CHISSISSIPPI CO-3		
290281	APPLETON, CITY OF (ST. CLAIR COU)		
290004A	ARCHIE, TOWN OF CCASS CO-3		
290745	ASBURY, CITY OF (JASPER CO)		
290751	ASHMOVE, CITY OF GREENE CO-3		
290752	ASHMUN, CITY OF GREENE CO-3		
290121A	AVA, CITY OF COOGLAS CO-3		
290767	BAKERSFIELD, VILLAGE COZAK CO-3		
290332	BEL MOR, VILLAGE OF ST. LOUIS CO-3		
290021A	BELL CITY, CITY OF ESTODARD CO-3		
290756	BEVER, CITY OF (MACON)		
290758	BISHMARK, CITY OF (ST. FRANCIS COU)		
290139	BLAND, CITY OF GASCONE CO-3		
290771	BLUOGGETT, VILLAGE ESCOTT CO-3		
290643	BOSWORTH, CITY CARROLL CO-3		
290274	BRAGG CITY, CITY OF (PERISCOT COU)		
290614	BRASHEAR, CITY OF (ADAIR)		
290759	BRATHEN, CITY CALDWELL CO-3		
290759	BRECKENRIDGE, CITY CALDWELL COU		
290739	BUFFALO, CITY COLLIA CO-3		
290111	BUNCKETT, CITY OF (COOPER CO)		
290119A	BUNKER, TOWN OF CREYNALDS CO-3		
290620	CAINSVILLE, CITY CHARLISON CO-3		
290623	CALLAO, CITY OF (MACON)		
290124	CAMPBELL, CITY OF FOUNTAIN CO-3		
290189A	CANTERVILLE, TOWN OF ELASPER CO-3		
290625	CENTERTOWN, VILLAGE COLE CO-3		
290626	CENTERVIEW, CITY JOHNSON CO-3		
290303A	CENTER, TOWN OF CRALLS CO-3		
290248	CHILMORE, CITY OF (JOHNSON CO)		
290628	CHULA, CITY CLIVINGTON CO-3		
290629	CLARKDALE, CITY (RUDOLPH CO)		
290629	CLARKDALE, CITY (RUDOLPH CO)		
290028	COLE CAMP, CITY OF (BENTON CO)		
290629	CONCEPTION JUNCTION, CITY ENDORAY CO-3		

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COMMUNITY NUMBER	NAME	MISSOURI	HAZARDOUS AREAS ONLY	HAZARD AREA IDENTIFIED
290196A	CONWAY, TOWN OF CLAUDE CO.3			MAY 10, 1974 AND NOVEMBER 21, 1975
290405	CONGILL, TOWN OF CALONELL CO.3			APRIL 18, 1975
290303A	CRAVE, CITY OF ESTONE CO.3			JUNE 07, 1974 AND FEBRUARY 21, 1975
290410	CROSS TIMBERS, VILLAGE OF (MICKNEY CO)			FEBRUARY 21, 1975
290046A	DALTON, VILLAGE OF ECHARLTON CO.3			DECEMBER 13, 1974
290014A	DARLINGTON, VILLAGE OF ECKMITY CO.3			DECEMBER 13, 1974
290055	DELTA, CITY OF ECAPE GIANDEAU CO.3			NOVEMBER 22, 1974
290053	DENVER, VILLAGE OF EARTH CO.3			NOVEMBER 22, 1974
290613	DES ANG, VILLAGE OF CIRON CO.3			APRIL 18, 1975
290465A	DEWITT, CITY OF CARROLL CO.3			SEPTEMBER 06, 1974 AND MAY 11, 1975
290182A	DUNNEG, CITY OF CASPER CO.3			MAY 11, 1975
290586	EAGLEVILLE, VILLAGE OF HARRISON CO.3			OCTOBER 24, 1975
290566A	ELLSMIRE, CITY OF ECARTEN CO.3			APRIL 18, 1975
290219	ELMEN, CITY OF EMACON CO.3			NOVEMBER 15, 1975
290525A	EMMA, CITY OF LAFALETTE CO.3			DECEMBER 06, 1974
290526A	ESSEN, TOWN OF (STODDARD CO.)			APRIL 18, 1975
2906730	ESTHER, CITY OF (ST. FRANCIS CO)			DECEMBER 21, 1975
290589	EVERTON, CITY OF EDO CO.3			FEBRUARY 21, 1975
290505B	EVERTON, CITY OF LAUREN CO.3			APRIL 18, 1975
290016A	FABER, CITY OF LAURAIN CO.3			NOVEMBER 01, 1974
290016	FARLEY, TOWN OF EPLATE CO.3			JANUARY 24, 1975
290592	FARLEY, TOWN OF EPLATE CO.3			FEBRUARY 07, 1975
290731	FORSYTH, CITY OF EYANET CO.3			NOVEMBER 06, 1974
29068A	FREEMAN, CITY OF ECASS CO.3			JANUARY 04, 1974
290677	FREMONT, VILLAGE OF ECARTER CO)			FEBRUARY 21, 1975
290051A	FULTON, CITY OF ECALLAWAT CO.3			MAY 17, 1974 AND JANUARY 16, 1974
290431A	GALENA, CITY OF ESTONE CO.3			AUGUST 30, 1974 AND OCTOBER 31, 1975
290733	GALLATIN, CITY OF (DAVIESS)			NOVEMBER 18, 1974
290151A	GALT, CITY OF GERUNY CO.3			OCTOBER 02, 1974
290735	GOLDEN CITY, CITY OF (BANTON CO)			FEBRUARY 21, 1975
290736	GOODMAN, CITY OF (MC DONALD CO)			FEBRUARY 21, 1975
290460	GRANDIN, CITY OF ECARTER CO.3			NOVEMBER 08, 1974
290710	GREENFIELD, CITY OF CADOE CO.3			APRIL 25, 1975
290596	GREENTOP, CITY OF (ISCHLER CO)			FEBRUARY 21, 1975
290712	HALLVILLE, CITY OF (HOLLAND CO)			FEBRUARY 21, 1975
290712	HALLVILLE, CITY OF (HOLLAND CO)			OCTOBER 18, 1974
290308A	HENRIETTA, CITY OF CHAT CO.3			OCTOBER 18, 1974
290572	HERMITAGE, CITY CHICKORY CO)			APRIL 25, 1975
290577	HUME, CITY OF (BATES CO)			FEBRUARY 21, 1975
290578	HUNNEMELL, CITY OF (SHELBY CO)			FEBRUARY 21, 1975
290718	HUNTSVILLE, CITY OF CRANDOLPH CO.3			APRIL 18, 1975

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## NOTICES

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FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976

## NOTICES

• UNINCORPORATED AREAS ONLY			• UNINCORPORATED AREAS ONLY		
COMMUNITY NAME	MISSOURI NUMBER	HAZARD AREA IDENTIFIED	COMMUNITY NAME	MONTANA NUMBER	HAZARD AREA IDENTIFIED
290654A RIGHT CITY, CITY OF [BARREN CO.]		MARCH 05, 1974	300044 BAINVILLE, TOWN OF		JANUARY 03, 1975
		FEBRUARY 07, 1975 AND	300012A BIG SANDY, TOWN OF		MARCH 29, 1974
		NOVEMBER 14, 1975 AND	300107A CASCADE, CITY OF [CASCADIA]		FEBRUARY 14, 1975
290658A #TACONDA, CITY OF [CLARK CO.]		NOVEMBER 14, 1975	300091 CLYDE PARK, TOWN OF		JANUARY 03, 1974
		NOVEMBER 18, 1975	300020 DENTON, TOWN OF		DECEMBER 27, 1975
290033A ZALHA, VILLAGE OF [ROLLINGER CO.]		OCTOBER 25, 1974 AND	300053 DODSON, TOWN OF		MARCH 15, 1974
		NOVEMBER 07, 1975	300052 DUTTON, TOWN OF		MARCH 15, 1974
			300094 ELMIST, TOWN OF		MARCH 15, 1974
			300092 FARMER, TOWN OF		AUGUST 14, 1974 AND
			300093 FARMER, TOWN OF		MARCH 15, 1974
			300070A FORSTITH, CITY OF		JANUARY 10, 1974 AND
			300013A FORT BENTON, CITY OF		NOVEMBER 28, 1975
			300093 FROID, TOWN OF		APRIL 18, 1975
			300005 FROMBORG, TOWN OF		NOVEMBER 22, 1974
			300081 GLASSBORO, CITY OF		JANUARY 09, 1974
			300021 GRASS RANEE, TOWN OF		DECEMBER 27, 1974
			300004 JOLIET, TOWN OF		DECEMBER 22, 1974
			300025 KALISPELL, CITY OF		JANUARY 22, 1975
			300031 LAYMAN, TOWN OF		MARCH 15, 1974 AND
			300074 PLAINS, TOWN OF		DECEMBER 19, 1975
			300122 ROMAN, CITY OF		APRIL 25, 1975
			300049 RUSEBUD COUNTY *		AUGUST 02, 1974
			300037A STANFORD, TOWN OF		JUNE 28, 1974
			300123 ST. IGNATIUS, TOWN OF		FEBRUARY 14, 1975
			300127 SUNBURST, TOWN OF		JANUARY 10, 1975
			300128 SUPERIOR, TOWN OF		MARCH 02, 1975
			300130 THOMPSON FALLS, TOWN OF		FEBRUARY 02, 1975
			300131 VALERIE, TOWN OF		MAY 18, 1974 AND
			300133 VALENT, TOWN OF		APRIL 18, 1975
			300047A WHITE SULPHUR SPRINGS, CITY OF		MAY 24, 1974 AND
			300052 WINNETT, TOWN OF		JANUARY 14, 1974
			300052 WINNETT, TOWN OF		DECEMBER 27, 1974

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## NOTICES

• UNINCORPORATED AREAS ONLY		• UNINCORPORATED AREAS ONLY	
COMMUNITY NUMBER	NAME	COMMUNITY NUMBER	NAME
NEW HAMPSHIRE		NEW JERSEY	
HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED
330148	WARREN, TOWN OF COXAFON CO+3	340122	AUDUBON PARK, BOROUGH OF LEXAMEN CO+3
330166	WASHINGTON, TOWN OF LEXULIVAN CO+3	340123	FRANKLIN, TOWNSHIP OF GLOUCESTER CO+3
330203	BEARE, TOWN OF (MILLSBOROUGH)	340529	GREEN, TOWNSHIP OF SUSSEA CO+3
330238	WESTSHORELAND, TOWN OF (CAMPBELL CO)	340345	KINNELON, BOROUGH OF MORRIS CO+3
330240	WINDY HILL, TOWN OF (CAMPBELL CO)	340564	LOGAN, TOWNSHIP OF GLOUCESTER CO+3
330242	WINDY HILL, TOWN OF (CAMPBELL CO)	340559	MONTAGUE, TOWNSHIP OF (SUSSEA CO)
330243	WINDY HILL, TOWN OF (CAMPBELL CO)	340512	SOUTH HARRISON, TOWNSHIP OF GLOUCESTER CO+3
330249	WINDY HILL, TOWN OF (CAMPBELL CO)	340514	SPRINGFIELD, TAPSCOTT, GLOUCESTER CO+3
330250	WINDY HILL, TOWN OF (CAMPBELL CO)	340533	TABERNACLE, TOWNSHIP OF GLOUCESTER CO+3
330251	WINDY HILL, TOWN OF (CAMPBELL CO)	340537	TATNAGH, BOROUGH OF CAMDEN CO+3
330252	WINDY HILL, TOWN OF (CAMPBELL CO)	340537	TATNAGH, BOROUGH OF CAMDEN CO+3
330253	WINDY HILL, TOWN OF (CAMPBELL CO)	340798	WINFIELD, TOWNSHIP OF UNION CO+3
330254	WINDY HILL, TOWN OF (CAMPBELL CO)		
330255	WINDY HILL, TOWN OF (CAMPBELL CO)		
330256	WINDY HILL, TOWN OF (CAMPBELL CO)		
330257	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330280	WINDY HILL, TOWN OF (CAMPBELL CO)		
330281	WINDY HILL, TOWN OF (CAMPBELL CO)		
330282	WINDY HILL, TOWN OF (CAMPBELL CO)		
330283	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330312	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330314	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330319	WINDY HILL, TOWN OF (CAMPBELL CO)		
330320	WINDY HILL, TOWN OF (CAMPBELL CO)		
330321	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330329	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330331	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330364	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330418	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330420	WINDY HILL, TOWN OF (CAMPBELL CO)		
330421	WINDY HILL, TOWN OF (CAMPBELL CO)		
330422	WINDY HILL, TOWN OF (CAMPBELL CO)		
330423	WINDY HILL, TOWN OF (CAMPBELL CO)		
330424	WINDY HILL, TOWN OF (CAMPBELL CO)		
330425	WINDY HILL, TOWN OF (CAMPBELL CO)		
330426	WINDY HILL, TOWN OF (CAMPBELL CO)		
330427	WINDY HILL, TOWN OF (CAMPBELL CO)		
330428	WINDY HILL, TOWN OF (CAMPBELL CO)		
330429	WINDY HILL, TOWN OF (CAMPBELL CO)		
330430	WINDY HILL, TOWN OF (CAMPBELL CO)		
330431	WINDY HILL, TOWN OF (CAMPBELL CO)		
330432	WINDY HILL, TOWN OF (CAMPBELL CO)		
330433	WINDY HILL, TOWN OF (CAMPBELL CO)		
330434	WINDY HILL, TOWN OF (CAMPBELL CO)		
330435	WINDY HILL, TOWN OF (CAMPBELL CO)		
330436	WINDY HILL, TOWN OF (CAMPBELL CO)		
330437	WINDY HILL, TOWN OF (CAMPBELL CO)		
330438	WINDY HILL, TOWN OF (CAMPBELL CO)		
330439	WINDY HILL, TOWN OF (CAMPBELL CO)		
330440	WINDY HILL, TOWN OF (CAMPBELL CO)		
330441	WINDY HILL, TOWN OF (CAMPBELL CO)		
330442	WINDY HILL, TOWN OF (CAMPBELL CO)		
330443	WINDY HILL, TOWN OF (CAMPBELL CO)		
330444	WINDY HILL, TOWN OF (CAMPBELL CO)		
330445	WINDY HILL, TOWN OF (CAMPBELL CO)		
330446	WINDY HILL, TOWN OF (CAMPBELL CO)		
330447	WINDY HILL, TOWN OF (CAMPBELL CO)		
330448	WINDY HILL, TOWN OF (CAMPBELL CO)		
330449	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330455	WINDY HILL, TOWN OF (CAMPBELL CO)		
330456	WINDY HILL, TOWN OF (CAMPBELL CO)		
330457	WINDY HILL, TOWN OF (CAMPBELL CO)		
330458	WINDY HILL, TOWN OF (CAMPBELL CO)		
330459	WINDY HILL, TOWN OF (CAMPBELL CO)		
330460	WINDY HILL, TOWN OF (CAMPBELL CO)		
330461	WINDY HILL, TOWN OF (CAMPBELL CO)		
330462	WINDY HILL, TOWN OF (CAMPBELL CO)		
330463	WINDY HILL, TOWN OF (CAMPBELL CO)		
330464	WINDY HILL, TOWN OF (CAMPBELL CO)		
330465	WINDY HILL, TOWN OF (CAMPBELL CO)		
330466	WINDY HILL, TOWN OF (CAMPBELL CO)		
330467	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330469	WINDY HILL, TOWN OF (CAMPBELL CO)		
330470	WINDY HILL, TOWN OF (CAMPBELL CO)		
330471	WINDY HILL, TOWN OF (CAMPBELL CO)		
330472	WINDY HILL, TOWN OF (CAMPBELL CO)		
330473	WINDY HILL, TOWN OF (CAMPBELL CO)		
330474	WINDY HILL, TOWN OF (CAMPBELL CO)		
330475	WINDY HILL, TOWN OF (CAMPBELL CO)		
330476	WINDY HILL, TOWN OF (CAMPBELL CO)		
330477	WINDY HILL, TOWN OF (CAMPBELL CO)		
330478	WINDY HILL, TOWN OF (CAMPBELL CO)		
330479	WINDY HILL, TOWN OF (CAMPBELL CO)		
330480	WINDY HILL, TOWN OF (CAMPBELL CO)		
330481	WINDY HILL, TOWN OF (CAMPBELL CO)		
330482	WINDY HILL, TOWN OF (CAMPBELL CO)		
330483	WINDY HILL, TOWN OF (CAMPBELL CO)		
330484	WINDY HILL, TOWN OF (CAMPBELL CO)		
330485	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330487	WINDY HILL, TOWN OF (CAMPBELL CO)		
330488	WINDY HILL, TOWN OF (CAMPBELL CO)		
330489	WINDY HILL, TOWN OF (CAMPBELL CO)		
330490	WINDY HILL, TOWN OF (CAMPBELL CO)		
330491	WINDY HILL, TOWN OF (CAMPBELL CO)		
330492	WINDY HILL, TOWN OF (CAMPBELL CO)		
330493	WINDY HILL, TOWN OF (CAMPBELL CO)		
330494	WINDY HILL, TOWN OF (CAMPBELL CO)		
330495	WINDY HILL, TOWN OF (CAMPBELL CO)		
330496	WINDY HILL, TOWN OF (CAMPBELL CO)		
330497	WINDY HILL, TOWN OF (CAMPBELL CO)		
330498	WINDY HILL, TOWN OF (CAMPBELL CO)		
330499	WINDY HILL, TOWN OF (CAMPBELL CO)		
330500	WINDY HILL, TOWN OF (CAMPBELL CO)		
330501	WINDY HILL, TOWN OF (CAMPBELL CO)		
330502	WINDY HILL, TOWN OF (CAMPBELL CO)		
330503	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330505	WINDY HILL, TOWN OF (CAMPBELL CO)		
330506	WINDY HILL, TOWN OF (CAMPBELL CO)		
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330508	WINDY HILL, TOWN OF (CAMPBELL CO)		
330509	WINDY HILL, TOWN OF (CAMPBELL CO)		
330510	WINDY HILL, TOWN OF (CAMPBELL CO)		
330511	WINDY HILL, TOWN OF (CAMPBELL CO)		
330512	WINDY HILL, TOWN OF (CAMPBELL CO)		
330513	WINDY HILL, TOWN OF (CAMPBELL CO)		
330514	WINDY HILL, TOWN OF (CAMPBELL CO)		
330515	WINDY HILL, TOWN OF (CAMPBELL CO)		
330516	WINDY HILL, TOWN OF (CAMPBELL CO)		
330517	WINDY HILL, TOWN OF (CAMPBELL CO)		
330518	WINDY HILL, TOWN OF (CAMPBELL CO)		
330519	WINDY HILL, TOWN OF (CAMPBELL CO)		
330520	WINDY HILL,		

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## NOTICES

* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
350037	COLUMBUS, VILLAGE OF CLUNA CO-3	AUGUST 14, 1974 AND	360324	ADAMS, TOWN OF CJEFFERSON CO-3	MAY 31, 1974
350037	DESTER, TOWN CCHAVES CO-3	DECEMBER 12, 1974	361047	ALABAMA, TOWN OF CGENESE CO-3	MAY 03, 1974
350112	MAGDALENA, VILLAGE OF CSOORRO CO-3	DECEMBER 13, 1974			
350112	QUESTA, VILLAGE OF CLIA CO-3	MAY 02, 1975	360441	ALBION, VILLAGE OF COHLEANS CO-3	MAY 24, 1974
350032A	TATUM, TOWN OF CLIA CO-3	AUGUST 29, 1974	361361	ALLEN, TOWN OF CALLEGANT CO-3	JANUARY 31, 1975
		FEBRUARY 29, 1975	360980	ALMA, TOWN OF CALLEGANT CO-3	DECEMBER 13, 1974
		JUNE 21, 1974 AND	361240	AMBOY, TOWN OF COSMEO CO-3	NOVEMBER 15, 1974
		JANUARY 14, 1976	360023	ANGELICA, VILLAGE CALLEGANT CO-3	DECEMBER 04, 1974
			361105	ANKERIGHT, TOWN OF CCAHTAUVA CO-3	OCTOBER 18, 1974
			361385	AUSTENLITZ, TOWN OF COLUMBIA CO-3	DECEMBER 28, 1974
			361254	BALDWIN, TOWN OF CLOSA CO-3	JUNE 28, 1974
			360154	BALDWIN, TOWN OF CLOSA CO-3	JUNE 28, 1974
			360144A	BECKMANTOWN, TOWN OF CCLINTON CO-3	31, 1974 AND
					AUGUST 27, 1974
			361074	BELFAST, TOWN OF CALLEGANT CO-3	FEBRUARY 27, 1974
			361392	BELMONT, TOWN OF CALLEGANT CO-3	OCTOBER 18, 1974
			361342	BIRDSALL, TOWN CALLEGANT CO-3	JANUARY 17, 1975
			361258A	BLACK RIVER, VILLAGE CJEFFERSON CO-3	JANUARY 03, 1975
					AND
			361127A	BLECKER, TOWN OF CFULTON CO-3	JANUARY 30, 1974
					NOVEMBER 22, 1974 AND
					NOVEMBER 15, 1975
					AND
			361490	BLOOMINGDALE, VILLAGE OF IESSEX CO-1	NOVEMBER 01, 1975
			361415	BOTLSTON, TOWN COSREGO CO-3	NOVEMBER 01, 1975
			361207A	BRADFORD, TOWN OF ISTEUBEN CO-1	JANUARY 03, 1975
					AND
			360521	BRIDGEWATER, TOWN OF CONEIDA CO-3	DECEMBER 13, 1974
			360522	BRIDGEWATER, VILLAGE OF CONEIDA CO-3	FEBRUARY 27, 1974
			361128	BRODALBING, TOWN OF CFULTON CO-3	SEPTEMBER 04, 1974
			361480	BRUSHTON, VILLAGE OF CFRANKLIN CO-3	SEPTEMBER 10, 1974
			361414	BURLINGTON, TOWN OF CUTSEGO CO-3	SEPTEMBER 10, 1974
			361098	BURNS, TOWN OF CALLEGANT CO-3	NOVEMBER 15, 1974
			361445	BUTLER, TOWN OF CAYNE CO-3	NOVEMBER 28, 1974
			361427	BUTTERNUTS, TOWN OF CUTSEGO CO-3	NOVEMBER 08, 1974
			361227	CAMERON, TOWN OF CULBERTSON CO-1	NOVEMBER 28, 1974
			361208	CAMERON, TOWN OF CULBERTSON CO-1	DECEMBER 13, 1974
			360833	CANDOR, TOWN OF CTIOGA CO-3	OCTOBER 25, 1974
			361129	CAROGA, TOWN OF CFULTON CO-3	AUGUST 02, 1974
			360063	CARROLLTON, TOWN OF CATTARAUGUS CO-1	AUGUST 02, 1974
			361243	CASTILE, TOWN OF CRYONGEN CO-3	NOVEMBER 08, 1974
			361563	CASTILE, VILLAGE OF LYONING CO-1	SEPTEMBER 20, 1974
			360289C	CHAMPION, TOWN OF CJEFFERSON CO-1	DECEMBER 27, 1974
					FEBRUARY 28, 1975
					AND
			360444	CHARLESTON, TOWN OF CHONTICUT CO-3	MAY 31, 1974 AND
			360134	CHERRY CREEK, VILLAGE OF ICHAUATUVA CO-1	FEBRUARY 07, 1975
			360244	CHESTERFIELD, TOWN OF CESSA CO-3	FEBRUARY 07, 1975
			361254	CLARENDON, TOWN OF COLEMAN CO-3	MAY 10, 1974
			360524	CLAYVILLE, VILLAGE OF CONEIDA CO-3	MAY 10, 1974
			361173A	CLIFTON, TOWN OF CST. LAURENCE CO-3	SEPTEMBER 04, 1975
					MARCH 28, 1975
					AND
					NOVEMBER 29, 1974 AND
					NOVEMBER 29, 1974 AND



## NOTICES

* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
3611380	CLINTON, TOWN CLINTON CO	DECEMBER 28, 1975	3611954	FULTON, TOWN OF ESCHEMONE CO.3	NOVEMBER 08, 1974 AND JANUARY 31, 1974
3610890	CLYDE, VILLAGE OF CLYDE CO.3	MAY 31, 1974	3612584	GAINES, TOWN OF COMEANS CO.3	NOVEMBER 01, 1974
3610734	COBLESKILL, VILLAGE OF ESCHEMONE CO.1	JUNE 07, 1974 AND SEPTEMBER 12, 1975	3611541	GALATI, VILLAGE OF (SARATOGA CO.1)	DECEMBER 31, 1974
3610694	COLD SPRING, TOWN OF CATARAUGUS CO.3	MARCH 21, 1974	3611501	GENESE, TOWN OF CATARAUGUS CO.3	DECEMBER 31, 1974
3610699	COLUMBIA, TOWN OF CATARAUGUS CO.3	DECEMBER 21, 1974	3611524	GENESE, VILLAGE OF CLIVINGTON CO.3	NOVEMBER 15, 1974 AND NOVEMBER 14, 1975
3611342	CONEAGO, TOWN OF ESCHEMONE CO.3	AUGUST 28, 1974	3611555	GILBERTSVILLE, VILLAGE OF COSEGO CO.3	JUNE 28, 1974
3611084	CONQUEST, TOWN OF CATAGA CO.3	AUGUST 16, 1974 AND SEPTEMBER 12, 1975	3610384	GLEN PARK, VILLAGE OF CHESTER CO.3	OCTOBER 28, 1974
3610384	CONSTABLEVILLE, VILLAGE OF CLERIS CO.3	SEPTEMBER 12, 1975	3611754	GOVERNMENT, TOWN OF EST. LAWRENCE CO.3	JANUARY 17, 1975
3611341	COURTLAND, CITY OF IORTLAND CO.3	FEBRUARY 17, 1975	3611343	GRANGER, TOWN ALLEGANY CO.3	JANUARY 03, 1975
3611375	COVENTRY, VILLAGE OF CLERIS CO.3	MAY 31, 1974	3611210	GREENWOOD, TOWN ESTEVEN CO.3	JANUARY 03, 1975
3610688	COYHAGEN, VILLAGE OF CLERIS CO.3	JANUARY 31, 1974	361005	GROVE, TOWN OF ALLEGANY CO.3	JUNE 28, 1974
3611284	CUMBER, TOWN OF IORTLAND CO.3	JANUARY 28, 1975	3611442	HAMPTON, TOWN OF ALLEGANY CO.3	JANUARY 03, 1975
3611381	DANSMORA, TOWN OF CLINTON CO.1	FEBRUARY 28, 1975	3611451	HARRISVILLE, VILLAGE OF CLERIS CO.3	NOVEMBER 28, 1974
3611209	DANVILLE, TOWN OF ESTEVEN CO.3	FEBRUARY 28, 1975	361124	MARTFORD, TOWN OF CATARAUGUS CO.3	NOVEMBER 28, 1974
361300	DANUBE, TOWN OF CHESTER CO.3	APRIL 05, 1974	3611513	HEAD OF THE MARSH, VILLAGE OF ESUFFOLK CO.3	OCTOBER 25, 1974
361348	DELEVAN, VILLAGE CATARAUGUS CO.3	JANUARY 14, 1975	3611779	HIGH MARKET, TOWN OF CLERIS CO.3	NOVEMBER 15, 1974
3611725	DEPESTER, TOWN OF (EST. LAWRENCE)	DECEMBER 31, 1974	3611179	HOPKINTON, TOWN OF EST. LAWRENCE CO.3	SEPTEMBER 13, 1974
3611224	DEPTFORD, VILLAGE OF ESUFFOLK CO.3	DECEMBER 31, 1974	3611034	HOWARD, TOWN OF ESTEVEN CO.3	DECEMBER 27, 1974
3611178	DEPTFORD, VILLAGE OF ESUFFOLK CO.3	SEPTEMBER 13, 1974	361078	HUMPHREY, TOWN OF CATARAUGUS CO.3	AUGUST 30, 1974
3611122	DICKINSON, TOWN OF CEMANLIN CO.3	NOVEMBER 08, 1974 AND JANUARY 09, 1976	361073	HUNTER, VILLAGE OF COENE CO.3	AUGUST 16, 1974
3610908	DOBBS FERRY, VILLAGE OF CHESTER CO.3	MAY 17, 1974	361008	INDEPENDENCE, TOWN OF ALLEGANY CO.3	SEPTEMBER 04, 1974
361110	DRESDEN, TOWN OF WASHINGTON CO.3	FEBRUARY 14, 1975	361079	ISCHUA, TOWN OF CATARAUGUS CO.3	MAY 31, 1974
361094	EAGLE, TOWN OF CROMING CO.3	SEPTEMBER 13, 1974	361058	ITALY, TOWN OF STATES CO.3	JUNE 28, 1974
3611224	EASTON, TOWN OF WASHINGTON CO.3	DECEMBER 01, 1974	361212	JASPER, TOWN OF ESTEVEN CO.3	NOVEMBER 01, 1974
3611189	EDINBURGH, TOWN OF CATARAUGUS CO.3	JANUARY 28, 1975 AND JANUARY 28, 1976	361124	JAVA, TOWN OF CROMING CO.3	NOVEMBER 25, 1974
3611764	EDWARDS, TOWN EST. LAWRENCE CO.3	FEBRUARY 28, 1975	361151	KEENE, TOWN OF CESSEX CO.3	OCTOBER 01, 1974
3611434	EDWARDS, VILLAGE OF EST. LAWRENCE CO.3	NOVEMBER 08, 1974 AND FEBRUARY 08, 1976	3610266	KEESVILLE, VILLAGE OF CESSEX CO.3	NOVEMBER 22, 1974
3611499	ELBA, VILLAGE GENEESE CO.3	FEBRUARY 08, 1976	361131	LACER, TOWN OF IORTLAND CO.3	NOVEMBER 22, 1974
361191	ELIZABETHTOWN, VILLAGE CESSEX CO.3	JANUARY 24, 1975	361120	LACER, TOWN OF IORTLAND CO.1	FEBRUARY 28, 1975
361382	ELLENBURG, TOWN CLINTON CO.3	JANUARY 24, 1975	361119	LAURENS, TOWN COSEGO CO.3	OCTOBER 03, 1975
361074	ELLINGTON, TOWN OF CHAUTAUQU CO.3	MARCH 25, 1974	361285	LEICESTER, TOWN OF CLIVINGTON CO.3	JANUARY 18, 1974
361174	ELM, TOWN OF CHESTER CO.3	JANUARY 10, 1975	361080	LEICESTER, VILLAGE CLIVINGTON CO.3	JANUARY 10, 1975
361174	ELM, TOWN OF CHESTER CO.3	JANUARY 30, 1975	361152	LEWIS, TOWN OF CESSEX CO.3	MAY 31, 1974
361174	ELM, TOWN OF CHESTER CO.3	JANUARY 30, 1975	361068	LEWIS, TOWN OF CESSEX CO.3	NOVEMBER 28, 1974
361119	ESSEX, TOWN OF CESSEX CO.3	DECEMBER 20, 1974	361068	LEWIS, TOWN OF CLERIS CO.3	JUNE 28, 1974 AND JANUARY 14, 1975
361148	EUREN, TOWN COSEGO CO.3	OCTOBER 10, 1975	3611574	LIMA, VILLAGE CLIVINGTON CO.3	JUNE 28, 1974 AND JANUARY 14, 1975
361002	FAIRFIELD, TOWN OF CHESTER CO.3	MARCH 29, 1974	361174	LIMCKLAEN, TOWN OF CEMANAGO CO.3	NOVEMBER 04, 1974
3610071	FARMERSVILLE, TOWN OF CATARAUGUS CO.3	MARCH 28, 1974	3610394	LITCHFIELD, TOWN OF CHESTER CO.3	DECEMBER 01, 1974
3610073	FARMERSVILLE, TOWN OF CATARAUGUS CO.3	MAY 31, 1974	361158	LIVONIA, VILLAGE CLIVINGTON CO.3	APRIL 09, 1974
3610073	FARMERSVILLE, TOWN OF CATARAUGUS CO.3	MAY 31, 1974	361158	LIVONIA, VILLAGE CLIVINGTON CO.3	JANUARY 10, 1975

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360753	LOOI, TOWN OF CSENECA CO.3	JULY 26, 1974	360364	PAMELIA, TOWN OF EJEFFERSON CO.3	OCTOBER 18, 1974	360364	PAMELIA, TOWN OF EJEFFERSON CO.3	OCTOBER 18, 1974
361530A	LOOI, VILLAGE OF ISENECA COI	FEBRUARY 19, 1975 AND	36125	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975	36125	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975
360834	LYNON, TOWN OF CATTARAUGUS CO.3	JANUARY 16, 1974	36126	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975	36126	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975
360834	LYNON, TOWN OF CATTARAUGUS CO.3	AUGUST 19, 1974	36127	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975	36127	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975
360834	LYNON, TOWN OF CATTARAUGUS CO.3	AUGUST 19, 1974	36128	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975	36128	PANSHVILLE, TOWN OF EJEFFERSON CO.3	JANUARY 27, 1975
361292	MADISON, TOWN OF CAMOISIN CO.3	OCTOBER 20, 1974	36094	PERRYSBURG, TOWN OF CATTARAUGUS CO.3	MAY 28, 1974	36094	PERRYSBURG, TOWN OF CATTARAUGUS CO.3	MAY 28, 1974
360805	MANSFIELD, TOWN OF CATTARAUGUS CO.3	DECEMBER 31, 1974	36094	PERRYSBURG, TOWN OF CATTARAUGUS CO.3	JUNE 28, 1974	36094	PERRYSBURG, TOWN OF CATTARAUGUS CO.3	JUNE 28, 1974
361327	MARATHON, TOWN OF ECKLAND CO.3	NOVEMBER 29, 1974	36124	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	JANUARY 31, 1975	36124	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	JANUARY 31, 1975
361272	MARYLAND, TOWN OF COTSEGO CO.3	OCTOBER 18, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	JANUARY 31, 1975	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	JANUARY 31, 1975
361132	MATFIELD, TOWN OF ECLINTON CO.3	JANUARY 17, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	AUGUST 18, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	AUGUST 18, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974
361483	MATFIELD, VILLAGE OF ECLINTON CO.3	NOVEMBER 15, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	SEPTEMBER 08, 1974	36127	PIERCEFIELD, TOWN OF IST. LAWRENCE CO.1	



UNINCORPORATED AREAS ONLY			NEW YORK			UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361099	SOUTH CAYTON, VILLAGE OF LCATTAUGUS CO.3	MAY 31, 1974	361202	*RIGHT, TOWN OF ESCOMARIE CO.3	NOVEMBER 08, 1974			
361100	SOUTH CAYTON, TOWN OF LCATTAUGUS CO.3	SEPTEMBER 08, 1974	360952	*TOMING, VILLAGE OF LCATTAUGUS CO.3	MAY 17, 1974			
361101	SPARTA, TOWN OF CLIVINGTON CO.3	NOVEMBER 08, 1974	361104	YORKSHIRE, TOWN OF LCATTAUGUS CO.3	APRIL 11, 1975			
361102	SPARTA, TOWN OF CLIVINGTON CO.3	NOVEMBER 15, 1974						
361103	SPENCER, VILLAGE OF ETIOGA CO.3							
361104	STAFFORD, TOWN OF	JANUARY 29, 1975						
361105	STAFFORD, TOWN OF	JANUARY 29, 1975						
361106	STAFFORD, TOWN OF	JANUARY 29, 1975						
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361111	STAFFORD, TOWN OF	JANUARY 29, 1975						
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361119	STAFFORD, TOWN OF	JANUARY 29, 1975						
361120	STAFFORD, TOWN OF	JANUARY 29, 1975						
361121	STAFFORD, TOWN OF	JANUARY 29, 1975						
361122	STAFFORD, TOWN OF	JANUARY 29, 1975						
361123	STAFFORD, TOWN OF	JANUARY 29, 1975						
361124	STAFFORD, TOWN OF	JANUARY 29, 1975						
361125	STAFFORD, TOWN OF	JANUARY 29, 1975						
361126	STAFFORD, TOWN OF	JANUARY 29, 1975						
361127	STAFFORD, TOWN OF	JANUARY 29, 1975						
361128	STAFFORD, TOWN OF	JANUARY 29, 1975						
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FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976

* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
370210	CALINA GROVE, TOWN OF CROBAN CO.3	JANUARY 08, 1974	380158	ANANOOSE, CITY OF	JANUARY 17, 1975
370234	INDIAN TRAIL, CITY OF CUNION CO.3	SEPTEMBER 06, 1974	380159	ANTHUR, CITY OF	FEBRUARY 14, 1975
370235A	JOHNSTON COUNTY	MARCH 26, 1974	380080	BATHGATE, CITY OF CPERBINA CO.3	NOVEMBER 22, 1974
37070138	LENOIR COUNTY	JANUARY 03, 1975	380150	BINFORD, CITY OF	FEBRUARY 14, 1975
37070139	MAGNOLIA, TOWN OF	DECEMBER 27, 1974	380151	BINFORD, CITY OF	FEBRUARY 14, 1975
37070090	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380152	BINFORD, CITY OF	FEBRUARY 14, 1975
37070101	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380153	BINFORD, CITY OF	FEBRUARY 14, 1975
37070102	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380154	BINFORD, CITY OF	FEBRUARY 14, 1975
37070103	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380155	BINFORD, CITY OF	FEBRUARY 14, 1975
37070104	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380156	BINFORD, CITY OF	FEBRUARY 14, 1975
37070105	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380157	BINFORD, CITY OF	FEBRUARY 14, 1975
37070106	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380158	BINFORD, CITY OF	FEBRUARY 14, 1975
37070107	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380159	BINFORD, CITY OF	FEBRUARY 14, 1975
37070108	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380160	BINFORD, CITY OF	FEBRUARY 14, 1975
37070109	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380161	BINFORD, CITY OF	FEBRUARY 14, 1975
37070110	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380162	BINFORD, CITY OF	FEBRUARY 14, 1975
37070111	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380163	BINFORD, CITY OF	FEBRUARY 14, 1975
37070112	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380164	BINFORD, CITY OF	FEBRUARY 14, 1975
37070113	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380165	BINFORD, CITY OF	FEBRUARY 14, 1975
37070114	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380166	BINFORD, CITY OF	FEBRUARY 14, 1975
37070115	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380167	BINFORD, CITY OF	FEBRUARY 14, 1975
37070116	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380168	BINFORD, CITY OF	FEBRUARY 14, 1975
37070117	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380169	BINFORD, CITY OF	FEBRUARY 14, 1975
37070118	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380170	BINFORD, CITY OF	FEBRUARY 14, 1975
37070119	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380171	BINFORD, CITY OF	FEBRUARY 14, 1975
37070120	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380172	BINFORD, CITY OF	FEBRUARY 14, 1975
37070121	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380173	BINFORD, CITY OF	FEBRUARY 14, 1975
37070122	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380174	BINFORD, CITY OF	FEBRUARY 14, 1975
37070123	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380175	BINFORD, CITY OF	FEBRUARY 14, 1975
37070124	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380176	BINFORD, CITY OF	FEBRUARY 14, 1975
37070125	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380177	BINFORD, CITY OF	FEBRUARY 14, 1975
37070126	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380178	BINFORD, CITY OF	FEBRUARY 14, 1975
37070127	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380179	BINFORD, CITY OF	FEBRUARY 14, 1975
37070128	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380180	BINFORD, CITY OF	FEBRUARY 14, 1975
37070129	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380181	BINFORD, CITY OF	FEBRUARY 14, 1975
37070130	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380182	BINFORD, CITY OF	FEBRUARY 14, 1975
37070131	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380183	BINFORD, CITY OF	FEBRUARY 14, 1975
37070132	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380184	BINFORD, CITY OF	FEBRUARY 14, 1975
37070133	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380185	BINFORD, CITY OF	FEBRUARY 14, 1975
37070134	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380186	BINFORD, CITY OF	FEBRUARY 14, 1975
37070135	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380187	BINFORD, CITY OF	FEBRUARY 14, 1975
37070136	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380188	BINFORD, CITY OF	FEBRUARY 14, 1975
37070137	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380189	BINFORD, CITY OF	FEBRUARY 14, 1975
37070138	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380190	BINFORD, CITY OF	FEBRUARY 14, 1975
37070139	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380191	BINFORD, CITY OF	FEBRUARY 14, 1975
37070140	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380192	BINFORD, CITY OF	FEBRUARY 14, 1975
37070141	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380193	BINFORD, CITY OF	FEBRUARY 14, 1975
37070142	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380194	BINFORD, CITY OF	FEBRUARY 14, 1975
37070143	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380195	BINFORD, CITY OF	FEBRUARY 14, 1975
37070144	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380196	BINFORD, CITY OF	FEBRUARY 14, 1975
37070145	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380197	BINFORD, CITY OF	FEBRUARY 14, 1975
37070146	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380198	BINFORD, CITY OF	FEBRUARY 14, 1975
37070147	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380199	BINFORD, CITY OF	FEBRUARY 14, 1975
37070148	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380200	BINFORD, CITY OF	FEBRUARY 14, 1975
37070149	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380201	BINFORD, CITY OF	FEBRUARY 14, 1975
37070150	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380202	BINFORD, CITY OF	FEBRUARY 14, 1975
37070151	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380203	BINFORD, CITY OF	FEBRUARY 14, 1975
37070152	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380204	BINFORD, CITY OF	FEBRUARY 14, 1975
37070153	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380205	BINFORD, CITY OF	FEBRUARY 14, 1975
37070154	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380206	BINFORD, CITY OF	FEBRUARY 14, 1975
37070155	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380207	BINFORD, CITY OF	FEBRUARY 14, 1975
37070156	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380208	BINFORD, CITY OF	FEBRUARY 14, 1975
37070157	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380209	BINFORD, CITY OF	FEBRUARY 14, 1975
37070158	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380210	BINFORD, CITY OF	FEBRUARY 14, 1975
37070159	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380211	BINFORD, CITY OF	FEBRUARY 14, 1975
37070160	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380212	BINFORD, CITY OF	FEBRUARY 14, 1975
37070161	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380213	BINFORD, CITY OF	FEBRUARY 14, 1975
37070162	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380214	BINFORD, CITY OF	FEBRUARY 14, 1975
37070163	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380215	BINFORD, CITY OF	FEBRUARY 14, 1975
37070164	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380216	BINFORD, CITY OF	FEBRUARY 14, 1975
37070165	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380217	BINFORD, CITY OF	FEBRUARY 14, 1975
37070166	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380218	BINFORD, CITY OF	FEBRUARY 14, 1975
37070167	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380219	BINFORD, CITY OF	FEBRUARY 14, 1975
37070168	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380220	BINFORD, CITY OF	FEBRUARY 14, 1975
37070169	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380221	BINFORD, CITY OF	FEBRUARY 14, 1975
37070170	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380222	BINFORD, CITY OF	FEBRUARY 14, 1975
37070171	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380223	BINFORD, CITY OF	FEBRUARY 14, 1975
37070172	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380224	BINFORD, CITY OF	FEBRUARY 14, 1975
37070173	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380225	BINFORD, CITY OF	FEBRUARY 14, 1975
37070174	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380226	BINFORD, CITY OF	FEBRUARY 14, 1975
37070175	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380227	BINFORD, CITY OF	FEBRUARY 14, 1975
37070176	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380228	BINFORD, CITY OF	FEBRUARY 14, 1975
37070177	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380229	BINFORD, CITY OF	FEBRUARY 14, 1975
37070178	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380230	BINFORD, CITY OF	FEBRUARY 14, 1975
37070179	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380231	BINFORD, CITY OF	FEBRUARY 14, 1975
37070180	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380232	BINFORD, CITY OF	FEBRUARY 14, 1975
37070181	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380233	BINFORD, CITY OF	FEBRUARY 14, 1975
37070182	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380234	BINFORD, CITY OF	FEBRUARY 14, 1975
37070183	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380235	BINFORD, CITY OF	FEBRUARY 14, 1975
37070184	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380236	BINFORD, CITY OF	FEBRUARY 14, 1975
37070185	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380237	BINFORD, CITY OF	FEBRUARY 14, 1975
37070186	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380238	BINFORD, CITY OF	FEBRUARY 14, 1975
37070187	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380239	BINFORD, CITY OF	FEBRUARY 14, 1975
37070188	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380240	BINFORD, CITY OF	FEBRUARY 14, 1975
37070189	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380241	BINFORD, CITY OF	FEBRUARY 14, 1975
37070190	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380242	BINFORD, CITY OF	FEBRUARY 14, 1975
37070191	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380243	BINFORD, CITY OF	FEBRUARY 14, 1975
37070192	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380244	BINFORD, CITY OF	FEBRUARY 14, 1975
37070193	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380245	BINFORD, CITY OF	FEBRUARY 14, 1975
37070194	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380246	BINFORD, CITY OF	FEBRUARY 14, 1975
37070195	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380247	BINFORD, CITY OF	FEBRUARY 14, 1975
37070196	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380248	BINFORD, CITY OF	FEBRUARY 14, 1975
37070197	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380249	BINFORD, CITY OF	FEBRUARY 14, 1975
37070198	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380250	BINFORD, CITY OF	FEBRUARY 14, 1975
37070199	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380251	BINFORD, CITY OF	FEBRUARY 14, 1975
37070200	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380252	BINFORD, CITY OF	FEBRUARY 14, 1975
37070201	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380253	BINFORD, CITY OF	FEBRUARY 14, 1975
37070202	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380254	BINFORD, CITY OF	FEBRUARY 14, 1975
37070203	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380255	BINFORD, CITY OF	FEBRUARY 14, 1975
37070204	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380256	BINFORD, CITY OF	FEBRUARY 14, 1975
37070205	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380257	BINFORD, CITY OF	FEBRUARY 14, 1975
37070206	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380258	BINFORD, CITY OF	FEBRUARY 14, 1975
37070207	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380259	BINFORD, CITY OF	FEBRUARY 14, 1975
37070208	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380260	BINFORD, CITY OF	FEBRUARY 14, 1975
37070209	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380261	BINFORD, CITY OF	FEBRUARY 14, 1975
37070210	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380262	BINFORD, CITY OF	FEBRUARY 14, 1975
37070211	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380263	BINFORD, CITY OF	FEBRUARY 14, 1975
37070212	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380264	BINFORD, CITY OF	FEBRUARY 14, 1975
37070213	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380265	BINFORD, CITY OF	FEBRUARY 14, 1975
37070214	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380266	BINFORD, CITY OF	FEBRUARY 14, 1975
37070215	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380267	BINFORD, CITY OF	FEBRUARY 14, 1975
37070216	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380268	BINFORD, CITY OF	FEBRUARY 14, 1975
37070217	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380269	BINFORD, CITY OF	FEBRUARY 14, 1975
37070218	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380270	BINFORD, CITY OF	FEBRUARY 14, 1975
37070219	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380271	BINFORD, CITY OF	FEBRUARY 14, 1975
37070220	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380272	BINFORD, CITY OF	FEBRUARY 14, 1975
37070221	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380273	BINFORD, CITY OF	FEBRUARY 14, 1975
37070222	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380274	BINFORD, CITY OF	FEBRUARY 14, 1975
37070223	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380275	BINFORD, CITY OF	FEBRUARY 14, 1975
37070224	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380276	BINFORD, CITY OF	FEBRUARY 14, 1975
37070225	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380277	BINFORD, CITY OF	FEBRUARY 14, 1975
37070226	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380278	BINFORD, CITY OF	FEBRUARY 14, 1975
37070227	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380279	BINFORD, CITY OF	FEBRUARY 14, 1975
37070228	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380280	BINFORD, CITY OF	FEBRUARY 14, 1975
37070229	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380281	BINFORD, CITY OF	FEBRUARY 14, 1975
37070230	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380282	BINFORD, CITY OF	FEBRUARY 14, 1975
37070231	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380283	BINFORD, CITY OF	FEBRUARY 14, 1975
37070232	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380284	BINFORD, CITY OF	FEBRUARY 14, 1975
37070233	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380285	BINFORD, CITY OF	FEBRUARY 14, 1975
37070234	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380286	BINFORD, CITY OF	FEBRUARY 14, 1975
37070235	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380287	BINFORD, CITY OF	FEBRUARY 14, 1975
37070236	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380288	BINFORD, CITY OF	FEBRUARY 14, 1975
37070237	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380289	BINFORD, CITY OF	FEBRUARY 14, 1975
37070238	MAGNOLIA, TOWN OF	JANUARY 09, 1974	380290	BINFORD, CITY OF	FEBRUARY 14, 1975
37070239	MAGNOLIA, TOWN OF	JANUARY 09, 1974</			

FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976



## NOTICES

[illegible]

FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976

## NOTICES

* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390499	HANGING ROCK, VILLAGE OF	ILLANENCE CO.1	390337	ORANGE, VILLAGE OF	SCUTANOGA CO.1
390500	HARDIN COUNTY		390411	OSGOOD, VILLAGE OF	COARKE CO.1
390501	HARRISON COUNTY		390412	OSGOOD, VILLAGE OF	COARKE CO.1
390502	HARRISON COUNTY		390413	OSGOOD, VILLAGE OF	COARKE CO.1
390503	HARRISON COUNTY		390414	OSGOOD, VILLAGE OF	COARKE CO.1
390504	HARRISON COUNTY		390415	OSGOOD, VILLAGE OF	COARKE CO.1
390505	HARRISON COUNTY		390416	OSGOOD, VILLAGE OF	COARKE CO.1
390506	HARRISON COUNTY		390417	OSGOOD, VILLAGE OF	COARKE CO.1
390507	HARRISON COUNTY		390418	OSGOOD, VILLAGE OF	COARKE CO.1
390508	HARRISON COUNTY		390419	OSGOOD, VILLAGE OF	COARKE CO.1
390509	HARRISON COUNTY		390420	OSGOOD, VILLAGE OF	COARKE CO.1
390510	HARRISON COUNTY		390421	OSGOOD, VILLAGE OF	COARKE CO.1
390511	HARRISON COUNTY		390422	OSGOOD, VILLAGE OF	COARKE CO.1
390512	HARRISON COUNTY		390423	OSGOOD, VILLAGE OF	COARKE CO.1
390513	HARRISON COUNTY		390424	OSGOOD, VILLAGE OF	COARKE CO.1
390514	HARRISON COUNTY		390425	OSGOOD, VILLAGE OF	COARKE CO.1
390515	HARRISON COUNTY		390426	OSGOOD, VILLAGE OF	COARKE CO.1
390516	HARRISON COUNTY		390427	OSGOOD, VILLAGE OF	COARKE CO.1
390517	HARRISON COUNTY		390428	OSGOOD, VILLAGE OF	COARKE CO.1
390518	HARRISON COUNTY		390429	OSGOOD, VILLAGE OF	COARKE CO.1
390519	HARRISON COUNTY		390430	OSGOOD, VILLAGE OF	COARKE CO.1
390520	HARRISON COUNTY		390431	OSGOOD, VILLAGE OF	COARKE CO.1
390521	HARRISON COUNTY		390432	OSGOOD, VILLAGE OF	COARKE CO.1
390522	HARRISON COUNTY		390433	OSGOOD, VILLAGE OF	COARKE CO.1
390523	HARRISON COUNTY		390434	OSGOOD, VILLAGE OF	COARKE CO.1
390524	HARRISON COUNTY		390435	OSGOOD, VILLAGE OF	COARKE CO.1
390525	HARRISON COUNTY		390436	OSGOOD, VILLAGE OF	COARKE CO.1
390526	HARRISON COUNTY		390437	OSGOOD, VILLAGE OF	COARKE CO.1
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390528	HARRISON COUNTY		390439	OSGOOD, VILLAGE OF	COARKE CO.1
390529	HARRISON COUNTY		390440	OSGOOD, VILLAGE OF	COARKE CO.1
390530	HARRISON COUNTY		390441	OSGOOD, VILLAGE OF	COARKE CO.1
390531	HARRISON COUNTY		390442	OSGOOD, VILLAGE OF	COARKE CO.1
390532	HARRISON COUNTY		390443	OSGOOD, VILLAGE OF	COARKE CO.1
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390538	HARRISON COUNTY		390449	OSGOOD, VILLAGE OF	COARKE CO.1
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390540	HARRISON COUNTY		390451	OSGOOD, VILLAGE OF	COARKE CO.1
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390542	HARRISON COUNTY		390453	OSGOOD, VILLAGE OF	COARKE CO.1
390543	HARRISON COUNTY		390454	OSGOOD, VILLAGE OF	COARKE CO.1
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390545	HARRISON COUNTY		390456	OSGOOD, VILLAGE OF	COARKE CO.1
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390548	HARRISON COUNTY		390459	OSGOOD, VILLAGE OF	COARKE CO.1
390549	HARRISON COUNTY		390460	OSGOOD, VILLAGE OF	COARKE CO.1
390550	HARRISON COUNTY		390461	OSGOOD, VILLAGE OF	COARKE CO.1
390551	HARRISON COUNTY		390462	OSGOOD, VILLAGE OF	COARKE CO.1
390552	HARRISON COUNTY		390463	OSGOOD, VILLAGE OF	COARKE CO.1
390553	HARRISON COUNTY		390464	OSGOOD, VILLAGE OF	COARKE CO.1
390554	HARRISON COUNTY		390465	OSGOOD, VILLAGE OF	COARKE CO.1
390555	HARRISON COUNTY		390466	OSGOOD, VILLAGE OF	COARKE CO.1
390556	HARRISON COUNTY		390467	OSGOOD, VILLAGE OF	COARKE CO.1
390557	HARRISON COUNTY		390468	OSGOOD, VILLAGE OF	COARKE CO.1
390558	HARRISON COUNTY		390469	OSGOOD, VILLAGE OF	COARKE CO.1
390559	HARRISON COUNTY		390470	OSGOOD, VILLAGE OF	COARKE CO.1
390560	HARRISON COUNTY		390471	OSGOOD, VILLAGE OF	COARKE CO.1
390561	HARRISON COUNTY		390472	OSGOOD, VILLAGE OF	COARKE CO.1
390562	HARRISON COUNTY		390473	OSGOOD, VILLAGE OF	COARKE CO.1
390563	HARRISON COUNTY		390474	OSGOOD, VILLAGE OF	COARKE CO.1
390564	HARRISON COUNTY		390475	OSGOOD, VILLAGE OF	COARKE CO.1
390565	HARRISON COUNTY		390476	OSGOOD, VILLAGE OF	COARKE CO.1
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390571	HARRISON COUNTY		390482	OSGOOD, VILLAGE OF	COARKE CO.1
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390674	HARRISON COUNTY		390585	OSGOOD, VILLAGE OF	COARKE CO.1
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390680	HARRISON COUNTY		390591	OSGOOD, VILLAGE OF	COARKE CO.1
390681	HARRISON COUNTY		390592	OSGOOD, VILLAGE OF	COARKE CO.1
390682	HARRISON COUNTY		390593	OSGOOD, VILLAGE OF	COARKE CO.1
390683	HARRISON COUNTY		390594	OSGOOD, VILLAGE OF	COARKE CO.1
390684	HARRISON COUNTY		390595	OSGOOD, VILLAGE OF	COARKE CO.1
390685	HARRISON COUNTY		390596	OSGOOD, VILLAGE OF	COARKE CO.1
390686	HARRISON COUNTY		390597	OSGOOD, VILLAGE OF	COARKE CO.1
390687	HARRISON COUNTY		390598	OSGOOD, VILLAGE OF	COARKE CO.1
390688	HARRISON COUNTY		390599	OSGOOD, VILLAGE OF	COARKE CO.1
390689	HARRISON COUNTY		390600	OSGOOD, VILLAGE OF	COARKE CO.1
390690	HARRISON COUNTY		390601	OSGOOD, VILLAGE OF	COARKE CO.1
390691	HARRISON COUNTY		390602	OSGOOD, VILLAGE OF	COARKE CO.1
390692	HARRISON COUNTY		390603	OSGOOD, VILLAGE OF	COARKE CO.1
390693	HARRISON COUNTY		390604	OSGOOD, VILLAGE OF	COARKE CO.1
390694	HARRISON COUNTY		390605	OSGOOD, VILLAGE OF	COARKE CO.1
390695	HARRISON COUNTY		390606	OSGOOD, VILLAGE OF	COARKE CO.1
390696	HARRISON COUNTY		390607	OSGOOD, VILLAGE OF	COARKE CO.1
390697	HARRISON COUNTY		390608	OSGOOD, VILLAGE OF	COARKE CO.1
390698	HARRISON COUNTY		390609	OSGOOD, VILLAGE OF	COARKE CO.1
390699	HARRISON COUNTY		390610	OSGOOD, VILLAGE OF	COARKE CO.1
390700	H				



## NOTICES

UNINCORPORATED AREAS ONLY		UNINCORPORATED AREAS ONLY	
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	HAZARD AREA IDENTIFIED
OKLAHOMA		OKLAHOMA	
000074A	ADDINGTON, TOWN OF CUFFENSON CO.3	OCTOBER 18, 1974 AND	FEBRUARY 13, 1974
000078A	BOSWELL, TOWN OF CCHOCTAW CO.3	APRIL 14, 1974	MAY 24, 1974
000083A	BRISTOW, CITY OF CCKEOK CO.3	MARCH 15, 1974	JUNE 28, 1974 AND
000081A	BRISTOW, CITY OF CCKEOK CO.3	JUNE 28, 1974 AND	DECEMBER 12, 1975
0000149	BURBANK, TOWN OF CCKEOK CO.3	DECEMBER 28, 1975	APRIL 05, 1974
0000175A	BYNG, TOWN OF CPONTIOTIC CO.3	AUGUST 30, 1974 AND	JANUARY 18, 1974
0000175A	BYNG, TOWN OF CPONTIOTIC CO.3	DECEMBER 05, 1975	NOVEMBER 23, 1973 AND
0000187A	CHELSEA, CITY OF CROGERS CO.3	DECEMBER 28, 1973 AND	DECEMBER 20, 1974
0000183	CHEYENNE, TOWN OF CROGER MILLCO.3	DECEMBER 12, 1975	DECEMBER 10, 1975
0000225	CORN, TOWN OF CASHMATA CO.3	JUNE 28, 1974	JANUARY 10, 1975
0000122	COUNCIL HILL, TOWN OF CENUSKOGEE CO.3	JANUARY 10, 1974	JUNE 28, 1974 AND
0000228A	DACOMA, TOWN OF CROGERS CO.3	NOVEMBER 08, 1974	DECEMBER 12, 1975
0000204	DAVIDSON, TOWN OF CILLMAN CO.3	DECEMBER 12, 1975	DECEMBER 12, 1975
0000294	DAVIS, TOWN OF CROGERS CO.3	JULY 24, 1974	
0000294	DAVIS, TOWN OF CROGERS CO.3	MAY 24, 1974	
0000039	FORT TOMSON, TOWN OF CCHOCTAW CO.3	JANUARY 16, 1975	
0000194	GANS, TOWN OF CSEVUOTAH CO.3	JANUARY 10, 1975	
0000380	GARBER, CITY OF CCHOCTAW CO.3	NOVEMBER 25, 1974	
0000032	GENE AUM, TOWN OF CCKEOK CO.3	NOVEMBER 08, 1974	
0000032	GENE AUM, TOWN OF CCKEOK CO.3	AUGUST 30, 1974	
0000167	HALLVILLE, CITY OF CFFITTSBURG CO.3	JULY 24, 1974	
000024A	HARRAN, TOWN OF COKLAHOMA CO.3	AUGUST 02, 1974	
000024A	HARRAN, TOWN OF COKLAHOMA CO.3	JULY 24, 1974	
000057A	JAT, TOWN OF CDELAWARE CO.3	DECEMBER 05, 1975	
0000071	JET, TOWN OF CDELAWARE CO.3	DECEMBER 16, 1974	
0000071	JET, TOWN OF CDELAWARE CO.3	DECEMBER 06, 1974	
0000194	KANSAS, CITY OF CFFITTSBURG CO.3	NOVEMBER 08, 1974	
0000194	KANSAS, CITY OF CFFITTSBURG CO.3	DECEMBER 09, 1976	
0000298	LEEDY, TOWN OF CLOREY CO.3	MAY 02, 1975	
0000076	LOGAN COUNTY	DECEMBER 27, 1975	
0000085A	LONE HOLF, TOWN OF CRILOA CO.3	MAY 02, 1975	
0000014	LONGDALE, TOWN OF CBLAINE CO.3	DECEMBER 25, 1974	
0000083	LOTT, TOWN OF CBLAINE CO.3	APRIL 25, 1975	
0000083	LOTT, TOWN OF CBLAINE CO.3	NOVEMBER 15, 1974	
0000171	MENDOTA, TOWN OF CEMAGOR CO.3	NOVEMBER 15, 1974	
0000171	MENDOTA, TOWN OF CEMAGOR CO.3	AUGUST 16, 1974	
0000171	MENDOTA, TOWN OF CEMAGOR CO.3	FEBRUARY 06, 1976	
000015A	OKEENE, TOWN OF CBLAINE CO.3	JUNE 28, 1974	
0000158	PEORIA, TOWN OF COTTARA CO.3	DECEMBER 05, 1975	
0000127A	PORUM, TOWN OF CENUSKOGEE CO.3	NOVEMBER 22, 1974	
0000127A	PORUM, TOWN OF CENUSKOGEE CO.3	JUNE 28, 1975	
000037	RED OAK, TOWN OF CLATIMER CO.3	DECEMBER 20, 1974	
000037	RED OAK, TOWN OF CLATIMER CO.3	MARCH 22, 1974	
000038A	ROOSEVELT, TOWN OF CRILOA CO.3	NOVEMBER 01, 1974	

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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
410037	WESCOTT, CITY	JANUARY 10, 1975	422508	ADDISON, TOWNSHIP OF ESOMERSET CO.,J	JANUARY 03, 1975
410186	ST. PAUL, CITY OF CHAMON CO.,J	NOVEMBER 22, 1974	421467	ALBANY, TOWNSHIP OF LAMAR CO.,J	DECEMBER 27, 1974
2			422491	ALBANY, TOWNSHIP OF LAMAR CO.,J	MARCH 28, 1975
TOTAL IN THE STATE			422509	ALLEGANY, TOWNSHIP OF LAMAR CO.,J	JANUARY 17, 1975
			421468	ALLEGANY, TOWNSHIP OF LAMAR CO.,J	DECEMBER 27, 1974
			421928	ALLEN, TOWNSHIP OF ENOCHMARTON CO.,J	SEPTEMBER 06, 1973
			422361	ASHLAND, TOWNSHIP OF LAMAR CO.,J	JANUARY 10, 1975
			422797	ATWOOD, BOROUGH OF LAMAR CO.,J	JANUARY 31, 1975
			422428	AYR, TOWNSHIP OF LAMAR CO.,J	FEBRUARY 07, 1975
			422435	BANKS, TOWNSHIP OF LAMAR CO.,J	JANUARY 17, 1975
			421843	BARNETT, TOWNSHIP OF LAMAR CO.,J	DECEMBER 27, 1974
			422440	BARNETT, TOWNSHIP OF LAMAR CO.,J	DECEMBER 27, 1974
			421863	BARNETT, TOWNSHIP OF LAMAR CO.,J	DECEMBER 06, 1974
			422472	BARNETT, TOWNSHIP OF LAMAR CO.,J	FEBRUARY 07, 1975
			421738	BEALE, TOWNSHIP OF LAMAR CO.,J	DECEMBER 06, 1974
			421729	BEALLSVILLE, BOROUGH OF LAMAR CO.,J	DECEMBER 13, 1974
			422544	BEAR LAKE, BOROUGH OF LAMAR CO.,J	DECEMBER 27, 1974
			421547	BEAVER, TOWNSHIP OF LAMAR CO.,J	NOVEMBER 01, 1974
			422032	BEAVER, TOWNSHIP OF LAMAR CO.,J	NOVEMBER 01, 1974
			421886	BEAVER, TOWNSHIP OF LAMAR CO.,J	NOVEMBER 01, 1974
			422441	BEAVER, TOWNSHIP OF LAMAR CO.,J	FEBRUARY 28, 1975
			421659	BEAVER, TOWNSHIP OF LAMAR CO.,J	JANUARY 17, 1975
			422009A	BELLEVUE, BOROUGH OF LAMAR CO.,J	DECEMBER 20, 1974
			422244	BELL, TOWNSHIP OF LAMAR CO.,J	DECEMBER 28, 1973
			421815	BELL, TOWNSHIP OF LAMAR CO.,J	DECEMBER 13, 1974
			422010	BEN AVON, BOROUGH OF LAMAR CO.,J	SEPTEMBER 13, 1974
			422412	BENZETTES, TOWNSHIP OF LAMAR CO.,J	DECEMBER 28, 1973
			421749	BENTON, TWP	FEBRUARY 07, 1975
			421052	BETHEL, TOWNSHIP OF LAMAR CO.,J	JANUARY 10, 1975
			421606	BETHEL, TWP	SEPTEMBER 20, 1974
			420508	BIG HUN, BOROUGH OF LAMAR CO.,J	JANUARY 24, 1975
			421973	BINGHAM, BOROUGH OF LAMAR CO.,J	JULY 19, 1974
			420482	BIRMINGHAM, BOROUGH OF LAMAR CO.,J	NOVEMBER 29, 1974
			421510	BLACK LICK, BOROUGH OF LAMAR CO.,J	DECEMBER 06, 1974
			421510	BLACK LICK, BOROUGH OF LAMAR CO.,J	DECEMBER 06, 1974
			421510	BLACK LICK, BOROUGH OF LAMAR CO.,J	JANUARY 15, 1975
			422141	BLAINE, TOWNSHIP OF LAMAR CO.,J	JANUARY 15, 1975
			420495A	BLAIRSVILLE, BOROUGH OF LAMAR CO.,J	OCTOBER 18, 1974
			421332	BLOOMFIELD, TOWNSHIP OF LAMAR CO.,J	JULY 26, 1974
			421962	BLOOMING GROVE, TOWNSHIP OF LAMAR CO.,J	APRIL 02, 1976
			421301A	BODGES, TOWNSHIP OF LAMAR CO.,J	JANUARY 31, 1975
			421515	BODGES, TOWNSHIP OF LAMAR CO.,J	NOVEMBER 08, 1974
			420873	BOLIVAR, BOROUGH OF LAMAR CO.,J	AUGUST 30, 1974
			420794A	BOSWELL, BOROUGH OF LAMAR CO.,J	APRIL 09, 1974
					APRIL 09, 1974
					JUNE 14, 1974
					JULY 26, 1974
					APRIL 16, 1976



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UNINCORPORATED AREAS ONLY

[illegible]

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COMMUNITY NUMBER	NAME	PENNSYLVANIA	HAZARD AREA IDENTIFIED
422050A	PLUMVILLE, BOROUGH OF LINDIANA CO.3		
422050B	PLUM, TOWNSHIP OF CUMBERLAND CO.3		AUGUST 09, 1974 AND
422051	POLK, TOWNSHIP OF JEFFERSON CO.3		OCTOBER 10, 1975
422052	POTAGE, TOWNSHIP OF CROFTON CO.3		DECEMBER 21, 1974
422053	PORTERSVILLE, BORO CRUTLER CO.3		DECEMBER 16, 1974
422054	PORTER, TOWNSHIP OF JEFFERSON CO.3		JANUARY 10, 1975
422055	POTTER, TOWNSHIP OF CLEAVER CO.3		FEBRUARY 14, 1975
422056	POTTER, TOWNSHIP OF CLEAVER CO.3		DECEMBER 13, 1974
422057	PROSPECT, BORO CRUTLER CO.3		JANUARY 17, 1975
422058	QUINCY, TOWNSHIP OF FRANKLIN CO.3		DECEMBER 27, 1974
422059	RAYNE, TWP CINDIANA CO.3		
422060	REARDEN, TOWNSHIP OF CUMBERLAND CO.3		JANUARY 17, 1975
422061	REARDEN, TOWNSHIP OF CUMBERLAND CO.3		JANUARY 17, 1975
422062	RICHLAND, TOWNSHIP OF EVANCO CO.3		DECEMBER 06, 1974
422063	RICHLAND, TOWNSHIP OF EVANCO CO.3		JANUARY 24, 1975
422064	RICHLAND, TOWNSHIP OF CLARION CO.3		JANUARY 17, 1975
422065	RINGOLD, TOWNSHIP OF JEFFERSON CO.3		JANUARY 03, 1974
422066	ROARING CREEK, TOWNSHIP OF COLUMBIA CO.3		DECEMBER 13, 1974
422067	ROARING CREEK, TOWNSHIP OF COLUMBIA CO.3		JANUARY 17, 1975
422068	ROBINSON, TWP CRAMSHINGTON CO.3		JANUARY 10, 1975
422069	ROCKLAND, TWP EVANCO CO.3		JANUARY 17, 1975
422070	ROCKWOOD, BOROUGH OF COSMEST CO.3		DECEMBER 06, 1974
422071	ROSETO, BOROUGH OF ENORTHAMPTON CO.3		NOVEMBER 15, 1974
422072	ROSEVILLE, TOWNSHIP OF JEFFERSON CO.3		NOVEMBER 15, 1974
422073	ROSEVILLE, TOWNSHIP OF JEFFERSON CO.3		SEPTEMBER 30, 1974
422074	ROSEVILLE, TOWNSHIP OF JEFFERSON CO.3		SEPTEMBER 30, 1974
422075	ROSEVILLE, TOWNSHIP OF JEFFERSON CO.3		NOVEMBER 30, 1974
422076	ROULETTE, TOWNSHIP OF CRITTER CO.3		DECEMBER 20, 1974
422077	RURAL VALLEY, BORO CARMSTRONG CO.3		JANUARY 24, 1975
422078	SALEM, TOWNSHIP OF CLARION CO.3		JANUARY 10, 1975
422079	SALEM, TOWNSHIP OF CUMBERLAND CO.3		SEPTEMBER 20, 1974
422080	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422081	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422082	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422083	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422084	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422085	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422086	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422087	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422088	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422089	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422090	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422091	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422092	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422093	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422094	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422095	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422096	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422097	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422098	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422099	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422100	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422101	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422102	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422103	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422104	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422105	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422106	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422107	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422108	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422109	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422110	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422111	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422112	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422113	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422114	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422115	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422116	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422117	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422118	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975
422119	SALTILLO, BOROUGH OF HUNTINGTON CO.1		APRIL 31, 1975

\* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	PENNSYLVANIA	HAZARD AREA IDENTIFIED
4221619	SOUTH CONNELLSVILLE, BOROUGH OF	EFALETTE CO.,J	NOVEMBER 08, 1974
4222330	SOUTH HEIGHTS, BOROUGH OF	LEAVER CO.,J	JANUARY 31, 1975
4222194	SOUTH HUNTINGDON, TOWNSHIP OF	CHESTNUTLAND CO.,J	AUGUST 09, 1974
4222439	SOUTH MAHONING, TAP	CINDIANA CO.,J	JANUARY 29, 1975
4221586	SOUTH MERTON, TOWNSHIP OF	CUMBERLAND CO.,J	JANUARY 27, 1974
4222523	SOUTHMANTON, TOWNSHIP OF	ESOMERSET CO.,J	DECEMBER 27, 1974
4221381	SOUTHMANTON, TOWNSHIP OF	ESOMERSET CO.,J	FEBRUARY 07, 1975
4222197	SOUTHMANTON, TOWNSHIP OF	CUMBERLAND CO.,J	DECEMBER 27, 1974
4222127	SOUTHWEST, TOWNSHIP OF	LEAVER CO.,J	DECEMBER 22, 1974
4222114	SPRING CREEK, TOWNSHIP OF	CELEK CO.,J	NOVEMBER 08, 1974
4221677	SPRINGKILL, TAP	GREENE CO.,J	APRIL 11, 1974
42221570	SPRING, TOWNSHIP OF	LEAVER CO.,J	MAY 31, 1974
42221670	SPRING HILL, TOWNSHIP OF	CUNIATA CO.,J	NOVEMBER 22, 1974
42221745	STACEY STONE, TOWNSHIP OF	CARLSFORD CO.,J	SEPTEMBER 22, 1974
42221407	STEVENS, TOWNSHIP OF	LEAVER CO.,J	NOVEMBER 01, 1974
42220152	STRAUSSTOWN, BORO	EBERKS CO.,J	JANUARY 31, 1975
42221328	ST. CLAIRSVILLE, BOROUGH OF	BEDFORD CO.,J	JANUARY 31, 1975
42222191	ST. CLAIR, TOWNSHIP OF	CHESTNUTLAND CO.,J	SEPTEMBER 20, 1974
4222489	SUGAR GROVE, TOWNSHIP OF	INCHER CO.,J	JANUARY 31, 1975
4222549	SUGAR GROVE, TOWNSHIP OF	CLARKEN CO.,J	APRIL 04, 1975
42221558	SUGARLOAF, TAP	LEAVER CO.,J	JANUARY 29, 1974
4222238	SUMMIT, TOWNSHIP OF	LEAVER CO.,J	JANUARY 29, 1974
4222056	SUMMIT, TAP	ESOMERSET CO.,J	JANUARY 31, 1975
42221990	SYLVANIA, TOWNSHIP OF	COITTER CO.,J	JANUARY 03, 1975
42222397	S. SHENANGO, TOWNSHIP OF	CARLSFORD CO.,J	DECEMBER 08, 1974
42221469	TATLON, TOWNSHIP OF	CEATRE CO.,J	JANUARY 03, 1975
42222339	TELFORD, BOROUGH OF	CHONTAGHERY CO.,J	DECEMBER 20, 1974
42221664	THOMPSON, TOWNSHIP OF	CULFON CO.,J	JANUARY 10, 1975
4222575	THREE SPRINGS, BORO	LEWNTINGDON CO.,J	DECEMBER 13, 1975
4222948	THRELIN, BORO	LEWNTINGDON CO.,J	JANUARY 24, 1975
4222668	TIONEDA, BOROUGH OF	LEAVER CO.,J	JANUARY 24, 1975
4222550	TIONEDA, TOWNSHIP OF	LEAVER CO.,J	MARCH 29, 1974
4222550	TRIUMPH, TAP	CLARKEN CO.,J	JULY 29, 1974
42222015	TROUTVILLE, BOROUGH OF	CLEARFIELD CO.,J	JANUARY 17, 1975
42221115	TULPEHOCKEN, TOWNSHIP OF	EBERKS CO.,J	DECEMBER 08, 1974
42221898	TUNKAMNACK, TOWNSHIP OF	INUNROE CO.,J	NOVEMBER 08, 1974
42221961	TRONEA, TOWNSHIP OF	PERRY CO.,J	JANUARY 31, 1975
42222584	UNIONDALE, BORO	ESUSQUEHANNA CO.,J	JANUARY 24, 1975
42221573	UNION, TOWNSHIP OF	LEAVER CO.,J	AUGUST 30, 1974
42221704	UNION, TOWNSHIP OF	HUNTINGDON CO.,J	DECEMBER 08, 1974
42222949	UNION, TOWNSHIP OF	JEFFERSON CO.,J	DECEMBER 27, 1974
4222930	UNION, TOWNSHIP OF	CULFON CO.,J	DECEMBER 27, 1974
42221313	UNION, TOWNSHIP OF	LEAVER CO.,J	DECEMBER 11, 1975
42221313	UNION BENA, TOWNSHIP OF	EBERKS CO.,J	SEPTEMBER 20, 1974
42221934	UPPER MAZRETH, TOWNSHIP OF	CHONTAGHERY CO.,J	DECEMBER 27, 1971
42221918	UPPER SALFORD, TOWNSHIP OF	CHONTAGHERY CO.,J	DECEMBER 08, 1974
4222525	UPPER TUNKLEYCOCK, TOWNSHIP OF	ESOMERSET CO.,J	DECEMBER 27, 1974
42221120	UPPER TULPEHOCKEN, TWP	EBERKS CO.,J	JANUARY 10, 1975



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COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
450201	ALLENDALE COUNTY *	NOVEMBER 29, 1974	490077	ASHTON, CITY OF ESPING CO.:J	DECEMBER 06, 1974
450224	ATLANTIC BEACH, TOWN OF	AUGUST 23, 1974	490058	BALTIC, TOWN OF CHINNESHA CO.:J	DECEMBER 06, 1974
450203	BARBERSGATE COUNTY *	NOVEMBER 29, 1974	490105	CLAREMONT, TOWN OF ECKRONA CO.:J	APRIL 25, 1975
450204	BARNWELL COUNTY *	DECEMBER 20, 1974	490078	CANOE, TOWN OF ESPING CO.:J	DECEMBER 20, 1974
450502	CARMENON, TOWN	JANUARY 03, 1975	490079	DOLLAND, TOWN OF (SPINK CO.)	FEBRUARY 07, 1975
490077	COWART, TOWN OF FLORENCE CO.:J	OCTOBER 28, 1974	490169	DUPREE, CITY OF IZIEBACH CO.:J	APRIL 25, 1975
490124	CROSS HILL, TOWN OF CLAUENS CO.:J	DECEMBER 27, 1974	49026A	EUEMONT, CITY OF EFALL RIVER CO.:J	AUGUST 03, 1974 AND
450045	ELKINS, TOWN OF	DECEMBER 17, 1974			
450046	DILLON, TOWN OF COLLON CO.:J	MAY 24, 1974 AND	490190	LEAD, CITY OF (LAWRENCE CO.)	JANUARY 18, 1976
45007NA	EDGEFIELD, TOWN OF EDGARSBURG CO.:J	MARCH 05, 1976	490086	NORTHAMPTON, TOWN OF ESPING CO.:J	FEBRUARY 07, 1975
450022	EMMARHART, TOWN OF EWABERG CO.:J	JULY 19, 1974	490137	RUSHVILLE, TOWN OF ESPING CO.:J	FEBRUARY 07, 1975
450018	ELGIN, TOWN	JANUARY 21, 1975	490132	SARASOTA, TOWN OF ESPING CO.:J	APRIL 25, 1975
450010	FAIRFAX, TOWN OF CALLEDONIA CO.:J	OCTOBER 25, 1974	490082	TURTON, TOWN OF ESPING CO.:J	DECEMBER 20, 1974
450132	GILBERT, TOWN OF CLAUENS CO.:J	DECEMBER 13, 1974	490146	VEBLEN, TOWN OF MARSHALL CO.:J	APRIL 25, 1975
450163	HOLLY HILL, TOWN OF LOREMSBURG CO.:J	JUNE 07, 1974			
				TOTAL IN THE STATE	IN

FEDERAL REGISTER, VOL. 41, NO. 99—THURSDAY, MAY 20, 1976



## NOTICES

UNINCORPORATED AREAS ONLY		UNINCORPORATED AREAS ONLY	
COMMUNITY NUMBER	NAME	COMMUNITY NUMBER	NAME
470234	ADAMS, TOWN OF (MADISON CO.)	470118	WHITTELL, CITY OF CHAMBERLAIN CO.
470159	ADAMS, TOWN OF (ROBERTSON CO.)		TOTAL IN THE STATE
470007	BELL WICKLE, TOWN OF (CLAYTON CO.)		
470294	BELLS, TOWN OF (CROCKETT CO.)		
470218	BENTON COUNTY		
470128	BETHEL SPRINGS, TOWN OF (CHAMBERLAIN CO.)		
470220	BLOUNT COUNTY		
470057	BRADFORD, TOWN OF (CLAYTON CO.)		
470294	BRUCE, TOWN OF (CARROLL CO.)		
470120	CHAPLAIN, TOWN OF (CHAMBERLAIN CO.)		
470140	CHICKASAW, TOWN OF (ROBERTSON CO.)		
470146	CHICKEN, TOWN OF (EMERYFORD CO.)		
470271	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470242	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470129	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470247	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470244	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470130	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470141	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470224	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470088	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
470258	CHICKEN, TOWN OF (CHAMBERLAIN CO.)		
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## NOTICES

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COMMUNITY NUMBER	NAME	TEXAS	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	TEXAS	HAZARD AREA IDENTIFIED
480100	ALBA, TOWN	48000 COJ	MAY 23, 1974 AND	480574	GLEN ROSE, CITY	CSOMERVELL COJ	AUGUST 23, 1974 AND
480101	ALVARADO, CITY OF	JOHNSON COJ	JUNE 01, 1974	480575	GRANEN, CITY OF	WILLIAMSON COJ	FEBRUARY 06, 1974
480102	ANGELINA, COUNTY		DECEMBER 27, 1974	480576	GUN BARREL CITY, CITY OF	CHENOWETH COJ	FEBRUARY 06, 1974
480103	ANN, CITY OF COLLIN COJ		AUGUST 01, 1974	480577	GUSTINE, TOWN OF COMANCHE COJ		AUGUST 02, 1974
480104	ARPT, CITY OF SMITH COJ		DECEMBER 16, 1974	480578	HALE CENTER, CITY OF CHALE COJ		MAY 10, 1974
480105	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		AUGUST 01, 1974	480579	MAPPEY, CITY OF TRANDALL & SAISMERI		FEBRUARY 14, 1974
480106	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480580	MASLET, CITY OF ETANKANT COJ		NOVEMBER 01, 1974
480107	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480581	MEDLEY, CITY OF CONLEY COJ		NOVEMBER 01, 1974
480108	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480582	MERITT, CITY OF ENCLANAN COJ		NOVEMBER 01, 1974
480109	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480583	MOLLIDAY, CITY	CARMER COJ	MARCH 12, 1974
480110	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480584	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480111	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480585	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480112	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480586	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480113	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480587	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480114	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480588	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480115	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480589	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480116	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480590	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480117	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480591	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480118	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480592	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480119	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480593	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480120	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480594	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480121	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480595	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480122	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480596	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480123	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480597	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480124	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480598	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480125	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480599	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480126	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480600	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480127	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480601	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480128	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480602	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480129	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480603	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480130	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480604	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480131	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480605	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480132	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480606	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480133	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480607	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480134	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480608	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480135	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480609	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480136	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480610	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480137	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480611	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480138	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480612	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480139	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480613	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480140	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480614	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480141	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480615	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480142	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480616	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480143	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480617	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480144	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480618	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480145	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480619	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480146	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480620	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480147	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480621	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480148	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480622	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480149	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480623	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480150	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480624	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480151	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480625	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480152	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480626	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480153	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480627	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480154	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480628	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480155	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480629	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480156	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480630	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480157	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480631	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480158	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480632	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480159	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480633	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480160	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480634	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480161	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480635	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480162	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480636	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480163	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480637	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480164	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480638	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480165	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480639	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480166	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480640	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480167	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480641	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480168	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480642	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480169	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480643	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480170	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480644	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480171	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480645	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480172	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480646	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480173	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480647	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480174	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480648	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480175	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480649	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480176	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480650	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480177	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480651	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480178	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480652	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480179	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480653	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480180	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480654	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480181	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480655	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480182	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480656	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480183	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480657	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480184	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480658	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480185	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480659	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480186	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480660	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480187	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480661	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480188	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480662	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480189	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480663	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480190	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480664	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480191	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480665	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480192	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480666	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480193	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480667	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480194	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480668	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480195	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480669	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480196	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480670	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480197	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480671	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480198	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480672	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480199	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480673	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480200	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480674	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480201	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480675	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480202	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480676	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480203	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480677	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480204	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480678	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480205	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480679	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480206	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480680	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480207	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480681	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480208	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480682	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480209	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480683	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480210	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480684	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480211	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480685	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480212	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480686	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480213	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480687	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480214	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480688	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480215	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480689	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480216	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480690	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480217	BALLET'S PRAIRIE, TOWN OF BERNARD COJ		NOVEMBER 08, 1974	480691	MORRISON, CITY OF CHENOWETH COJ		MARCH 12, 1974
480218	BALLET'S PRAIRIE, TOWN OF BERNARD						



• UNINCORPORATED AREAS ONLY			• UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
480108	PELUGERVILLE, CITY OF TRAVIS CO.3	MAY 02, 1975	470123	AURORA, TOWN OF ISEVIER CO.1	JANUARY 31, 1975
480116	PITTSBURG, CITY OF LAMP CO.3	JANUARY 21, 1974	470002	BEAVER, CITY OF CBEAVER CO.3	JUNE 11, 1974
480141	PROSPER, TOWN OF COLLIN CO.3	JUNE 21, 1974 AND	470153	CELANO, TOWN OF IUTAN CO.1	FEBRUARY 07, 1975
480454	PROTE, CITY OF CARO CO.3	JANUARY 30, 1974	470095	CIRCLEVILLE, TOWN OF CIRCLE CO.3	AUGUST 02, 1975
480370	QUINCY, CITY OF CHAM CO.3	AUGUST 18, 1974	470000	ROCKWELL, TOWN OF BOULDER CO.3	JANUARY 24, 1975
480370	QUINCY, CITY OF CHAM CO.3	APRIL 12, 1974 AND	470154	SENECA, TOWN OF IUTAN CO.1	FEBRUARY 07, 1975
480205	RANGER, CITY OF EASTLAND CO.3	MAY 17, 1974	470155	GOSHEN, TOWN OF IUTAN CO.1	FEBRUARY 07, 1975
480428	RANKIN, CITY OF DUTCHMAN CO.3	MAY 10, 1974 AND	470188	MUNTSVILLE, TOWN OF CREECH CO.3	JUNE 21, 1974
480803	RED OAK, TOWN OF LELIS CO.3	MAY 02, 1975	470018	LEWISTON, CITY OF CECHE CO.3	AUGUST 14, 1974 AND
480562	RICHLAND SPRINGS, CITY OF SAN SABA CO.3	NOVEMBER 08, 1974 AND	470185	LOA, TOWN OF CHATNE CO.3	DECEMBER 19, 1975
480225	ROBY, CITY OF CRISMAN CO.3	MARCH 05, 1974	470100	RANDOLPH, TOWN OF CHIC CO.3	DECEMBER 20, 1974
480120	RUNGE, TOWN OF KARNES CO.3	MAY 17, 1974	470147	UNITAN COUNTY, CITY OF ECARSON CO.3	AUGUST 14, 1974
480467	SAN PELLITA, CITY OF CHILLAC CO.3	APRIL 25, 1975	470037	ALLINGTON, CITY OF ECARSON CO.3	AUGUST 14, 1974
480114	SANTA ROSA, CITY OF LAMAR CO.3	OCTOBER 17, 1974 AND			
480728	SKELLYTOWN, TOWN OF CARSON CO.3	APRIL 02, 1974			
480488	SPLENDORA, CITY OF MONTGOMERY CO.3	MAY 02, 1975			
480375	STINNETT, CITY OF DUTCHMAN CO.3	AUGUST 30, 1974 AND			
480734	STOCKDALE, CITY OF EATON CO.3	MARCH 05, 1974			
480358	SUNDOWN, CITY OF CHOCLET CO.3	JANUARY 31, 1974 AND			
480116	TEMPLE, CITY OF KAUFMAN CO.3	MAY 02, 1974			
480499	THRALL, CITY OF WILLIAMSON CO.3	OCTOBER 10, 1974 AND			
480315	TORRALL, CITY OF CHARRIS CO.3	MARCH 18, 1974			
480462	VERNON, CITY OF EMILBARGE CO.3	DECEMBER 20, 1974			
480652	WHARTON COUNTY	JANUARY 21, 1975			
480675	WINK, CITY OF EMMERSON CO.3	FEBRUARY 21, 1975			
480573	WINDY, CITY OF ESMITH CO.3	JANUARY 17, 1974 AND			
480372	WOLFE CITY, CITY OF CHAM CO.3	AUGUST 02, 1974			
480434	WOLFE CITY, CITY OF CLAVACA CO.3	MAY 10, 1974			
480687	ZAPATO COUNTY	AUGUST 02, 1974			

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• UNINCORPORATED AREAS ONLY			• UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
500279	ATHENS, TOWN OF CAINHAM CO.3	DECEMBER 06, 1974 AND	500321	STRATTON, TOWN OF CAINHAM CO.3	JANUARY 31, 1975
500082	BARTON, VILLAGE OF CORLEANS CO.3	NOVEMBER 16, 1974	500269	SUBBUT, TOWN OF CRUTLAND CO.3	DECEMBER 13, 1974
500242	BELLE MAVER, TOWN OF CACONACK CO.3	APRIL 17, 1975	500198	SUTTON, TOWN OF CRUTLAND CO.3	DECEMBER 13, 1974
500227	BEVIER, TOWN OF CLAMVILLE CO.3	JANUARY 16, 1975	500241	TOPSHAM, TOWN OF CORANGE CO.3	DECEMBER 06, 1974
500236	BROOKFIELD, TOWN OF CORANGE CO.3	DECEMBER 06, 1974	500288	TOWNSEND, VILLAGE OF CAINHAM CO.3	DECEMBER 13, 1974
500245	BROWNINGTON, TOWN OF CORLEANS CO.3	DECEMBER 13, 1974	500215	VICTORY, TOWN OF LESSEX CO.3	NOVEMBER 29, 1974
500107	CABOT, VILLAGE OF WASHINGTON CO.3	DECEMBER 13, 1974	500077	WASHINGTON, TOWN OF CORANGE CO.3	DECEMBER 13, 1974
500083	CHARLESTON, TOWN OF CORLEANS CO.3	AUGUST 09, 1974	500233	WATERVILLE, TOWN OF CLAMVILLE CO.3	JUNE 28, 1974 AND
500149	CHATHAM, TOWN OF CORLEANS CO.3	APRIL 17, 1975	500078	WELLS RIVER, VILLAGE OF CORANGE CO.3	FEBRUARY 20, 1976
500127	CHATHAM, TOWN OF CORLEANS CO.3	MARCH 28, 1975	500272	WEST MAVER, TOWN OF CRUTLAND CO.3	DECEMBER 20, 1974
500229	EDEN, TOWN OF CAINHAM CO.3	AUGUST 02, 1974	500207	WESTFIELD, TOWN OF CRUTLAND CO.3	AUGUST 09, 1974
500318	ELMORE, TOWN OF CLAMVILLE CO.3	DECEMBER 06, 1974	500203	WESTFORD, TOWN OF CRUTLAND CO.3	SEPTEMBER 03, 1975
500051	ELMORE, TOWN OF CLAMVILLE CO.3	APRIL 11, 1975	500140	WESTMINSTER, VILLAGE OF CAINHAM CO.3	JANUARY 03, 1975
500035	ESSEX JCT., VILLAGE OF CHITTENDEN CO.3	AUGUST 09, 1974	500311	WESTMORE, TOWN OF CORLEANS CO.3	DECEMBER 20, 1974
500210	FERGAND, TOWN OF LESSEX CO.3	JUNE 28, 1974	500204	WHEELLOCK, TOWN OF CACONACK CO.3	JANUARY 03, 1975
500251	GLOVER, TOWN OF CORLEANS CO.3	DECEMBER 13, 1974	500314	WOODBURY, TOWN OF WASHINGTON CO.3	NOVEMBER 15, 1974
500124	GRANTON, TOWN OF CAINHAM CO.3	DECEMBER 20, 1974 AND			JANUARY 17, 1975
500211	GRANBY, TOWN OF LESSEX CO.3	APRIL 02, 1976			
500003	GRANVILLE, TOWN OF AUDISON CO.3	DECEMBER 13, 1974			
500187	MARDICK, VILLAGE OF CACONACK CO.3	JANUARY 21, 1975			
500313	MUSKATON, TOWN OF CRUTLAND CO.3	DECEMBER 20, 1974			
500230	MIDE PARK, TOWN OF CRUTLAND CO.3	DECEMBER 20, 1974			
500231	MIDE PARK, TOWN OF CRUTLAND CO.3	DECEMBER 20, 1974			
500253	MIDE PARK, TOWN OF CRUTLAND CO.3	DECEMBER 20, 1974			
500253	MIDE PARK, TOWN OF CRUTLAND CO.3	DECEMBER 20, 1974			
500188	KIRBY, TOWN OF CACONACK CO.3	DECEMBER 13, 1974			
500254	LOVELL, TOWN OF CACONACK CO.3	DECEMBER 13, 1974			
500048	LUNENBURG, TOWN OF LESSEX CO.3	SEPTEMBER 20, 1974			
500167	MONTON, TOWN OF LESSEX CO.3	JUNE 28, 1974			
500255	MORGAN, TOWN OF CORLEANS CO.3	DECEMBER 13, 1974			
500242	MORGAN, TOWN OF CORLEANS CO.3	JANUARY 21, 1975			
500242	MORGAN, TOWN OF CORLEANS CO.3	JANUARY 10, 1975			
500190	NEWARK, TOWN OF CACONACK CO.3	JANUARY 10, 1975			
500284	NEWARK, TOWN OF CACONACK CO.3	JANUARY 10, 1975			
500256	NEWPORT, TOWN OF CORLEANS CO.3	JANUARY 03, 1975			
500180	NORTH DENNINGTON, VILLAGE OF DENNINGTON CO.3	NOVEMBER 01, 1974			
500214	NORTON, TOWN OF LESSEX CO.3	FEBRUARY 21, 1975			
500296	PERKINSVILLE, VILLAGE OF DENNINGTON CO.3	MARCH 28, 1975			
500181	PERKINSVILLE, VILLAGE OF DENNINGTON CO.3	JANUARY 03, 1975			
500218	PERKINSVILLE, VILLAGE OF DENNINGTON CO.3	AUGUST 02, 1975			
500184	SEABURY, TOWN OF DENNINGTON CO.3	JANUARY 31, 1975			
500287	SEABURY, TOWN OF DENNINGTON CO.3	NOVEMBER 15, 1974			
500240	STAFFORD, TOWN OF CORANGE CO.3	NOVEMBER 22, 1974			

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## NOTICES

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* UNINCORPORATED AREAS ONLY			* UNINCORPORATED AREAS ONLY		
COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
550114	POPLAR, VILLAGE OF LOUGHSAN CO.,J	DECEMBER 28, 1973	540011	CHUGATERS, TOWN OF EPLATTE CO.,J	DECEMBER 13, 1974
550115	PRATINE, VILLAGE OF LOUGHSAN CO.,J	DECEMBER 28, 1973	540018	QUADIS, TOWN OF CREMONT CO.,J	JANUARY 23, 1974
550116	PRATINE, VILLAGE OF LOUGHSAN CO.,J	DECEMBER 28, 1973	540024	EAST THERMOPOLIS, TOWN OF EMOI SPRINGS CO.,J	NOVEMBER 08, 1974
550108	MOGRANITE, VILLAGE OF CRAUSHANA CO.,J	JANUARY 31, 1975	540025	KEFFERLIE, TOWN OF EMOI SPRINGS CO.,J	NOVEMBER 08, 1974
550154	SHOREWOOD HILLS, VILLAGE OF IDAHO COU	MAY 1977	540026	KEFFERLIE, TOWN OF EMOI SPRINGS CO.,J	NOVEMBER 08, 1974
550230	SHULSBURG, CITY OF CLAFATTE CO.,J	MAY 1977	540027	KEFFERLIE, TOWN OF EMOI SPRINGS CO.,J	NOVEMBER 08, 1974
550231	SOUTH RAINIER, VILLAGE OF CLAFATTE CO.,J	NOVEMBER 15, 1974	540028	LARAMIE, CITY OF CALBANY CO.,J	APRIL 05, 1974
550232	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540029	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550233	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540030	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550234	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540031	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550235	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540032	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550236	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540033	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550237	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540034	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550238	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540035	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550239	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540036	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550240	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540037	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550241	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540038	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550242	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540039	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550243	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540040	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550244	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540041	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550245	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540042	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550246	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540043	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550247	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540044	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550248	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540045	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550249	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540046	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550250	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540047	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550251	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540048	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550252	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540049	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550253	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540050	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550254	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540051	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550255	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540052	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550256	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540053	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550257	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540054	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550258	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540055	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550259	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540056	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550260	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540057	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550261	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540058	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550262	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540059	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550263	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540060	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550264	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540061	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550265	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540062	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550266	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540063	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550267	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540064	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550268	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540065	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550269	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540066	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550270	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540067	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550271	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540068	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550272	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540069	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550273	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540070	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550274	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540071	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550275	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540072	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550276	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540073	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550277	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540074	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550278	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540075	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550279	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540076	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550280	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540077	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550281	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540078	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550282	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540079	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550283	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540080	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550284	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540081	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550285	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540082	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550286	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540083	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550287	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540084	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550288	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540085	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550289	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540086	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550290	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540087	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550291	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540088	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550292	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540089	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550293	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540090	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550294	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540091	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550295	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540092	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550296	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540093	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550297	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540094	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550298	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540095	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550299	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540096	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550300	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540097	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550301	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540098	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550302	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540099	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550303	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540100	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550304	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540101	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550305	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540102	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550306	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540103	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550307	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540104	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550308	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540105	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550309	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540106	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550310	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540107	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550311	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540108	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550312	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540109	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550313	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540110	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550314	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540111	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550315	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540112	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550316	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540113	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550317	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540114	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550318	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540115	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550319	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540116	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550320	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540117	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550321	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540118	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550322	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540119	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550323	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540120	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550324	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540121	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550325	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540122	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550326	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540123	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550327	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540124	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550328	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540125	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550329	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540126	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550330	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540127	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550331	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540128	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550332	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540129	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550333	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540130	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550334	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540131	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550335	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540132	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550336	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540133	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550337	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540134	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550338	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540135	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550339	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540136	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550340	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540137	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550341	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540138	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550342	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540139	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550343	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540140	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550344	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540141	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550345	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540142	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550346	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540143	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550347	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540144	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550348	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540145	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550349	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540146	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550350	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	540147	RANCHSTER, TOWN OF CHERIDAN CO.,J	SEPTEMBER 08, 1974
550351	STANTON, TOWN OF CLAFATTE CO.,J	DECEMBER 28, 1973	5401		

TOTAL IN THE STATE

59

**National Total** 2,790

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(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804 Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.)

Issued: May 4, 1976.

**HOWARD B. CLARK,**  
*Acting Federal  
Insurance Administrator.*

[FR Doc.76-14531 Filed 5-19-76;8:45 am]

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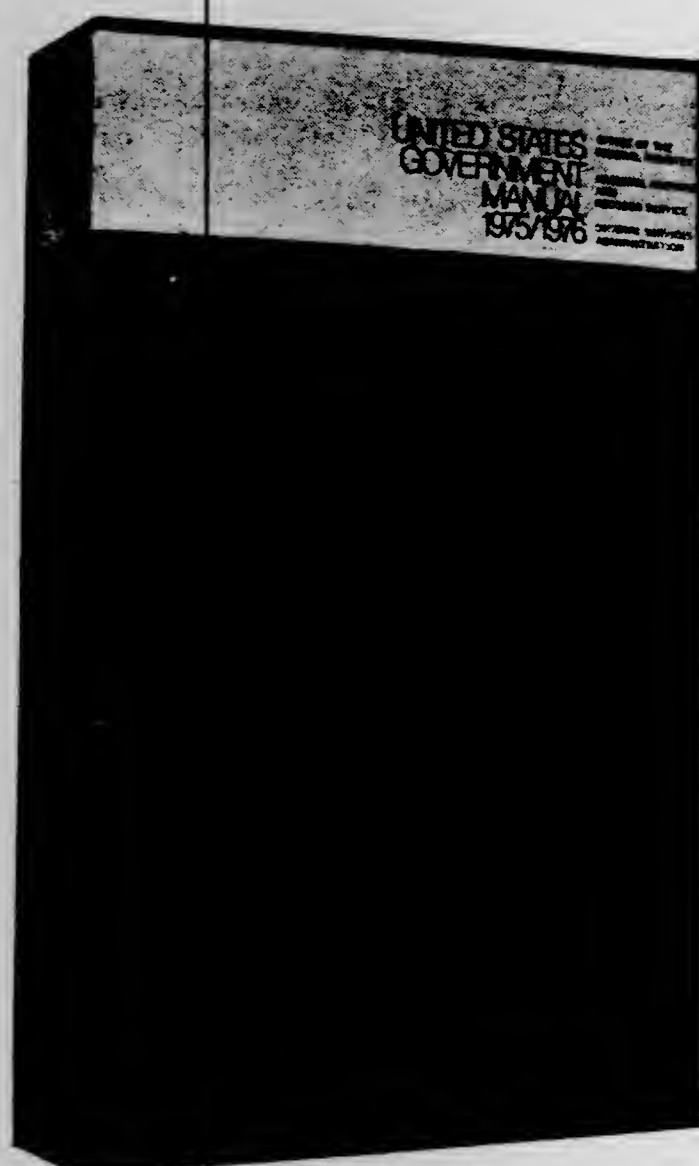


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Which agencies have programs concerning American Indians? (page 817)

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# federal register

FRIDAY, MAY 21, 1976



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# reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

## Rules Going Into Effect May 22, 1976

DOT/FRA—Federal motor vehicle safety standards; new pneumatic tires for passenger cars..... 16804; 4-22-76

## List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE Entire Executive Civil Service

Section 213.3102 is amended to show that the expiration date for new appointments of persons paid out of funds allocated under title X of the Public Works and Economic Development Act of 1965, as amended, has been extended from September 30, 1976, to February 28, 1977.

Effective May 21, 1976, § 213.3102(r) is amended as set out below:

§ 213.3102 Entire Executive Civil Service.

(r) All positions of a project nature when filled by individuals the salaries of whom are paid out of (1) funds allocated by the President under authority of Public Law 87-658, approved September 14, 1962, the Public Works Acceleration Act of 1962, or (2) funds allocated by the Secretary of Commerce under authority of title X of the Public Works and Economic Development Act of 1965, as amended. Employment under this authority shall be for a temporary period not to exceed 1 year. No new appointments of persons paid out of funds allocated under title X of the Public Works and Economic Development Act of 1965, as amended, may be made after February 28, 1977.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958, p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 76-14945 Filed 5-20-76; 8:45 am]

### PART 213—EXCEPTED SERVICE Department of the Army

Section 213.3107 is amended to show that the time limitation for foreign language subject-matter specialist positions at the Defense Language Institute has been eliminated and that these positions are now placed under § 213.3107(g) (1).

Effective May 21, 1976, § 213.3107(g) (1) is amended and § 213.3107(g) (5) is revoked as set out below:

§ 213.3107 Department of the Army.

(g) Defense Language Institute.  
(1) Positions of instructors whose

duties require proficiency in the teaching of a foreign language, supervisory instructors whose duties require a background in language teaching, and foreign language subject-matter specialists whose duties require proficiency in a given foreign language to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages.

(5) [Reserved]

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 76-14946 Filed 5-20-76; 8:45 am]

### PART 213—EXCEPTED SERVICE Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Confidential Assistant to the Deputy Assistant Secretary for Economic Affairs is excepted under Schedule C.

Effective May 21, 1976, § 213.3384 (1) (7) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

(1) Office of the Assistant Secretary for Policy Development and Research.

(7) One Confidential Assistant to the Deputy Assistant Secretary for Economic Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 76-14947 Filed 5-20-76; 8:45 am]

### PART 213—EXCEPTED SERVICE Department of Justice

Section 213.3310 is amended to show that one additional position of Director of Public Affairs, Drug Enforcement Administration, is excepted under Schedule C.

Effective May 21, 1976, § 213.3310 (1) (3) is amended as set out below:

§ 213.3310 Department of Justice.

(i) Drug Enforcement Administration.

(3) Two Directors of Public Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 76-14948 Filed 5-20-76; 8:45 am]

### PART 213—EXCEPTED SERVICE Securities and Exchange Commission

Section 213.3330 is amended to show that one position of Public Information Office is excepted under Schedule C.

Effective May 21, 1976, § 213.3330 (j) is added as set out below:

§ 213.3330 Securities and Exchange Commission.

(j) One Public Information Officer.  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 76-14949 Filed 5-20-76; 8:45 am]

## Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

#### PART 73—SCABIES IN CATTLE

##### Release of Area Quarantined

This amendment releases a portion of Lincoln County in Nebraska from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) (1) and (2) relating to the State of Nebraska is amended to read:

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## § 73.1a Notice of quarantine.

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Garden County comprised of sec. 13, T. 17 N., R. 45 W., School District 43.

(2) That portion of Kearney County comprised of sec. 12, T. 7 N., R. 16 W. in Blaine Precinct.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 190, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective May 14, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1976.

PIERRE A. CHALOUX,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 76-14706 Filed 5-20-76; 8:45 am]

# Title 12—Banks and Banking CHAPTER V—FEDERAL HOME LOAN BANK BOARD

## SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM [No. 76-353]

### PART 545—OPERATIONS Amendment Relating to Mortgage-Futures Transactions

#### SUMMARY

MAY 18, 1976.

The following summary of the amendment adopted by this Resolution is included for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions in the regulations.

#### I. PROPOSED REGULATIONS

A. Would authorize Federals to engage in transactions in the GNMA futures market operated by the Chicago Board of Trade.

## RULES AND REGULATIONS

B. Federals could only engage in such transactions for hedging purposes and in compliance with certain other restrictions.

C. Speculative transactions would be prohibited.

### II. FINAL REGULATIONS

A. New eligibility requirements.

B. Limited anticipatory hedging authorized; must be matched against firm commitments or anticipated reinvestments of expected mortgage repayments (including principal and interest but excluding prepayments and penalties) over forthcoming 12-month period.

1. The term "firm commitments" expanded to include FHLMC Mortgage Participation Certificates and similar obligations secured by mortgages in which Federal associations are authorized to invest.

C. Dollar amount of gross mortgage-futures contracts limited to association's net worth; proposal would have allowed dollar amount of net mortgage-futures contracts to equal net worth.

D. New notification and record-keeping requirements, including justification of anticipated commitments.

E. Deletion of 12-month limit on firm commitments to be matched against futures contracts.

F. New definitions.

### III. REASONS FOR MODIFICATIONS

More flexibility for association planning of future mortgage lending; greater safeguards and lower dollar amount of futures commitments in a new area of association activity.

Pursuant to the Commodity Futures Trading Commission Act of 1975 (P.L. 94-16), the Commodity Futures Trading Commission recently authorized the Chicago Board of Trade to begin operation of a futures market for mortgage-backed securities guaranteed by the Government National Mortgage Association (GNMAS).

By Resolution No. 75-865 of September 30, 1975, the Federal Home Loan Bank Board proposed to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) by amending § 545.9 thereof and adding new § 545.29 thereto in order to enable Federal associations to engage in futures transactions with respect to GNMAS for the limited purpose of obtaining protection against market interest rate fluctuations.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 8, 1975 (40 F.R. 47149-47150), with an invitation for interested persons to submit comments by November 10, 1975. On the basis of all relevant material presented by interested persons and otherwise available, the Board hereby adopts proposed new § 545.29 with modifications as discussed below. The substance of the proposed amendment to § 545.9 is incorporated in this amendment.

The proposal would have permitted a Federal association to engage in mortgage-futures transactions involving

GNMAs subject to three conditions. First, the association would have been required to take a "hedged" position, with its net futures market position matched against its net cash market position in firm commitments to buy (or otherwise acquire) or sell mortgages and GNMAs (without regard to the maturities of the contracts and commitments constituting these positions). Second, an association would have been permitted to take a hedged position in the mortgage-futures market only with respect to firm commitments. As used in proposed § 545.29, the term "firm commitment" referred to a binding written commitment to make, purchase, issue, or deliver mortgage loans or GNMAs at fixed interest rates or yields on or prior to a date specified in the contract and not later than one year from the date of commitment. Third, the amount of an association's total outstanding net mortgage-futures positions would not have been authorized to exceed its net worth at any time.

The final regulations adopted by the Board today continue to emphasize the importance of limiting mortgage-futures market trading to hedged positions, that is, obtaining protection against market interest rate fluctuations affecting cash market positions, but modifications have been made in a number of respects to broaden associations' hedging flexibility while adding new safeguards and reducing the dollar amount of trading authority. The Board believes that these changes will result in better and more detailed forecasting and planning for future mortgage lending activities and will dampen the amplitudes of variations in fund flows into the housing markets.

New paragraph (a) sets forth the basic authorization for Federal associations to engage in certain mortgage-futures transactions.

New paragraph (b) establishes threshold eligibility requirements for Federal associations engaging in mortgage-futures transactions. Associations must meet their net-worth requirements under § 563.13(b) of the Rules and Regulations for Insurance of Accounts (12 CFR 563.13(b)), have scheduled items not in excess of 2.5% of specified assets, and have appraised losses offset by specified loss reserves as required under § 563.17-2 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.17-2). The threshold eligibility requirements may be waived by the Board upon specific written request.

New paragraph (c) sets out investment limitations for associations engaged in mortgage-futures transactions. Subparagraph (c) (2) provides that such transactions must be matched against either an association's firm commitments, or against anticipated reinvestments in mortgages and mortgage-related securities of its expected mortgage repayments over the next 12-month period (without regard to matching of maturities); as noted above, the proposal would only have allowed matching against firm commitments. The Board is persuaded that it is desirable to permit

more trading flexibility by allowing this limited type of anticipatory hedging, i.e., matching futures transactions against anticipated cash transactions which are based on expected future mortgage repayments. Under the recording requirements in new subparagraph (d) (2), an association is required to show justification for its expectations regarding future mortgage repayments.

The proposal employed the concept of "net" mortgage-futures positions with regard to the dollar limit of an association's transactions (net mortgage-futures position not to exceed an association's net worth). Upon reconsideration, the Board believes it significant, that a "net" mortgage-futures position does not reflect number and dollar amounts of outstanding mortgage-futures contracts, and that "netted" contracts may have widely-separated due dates resulting in possible loss to the association on both. The Board believes that the "net mortgage-futures position" concept could permit speculative trading situations rather than the hedged positions which are the focus of the Board's regulations. The Board therefore adopts the concept of "outstanding gross mortgage-futures position" and provides in new subparagraph (c) (1) that total outstanding gross mortgage-futures transactions may not exceed an association's net worth.

New paragraph (d) establishes record-keeping requirements for associations engaging in mortgage-futures transactions, requiring them to maintain: (1) a register of all outstanding futures contracts prepared in such a way as to show present totals; (2) records kept of matched futures transactions and cash market transactions, along with a justification of expected mortgage repayments upon which anticipated cash market transactions are based; (3) a record of all transactions in due bills by the associations; and (4) a list of association personnel authorized to engage in mortgage-futures trading.

New paragraph (e) requires a Federal association to notify the District Director-Examinations at its Federal Home Loan Bank district at the inception of its mortgage-futures trading activity, and report thereafter on a quarterly basis.

The proposal would have amended § 545.9 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.9), captioned Securities and other investments, to authorize a Federal association "to issue or purchase due bills in connection with § 545.29". Due bills are the equivalent of depository collateral receipts for GNMA securities and are issued only in those infrequent instances when there is delivery on a mortgage-futures contract. The proposed amendment to § 545.9 did not authorize associations to trade in a secondary market in due bills. The final amendment includes the proposed provision in paragraph (f) of new § 545.29; the provision is clarified to provide that an association may originate, deliver, receive, or redeem due bills in connection with its mortgage-futures transactions. Trading

## RULES AND REGULATIONS

in a secondary market for due bills continues to be unauthorized for Federal associations.

New paragraph (g) of new § 545.29 defines the terms "firm commitment", "mortgage-futures transactions", "mortgage-futures contract", "due bill", "mortgage repayment", and "mortgage-related security". The first of these terms was defined in paragraph (a) of the proposal; the other definitions are new. The definition of "firm commitment" differs in two respects from the proposal: (1) the 1-year limitation on the firm commitments is deleted in order to provide greater flexibility to associations in planning future mortgage lending activities; and (2) the definition is expanded to include Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation and similar obligations secured by mortgages in which Federal associations are authorized to invest.

The Board emphasizes that, while futures transactions which are conducted in a prudent and knowledgeable manner can provide an association with protection against market interest rate fluctuations, engaging in such transactions without sufficient understanding of the function and operation of the futures market is likely to result in loss to the association.

Accordingly, the Board hereby amends Part 545 by adding a new § 545.29 thereto, effective June 22, 1976.

### § 545.29 Mortgage-futures transactions.

(a) **General rule.** A Federal association may only engage in mortgage-futures transactions subject to the requirements and limitations set forth in this section.

(b) **Eligibility requirements.** An association engaging in a mortgage-futures transaction must meet the following eligibility requirements at the time of such transaction, unless one or more of such requirements are waived by the Board upon specific written request:

(1) Its net worth meets the requirements of § 563.13(b) of this chapter (associations insured for less than 2 years must meet the net-worth requirements for those insured for 2 years);

(2) Its scheduled items do not exceed 2.5 percent of its specified assets; and

(3) All its appraised losses have been offset by specified loss reserves to the extent required by the Board under § 563.17-2 of this chapter.

(c) **Investment limitations.** (1) An association may only engage in a mortgage-futures transaction if the amount of its total outstanding gross mortgage-futures position (the arithmetic sum of its short and long positions in the futures market) do not exceed the amount of its net worth or would not exceed it as a result of such transaction; and

(2) Mortgage-futures transactions must be directly matched against an association's firm commitments, or against anticipated reinvestments in mortgages and mortgage-related securities of its expected mortgage repayments over the forthcoming 12-month period: provided, that such matching need not include matching of maturities.

(d) **Record-keeping requirements.** An association engaging in mortgage-futures transactions shall maintain the following:

(1) A register of all its outstanding futures contracts, including brokers' confirmations as received, prepared in a manner sufficient to enable the Board to determine at any time the association's total outstanding gross mortgage-futures position;

(2) A record of specific futures contracts, the present or anticipated cash market transaction or transactions against which they are matched, and in the case of an anticipated transaction a statement of facts adequately justifying such anticipated transaction;

(3) A record of all transactions by the association in due bills;

(4) A list of all association personnel authorized to engage in mortgage-futures transactions in the association's behalf, and the duties, responsibilities, and limits of authority of each of them.

(e) **Notification.** Each association engaging in mortgage-futures transactions shall notify the District Director-Examinations at the Federal Home Loan Bank of which it is a member at the inception of such activity and thereafter on a quarterly basis shall notify said Director of its total outstanding gross mortgage-futures position on the date of such notification.

(f) **Due bills.** A Federal association may originate, deliver, receive, or redeem due bills in connection with its mortgage-futures transactions.

(g) **Definitions.** (1) The term "firm commitment" means a written commitment to make, purchase, issue, or deliver mortgage loans or mortgage-related securities at fixed interest rates on or prior to the date specified in the commitment contract.

(2) The term "mortgage-futures transaction" means the purchase or sale of a mortgage-futures contract under terms and conditions approved by the Commodity Futures Trading Commission.

(3) The term "mortgage-futures contract" means a transferable agreement to receive or deliver due bills under terms and conditions approved by the Commodity Futures Trading Commission.

(4) The term "due bill" means an instrument redeemable for GNMA-guaranteed mortgage-backed securities which is a valid delivery instrument under a mortgage-futures contract.

(5) The term "mortgage repayment" includes principal and interest, but excludes expected prepayments and penalties.

(6) The term "mortgage-related securities" includes GNMA-guaranteed mortgage-backed securities (as referred to in § 545.24-1), Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations secured by mortgages in which the association is authorized to invest.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. § 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)



By the Federal Home Loan Bank Board.

J. J. FINN,  
Secretary.

[FR Doc. 76-14975 Filed 5-20-76; 8:45 am]

[No. 76-346]

# **PART 571—STATEMENTS OF POLICY**

Amendment Relating to Auditors of Insured Institutions

## **SUMMARY**

MAY 14, 1976.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. *Existing Regulations*—specify certain types of loans that an insured institution, or its affiliate or subsidiary, may make to a public accountant or internal auditor without preventing him from being considered independent.

II. *Amendment*—specifies additional such loans.

III. *Purpose of Amendment*—prescribe criteria for determining the independence of public accountants and internal auditors that reflect the present lending authority of insured institutions and their subsidiaries and affiliates.

The Federal Home Loan Bank Board considers it desirable to amend § 571.2 of the Rules and Regulations for Insurance of Accounts (12 CFR 571.2) for the purpose of prescribing criteria for determining the independence of a public accountant or internal auditor that reflect the present lending authority of insured institutions and their subsidiaries and affiliates.

Section 571.2(c)(3)(ii) presently specifies certain types of loans that an insured institution, or its affiliate or subsidiary, may make to a public accountant or internal auditor without preventing him from being considered independent. This amendment adds thereto consumer loans which are unsecured or secured by goods used or bought primarily for personal, family, or household purposes.

The Board finds that notice and public procedure are unnecessary under 12 CFR 508.11 and 5 U.S.C. § 553(b), since the amendment relieves restriction, and that publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. § 553(d) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends § 571.2 of the Rules and Regulations for Insurance of Accounts, by deleting after paragraph (c)(3)(ii)(d)(2) and adding after paragraph (c)(3)(ii)(d)(3) thereof the word "or", and by adding new paragraph (c)(3)(ii)(d)(4) thereto, to

read as set forth below, effective May 21, 1976.

## **§ 571.2 Audits of insured institutions.**

(c) *Audits by public accountants or internal auditors.*

(3) *Independence of public accountant or internal auditor.*

(ii) A public accountant will not be considered to be independent if he:

(d) is a borrower from the institution or any of its subsidiaries or affiliates except with respect to:

(2) a loan to make alterations, repairs, or improvements to his residence;

(3) a loan secured solely by his savings credits in the institution; or

(4) a consumer loan either unsecured or secured by goods used or bought primarily for personal, family, or household purposes.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,  
Secretary.

[FR Doc. 76-14938 Filed 5-20-76; 8:45 am]

[No. 76-354]

# **PART 571—STATEMENTS OF POLICY**

Amendments Relating to Mortgage-Futures Transactions

## **SUMMARY**

MAY 18, 1976.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the amendments.

I. The authority of State-chartered insured institutions to engage in transactions in the GNMA futures market to be operated by the Chicago Board of Trade is primarily a matter of State law.

II. The Board strongly urges such institutions to only engage in such transactions in accordance with § 545.29. Pursuant to the Commodity Futures Trading Commission Act of 1975 (P.L. 94-16), the Commodity Futures Trading Commission recently authorized the Chicago Board of Trade to begin operation of a futures market for mortgage-backed securities guaranteed by the Government National Mortgage Association (GNMA).

By Resolution No. 75-923 of October 3, 1975, the Federal Home Loan Bank Board proposed to amend Part 571 of the Rules

and Regulations for Insurance of Accounts (12 CFR Part 571) to add a new Statement of Policy at § 571.12 to be captioned, Mortgage futures transactions, urging State-chartered insured institutions to only engage in mortgage-futures transactions in accordance with the then-proposed § 545.29 of the Rules and Regulations for the Federal Savings and Loan System. Section 545.29, adopted by the Board today in companion Resolution 76-353, provides that Federal associations may only engage in mortgage-futures transactions under certain conditions, which conditions should, in the Board's view, also be complied with by any insured institution engaging in such transactions.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 8, 1975 (40 F.R. 47151-47152), with an invitation to interested persons to submit comments by November 10, 1975. On the basis of all relevant material presented by interested persons and otherwise available, the Board hereby adopts § 571.12 substantially as proposed.

Accordingly, the Board hereby amends Part 571 by adding a new § 571.12 thereto, effective June 22, 1976.

## **§ 571.12 Mortgage-futures transactions.**

The authority of State-chartered insured institutions to engage in mortgage-futures transactions is primarily a matter of State law. However, the Board believes that engaging in such transactions for speculative purposes, or as a hedge against market interest rate fluctuations of other than mortgage loans and mortgage-related securities as defined in § 545.29(g)(6) of this chapter may be an unsafe or unsound practice or otherwise inconsistent with the purposes of Title IV of the National Housing Act, as amended. State-chartered insured institutions are therefore strongly urged not to engage in mortgage-futures transactions other than in accordance with said § 545.29. The Board's examinations staff may take supervisory objection to mortgage-futures transactions by insured institutions not in accordance with said § 545.29. In addition, the Board emphasizes that, while mortgage-futures transactions in accordance with said § 545.29 which are conducted in a prudent and knowledgeable manner can protect an institution against market fluctuations of interest rates of mortgages and mortgage-related securities, engaging in such transactions without sufficient understanding of the function and operation of the mortgage-futures market is likely to result in loss to the institution.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,  
Secretary.

[FR Doc. 76-14976 Filed 5-20-76; 8:45 am]

## **Title 17—Commodity and Securities Exchanges**

### **CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release No. 33-5708]

#### **PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

##### **Oil and Gas Rights**

The Commission today announced the amendment, effective immediately, of its regulations governing delegation of authority to the Director of the Division of Corporation Finance with respect to the Securities Act of 1933 and Regulation B (Rules 300-348) (17 CFR 230.300-230.348) thereunder.

The availability of the exemption to the registration provisions of the Securities Act of 1933 (the "Act") provided by Regulation B, pursuant to Section 3(b) of the Act, is dependent upon compliance with certain terms and conditions. One of those terms and conditions is provided by Rule 316(a) (17 CFR 230.316(a)), which requires that one copy of a Form 1-G (17 CFR 239.101(b)(1)) report be filed with the Commission. The form calls for a listing of the names and addresses of all purchasers of fractional undivided interests in oil and gas rights offered pursuant to the Regulation B exemption. Rule 316(a)(3) requires these reports to be kept confidential "unless the Commission shall order otherwise."

As noted in Securities Exchange Act Release No. 11992 (January 8, 1976), various abuses in the marketing of these interests have become apparent. In an effort to determine compliance with state securities laws, several state authorities have requested access to certain Form 1-G reports. The Commission has granted all such requests, subject to certain conditions designed to maintain the confidentiality of the reports. It is expected that more such requests will be received in the future. Inasmuch as these requests are of a routine nature and do not involve any policy considerations or novel questions, it is not necessary for the Commission to consider each request on an individual basis. The delegation of authority to respond to these requests to the Director of the Division of Corporation Finance, by eliminating any delay caused by seeking Commission approval for release of the information, will also aid in the enforcement effort necessary to end abuse of the Regulation B exemption, and thus is in the public interest and for the protection of investors.

It should be noted that, pursuant to 17 CFR 200.30-1, the Chairman of the Commission on October 23, 1975, designated the Associate Director of the Division of Corporation Finance to perform, under direction of the Director of the Division, the functions delegated to the Director pursuant to 17 CFR 200.30-1. That designation by its own terms would also apply to the delegation of authority announced today.

To accomplish this delegation of authority, the Commission hereby amends

17 CFR 200-30-1 (by revising paragraph (b)(6) and (7) and by adding paragraph (b)(8)).

§ 200.30-1 Delegation of authority to Director of Division of Corporation Finance.

(b) . . .  
(6) To authorize the issuance of orders declaring offering sheets effective, as amended, filed in accordance with the provisions in Rule 340 thereunder (§ 230.340 of this chapter) and Rule 342(c) thereunder (§ 230.342(c) of this chapter);

(7) To authorize the issuance of orders terminating the effectiveness of offering sheets upon applications of persons filing them in compliance with the provisions of Rule 346 thereunder (§ 230.346 of this chapter); and

(8) To authorize the granting of applications for release of reports filed with the Commission on Form 1-G (§ 239.101(b)(1) of this chapter) pursuant to Rule 316(a) thereunder (§ 230.316(a) of this chapter).

The Commission finds that the foregoing action relates solely to agency management and personnel and that notice and prior publication under 5 U.S.C. 553 are not necessary. Accordingly, the foregoing action, which was taken pursuant to Pub. L. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2) becomes effective immediately.

(Secs. 1, 2, Pub. L. 87-592, 76 Stat. 394, 395; (15 U.S.C. 78d-1, 78d-2))

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 18, 1976.

[FR Doc. 76-15054 Filed 5-20-76; 8:45 am]

## **Title 20—Employees' Benefits**

### **CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

[Regulations No. 5, further amended]

#### **PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED**

##### **Social Security Amendments of 1972**

On June 19, 1975, there was published in the FEDERAL REGISTER (40 FR 25938) a Notice of Proposed Rule Making which set forth proposed amendments to regulations relating to conditions of participation for clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy services. (A correction was published on September 3, 1975 (40 FR 40537).) Those changes were proposed to implement the amendments to section 1861(p) of the Social Security Act (42 U.S.C. 1395x(p)), which were enacted by section 251(a)(1) of Pub. L. 92-603, which covers physical therapy services furnished by physical therapists in independent practice; and Section 283 of Pub. L. 92-603, which provides for the inclusion of the outpatient speech pathology benefit. Interested parties

were given the opportunity to submit in writing on or before July 21, 1975, data, views, or arguments with regard to the proposed amendments. Comments and suggestions received after that date have also been considered.

Comments were received from a number of sources, including representatives of national, State, and local organizations. Following is a summary of the comments and suggestions with regard to the Notice of Proposed Rulemaking, responses thereto, and changes in the proposed regulations:

1. Although a variety of concerns were reflected, the majority of the comments dealt with certain conditions and standards related to the outpatient speech pathology benefit. A large number of respondents objected to the parallelism drawn between physical therapy and speech pathology and indicated that speech pathology is unique and distinct from physical therapy and that, traditionally, speech pathologists are not, as contrasted with physical therapists, dependent upon a physician's prescription. Section 405.1717 of the proposed regulations required that the patient be treated under a plan of care established, and periodically reviewed, by a physician, and was based on section 1861(p) of the Social Security Act, as amended (42 U.S.C. 1395x(p)), which reads in part as follows:

(p) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

(1) Who is under the care of a physician (as defined in section 1861(r)(1)), and

(2) With respect to whom a plan prescribing the type, amount, and duration of physical therapy services that are to be furnished such individual has been established, and is periodically reviewed, by a physician (as so defined);

The term "outpatient physical therapy services" also includes speech pathology services furnished by a provider of services, a clinic, rehabilitation agency, or by a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient, subject to the conditions prescribed in this subsection.

Since the Social Security Act provides for the similarity in requirements between the outpatient physical therapy and speech pathology benefits, § 405.1717 is felt to be consistent with the Act. It should be noted that § 405.1717(b) of the proposed regulation did provide for input by the speech pathologist as to the substantive plan of care through consultation with the physician, and this has been retained (while a duplicative sentence on the physician's role was deleted).

2. The proposed Medicare definition of "clinic" (§ 405.1702(b)) does not, in our opinion, create extreme hardship for speech pathology clinics, as has been



suggested by some respondents, since the term does not apply to them. Those facilities primarily providing speech pathology services, and which are commonly referred to as speech pathology clinics, are considered rehabilitation agencies (§ 405.1702(h)) for purposes of the health insurance program and are expected to have little difficulty meeting that definition and complying with the regulations for such agencies. The term "rehabilitation agency" refers to an agency which provides social or vocational adjustment services in addition to speech pathology or physical therapy services. The term "clinic" is generally applied to outpatient facilities in which medicine is taught by examination and treatment of patients in the presence of students, or where patients are treated by physicians who practice as a group. Speech and hearing organizations that identify themselves as speech pathology clinics are not expected to change that identity. Speech and hearing organizations, for Medicare purposes, are identified by the services they provide and not by name. These definitions of "clinic" and "rehabilitation agency" reflect those which are currently in effect and have been in effect since the promulgation of regulations implementing the outpatient physical therapy benefit included in the Social Security Amendments of 1967.

3. Comments received also questioned the justification for requiring a rehabilitation agency (§ 405.1702(h)) to provide either social or vocational adjustment services in addition to physical therapy or speech pathology. This requirement is already in effect under regulations implementing the 1967 Social Security Amendments at 20 CFR 405.1701(c)(1). These amendments included clinics, rehabilitation agencies, and public health agencies among organizations and institutions permitted to provide covered outpatient physical therapy services. Only after consultation with representatives of organizations of rehabilitation facilities, and other professional consultants, was the term "rehabilitation agency" defined as it presently appears in regulations. The authority to require that rehabilitation agencies furnish social or vocational adjustment services to clients is based on section 1861(p)(4)(A)(v) of the Social Security Act, as amended (42 U.S.C. 1395x(p)(4)(A)(v)). In addition to the differentiation evident in the statutory language with regard to a rehabilitation agency and a clinic, the Secretary, in the interest of beneficiary health and safety, has determined that since the term "rehabilitation agency" implies an agency with a rehabilitation program which offers more than one restorative service to improve the mental or physical status of its clients in the pursuit of an objective of social or vocational adjustment, such an agency, by its very nature, must also provide social or vocational adjustment services. It is felt that these services are essential to complement other services provided by a rehabilitation agency. Since a clinic, however, provides pri-

marily medical services and its function does not parallel that of a rehabilitation agency, regulations requiring a clinic to render social or vocational adjustment services are not appropriate.

4. As proposed, the definition of the physical therapist assistant (§ 405.1702(e)) would have enabled individuals to be recognized for Medicare purposes by accumulating two years of appropriate experience as a physical therapist assistant in addition to achieving a satisfactory grade on a proficiency examination approved by the Secretary. In view of the lack of interest shown in a proficiency examination (to date an insignificant number of inquiries requesting proficiency examination information has been received), the Secretary has determined that this alternative means of qualification for physical therapist assistants is not warranted. Therefore, the proficiency examination has been deleted from Subpart Q (§ 405.1702(e)(2)), (which is adopted and set forth below) and will subsequently be deleted from Subpart K (§ 405.1101(r)), and Subpart L (§ 405.1202(j)).

5. Suggestions were made to increase the frequency of the physical therapist supervisory visits to as often as once every 7 days in contrast to once every 30 days as stated in § 405.1718(a), when physical therapy services are provided off the premises of the organization by a physical therapist assistant. One of the concerns expressed was that an increase in supervision of the physical therapist assistant was necessary in order to ensure quality patient care. Although patient well-being is of primary importance, strict adherence to a timetable as suggested by some respondents would nullify, to a great degree, effective utilization of the physical therapist assistant. The Department has considered potential difficulties that may arise from supervision that is either too frequent or too infrequent, and believes that health insurance program experience to date with similar services furnished by other providers of services justifies the requirement for onsite supervisory visits at least once every 30 days.

6. Continuation of the handrail requirement in § 405.1723(a)(4) of the proposed amendments was questioned, and regarded as unnecessary in an outpatient institution. It was contended that the needs and abilities of resident, as opposed to non-resident, patients are different, and handrails, while being of value in a residential institution, are not essential in an outpatient institution where patients are more independent. The suggestion for deletion of the handrail requirement was considered, and it was concluded that adequate substitutions could be made for handrails where they were used to facilitate the movement of disabled persons. Therefore, the suggestion was adopted.

7. With respect to the conditions for coverage for outpatient physical therapy services furnished by physical therapists in independent practice, objection was

expressed concerning the requirement that the physical therapist must maintain, at his own expense, an office and the necessary equipment to provide an adequate program of physical therapy (see § 405.1731(b) and § 405.1737). The report of the Committee on Ways and Means indicates that one of the purposes for this change in the law was to make outpatient physical therapy services, furnished by a physical therapist in his office, more readily available to the beneficiary in cases where the therapist's office might be more accessible than a provider's facility and that the Secretary, in establishing the health and safety conditions under which the services of such practitioner must be furnished, would be expected to assure the availability of an adequate program of physical therapy services in the therapist's office. Section 405.232(e)(2)(ii), effective August 9, 1974, requires that a physical therapist in independent practice maintain at his own expense an office or office space and the necessary equipment to provide an adequate program of physical therapy. Therefore, conforming provisions in § 405.1731(b) as proposed, have been retained.

8. Sections 405.1230 and 405.232 are being published at this time to correct the cross-references to various sections in Subpart Q. Since these are only technical amendments, notice and public procedure thereon are unnecessary, and therefore good cause exists for dispensing with Notice of Proposed Rule Making with respect to §§ 405.1230 and 405.232.

9. Conformance to Subpart K (§ 405.1101(b)(1)) has been brought about by changes being made in § 405.1702(j). Subsequently, Subpart K will be revised to delete "the publication of this provision" and insert "January 17, 1974".

10. Various editorial and cross-reference changes have also been made in the interest of clarity.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Secs. 1102, 1861(p), and 1871 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 321, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x(p), 1395hh.)

**Effective date.** These amendments shall be effective June 21, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged and Disabled Program—Supplementary Medical Insurance.)

Dated: March 1, 1976.

J. B. CARDWELL,

Commissioner of Social Security

Approved: May 12, 1976.

MARJORIE LYNCH,

Acting Secretary of Health,  
Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405) are further amended as follows:

1. Subpart Q is revised to read as follows:

**Subpart Q—Conditions of Participation: Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and/or Speech Pathology Services; and Conditions for Coverage: Outpatient Physical Therapy Services Furnished by Physical Therapists in Independent Practice**

**CONDITIONS OF PARTICIPATION: CLINICS, REHABILITATION AGENCIES, AND PUBLIC HEALTH AGENCIES AS PROVIDERS OF OUTPATIENT PHYSICAL THERAPY AND/OR SPEECH PATHOLOGY SERVICES**

Sec.

405.1701 Conditions of participation—general.

405.1702 Definitions relating to clinics, rehabilitation agencies, and public health agencies.

405.1715 Condition of participation—compliance with Federal, State, and local laws.

405.1716 Condition of participation—administrative management.

405.1717 Condition of participation—physician's direction and plan of care.

405.1718 Condition of participation—physical therapy services.

405.1719 Condition of participation—speech pathology services.

405.1720 Condition of participation—rehabilitation program.

405.1721 Condition of participation—arrangements for physical therapy and speech pathology services to be performed by other than salaried organization personnel.

405.1722 Condition of participation—clinical records.

405.1723 Condition of participation—physical environment.

405.1724 Condition of participation—infection control.

405.1725 Condition of participation—disaster preparedness.

405.1726 Condition of participation—program evaluation.

**CONDITIONS FOR COVERAGE: OUTPATIENT PHYSICAL THERAPY SERVICES FURNISHED BY PHYSICAL THERAPISTS IN INDEPENDENT PRACTICE**

405.1730 Conditions for coverage—services furnished by physical therapists in independent practice—general.

405.1731 Definitions relating to physical therapists in independent practice.

405.1732 Condition for coverage—compliance with Federal, State, and local laws.

405.1733 Condition for coverage—physician's direction and plan of care.

405.1734 Condition for coverage—physical therapy services.

405.1735 Condition for coverage—coordination of services with other organizations, agencies, or individuals.

405.1736 Condition for coverage—clinical records.

405.1737 Condition for coverage—physical environment.

**AUTHORITY:** Secs. 1102, 1861(p), 1871, 49 Stat. 647, as amended, 79 Stat. 321, as amended, 79 Stat. 331, (42 U.S.C. 1302, 1395x(p), 1395hh.)

**CONDITIONS OF PARTICIPATION: CLINICS, REHABILITATION AGENCIES, AND PUBLIC HEALTH AGENCIES AS PROVIDERS OF OUTPATIENT PHYSICAL THERAPY AND/OR SPEECH PATHOLOGY SERVICES**

§ 405.1701 Conditions of participation—general.

(a) In order to participate in the program of health insurance for the aged

and disabled as a provider of outpatient physical therapy and/or speech pathology services, a clinic, rehabilitation agency, or public health agency (other than a provider of services as defined in section 1861(u) of the Social Security Act, 42 U.S.C. 1395x(u)) must meet the requirements set forth in section 1861(p)(4) thereof, 42 U.S.C. 1395x(p)(4). This section of the law states a number of specific requirements which must be met by such participating providers and authorizes the Secretary of Health, Education, and Welfare to prescribe by regulation other requirements relating to the health and safety of beneficiaries as may be found necessary.

(b) Section 1861(p) provides in pertinent part as follows:

(p) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, a rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

excluding, however—

(3) Any item or service if it would not be included under subsection (b) if furnished to an inpatient of a hospital; and

(4) Any such service—

(A) If furnished by a clinic or rehabilitation agency, or by others under arrangements with such clinic or agency, unless such clinic or rehabilitation agency—

(i) Provides an adequate program of physical therapy services for outpatients and has the facilities and personnel required for such program or required for the supervision of such program, in accordance with such requirements as the Secretary may specify,

(ii) Has policies, established by a group of professional personnel, including one or more physicians (associated with the clinic or rehabilitation agency) and one or more qualified physical therapists, to govern the services (referred to in clause (i)) it provides,

(iii) Maintains clinical records on all patients,

(iv) If such clinic or agency is situated in a State in which State or applicable local law provides for the licensing of institutions of this nature, (I) is licensed pursuant to such law, or (II) is approved by the agency of such State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing; and

(v) Meets such other conditions relating to the health and safety of individuals who are furnished services by such clinic or agency on an outpatient basis, as the Secretary may find necessary, or

(B) If furnished by a public health agency, unless such agency meets such other conditions relating to health and safety of individuals who are furnished services by such agency on an outpatient basis, as the Secretary may find necessary.

The term "outpatient physical therapy services" also includes speech pathology services furnished by a provider of services, a clinic, rehabilitation agency, or by a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient, subject to the conditions prescribed in this subsection.

(c) The specific requirements included in the statute and the additional health

and safety requirements prescribed by the Secretary are set forth in the following Conditions of Participation for Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and/or Speech Pathology Services.

§ 405.1702 Definitions relating to clinics, rehabilitation agencies, and public health agencies.

As used in §§ 405.1715–405.1726, the following definitions apply:

(a) *Administrator.* A person who has a bachelor's degree and:

(1) Has experience or specialized training in the administration of health institutions or agencies; or

(2) Is qualified and has experience in one of the professional health disciplines.

(b) *Clinic.* A facility established primarily for the provision of outpatient physicians' services. To meet this definition, an organization must meet the following test of physician participation:

(1) The medical services of the clinic are provided by a group of physicians (i.e., more than two) practicing medicine together; and

(2) A physician is present in the clinic at all times during hours of operation to perform medical services (rather than only administrative services).

(c) *Organization.* A clinic, rehabilitation agency, or public health agency.

(d) *Physical therapist.* A person who is licensed as a physical therapist by the State in which he is practicing if the State licenses physical therapists, and

(1) Has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and Hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

(2) Prior to January 1, 1966:

(i) Was admitted to membership by the American Physical Therapy Association; or

(ii) Was admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education; or

(3) Has 2 years of appropriate experience as a physical therapist and has achieved a satisfactory grade on a proficiency examination approved by the Secretary, except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State after December 31, 1977, or seeking qualification as a physical therapist after such date; or

(4) (i) Was licensed or registered prior to January 1, 1966, and (ii) Prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or

(5) If trained outside the United States:



(i) Was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy.

(ii) Meets the requirements for membership in a member organization of the World Confederation for Physical Therapy.

(iii) Has 1 year of experience under the supervision of an active member of the American Physical Therapy Association, and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(e) *Physical therapist assistant.* A person who is licensed as a physical therapist assistant by the State in which he is practicing, if the State licenses such assistants, and has graduated from a 2-year college-level program approved by the American Physical Therapy Association.

(f) *Psychologist.* A person who:

(1) Holds a doctoral degree in psychology from a training program approved by the American Psychological Association; or

(2) Has attained certification or licensing by the State, or non-statutory certification by the State psychological association.

(g) *Public health agency.* An official agency established by a State or local government, the primary function of which is to maintain the health of the population served by performing environmental health services, preventive medical services, and in certain cases, therapeutic services.

(h) *Rehabilitation agency.* An agency which provides an integrated multidisciplinary program designed to upgrade the physical function of handicapped, disabled individuals by bringing together as a team specialized rehabilitation personnel. At a minimum, a rehabilitation agency must provide physical therapy or speech pathology services, and a rehabilitation program which in addition to physical therapy or speech pathology services, includes social or vocational adjustment services.

(i) *Social worker.* A person who is licensed by the State in which he is practicing if the State licenses social workers, is a graduate of a school of social work accredited or approved by the Council on Social Work Education, and has 1 year of social work experience in a health-care setting.

(j) *Speech pathologist.* A person who is licensed by the State in which he is practicing, if the State licenses speech pathologists, and

(1) Is eligible for a certificate of clinical competence in speech pathology granted by the American Speech and Hearing Association under its requirements in effect on January 17, 1974; or

(2) Meets the educational requirements for certification, and is in the process of accumulating the supervised clinical experience required for certification.

(k) *Supervision.* Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within such person's sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part 405, such qualified person must be on the premises if the person performing the function or activity does not meet assistant-level qualifications specified in this section.

(l) *Vocational specialist.* A person who has a baccalaureate degree and:

(1) Two years experience in vocational counseling in a rehabilitation setting such as a sheltered workshop, State employment service agency, etc.; or

(2) At least 18 semester hours in vocational rehabilitation, educational or vocational guidance, psychology, social work, special education or personnel administration, and 1 year of experience in vocational counseling in a rehabilitation setting; or

(3) A master's degree in vocational counseling.

§ 405.1715 Condition of participation—compliance with Federal, State, and local laws.

The clinic, rehabilitation agency, or public health agency and its staff are in compliance with all applicable Federal, State, and local laws and regulations.

(a) *Standard: Licensure of organization.* In any State in which State or applicable local law provides for the licensing of clinics, rehabilitation agencies, or public health agencies, a clinic, rehabilitation agency, or public health agency is licensed pursuant to such law.

(b) *Standard: Licensure or registration of personnel.* Staff of the organization are licensed or registered in accordance with applicable laws.

§ 405.1716 Condition of participation—administrative management.

The clinic or rehabilitation agency has an effective governing body that is legally responsible for the conduct of the clinic or rehabilitation agency. The governing body designates an administrator, and establishes administrative policies.

(a) *Standard: Governing body.* There is a governing body (or designated person(s) so functioning) which assumes full legal responsibility for the overall conduct of the clinic or rehabilitation agency and for compliance with applicable laws and regulations. The name of the owner(s) of the clinic or rehabilitation agency is fully disclosed to the State agency. In the case of corporations, the names of the corporate officers are made known.

(b) *Standard: Administrator.* The governing body appoints a qualified full-time administrator and delegates to the administrator the internal operation of the clinic or rehabilitation agency in accordance with established written policies. The administrator's responsibilities for procurement and direction of per-

sonnel are clearly defined. A competent individual is authorized to act in the temporary absence of the administrator.

(c) *Standard: Personnel policies.* Personnel practices are supported by appropriate written personnel policies. Personnel records include job descriptions, qualifications, licensure, performance evaluations, and health examinations, and are kept current.

(d) *Standard: Patient care policies.* Patient care practices and procedures are supported by written policies established by a group of professional personnel including one or more physicians associated with the clinic or rehabilitation agency and one or more qualified physical therapists (if physical therapy services are provided) and one or more qualified speech pathologists (if speech pathology services are provided) to govern the outpatient physical therapy and/or speech pathology services and related services which are provided. These policies cover scope of services offered, admission and discharge policies, physical services, patient care plans and methods of implementation, care of patients in an emergency, clinical records, administrative records, use and maintenance of the plant and equipment, and program evaluation. The policies are reviewed at least annually by such group of professional personnel, and revised as necessary based upon this review.

§ 405.1717 Condition of participation—physician's direction and plan of care.

Patients in need of outpatient physical therapy or speech pathology services are accepted for treatment only on the order of a physician who indicates anticipated goals and is responsible for the general medical direction of such services as part of the total care of the patient. For each patient, there is a written plan of care established and periodically reviewed by the physician. The organization has a physician available to furnish necessary medical care in case of emergency.

(a) *Standard: Medical findings and physician's orders.* The following is made available to the organization prior to or at the time of initiation of treatment: (1) The patient's significant past history, (2) Current medical findings, (3) Diagnosis(es), (4) Physician's orders, (5) Rehabilitation goals, if determined, (6) Contraindications, if any, (7) The extent to which the patient is aware of the diagnosis(es) and prognosis, and (8) Where appropriate, the summary of treatment rendered and results achieved during previous periods of physical therapy or speech pathology services or institutionalization.

(b) *Standard: Plan of care.* For each patient there is a written plan of care established by the physician which indicates anticipated goals and specifies the type, amount, frequency, and duration of physical therapy or speech pathology services. Where appropriate, the plan is developed in consultation between the physical therapist(s) or speech pathologist(s) and such attending or other physician. The plan of care and results of

treatment are reviewed once every 30 days, or more often if required, by the attending or other physician and appropriate professional staff, and the indicated action is taken.

(c) *Standard: General medical direction.* The organization requires that the health care of every patient is under the general medical direction of a physician. The patient in need of physical therapy and/or speech pathology services is seen by the physician at least once every 30 days. The organization is responsible for contacting the physician if the patient has not been seen by the physician within a 30-day period. There is evidence in the clinical record of the physician's services at appropriate intervals.

(d) *Standard: Notification of physician.* The attending physician, or where applicable, another responsible physician, is promptly notified of any changes in the patient's condition. If changes are required in the plan of care, such changes are approved by such physician and noted in the clinical record.

(e) *Standard: Availability of physicians for emergency.* The organization provides for one or more physicians to be available on call to furnish necessary medical care in case of emergency. A schedule listing the names and telephone numbers of these physicians and the specific days each is on call is posted. There are established procedures to be followed by personnel in an emergency which cover immediate care of the patient, persons to be notified and reports to be prepared.

§ 405.1718 Condition of participation—physical therapy services.

If physical therapy services are offered, the organization provides an adequate program of physical therapy and has an adequate number of qualified personnel and the equipment necessary to carry out its program and to fulfill its objectives.

(a) *Standard: Adequate program.* (1) The organization will be considered to have an adequate outpatient physical therapy program if it can: (i) Provide services utilizing therapeutic exercise and the modalities of heat, cold, water, and electricity; (ii) Conduct patient evaluations; and (iii) Administer tests and measurements of strength, balance, endurance, range of motion, and activities of daily living. (2) A qualified physical therapist is present or readily available to offer needed supervision to the physical therapist assistant when physical therapy services are provided on or off the organization's premises. Where a qualified physical therapist is not on the premises during all hours of operation, patients are scheduled in such a manner as to ensure the physical therapist's presence when specific skills are needed (e.g., the evaluation and re-evaluation and to provide appropriate and needed supervision to the physical therapist assistant when providing services. When physical therapy services are provided off the premises of the organization by a qualified physical therapist

assistant, such services are provided under the supervision of a qualified physical therapist who makes an onsite supervisory visit at least once every 30 days.

(b) *Standard: Facilities and equipment.* The organization has the equipment and facilities required to provide the range of services necessary in the treatment of the types of disabilities accepted for service.

(c) *Standard: Personnel qualified to provide physical therapy services.* Physical therapy services are provided by, or under the supervision of, a qualified physical therapist. The number of qualified physical therapists and qualified physical therapist assistants is adequate for the volume and diversity of physical therapy services offered. A qualified physical therapist is on the premises or readily available during the operating hours of the organization.

(d) *Standard: Supportive personnel.* If personnel are available to assist qualified physical therapists by performing services incident to physical therapy that do not require professional knowledge and skill, such personnel are instructed in appropriate patient care services by qualified physical therapists who retain responsibility for the treatment prescribed by the attending physician.

§ 405.1719 Condition of participation—speech pathology services.

If speech pathology services are offered, the organization provides an adequate program of speech pathology and has an adequate number of qualified personnel and the equipment necessary to carry out its program and to fulfill its objectives.

(a) *Standard: Adequate program.* The organization will be considered to have an adequate outpatient speech pathology program if it can provide the diagnostic and treatment services to effectively treat speech disorders.

(b) *Standard: Facilities and equipment.* The organization has the equipment and facilities required to provide the range of services necessary in the treatment of the types of speech disorders accepted for service.

(c) *Standard: Personnel qualified to provide speech pathology services.* Speech pathology services are given or supervised by a qualified speech pathologist and the number of qualified speech pathologists is adequate for the volume and diversity of speech pathology services offered. At least one qualified speech pathologist is present at all times when speech pathology services are rendered.

§ 405.1720 Condition of participation—rehabilitation program.

At a minimum, a rehabilitation agency provides physical therapy or speech pathology services, and a rehabilitation program which, in addition to physical therapy or speech pathology services, includes social or vocational adjustment services to all patients in need of such services by making provision for special, qualified staff to evaluate the social or vocational factors involved in a patient's rehabilitation, to counsel and advise on

social or vocational problems arising from the patient's illness or injury, and to make appropriate referrals for required services.

(a) *Standard: Qualification of staff.* The agency's social or vocational adjustment services are rendered, as applicable, by qualified psychologists, qualified social workers, or qualified vocational specialists. Social or vocational adjustment services may be performed by a qualified psychologist or qualified social worker. Vocational adjustment services may be furnished by a qualified vocational specialist.

(b) *Standard: Arrangements for social or vocational services.* If a rehabilitation agency does not provide social or vocational adjustment services through salaried employees, it may provide such adjustment services by means of a written contract with others which provides for retention by the agency of responsibility for, and control and supervision of, such services. The terms of the contract:

(1) Provide that the regimen of social or vocational adjustment services to be furnished is developed in consultation between appropriate professional staff members and the patient's attending physician;

(2) Specify the geographical areas in which the services are to be furnished;

(3) Provide that such services are furnished by personnel meeting the qualifications in § 405.1702;

(4) Provide that personnel under contract will participate as needed in conferences required to coordinate patient care;

(5) Provide for the preparation of treatment records and notes, and for the prompt incorporation of such into the clinical records of the agency;

(6) Specify the period of time the contract is to be in effect and the manner of termination or renewal.

§ 405.1721 Condition of participation—arrangements for physical therapy and speech pathology services to be performed by other than salaried organization personnel.

When an organization provides outpatient physical therapy and/or speech pathology services under an arrangement with others, such services are to be furnished in accordance with the terms of a written contract, which provides for retention by the organization of professional and administrative responsibility for, and control and supervision of, such services.

(a) *Standard: Contract provisions.* The terms of the contract:

(1) Provide that physical therapy and/or speech pathology services are to be furnished in accordance with the plan of care established by the physician responsible for the patient's care and may not be altered in type, amount, frequency, or duration by the physical therapist or speech pathologist (except in the case of an adverse reaction to a specific treatment);

(2) Specify the geographical areas in which the services are to be furnished;



(3) Provide that personnel and services contracted for meet the same requirements as those which would be applicable if the personnel and services were furnished directly by the clinic, rehabilitation agency, or public health agency;

(4) Provide that as needed the physical therapist or speech pathologist (as appropriate) will participate in conferences required to coordinate the care of an individual patient;

(5) Provide for the preparation of treatment records, with progress notes and observations, and for the prompt incorporation of such into the clinical records of the clinic, rehabilitation agency, or public health agency;

(6) Specify the financial arrangements which provide that the contracting outside resource may not bill the patient or the health insurance program for covered services, since pursuant to section 1861(w) of the Act (42 U.S.C. 1395x(w)), covered services furnished under arrangements must be billed through the provider exclusively and receipt of payment by the provider for such services on behalf of an entitled individual discharges the liability of such individual or any other person to pay for such services;

(7) Specify the period of time the contract is to be in effect and the manner of termination or renewal;

(8) Except as provided in paragraph (a) (9) of this section, provide that the services shall be performed in the patient's home, on the premises of the clinic, rehabilitation agency, or public health agency making the arrangements, or on the premises of an institution which meets the requirements of section 1861(e) (1) or section 1861(j) (1) of the Act; and

(9) In the case of a public health agency (including a public health agency which is certified by the health insurance program as a home health agency), may provide that physical therapy and/or speech pathology services may also be performed on the premises of the supplier of such services but only under the following circumstances:

(i) The public health agency does not have the capacity to provide on its premises all of the (A) Modalities of treatment, tests, and measurements as specified in § 405.1718(a) (in the case of outpatient physical therapy services), or (B) Diagnostic and treatment services as specified in § 405.1719(a) (in the case of outpatient speech pathology services);

(ii) The services provided on the premises of the supplier include those as defined in § 405.1718(a) or § 405.1719(a), as appropriate, which the public health agency cannot provide on its premises, and these services are not provided on an outpatient basis in another accessible participating provider of services;

(iii) Services are provided on the premises of the supplier only in those instances in which the patient's treatment requires the use of a modality or regimen which is not available on the premises of the public health agency;

(iv) The public health agency is responsible for advising the State agency of the name of each supplier with whom it contracts for the provision of services and makes the arrangements necessary in order for the State agency to survey the premises and organization of each supplier of services to determine compliance with applicable regulations; and

(v) A physician, qualified physical therapist, qualified speech pathologist, or supervising nurse employed by the public health agency reviews at least every 2 weeks all records of the patients of the public health agency who have been treated on the premises of the supplier.

#### § 405.1722 Condition of participation—clinical records.

The organization maintains clinical records on all patients in accordance with accepted professional standards, and practices. The clinical records are completely and accurately documented, readily accessible, and systematically organized to facilitate retrieving and compiling information.

(a) *Standard: Protection of clinical record information.* The organization recognizes the confidentiality of clinical record information and provides safeguards against loss, destruction, or unauthorized use. Written procedures govern the use and removal of records and the conditions for release of information. The patient's written consent is required for release of information not authorized by law.

(b) *Standard: Content.* The clinical record contains sufficient information to identify the patient clearly, to justify the diagnosis(es) and treatment, and to document the results accurately. All clinical records contain the following general categories of data:

(1) Documented evidence of the assessment of the needs of the patient, of an appropriate plan of care, and of the care and services provided.

(2) Identification data and consent forms.

(3) Medical history.

(4) Report of physical examinations, if any.

(5) Observations and progress notes.

(6) Reports of treatments and clinical findings.

(7) Discharge summary including final diagnosis(es) and prognosis.

(c) *Standard: Completion of records and centralization of reports.* Current clinical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is centralized in the patient's clinical record. Each physician's entries into the clinical record are signed by the appropriate physician.

(d) *Standard: Retention and preservation.* Clinical records are retained for a period of time not less than:

(1) That determined by the respective State statute, or the statute of limitations in the State, or

(2) In the absence of a State statute:

(i) Five years after the date of discharge, or

(ii) In the case of a minor,

3 years after the patient becomes of age under State law or 5 years after the date of discharge, whichever is longer.

(e) *Standard: Indexes.* Clinical records are indexed at least according to name of patient to facilitate acquisition of statistical medical information and retrieval of records for research or administrative action.

(f) *Standard: Location and facilities.* The organization maintains adequate facilities and equipment, conveniently located, to provide efficient processing of clinical records (reviewing, indexing, filing, and prompt retrieval).

#### § 405.1723 Condition of participation—physical environment.

The building housing the organization is constructed, equipped, and maintained to protect the health and safety of patients, personnel, and the public and provides a functional, sanitary, and comfortable environment.

(a) *Standard: Safety of patients.* The organization satisfies the following requirements:

(1) It complies with all applicable State and local building, fire, and safety codes.

(2) Permanently attached automatic fire-extinguishing systems of adequate capacity are installed in all areas of the organization considered to have special fire hazards. Fire extinguishers are conveniently located on each floor of the organization. Fire regulations are prominently posted.

(3) Doorways, passageways and stairwells negotiated by patients are: (i) Of adequate width to allow for easy movement of all patients (including those on stretchers or in wheelchairs), (ii) free from obstruction at all times, and (iii) in the case of stairwells, equipped with firmly attached handrails on at least one side.

(4) Lights are placed at exits and in corridors used by patients and are supported by an emergency power source.

(5) A fire alarm system with local alarm capability and, where applicable, an emergency power source, is functional.

(6) At least two persons are on duty on the premises of the organization whenever a patient is being treated.

(7) No occupancies or activities undesirable or injurious to the health and safety of patients are located in the building.

(b) *Standard: Maintenance of equipment, building, and grounds.* The organization establishes a written preventive-maintenance program to ensure:

(1) That equipment is operative, and is properly calibrated, and

(2) That the interior and exterior of the building are clean and orderly and maintained free of any defects which are a potential hazard to patients, personnel, and the public.

(c) *Standard: Other environmental considerations.* The organization provides a functional, sanitary, and comfortable environment for patients, personnel, and the public.

(1) Provision is made for adequate and comfortable lighting levels in all areas; limitation of sounds at comfort levels; a comfortable room temperature; and adequate ventilation through windows, mechanical means, or a combination of both.

(2) Toilet rooms, toilet stalls, and lavatories are accessible and constructed so as to allow utilization by nonambulatory and semiambulatory individuals.

(3) Whatever the size of the building, there is an adequate amount of space for the services provided and disabilities treated, including reception area, staff space, examining room, treatment areas, and storage.

#### § 405.1724 Condition of participation—infection control.

The organization that provides outpatient physical therapy services establishes an infection-control committee of representative professional staff with responsibility for overall infection control. All necessary housekeeping and maintenance services are provided to maintain a sanitary and comfortable environment and to help prevent the development and transmission of infection.

(a) *Standard: Infection-control committee.* The infection-control committee establishes policies and procedures for investigating, controlling, and preventing infections in the organization and monitors staff performance to ensure that the policies and procedures are executed.

(b) *Standard: Aseptic and isolation techniques.* Written effective procedures in aseptic techniques are followed by all personnel. Procedures are reviewed and revised annually for effectiveness and improvement.

(c) *Standard: Housekeeping.* The organization employs sufficient housekeeping personnel and provides all necessary equipment to maintain a safe, clean, and orderly interior. A full-time employee is designated as the one responsible for the housekeeping services and for supervision and training of such personnel. An organization that has a contract with an outside resource for housekeeping services may be found to be in compliance with this standard provided the organization and/or outside resource meets the requirements of the standard.

(d) *Standard: Linen.* The organization has available at all times a quantity of linen essential for proper care and comfort of patients. Linens are handled, stored, processed, and transported in such a manner as to prevent the spread of infection.

(e) *Standard: Pest control.* The organization is maintained free from insects and rodents through operation of a pest-control program.

#### § 405.1725 Condition of participation—disaster preparedness.

The organization has a written plan, periodically rehearsed, with procedures to be followed in the event of an internal or external disaster and for the care of casualties (patients and personnel) arising from such disasters.

(a) *Standard: Disaster plan.* The organization has an acceptable written plan in operation, with procedures to be followed in the event of fire, explosion, or other disaster. The plan is developed and maintained with the assistance of qualified fire, safety, and other appropriate experts, and includes:

(1) Procedures for prompt transfer of casualties and records,

(2) Instructions regarding the location and use of alarm systems and signals and of firefighting equipment,

(3) Information regarding methods of containing fire,

(4) Procedures for notification of appropriate persons, and

(5) Specifications of evacuation routes and procedures.

(b) *Standard: Staff training and drills.* All employees are trained, as part of their employment orientation, in all aspects of preparedness for any disaster. The disaster program includes orientation and ongoing training and drills for all personnel in all procedures so that each employee promptly and correctly carries out his assigned role in case of a disaster.

#### § 405.1726 Condition of participation—program evaluation.

The organization has procedures which provide for a systematic evaluation of its total program to assure appropriate utilization of services and to determine whether the organization's policies are followed in providing services to patients through employees or under arrangements with others.

(a) *Standard: Clinical-record review.* A sample of active and closed clinical records is reviewed quarterly by the appropriate health professionals to assure that established policies are followed in providing services.

(b) *Standard: Annual statistical evaluation.* An evaluation is conducted annually of such statistical data as number of different patients treated, number of patient visits, condition on admission and discharge, number of new patients, number of patients by diagnosis(es), sources of referral, number and cost of units of service by treatment given, and total staff days or work hours by discipline.

#### CONDITIONS FOR COVERAGE: OUTPATIENT PHYSICAL THERAPY SERVICES FURNISHED BY PHYSICAL THERAPISTS IN INDEPENDENT PRACTICE

#### § 405.1730 Conditions for coverage—services furnished by physical therapists in independent practice—general.

(a) In order to be covered under the program of health insurance for the aged and disabled as a supplier of outpatient physical therapy services, a physical therapist in independent practice must meet State licensure and requirements set forth in section 1861(p) (4) of the Act, 42 U.S.C. 1395x(p) (4), and other requirements established pursuant to this provision. This section of the law states specific requirements which must be met by such suppliers and authorizes the

Secretary of Health, Education, and Welfare to prescribe by regulation other requirements relating to the health and safety of beneficiaries as may be found necessary.

(b) Section 1861(p) provides in pertinent part as follows:

(p) The term 'outpatient physical therapy services' means physical therapy services furnished by a provider of services, a clinic, rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

The term 'outpatient physical therapy services' also includes physical therapy services furnished an individual by a physical therapist (in his office or in such individual's home) who meets licensing and other standards prescribed by the Secretary in regulations, otherwise than under an arrangement with, and under the supervision of, a provider of services, clinic, rehabilitation agency, or public health agency, if the furnishing of such services meets such conditions relating to health and safety as the Secretary may find necessary . . .

(c) The requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the Conditions for Coverage for Outpatient Physical Therapy Services Furnished By Physical Therapists in Independent Practice (see §§ 405.1732-405.1737).

#### § 405.1731 Definitions relating to physical therapists in independent practice.

As used in §§ 405.1732-405.1737, the following definitions apply:

(a) *Physical therapist.* A person who is licensed as a physical therapist by the State in which he is practicing if the State licenses physical therapists, and

(1) Has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and Hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

(2) Prior to January 1, 1966:

(i) Was admitted to membership by the American Physical Therapy Association, or

(ii) Was admitted to registration by the American Registry of Physical Therapists, or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education; or

(3) Has 2 years of appropriate experience as a physical therapist and has achieved a satisfactory grade on a proficiency examination approved by the Secretary except that such determinations of proficiency shall not apply with respect to persons initially licensed by a State after December 31, 1977, or seeking qualification as a physical therapist after such date; or

(4) (i) Was licensed or registered prior to January 1, 1966, and

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(ii) Prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or

(5) If trained outside the United States:

(i) Was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy;

(ii) Meets the requirements for membership in a member organization of the World Confederation for Physical Therapy;

(iii) Has 1 year of experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(b) *Physical therapist in independent practice:* A person who is licensed as a physical therapist by the State in which he is practicing, meets one of the qualification requirements in paragraph (a) of this section, and furnishes services under the circumstances described in § 405.232(e) (2) (ii).

(c) *Supervision:* The presence, at all times, of a qualified physical therapist when physical therapy services are rendered in the physical therapist's office or in the patient's place of residence.

§ 405.1732 Condition for coverage—compliance with Federal, State, and local laws.

The physical therapist in independent practice and staff, if any, are in compliance with all applicable Federal, State, and local laws and regulations.

(a) *Standard: Licensure of facility.* In any State in which State or applicable local law provides for the licensing of the facility of a physical therapist, such facility is:

(1) Licensed pursuant to such law; or

(2) If not subject to licensure, is approved (by the agency of such State or locality responsible for licensing) as meeting the standards established for such licensing.

(b) *Standard: Licensure or registration of personnel.* The physical therapist in independent practice and staff, if any, are licensed or registered in accordance with applicable laws.

§ 405.1733 Condition for coverage—physician's direction and plan of care.

Patients in need of outpatient physical therapy services are accepted for treatment by the physical therapist in independent practice only on the order of a physician who indicates anticipated goals and is responsible for the general medical direction of such services as part of the total care of the patient. For each patient, there is a written plan of care established and periodically reviewed by the physician.

(a) *Standard: Medical findings and physician's orders.* The following is made available to the physical therapist, prior to or at the time of initiation of treatment:

(1) The patient's significant past history;

(2) Diagnosis(es);

(3) Physician's orders;

(4) Rehabilitation goals and potential for their achievement;

(5) Contraindications, if any;

(6) The extent to which the patient is aware of the diagnosis(es) and prognosis; and

(7) Where appropriate, the summary of treatment rendered and results achieved during previous periods of physical therapy services or institutionalization.

(b) *Standard: Plan of care.* For each patient there is a written plan of care established by the physician which indicates anticipated goals and specifies the type, amount, frequency, and duration of physical therapy services. Where appropriate, the plan is developed in consultation between the physical therapist and the patient's attending physician. The plan of care and results of treatment are reviewed once every 30 days, or more often if required, by the attending physician and the physical therapist; and the indicated action is taken.

(c) *Standard: General medical direction.* Patients are seen by a physician at least once every 30 days. General medical direction at appropriate intervals is evident from the clinical record.

(d) *Standard: Notification of physician.* The attending physician is promptly notified of any changes in the patient's condition. If changes are required in the plan of care, such changes are approved by such physician and noted in the clinical record.

(e) *Standard: Adequate program.* The physical therapist will be considered to have an adequate physical therapy program when services can be provided, utilizing therapeutic exercise and the modalities of heat, cold, water, and electricity; patient evaluations are conducted; and tests and measurements of strength, balance, endurance, range of motion, and activities of daily living are administered.

(f) *Standard: Supervision of physical therapy services.* Physical therapy services are provided by, or under the supervision of, a qualified physical therapist.

§ 405.1734 Condition for coverage—physical therapy services.

The physical therapist in independent practice provides an adequate program of physical therapy services and has the facilities and equipment necessary to carry out the services offered.

(a) *Standard: Adequate program.* The physical therapist will be considered to have an adequate physical therapy program when services can be provided, utilizing therapeutic exercise and the modalities of heat, cold, water, and electricity; patient evaluations are conducted; and tests and measurements of strength, balance, endurance, range of motion, and activities of daily living are administered.

(b) *Standard: Supervision of physical therapy services.* Physical therapy services are provided by, or under the supervision of, a qualified physical therapist.

§ 405.1735 Condition for coverage—coordination of services with other organizations, agencies, or individuals.

The physical therapy services provided by the physical therapist in independent practice are coordinated with the health and medical services provided to the patient by organizations, agencies, or individuals.

(a) *Standard: Exchange of clinical records and reports.* When a patient is receiving or has recently received health and medical services from providers, organizations, physicians, or others that are related to and that may involve the physical therapy program, the physical therapist shall, on a regular basis, exchange with such providers, organizations, physicians, or others in accordance with § 405.1736(a) documented information which has a bearing on the patient's health and welfare so as to ensure that services effectively complement one another.

§ 405.1736 Condition for coverage—clinical records.

The physical therapist in independent practice maintains clinical records on all patients in accordance with accepted professional standards and practices. The clinical records are completely and accurately documented, readily accessible, and systematically organized to facilitate retrieving and compiling information.

(a) *Standard: Protection of clinical record information.* Clinical record information is recognized as confidential and is safeguarded against loss, destruction, or unauthorized use. Written procedures govern use and removal of records and include conditions for release of information. A patient's written consent is required for release of information not authorized by law.

(b) *Standard: Content.* The clinical record information. Clinical record information contains sufficient information to identify the patient clearly, to justify the diagnosis(es) and treatment, and to document the results accurately. All clinical records contain the following general categories of data:

(1) Documented evidence of the assessment of the needs of the patient, of an appropriate plan of care, and of the care and services provided;

(2) Identification data and consent forms;

(3) Medical history;

(4) Report of physical examination(s), if any;

(5) Observations and progress notes;

(6) Reports of treatments and clinical findings; and

(7) Discharge summary including final diagnosis(es) and prognosis.

(c) *Standard: Completion of records and centralization of reports.* Current clinical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient is centralized in the patient's clinical record.

(d) *Standard: Retention and preservation.* Clinical records are retained for a period of time not less than:

(1) That determined by the respective State statute or the statute of limitations in the State; or

(2) In the absence of a State statute: (i) 5 years after the date of discharge or, (ii) in the case of a minor, 3 years after the patient becomes of age under State law, or 5 years after the date of discharge, whichever is longer.

(e) *Standard: Indexes.* Clinical records are indexed at least according to name of patient to facilitate acquisition of statistical clinical information and retrieval of records for administrative action.

§ 405.1737 Condition for coverage—physical environment.

The physical environment of the office and/or facility of the physical therapist in independent practice affords a functional, sanitary, safe, and comfortable surrounding for patients, personnel, and the public.

(a) *Standard: Building construction.* The construction of the building housing the physical therapy office meets all applicable State and local building, fire, and safety codes.

(b) *Standard: Maintenance of the physical therapy office and equipment.* There is established a written preventive-maintenance program to ensure that equipment is operative and that the physical therapy office is clean and orderly. All essential mechanical, electrical, and patient-care equipment is maintained in safe operating condition, and is properly calibrated.

(c) *Standard: Other environmental considerations.* The building housing the physical therapy office is accessible to, and functional for, patients, personnel, and the public. Written effective procedures in aseptic techniques are followed by all personnel and such procedures are reviewed annually, and when necessary, revised.

(d) *Standard: Emergency procedures.* The physical therapist is aware of the possibility of the occurrence of fire and other non-medical emergencies and has documented: (1) A means of providing for safe patient egress from the physical therapy office and the building housing the office, such means being demonstrated by fire exit signs, etc.; and (2) Other such provisions necessary to ensure the safety of patients.

2. Section 405.1230 is revised to read as follows:

§ 405.1230 Condition of participation: Qualifying to provide outpatient physical therapy or speech pathology services.

(a) Section 1861(p) of the Social Security Act provides in pertinent part as follows:

(p) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, a rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient—

The term "outpatient physical therapy services" also includes speech pathology services furnished by a provider of services, a clinic, rehabilitation agency, or by a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency, or public health agency to an individual as an outpatient, subject to the conditions prescribed in this subsection.

(b) As a provider of services, a home health agency may qualify to provide outpatient physical therapy or speech pathology services if such agency meets the statutory requirements of section 1861(o) of the Act and complies with other health and safety requirements prescribed by the Secretary for home health agencies, and, additionally, is in compliance with applicable health and safety requirements pertaining to rendition of outpatient physical therapy or speech pathology services. The applicable health and safety requirements pertaining to outpatient physical therapy or speech pathology services are included in the conditions of participation in Subpart Q of this part. (See §§ 405.1717, 405.1718, 405.1719, 405.1721, 405.1723, and 405.1725.)

3. Section 405.232(e) (2) (iii) is revised to read as follows:

§ 405.232 Medical and other health services: conditions, limitations, and exclusions.

• • • • •

(e) • • • • •  
(2) The outpatient physical therapy services described in § 405.231(1) (2) shall include only those items and services:

• • • • •  
(iii) Furnished by a physical therapist licensed by the State in which the items and services were furnished and who meets the other qualifications set out in § 405.1702(d).

[FR Doc. 76-14707 Filed 5-20-76; 8:45 am]

[Regulations No. 16]

#### PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reimbursement to States for Interim Assistance Payments, Cost-of-Living Adjustments in Benefits

On November 12, 1975, there was published in the FEDERAL REGISTER (40 FR 52742) a Notice of Proposed Rule Making with proposed amendments to Subparts D and E and the establishment of a new Subpart S, Regulations No. 16. The amendments to Part 416 implement the interim assistance and cost-of-living provisions of Pub. L. 93-368, enacted August 7, 1974. Section 5 of Pub. L. 93-368 amends Section 1631 of the Social Security Act to permit the Social Security Administration to enter into an agreement with a State whereby such State would be reimbursed for interim assistance payments made to or on behalf of an individual (subsequently determined to be eligible) during the period such individual's application for supplemental security income benefits is pending. Section 6 of Pub. L. 93-368 provides for cost-of-living adjustments in the supplemental security income benefit standards in conjunction with and by the same percentage as benefits under Title II of the Act are increased in accordance with section 215(l) of the Act. Interested persons were given the opportunity to sub-

mit, within 30 days, data, views or arguments with regard to the proposed changes.

The only comments received during the comment period concerned the new Subpart S. The following comments were made regarding the new Subpart:

1. One recommendation was for an addition to Subpart S authorizing the Social Security Administration to provide information to State and local governments on the status of supplemental security income cases where the applicant has applied for interim assistance. Furnishing interim status reports would not be administratively feasible, and the delays it would cause in processing time would only hinder the Social Security Administration's ability to respond promptly to the needs of the individual. Also, a comment was made in response to § 416.1906(c), which provides that an applicant's written authorization to withhold benefits due him for purposes of reimbursing the State of the interim assistance furnished him is in effect until the Social Security Administration has made a final determination on his claim. The commenter stated that if an application is denied, no provision is made for informing the local social service districts of this fact on a timely basis. However, current operating instructions provide for the notification of State and local governments whether a claim for supplemental security income has been allowed or denied. A sentence has been included in § 416.1906(c) to reflect this policy.

2. Two commenters recommended that the provisions of the interim assistance legislation be applied to all State or local funded assistance (e.g., AFDC) regardless of whether federal funding is also involved. However, section 1631(g) (3) of the Social Security Act and the related legislative history indicate that the term "interim assistance" with respect to any individual refers only to assistance financed totally from State or local funds. Therefore, no change has been made.

3. Section 416.1911(b) (1) provides that if payment to the State by the Social Security Administration in reimbursement for interim assistance for an individual is greater than the amount of the interim assistance granted, the State is required to pay the excess amount to the individual no later than ten working days from receipt of the payment. Two comments were made that in order to comply with this requirement, the award letter needs to accompany the payment. Administrative problems in this area are recognized and work is being done to assist the State to resolve them. Nevertheless, section 1631(g) (4) (A) of the Social Security Act expressly requires the State to pay the excess amount to the individual within ten working days.

4. A comment was made questioning the provision in § 416.1911(b) (2) which requires the State to refund the excess amount to the Social Security Administration if the State is unable to pay the excess to the individual. In the case of a deceased individual, the commenter



felt that the excess should be paid to the decedent's estate. Section 1631(b) of the Act provides that the Social Security Administration can only pay on underpayments involving supplemental security income underpayments to the individual or his eligible spouse. There is no provision in the statute for paying supplemental security income benefits to an individual's estate. Accordingly, § 416.542 (b) of the regulations provides that no underpayment may be paid to the estate of any underpaid recipient or to any survivor other than the living-with eligible spouse. Therefore, § 416.1911(b) (2) provides that if payment cannot be made to the individual the excess should be returned to the Social Security Administration so that it may be handled under the generally applicable rules.

5. One comment indicated that the States do not always receive reimbursement when the Social Security Administration erroneously sends the initial benefit check to the individual instead of the State Agency. It was recommended that the Social Security Administration have the responsibility to ensure that reimbursement is made to the State, regardless of whether the Social Security Administration can recoup those funds erroneously sent to the individual. Section 1631(g) of the Social Security Act only authorizes the Secretary, under certain conditions and if the applicant so elects to make the first payment of supplemental security income benefits, which he has determined to be due, to a State or to a political subdivision. Even if the Social Security Administration makes a mistake and sends the first payment of supplemental security income benefits to the individual rather than to the State, there is no liability provided for in the agreements between the Secretary and the State, nor does any such Federal liability seem to have been intended by Congress when it enacted the interim assistance provisions.

After due consideration of the comments received, the amendments are hereby adopted as so revised and are set forth below.

(Secs. 1102, 1611(b), 1617, 1631(d), and 1631(g) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, as amended, 88 Stat. 422, 86 Stat. 1475, 88 Stat. 420; 42 U.S.C. 1302, 1382(b), 1382(f), 1383(d), and 1383(g).)

**Effective date.** The amendments shall be effective May 21, 1976.

(Catalog of Federal Domestic Assistance Programs No. 13.807, Supplemental Security Income Program.)

Dated: April 5, 1976.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: May 12, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. A new § 416.405 is added to read as follows:

§ 416.405 Cost-of-living adjustments in benefits.

Whenever benefit amounts under title II of the Act (Part 404 of this Chapter) are increased by any percentage effective with any month as a result of a determination made under section 215(l) of the Act, each of the dollar amounts in effect for such month under §§ 416.410, 416.412, 416.413, 416.432(c) and 416.531, as specified in such sections or as previously increased under this section, shall be increased by the same percentage (and rounded on an annual basis, when not a multiple of \$1.20 to the next higher multiple of \$1.20), effective with respect to benefits for months after such month.

2. Section 416.410 is revised to read as follows:

§ 416.410 Amount of benefits: eligible individual.

The benefit under this part for an eligible individual who does not have an eligible spouse, who is not in an institution (see § 416.231), who is not living in the household of another under the conditions set forth in § 416.1125, and who is not a qualified individual (as defined in § 416.242), shall be payable at the rate of \$1,680 per year (\$420 per quarter, \$140 per month) for the period ending June 30, 1974, at the rate of \$1,752 per year (\$438 per quarter, \$146 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$1,892.40 per year (\$473.10 per quarter, \$157.70 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) reduced by the amount of such individual's income not excluded pursuant to Subpart K of this part.

3. Section 416.412 is revised to read as follows:

§ 416.412 Amount of benefits: eligible couple.

The benefit under this part for an eligible couple neither of whom is in an institution (see § 416.231) nor is living in the household of another under the conditions set forth in § 416.1125, nor is a qualified individual (as defined in § 416.242), shall be payable at the rate of \$2,520 per year (\$630 per quarter, \$210 per month) for the period ending June 30, 1974, at the rate of \$2,628 per year (\$657 per quarter, \$219 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$2,839.20 per year (\$709.80 per quarter, \$236.60 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse. (See § 416.502.)

4. Section 416.413 is revised to read as follows:

§ 416.413 Amount of benefits: qualified individual.

A qualified individual (as defined in § 416.242) will receive in addition to the

amount specified in § 416.410 or § 416.412, as applicable, \$70 per month for the period ending June 30, 1974, \$73 per month for the period beginning July 1, 1974, and ending June 30, 1975, and \$78.90 per month for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases) for each essential person (as defined in § 416.243) living in his household. (See §§ 416.531 and 416.532.)

5. In § 416.432 paragraph (c) is revised to read as follows:

§ 416.432 Change in eligibility status within a quarter involving a couple: eligibility exists in all months of the quarter.

(c) When one member of a couple is in an institution and subject to payment reduction for Medicaid (§ 416.231), and the other member of the couple is living in the household of another and receiving support and maintenance from that person, the rate of payment for such couple shall be \$1,420 per year (\$355 per quarter, \$118.34 per month) for the period ending June 30, 1974, at the rate of \$1,468 per year (\$367 per quarter, \$122.34 per month) for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$1,561.60 per year (\$390.40 per quarter, \$130.14 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases). These amounts are based on the sum of \$25 and the reduction of the rate of payment for an individual by one-third (1/3). This rate of payment shall then be reduced by the amount of income not excluded pursuant to Subpart K of this part, of such individual and spouse and paid in accordance with § 416.502. As in paragraph (b) of this section, no more than \$25 shall be paid to the institutionalized member of the couple.

6. A new § 416.525 is added to read as follows:

§ 416.525 Reimbursement to States for interim assistance payments.

Notwithstanding § 416.542, the Social Security Administration may, in accordance with the provisions of Subpart S of this part, withhold supplemental security income benefits due with respect to an individual and may pay to a State (or political subdivision thereof, if agreed to by the Social Security Administration and the State) from the benefits withheld, an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual.

7. Section 416.531 is revised to read as follows:

§ 416.531 Standard of payment based on existence of an essential person.

In determining the amount of the supplemental security income standard of payment to any qualified individual (see § 416.242), for months after December

1973, such standard shall be increased to take into account the needs of an essential person (see § 416.243). The amount of such increase shall be at the rate of \$840 per year, in the case of any period prior to July 1974, at the rate of \$876 per year for the period beginning July 1, 1974, and ending June 30, 1975, and at the rate of \$946.80 per year (\$236.70 per quarter, \$78.90 per month) for the remainder of 1975 and any calendar year thereafter (however, see § 416.405 with respect to cost-of-living increases). The total amount due the qualified individual will be computed in accordance with section 1611 of the Act. The resulting monthly payment will be made to the qualified individual. If State records appropriately identify two or more essential persons for a qualified individual, an increment of \$70 per month for the period ending June 30, 1974, (\$73 for the period beginning July 1, 1974, and ending June 30, 1975, and \$78.90 for the remainder of 1975 and any calendar year thereafter) shall be added to the qualified individual's standard of payment for each such essential person (however, see § 416.405 with respect to cost-of-living increases).

8. Section 416.533 is revised to read as follows:

§ 416.533 Transfer or assignment of benefits.

Except as provided in § 416.525 and Subpart S of this part, the Social Security Administration shall not certify payment of supplemental security income benefits to a transferee or assignee of a person eligible for such benefits under the Act. The Social Security Administration shall not certify payment of supplemental security income benefits to any person claiming such payment by virtue of an execution, levy, attachment, garnishment, or other legal process or by virtue of any bankruptcy or insolvency proceeding against or affecting the person eligible for benefits under the Act.

9. A new Subpart S is added to read as follows:

Subpart S—Interim Assistance Provisions; Agreements; Payments

Sec.  
416.1901 Purpose and scope.  
416.1906 General provisions and definitions.  
416.1911 Interim assistance agreements.  
416.1916 Effective period for reimbursement to States for interim assistance.  
416.1921 Hearings and review.  
416.1926 Term of the agreement.

AUTHORITY: Secs. 1102, 1611(b), 1617, 1631(d), 1631(g) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, as amended, 88 Stat. 422, 86 Stat. 1475, 88 Stat. 420; 42 U.S.C. 1302, 1382(b), 1382f, 1383(d), 1383(g).

Subpart S—Interim Assistance Provisions; Agreements; Payments

§ 416.1901 Purpose and scope.

This subpart implements section 1631(g) of the Act (added by section 5 of Pub. L. 93-388) which permits the Social Security Administration to enter into an agreement with a State whereby

such State (or a political subdivision of the State) would be reimbursed for interim assistance payments furnished an applicant for supplemental security income benefits upon the written authorization of such applicant to withhold benefits due for the purpose of reimbursing the State (or political subdivision) for the interim assistance furnished.

§ 416.1906 General provisions and definitions.

(a) *General provisions.* Notwithstanding § 416.542, the Social Security Administration may, upon receipt of written authorization by an individual or a proper party executing an application on his behalf (see § 416.310), withhold supplemental security income benefits due with respect to that individual and may pay to a State (or political subdivision thereof, if agreed to by the Social Security Administration and the State) from the benefits withheld, an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual.

(b) *Definitions.* For purposes of this subpart:

(1) "Authorization" means an authorization which is written and is in a form which is acceptable to the Social Security Administration and legally acceptable in the State from which the individual received interim assistance;

(2) "Benefits" with respect to any individual means supplemental security income benefits under title XVI of the Act, and any State supplementary payments under section 1616 of the Act or section 212 of Pub. L. 93-66 which the Social Security Administration makes on behalf of a State (or political subdivision thereof), that the Social Security Administration has determined to be due with respect to the individual at the time the Social Security Administration makes the first payment of benefits. A cash advance made pursuant to § 416.520 shall not be considered as the first payment of benefits for purposes of the preceding sentence;

(3) "Interim assistance" with respect to any individual means assistance, including vendor payments, financed from State or local funds and furnished for meeting basic needs during the period beginning with the month in which the individual filed an application for benefits and for which such individual was eligible. Assistance payments financed in whole or in part from Federal funds (e.g., aid to families with dependent children) do not come within the meaning of interim assistance.

(c) *Effective life of authorization.* An authorization is in effect until the Social Security Administration has made a final determination on the applicant's claim. When an initial determination has been made, the Social Security Administration will notify the State (or political subdivision) whether the applicant's claim for supplemental security income benefits has been allowed or denied. If the individual's supplemental security income application is denied, the denial is the final determination unless the in-

dividual files a timely appeal. If the individual applies again at a later time, a new authorization must be obtained.

§ 416.1911 Interim assistance agreements.

In order for a State to receive reimbursement under the provisions of this subpart, the State shall have in effect an interim assistance agreement with the Social Security Administration which shall provide that:

(a) The Social Security Administration will make payments to the State (or political subdivision) pursuant to the provisions of this subpart and § 416.525; and

(b) If the Social Security Administration makes payment to the State (or political subdivision) in reimbursement for interim assistance for an individual in an amount greater than the amount of interim assistance reimbursable under this subpart,

(1) The State (or political subdivision) shall pay to the individual the excess amount as soon as feasible but not later than 10 working days (or a shorter period specified in the agreement) from the date the State (or political subdivision) receives the payment; or

(2) If the State is unable to pay the excess to the individual, the State shall refund the excess to the Social Security Administration; and

(c) The State will comply with such other rules as the Social Security Administration finds necessary to achieve efficient and effective administration of this subpart, and to carry out the provisions of this part, including the furnishing of a notice to the individual of action taken pursuant to paragraph (b) (1) of this section, and the protection of hearing rights (see § 416.1921) for any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subpart.

§ 416.1916 Effective period for reimbursement to States for interim assistance.

The provisions for reimbursement to States for interim assistance to an individual in a State as set out in § 416.1911 shall be effective with respect to authorizations received by the Social Security Administration on or before the last day an agreement with such State under this subpart is in effect.

§ 416.1921 Hearings and review.

The provisions of Subpart N of this part shall not be applicable to any disagreement concerning payment by the Social Security Administration to a State (or political subdivision) pursuant to the provisions of this subpart nor the amount retained by the State (or political subdivision). The State shall provide an opportunity for a hearing to any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subpart. However, provisions of Subpart N shall be applicable to any disagreement concerning the total amount of the payment made by the Social Security Administration.



# § 416.1926 Term of the agreement.

The Social Security Administration and the State shall mutually agree upon the term of agreement.

[FR Doc.76-14708 Filed 5-20-76;8:45 am]

## Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F-0147]

#### PART 121—FOOD ADDITIVES

##### Heptylparaben; Food Additives Permitted in Food for Human Consumption

The Food and Drug Administration is amending the food additive regulations to provide for safe use of heptylparaben in noncarbonated soft drinks and fruit-based beverages to inhibit microbiological spoilage, effective May 21, 1976; objections by June 21, 1976.

Notice was given by publication in the FEDERAL REGISTER of October 28, 1972 (37 FR 23120), that a food additive petition (FAP 2H2805) had been filed by Mallinckrodt Chemical Works, Washine Division, Lodi, NJ 07644, proposing that § 121.1186 (21 CFR 121.1186) be amended to provide for safe use of *n*-heptyl *p*-hydroxybenzoate in nonstandardized soft drinks and fruit-based beverages.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of October 30, 1974 (39 FR 38224), a regulation establishing "heptylparaben" as the common or usual name for *n*-heptyl *p*-hydroxybenzoate.

The Commissioner, having evaluated the data in the food additive petition and other relevant material, concludes that § 121.1186 (21 CFR 121.1186) should be amended as set forth below to provide for safe use of heptylparaben in noncarbonated soft drinks and fruit-based beverages to inhibit microbiological spoilage.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1788 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1186 is revised to read as follows:

#### § 121.1186 Heptylparaben.

(a) The food additive heptylparaben is the chemical *n*-heptyl *p*-hydroxybenzoate.

(b) It may be safely used to inhibit microbiological spoilage in accordance with the following prescribed conditions:

(1) In fermented malt beverages in amounts not to exceed 12 parts per million.

(2) In noncarbonated soft drinks and fruit-based beverages in amounts not to exceed 20 parts per million, when standards of identity established under section 401 of the act (21 U.S.C. 341) do not preclude such use.

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 21, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600

Fishers Lane, Rockville MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

**Effective date.** This regulation shall become effective May 21, 1976.

(Sec. 409(c)(1), 72 Stat. 1788 (21 U.S.C. 348(c)(1)))

Dated: May 14, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-14879 Filed 5-20-76;8:45 am]

### Title 24—Housing and Urban Development CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[Docket No. R-76-210]

#### PART 300—GENERAL

##### List of Attorneys-in-Fact

Section 300.11 is amended to add additional names to the list of attorneys-in-fact authorized to act on behalf of the Association and to remove two names from the current list.

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

#### § 300.11 [Amended]

1. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

##### NAME AND REGION

Stephen C. Crabb, Dallas, Texas  
W. J. Gerard, Los Angeles, California

2. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

##### NAME AND REGION

H. D. Banks, Atlanta, Georgia  
Diane E. Cozad, Los Angeles, California  
S. C. Crabb, Dallas, Texas  
Helen M. Eltzeroth, Atlanta, Georgia  
R. L. Shanteau, Atlanta, Georgia  
Mary Simpson, Dallas, Texas  
Samuel M. Smith, III, Atlanta, Georgia  
E. A. Taylor, Atlanta, Georgia

**Effective date:** This amendment shall be effective on May 21, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

DAVID M. DEWILDE,  
President, Government National  
Mortgage Association.

[FR Doc.76-14895 Filed 5-20-76;8:45 am]

## Title 26—Internal Revenue

### CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

#### SUBCHAPTER A—INCOME TAX

[T.D. 7421]

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

##### SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

##### PART 301—PROCEDURE AND ADMINISTRATION

##### Notification of Interested Parties Regarding Qualification of Certain Retirement Plans

**Preamble.** On June 4, 1975, a notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) relating to notification of interested parties regarding the qualification of certain retirement plans under section 7476 of the Internal Revenue Code of 1954, as added by section 1041(a) of the Employment Retirement Income Security Act of 1974 (88 Stat. 949), was published in the FEDERAL REGISTER (40 FR 24011). A correction notice was published in the FEDERAL REGISTER (40 FR 24527) on June 9, 1975. On July 14, 1975, a notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) relating to the notice of determination regarding qualification of certain retirement plans, also under section 7476 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (40 FR 29553).

Under section 3001(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), before the Internal Revenue Service may issue an advance determination whether a pension, profit-sharing or stock bonus plans, a trust which is a part of such a plan, an annuity plan, or bond purchase plan described in section 401(a), 403(a), or 405(a) of the Code is exempt from taxation, the applicant must provide the Internal Revenue Service with satisfactory evidence that such applicant has notified each employee qualifying as an interested party under the regulations prescribed under section 7476(b)(1) of the Code of the application for such determination.

Under section 7476(b)(2) of the Code, if the petitioner for a declaratory judgment concerning the status of certain retirement plans was the applicant for an advance determination by the Internal Revenue Service of such status, the Tax Court may hold the filing of a pleading for such declaratory judgment to be premature unless the petitioner establishes to the satisfaction of the Tax Court that such petitioner has notified all interested parties of such application for an advance determination.

The amendments to the regulations define the term interested party as well as provide rules for notification of interested parties by the employer, when such employer requests an advance determination regarding the qualification of a retirement plan. The amendments adopted by this document differ from the rules set forth in the notice of proposed rule making by altering the definition of an interested party as well as by providing additional methods for notifying interested parties.

**Adoption of the amendments to the regulations.** After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the Income Tax Regulations (26 CFR Part 1) is hereby adopted as set forth below. Sections 11.7476-1, 11.7476-2, and 11.7476-3 of this Chapter (Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974) are superseded.

1. The following sections are added immediately after § 1.6851-3:

#### THE TAX COURT

##### DECLARATORY JUDGMENTS RELATING TO QUALIFICATION OF CERTAIN RETIREMENT PLANS

##### § 1.7476 Statutory provisions; declaratory judgments.

Sec. 7476. *Declaratory judgments*—(a) *Creation of remedy.* In a case of actual controversy involving—

(1) A determination by the Secretary or his delegate with respect to the initial qualification or continuing qualification of a retirement plan under subchapter D of chapter 1, or

(2) A failure by the Secretary or his delegate to make a determination with respect to—

(A) Such initial qualification, or  
(B) Such continuing qualification if the controversy arises from a plan amendment or plan termination,

upon the filing of an appropriate pleading, the United States Tax Court may make a declaration with respect to such initial qualification or continuing qualification. Any such declaration shall have the force and effect of a decision of the Tax Court and shall be reviewable as such.

(b) *Limitations*—(1) *Petitioner.* A pleading may be filed under this section only by a petitioner who is the employer, the plan administrator, an employee who has qualified under regulations prescribed by the Secretary or his delegate as an interested party for purposes of pursuing administrative remedies within the Internal Revenue Service, or the Pension Benefit Guaranty Corporation.

(2) *Notice.* For purposes of this section, the filing of a pleading by any petitioner may be held by the Tax Court to be premature, unless the petitioner establishes to the satisfaction of the court that he has complied with the requirements prescribed by regulations of the Secretary or his delegate with respect to notice to other interested parties of the filing of the request for a determination referred to in subsection (a).

(3) *Exhaustion of administrative remedies.* The Tax Court shall not issue a declaratory judgment or decree under this section in any proceeding unless it determines that the

petitioner has exhausted administrative remedies available to him within the Internal Revenue Service. A petitioner shall not be deemed to have exhausted his administrative remedies with respect to a failure by the Secretary or his delegate to make a determination with respect to initial qualification or continuing qualification of a retirement plan before the expiration of 270 days after the request for such determination was made.

(4) *Plan put into effect.* No proceeding may be maintained under this section unless the plan (and, in the case of a controversy involving the continuing qualification of the plan because of an amendment to the plan, the amendment) with respect to which a decision of the Tax Court is sought has been put into effect before the filing of the pleading. A plan or amendment shall not be treated as not being in effect merely because under the plan the funds contributed to the plan may be refunded if the plan (or the plan as so amended) is found to be not qualified.

(5) *Time for bringing action.* If the Secretary or his delegate sends by certified or registered mail notice of his determination with respect to the qualification of the plan to the persons referred to in paragraph (1) (or, in the case of employees referred to in paragraph (1), to any individual designated under regulations prescribed by the Secretary or his delegate as a representative of such employee), no proceeding may be initiated under this section by any person unless the pleading is filed before the ninety-first day after the day after such notice is mailed to such person (or to his designated representative, in the case of an employee).

(c) *Commissioners.* The chief judge of the Tax Court may assign proceedings under this section to be heard by the commissioners of the court, and the court may authorize a commissioner to make the decision of the court with respect to such proceeding, subject to such conditions and review as the court may by rule provide.

(d) *Retirement plan.* For purposes of this section, the term "retirement plan" means—

(1) A pension, profit-sharing, or stock bonus plan described in section 401(a) or a trust which is part of such a plan,

(2) An annuity plan described in section 403(a), or

(3) A bond purchase plan described in section 405(a).

(e) *Cross reference.* For provisions concerning intervention by Pension Benefit Guaranty Corporation and Secretary of Labor in actions brought under this section and right of Pension Benefit Guaranty Corporation to bring action, see section 3001(c) of subtitle A of title III of the Employee Retirement Income Security Act of 1974.

[Sec. 7476 as added by sec. 1041(a), Employee Retirement Income Security Act of 1974 (88 Stat. 949)]

#### § 1.7476-1 Interested parties.

(a) *In general*—(1) *Notice requirement.* Before the Internal Revenue Service can issue an advance determination as to the qualified status of certain retirement plans, the applicant must provide the Internal Revenue Service with satisfactory evidence that such applicant has notified the persons who qualify as interested parties, under regulations prescribed under section 7476(b) (1) of the Code, of the application for such determination. See section 3001(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995). For the rules for giving notice to interested

parties, see § 1.7476-2 and paragraph (c) of § 601.201 of this chapter (Statement of Procedural Rules).

(2) *Declaratory judgments.* Section 7476 provides a procedure for obtaining a declaratory judgment by the Tax Court with respect to the initial or continuing qualification under subchapter D of chapter 1 of the Code of a retirement plan defined in section 7476(d), in the case of an actual controversy involving:

(i) A determination by the Internal Revenue Service with respect to the initial qualification or continuing qualification under such subchapter of such a plan, or

(ii) A failure by the Internal Revenue Service to make a determination with respect to—

(A) Such initial qualification of such a plan, or

(B) Such continuing qualification of such a plan, if the controversy arises from a plan amendment or plan termination.

Under section 7476(d) the term "retirement plan" means a pension, profit-sharing, or stock bonus plan described in section 401(a), or a trust which is part of such a plan, an annuity plan described in section 403(a), or a bond purchase plan described in section 405(a). This procedure is available only to the employer, the plan administrator as defined in section 414(g), an employee who qualifies as an interested party as defined in this section, or the Pension Benefit Guaranty Corporation, where such person has an actual controversy involving a determination described in paragraph (a)(2)(i) of this section, or failure to make a determination described in paragraph (a)(2)(ii) of this section. In the case of an application for such a determination, this procedure is available only if such determination or failure to make such determination is with respect to an application described in paragraph (b)(7) of this section. In addition, in the case of such an application, if a petitioner was the applicant for the determination, the Tax Court may hold, under section 7476(b)(2), the filing of a pleading for a declaratory judgment to be premature unless the petitioner establishes to the satisfaction of the Tax Court that such petitioner has caused the interested parties to be notified in accordance with this section and § 1.7476-2.

(b) *Interested parties*—(1) *In general.* If paragraphs (b)(2), (3), (4), and (5) of this section do not apply, then, except as otherwise provided in paragraphs (b)(6)(i), (ii), and (iii) of this section, the following persons shall be interested parties with respect to an application for an advance determination as to the qualified status of a retirement plan:

(i) All present employees of the employer who are eligible to participate in the principal place of employment of (2) of this section), and

(ii) All other present employees of the employer whose principal place of employment (as defined in paragraph (d)(3) of this section) is the same as



the principal place of employment of any employee described in paragraph (b) (1) (i) of this section.

(2) *Certain plans covering a principal owner.* Notwithstanding paragraph (b) (1) of this section, where—

(i) A principal owner (within the meaning of paragraph (d) (2) of § 11.414(c)-3 of this chapter (Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974)) of the employer or of a common parent of the employer (where the employer is a member of a parent-subsidary group of trades or businesses under common control under section 414 (b) or (c)) is eligible to participate in the plan, and

(ii) The number of employees employed by such employer (including all employees who by reason of section 414 (b) or (c) are treated as employees of such employer) is 100 or less, then except as otherwise provided in paragraphs (b) (6) (i), (ii), and (iv) of this section, all present employees of the employer shall be interested parties with respect to an application for an advance determination as to the qualified status of the retirement plan.

(3) *Certain Plan amendments.* In the case of an application for an advance determination as to whether a plan amendment affects the continuing qualification of a plan, if—

(i) There is outstanding a favorable determination letter for a plan year to which section 410 applies, and

(ii) The amendment does not alter the participation provisions of the plan, then paragraphs (b) (1) and (2) of this section shall not apply, and all present employees of the employer who are eligible to participate in the plan (as defined in paragraph (d) (2) of this section), shall be interested parties. For the purpose of this paragraph (b) (3), if qualification of the plan is dependent upon benefits under the plan integrating with those benefits provided under the Social Security Act or a similar program, and if such integration results in excluding any employee or could possibly result in any participant's benefit being reduced to zero and the amendment alters contributions to or the amount of benefits payable under the plan, then the amendment shall be considered to alter the participation provisions of the plan.

(4) *Collectively bargained plans.* In the case of an application with respect to a plan described in section 413(a) (relating to collectively bargained plans), paragraphs (b) (1), (2) and (3) of this section shall not apply and all present employees covered by a collective-bargaining agreement pursuant to which the plan is maintained shall be interested parties.

(5) *Plan terminations.* In the case of an application for an advance determination with respect to whether a plan termination affects the continuing qualification of a retirement plan, paragraphs (b) (1), (2), (3) and (4) of this section shall not apply, and all present employ-

ees with accrued benefits under the plan, all former employees with vested benefits under the plan, and all beneficiaries of deceased former employees currently receiving benefits under the plan, shall be interested parties.

(6) *Exceptions.* (i) In the case of an application to which paragraph (b) (1) or (2) of this section applies, an employee who is not eligible to participate in the plan shall not be an interested party if such employee is excluded from consideration for purposes of section 410(b) (1) by reason of section 410(b) (2) (B) or (C).

(ii) In the case of an application to which paragraph (b) (1) or (2) of this section applies, an employee who is not eligible to participate in the plan shall not be an interested party if such plan meets the eligibility standards of section 410(b) (1) (A).

(iii) In the case of an application to which paragraph (b) (1) of this section applies, an employee who is not eligible to participate in the plan shall not be an interested party with respect to such plan if such employee is eligible to participate in any other plan of the employer with respect to which a favorable determination letter is outstanding (whether or not issued pursuant to an application to which this section applies), or in such a plan of another employer whose employees, by reason of section 414 (b) or (c), are treated as employees of the employer making the application.

(iv) In the case of an application to which paragraph (b) (2) of this section applies, an employee who is not eligible to participate in the plan shall not be an interested party with respect to such plan if such employee is eligible to participate in a plan described in section 413(a) (relating to collectively bargained plans) maintained by the employer with respect to which a favorable determination letter is outstanding (whether or not issued pursuant to an application to which this section applies), or in such a plan of another employer whose employees, by reason of section 414 (b) or (c), are treated as employees of the employer making the application.

(7) *Applicability.* Paragraph (b) of this section shall only apply in the case of an application made to the Internal Revenue Service requesting an advance determination that a retirement plan as defined in section 7476(d) and paragraph (a) of this section meets the requirements for qualification for a plan year or years to which section 410 applies to such plan. See paragraph (c) (4) and (5) of this section for special rules in respect of years to which section 410 applies.

(c) *Special rules.* For purposes of paragraph (b) of this section and § 1.7476-2—

(1) *Time of determination.* The status of an individual as an interested party and as a present employee or former employee shall be determined as of a date determined by the applicant, which date shall not be earlier than five business days before the first date on which the notice of the application is given to

interested parties pursuant to § 1.7476-2 nor later than the date on which such notice is given.

(2) *Controlled groups, etc.* An individual shall be considered to be an employee of an employer if such employee is treated as that employer's employee under section 414 (b) or (c).

(3) *Self-employed individuals.* A self-employed individual shall be considered an employee.

(4) *Years to which section 410 relates.* For purposes of paragraph (b) (7) of this section, section 410 shall be considered to apply to a plan year if an election has been made under section 1017(d) of the Employee Retirement Income Security Act of 1974 to have section 410 apply to such plan year, whether or not the election is conditioned upon the issuance by the Commissioner of a favorable determination letter.

(5) *Government, church plans, etc.* In the case of an organization described in section 410(c) (1), section 410 will be considered to apply to a plan year of such organization for any plan year to which section 410(c) (2) applies to such plan.

(d) *Definitions.* For the purposes of paragraph (b) of this section and § 1.7476-2—

(1) *Employer.* The term "employer" includes all employers who maintain the plan with respect to which an advance determination applies. A sole proprietor shall be considered such person's own employer and a partnership is considered to be the employer of each of the partners.

(2) *Eligible to participate.* For purposes of this section, an employee is eligible to participate in a plan if such employee—

(i) Is a participant in the plan,  
(ii) Would be a participant in the plan if such employee met the minimum age and service requirements of the plan or  
(iii) Would be a participant in the plan upon making mandatory employee contributions.

In applying this paragraph (d) (2), plan provisions (with respect to which the determination regarding qualification is to be based) not in effect on the first date on which notice is given to interested parties shall be treated as though they were in effect on such date.

(3) *Place of employment.* A place of employment includes all worksites within a plant, installation, store, office, or similar facility. Any employee who has no principal place of employment shall be treated as though such employee's principal place of employment is that place to which such employee regularly reports to the employer.

§ 1.7476-2 Notice to interested parties.

(a) *In general.* Any person applying to a district director for a determination described in paragraph (b) (7) of § 1.7476-1 shall cause notice of the application to be given to persons who qualify as interested parties under § 1.7476-1 with respect to the application, whether or not such application is

received by the Internal Revenue Service before the date on which section 410 applies to the plan.

(b) *Nature of notice.* The notice required by this section shall be given in writing, shall contain the information and be given within the time prescribed in paragraph (c) (3) of § 601.201 of this chapter (Statement of Procedural Rules), and shall be given in the manner prescribed in paragraph (c) of this section.

(c) *Method of giving notice.* (1) *Present employee.* In the case of a present employee who is an interested party, notice shall be given in person, by mailing, by posting, or by printing it in a publication of the employer or an employee organization which is distributed in such a manner so as to be reasonably available to such employee. Notice given by posting shall be made by posting such notice (i) at those locations within the principal places of employment of the interested parties which are customarily used for employer notices to employees with regard to labor-management relations matters, or (ii) if the plan is maintained pursuant to one or more collective-bargaining agreements, at those locations described in (i) or at those locations customarily used by the employee representatives for posting notices with regard to labor-management relations matters (such as local union meeting places) in the geographical area or areas within which the interested parties are employed. Regardless of which method is used to notify an employee, if an interested party who is a present employee is in a unit of employees covered by a collective-bargaining agreement between employee representatives and one or more employers, notice shall also be given in person or by mail to the collective-bargaining representative of such interested party.

(2) *Former employee or beneficiary.* (i) Except as otherwise provided in paragraph (c) (2) (ii) of this section, in the case of a former employee or beneficiary who is an interested party, notice shall be given in person or by mail to the last known address of such former employee or beneficiary.  
(ii) In cases in which compliance with the methods for notification prescribed in paragraph (c) (2) (i) of this section will present unusual financial or administrative burdens or, by reason of the peculiar circumstances of the case, cannot reasonably be expected to result in adequate and timely notice, applicants for advance determination letters may cause notice to be given to former employees or beneficiaries by methods other than those described in such paragraph (c) (2) (i) provided such methods are reasonably calculated to provide timely notice to such employees or beneficiaries who are interested parties, or to established representatives of such interested parties who may be reasonably expected to act in their interest and on their behalf. In such a case, the application for determination shall be accompanied by a full description of the method of notification used, as well as the particular

financial or administrative burdens that would have occurred if notice had been given pursuant to the methods prescribed in paragraph (c) (2) (i) of this section, or the reasons why such prescribed methods would not have resulted in adequate or timely notice.

(d) *Effective date.* (1) the provisions of § 1.7476-1 and this section shall apply to applications referred to in paragraph (b) of § 1.7476-1 made on or after June 21, 1976. Sections 11.7476-1, and 11.7476-2 of this chapter (Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974) as promulgated by Treasury Decision 7358 (May 30, 1975) shall apply to applications made before such date. However, an applicant may elect to have the provisions of § 1.7476-1 and this section apply with respect to an application made after May 20, 1976 and before June 21, 1976. Such election may be made by attaching to the application as originally submitted, a statement that the applicant has elected to have the provisions of § 1.7476-1 and this section apply.

(2) Notwithstanding paragraph (d) (1) of this section, if—

(i) The plan or plan amendment which is the subject of an application for advance determination, is adopted on or before May 30, 1976, and,

(ii) Such application for advance determination is made before September 2, 1976, the applicant may elect to have the provisions of §§ 11.7476-1 and 11.7476-2 of this chapter (Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974) apply with respect to such application made on or after June 21, 1976 and before September 2, 1976. Such an election may be made by attaching to the application as originally submitted, a statement that the applicant has elected to have the provisions of §§ 11.7476-1 and 11.7476-2 of this chapter (Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974) apply.

§ 1.7476-3 Notice of determination.

(a) *In general.* Under section 7476(b) (5), if a district director sends to the employer, the plan administrator, an interested party with respect to the plan, or the Pension Benefit Guaranty Corporation (or in the case of certain individuals who qualify as interested parties under paragraph (b) of § 1.7476-1, to the person described under paragraph (c) of this section as the representative of such individuals) by certified or registered mail a notice of determination with respect to the qualification of a retirement plan described in section 7476(d), no proceeding for a declaratory judgment by the United States Tax Court with respect to the qualification of such plan may be initiated by such person unless the pleading initiating such proceeding is filed by such person with such Court before the ninety-first day after the day after such notice is mailed.

(b) *Address for notice of determination.* (1) *Applicant.* In the case of the

applicant for a determination, a notice of determination referred to in section 7476(b) (5) shall be sufficient if mailed to such person at the address set forth on the application for the determination.

(2) *Interested party.* In the case of an interested party or parties who, pursuant to section 3001(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), submitted a comment to a district director with respect to the qualification of the plan, a notice of determination referred to in section 7476 (b) (5) shall be sufficient if mailed to the address designated in the comment as the address to which correspondence should be sent.

(c) *Representative of interested parties.* (1) In the case of an interested party who, in accordance with section 3001(b) of the Employee Retirement Income Security Act of 1974 (88 Stat. 995), requests the Secretary of Labor to submit a comment to a district director on matters respecting the qualification of the plan, where pursuant to such request such Secretary does in fact submit such a comment, the Administrator of Pension and Welfare Benefit Programs, Department of Labor, shall be the representative of such interested party for purposes of receiving the notice referred to in section 7476(b) (5) with respect to those matters on which the Secretary of Labor commented.

(2) In the event a single comment with respect to the qualification of the plan is submitted to a district director by two or more interested parties, the representative designated in the comment for receipt of correspondence shall be the representative of all the interested parties submitting the comment for purposes of receiving the notice referred to in section 7476(b) (5) on behalf of all of them. Such designated representative must be either one of the interested parties who submitted the comment or a person described in paragraph (e) (6) (i), (ii) or (iii) of § 601.201 of this chapter (Statement of Procedural Rules). If one person is not designated in the comment as the representative for receipt of correspondence, a notice of determination mailed to any interested party who submitted the comment shall be notice to all the interested parties who submitted the comment for purposes of section 7476 (b) (5).

2. Section 301.7451 is amended to read as follows:

§ 301.7451 Statutory provisions: fee for filing petitions.

Sec. 7451. *Fee for filing petition.* The Tax Court is authorized to impose a fee in an amount not in excess of \$10 to be fixed by the Tax Court for the filing of any petition for the redetermination of a deficiency or for a declaratory judgment under part IV of this subchapter.

[Sec. 7451 as amended by sec. 1041(b) (1), Employee Retirement Income Security Act 1974 (88 Stat. 949)]

3. Section 301.7459 is amended by revising section 7459(c) and by adding an historical note. These provisions read as follows:



### § 301.7459 Statutory provisions: reports and decisions.

Sec. 7459. *Reports and decisions.* . . .  
(c) *Date of decision.* A decision of the Tax Court (except a decision dismissing a proceeding for lack of jurisdiction) shall be held to be rendered upon the date that an order specifying the amount of the deficiency is entered in the records of the Tax Court, or in the case of a declaratory judgment proceeding under part IV of this subchapter, the date of the court's order entering the decision. If the Tax Court dismisses a proceeding for reasons other than lack of jurisdiction and is unable from the record to determine the amount of the deficiency determined by the Secretary or his delegate, or if the Tax Court dismisses a proceeding for lack of jurisdiction, an order to that effect shall be entered in the records of the Tax Court, and the decision of the Tax Court shall be held to be rendered upon the date of such entry.

[Sec. 7459 as amended by sec. 1041(b)(2), Employee Retirement Income Security Act 1974 (88 Stat. 949)]

4. The following sections are added immediately after § 301.7474:

### DECLARATORY JUDGMENTS RELATING TO QUALIFICATION OF CERTAIN RETIREMENT PLANS

### § 301.7476 Statutory provisions: declaratory judgments.

Sec. 7476. *Declaratory judgments.*—(a) *Creation of remedy.* In a case of actual controversy involving—

(1) A determination by the Secretary or his delegate with respect to the initial qualification or continuing qualification of a retirement plan under subchapter D of chapter 1, or

(2) A failure by the Secretary or his delegate to make a determination with respect to—

(A) Such initial qualification, or  
(B) Such continuing qualification if the controversy arises from a plan amendment or plan termination,

upon the filing of an appropriate pleading, the United States Tax Court may make a declaration with respect to such initial qualification or continuing qualification. Any such declaration shall have the force and effect of a decision of the Tax Court and shall be reviewable as such.

(b) *Limitations.*—(1) *Petitioner.* A pleading may be filed under this section only by a petitioner who is the employer, the plan administrator, an employee who has qualified under regulations prescribed by the Secretary or his delegate as an interested party for purposes of pursuing administrative remedies within the Internal Revenue Service, or the Pension Benefit Guaranty Corporation.

(2) *Notice.* For purposes of this section, the filing of a pleading by any petitioner may be held by the Tax Court to be premature, unless the petitioner establishes to the satisfaction of the court that he has complied with the requirements prescribed by regulations of the Secretary or his delegate with respect to notice to other interested parties of the filing of the request for a determination referred to in subsection (a).

(3) *Exhaustion of administrative remedies.* The Tax Court shall not issue a declaratory judgment or decree under this section in any proceeding unless it determines that the petitioner has exhausted administrative remedies available to him within the Internal Revenue Service. A petitioner shall not be deemed to have exhausted his administrative remedies with respect to a failure by the Secretary or his delegate to make a determination with respect to initial qualification or

continuing qualification of a retirement plan before the expiration of 270 days after the request for such determination was made.

(4) *Plan put into effect.* No proceeding may be maintained under this section unless the plan (and, in the case of a controversy involving the continuing qualification of the plan because of an amendment to the plan, the amendment) with respect to which a decision of the Tax Court is sought has been put into effect before the filing of the pleading. A plan or amendment shall not be treated as not being in effect merely because under the plan the funds contributed to the plan may be refunded if the plan (or the plan as so amended) is found to be not qualified.

(5) *Time for bringing action.* If the Secretary or his delegate sends by certified or registered mail notice of his determination with respect to the qualification of the plan to the persons referred to in paragraph (1) (or, in the case of employees referred to in paragraph (1), to any individual designated under regulations prescribed by the Secretary or his delegate as a representative of such employee), no proceeding may be initiated under this section by any person unless the pleading is filed before the ninety-first day after the day after such notice is mailed to such person (or to his designated representative, in the case of an employee).

(c) *Commissioners.* The chief judge of the Tax Court may assign proceedings under this section to be heard by the commissioners of the court, and the court may authorize a commissioner to make the decision of the court with respect to such proceeding, subject to such conditions and review as the court may by rule provide.

(d) *Retirement plan.* For purposes of this section, the term "retirement plan" means—

(1) A pension, profit-sharing, or stock bonus plan described in section 401(a) or a trust which is part of such a plan,

(2) An annuity plan described in section 403(a), or

(3) A bond purchase plan described in section 405(a).

(e) *Cross reference.* For provisions concerning intervention by Pension Benefit Guaranty Corporation and Secretary of Labor in actions brought under this section and right of Pension Benefit Guaranty Corporation to bring action, see section 8001(c) of subtitle A of title III of the Employee Retirement Income Security Act of 1974.

[Sec. 7476 as added by sec. 1041(a), Employee Retirement Income Security Act 1974 (88 Stat. 949)]

### § 301.7476-1 Declaratory judgments.

See the regulations under section 7476 contained in Part 1 of this chapter (Income Tax Regulations) for provisions relating to declaratory judgments, for provisions relating to the qualification of an employee as an "interested party", and for a requirement that the applicant for an advance determination by the Internal Revenue Service of the qualification of certain retirement plans give notice of such application to interested parties.

5. Section 301.7482 is amended by revising section 7482 (b) (1) and (c) and by adding a historical note. These provisions read as follows:

### § 301.7482 Statutory provisions: courts of review.

Sec. 7482 *Courts of review.* . . .

(b) *Venue.*—(1) *In general.* Except as otherwise provided in paragraph (2), such decisions may be reviewed by the United

States Court of Appeals for the circuit in which is located—

(A) In the case of a petitioner seeking redetermination of tax liability other than a corporation, the legal residence of the petitioner,

(B) In the case of a corporation seeking redetermination of tax liability, the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in any judicial circuit, then the office to which was made the return of the tax in respect of which the liability arises, or

(C) In the case of a person seeking a declaratory decision under section 7476, the principal place of business, or principal office or agency of the employer.

If for any reason subparagraph (A), (B) and (C) do not apply then such decisions may be reviewed by the Court of Appeals for the District of Columbia. For purposes of this paragraph, the legal residence, principal place of business, or principal office or agency referred to herein shall be determined as of the time the petition seeking redetermination of tax liability was filed with the Tax Court or as of the time the petition seeking a declaratory decision under section 7476 was filed with the Tax Court.

(c) *Powers.*—(1) To affirm, modify, or reverse. Upon such review, such courts shall have power to affirm or, if the decision of the Tax Court is not in accordance with law, to modify or to reverse the decision of the Tax Court, with or without remanding the case for a rehearing, as justice may require.

(2) To make rules. Rules for review of decision of the Tax Court shall be those prescribed by the Supreme Court under section 2072 of Title 28 of the United States Code.

(3) To require additional security. Nothing in section 7483 shall be construed as relieving the petitioner from making or filing such undertakings as the court may require as a condition of or in connection with the review.

(4) To impose damages. The United States Court of Appeals and the Supreme Court shall have power to impose damages in any case where the decision of the Tax Court is affirmed and it appears that the notice of appeal was filed merely for delay.

[Sec. 7482 as amended by sec. 3(c), Act of Nov. 2, 1966 (Pub. Law 89-713, 80 Stat. 1107, sec. 960(h), Tax Reform Act 1969 (83 Stat. 734); sec. 1041(b)(3), Employee Retirement Income Security Act 1974 (88 Stat. 949)]

(This Treasury decision is issued under the authority contained in sections 7476 and 7805 of the Internal Revenue Code of 1954 (88 Stat. 949 and 68A Stat. 917; 26 U.S.C. 7476 and 7805).)

DONALD C. ALEXANDER,  
Commissioner of Internal Revenue.

Approved: May 17, 1976.

CHARLES M. WALKER,  
Assistant Secretary  
of the Treasury.

[FR Doc. 79-14987 Filed 5-20-76; 8:45 am]

### SUBCHAPTER H—INTERNAL REVENUE PRACTICE

### PART 601—STATEMENT OF PROCEDURAL RULES

### Miscellaneous Amendments; Correction

This document previously appeared in the issue for May 11, 1976, at 41 FR

19214. Inadvertently, several errors appeared and the document is being republished to read as set forth below.

JAMES F. DRING,  
Director, Legislation and  
Regulations Division.

*Preamble.* This document contains miscellaneous amendments to the Statement of Procedural Rules (26 CFR Part 601) which was last amended on August 1, 1975 (40 FR 32322).

The Statement of Procedural Rules sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service.

The amendments to the Statement of Procedural Rules contained in this document are adopted by this document. A discussion of the most significant of these amendments follows:

Paragraph (c) (2) (iv) of § 601.105 is revised to provide that in field audit cases involving an amount in excess of \$2,500 for any year, when the nature or complexity of the unagreed issues is such that original consideration by the Appellate Division would result in the more expeditious resolution of the case, taxpayers will be invited to request initial consideration by the regional Appellate Division.

Paragraph (c) (5) of § 601.105 is amended to provide that District conferees are authorized to consider and accept settlement proposals by taxpayers, subject to certain approval, where the amount involved does not exceed \$2,500 for any year.

A new paragraph (1) is added to § 601.105 which sets forth procedures under which district Audit Divisions may dispose of cases defined by the Tax Court as "small tax cases". Under these procedures, the district Audit Division has up to 60 days from the date on which the petition is served to resolve the issues of the "small tax case". If the case has not been resolved within that time, it will be referred to the Appellate Division for disposition.

Paragraphs (a) (1) and (2) of § 601.106 are amended to clarify the jurisdiction and authority of the Appellate Division.

A new sentence is added to paragraph (a) (3) of § 601.106 to reflect the revocation of the Appellate Division's jurisdiction over cases involving determinations and/or related excise taxes involving employee plans and exempt organizations. This appeals function is now conducted by the Office of the Assistant Commissioner (Employee Plans and Exempt Organizations).

Paragraph (e) (8) of § 601.201 is amended to provide that if a request for a ruling or opinion letter is lacking essential information, the taxpayer or his representative will be advised that if the information is not forthcoming within a reasonable time, generally 30 days, the request will be closed by issuing a closing letter. If the information is received after mailing the closing letter, the request will be reopened and treated as a new request as of the date of the receipt of the essential information. Priority treatment of such request will be granted only in rare cases upon the approval of the appropriate Division Director.

The revisions of paragraphs (e) (11) and (e) (12) of § 601.201 reflect a realignment of the areas of responsibility of the Individual and Corporation Tax Divisions within the Office of Assistant Commissioner (Technical).

A new paragraph (1) is added to § 601.201 to set forth procedures under which a taxpayer may apply for approval to use an alternative method of depletion when computing gross income from mining.

Paragraph (a) of § 601.204 is amended to permit the filing of consents to changes in accounting periods, on Form 1128, with the Director of the Internal Revenue Service Center in whose district the taxpayer files his return.

The revision of paragraph (a) (2) (ii) of § 601.402 reflects changes in section 4161 of the Code which extended the manufacturers excise tax on recreational equipment to bows and arrows sold on or after January 1, 1975.

A reference to "foreign cars" is deleted from paragraph (e) (3) of § 601.402 to reflect repeal of the manufacturers excise tax on automobiles.

Paragraph (a) (9) of § 601.403 is deleted to reflect the expiration, under section 4911(d) of the Code, of the Interest Equalization Tax.

Paragraph (b) (1) (ii) of § 601.504 is amended to provide that either the husband or the wife may execute a power of attorney or a tax information authorization for purposes of inspecting a joint income tax return. This conforms to § 301.6103(a)-1(c) (1) (iii) of the Regulations on Procedure and Administration (26 CFR 301).

Sections 601.601 and 601.602 are amended to remove all references to alcohol, tobacco, firearms, and explosives rules, regulations, and forms, administered by the Bureau of Alcohol, Tobacco and Firearms. As a result of the addition of subpart D to 27 CFR Part 71 (§§ 71.31 and 71.32) relating to the formulation and publication by the Bureau of Alcohol, Tobacco and Firearms of rules, regulations, and forms (published in the FEDERAL REGISTER on January 17, 1974 (39 FR 2090) and effective on February 16, 1974), subpart F of 26 CFR Part 601 (§§ 601.601 and 601.602) has been superseded to the extent that it applied to alcohol, tobacco, firearms, and explosives rules, regulations, and forms administered by the Bureau.

*Amendments to the Statement of Procedural Rules.* The following amendments are made to Part 601:

Paragraph 1. Section 601.101 is amended by revising the last sentence of paragraph (d).

Par. 2. Section 601.105 is amended as follows:

1. Paragraph (b) (5) (v) (b) is revised by deleting "Income Tax Division or Miscellaneous and Special Provisions Tax Division" from the second sentence and

inserting in lieu thereof "Corporation Tax Division or Individual Tax Division".

2. Paragraph (b) (5) (v) (e) is revised by deleting "Director, Income Tax Division" and inserting in lieu thereof "Director, Corporation Tax Division", and by deleting "Director, Miscellaneous and Special Provisions Tax Division" and inserting in lieu thereof "Director, Individual Tax Division".

3. Paragraph (c) (2) (1) is revised by deleting "a thorough technical and procedural" from the second sentence and inserting in lieu thereof "appropriate".

4. Paragraph (c) (2) (iv) is revised.

5. Paragraph (c) (5) is revised.

6. A new paragraph (1) is added.

Par. 3. Section 601.106 is amended as follows:

1. The sixth sentence in paragraph (a) (1) is deleted.

2. Paragraph (a) (2) (iii) is revised.

3. A new sentence is added after the last sentence in paragraph (a) (3).

4. A new sentence is added immediately after the first sentence in that portion of paragraph (d) (3) (iii) as precedes paragraph (d) (3) (iii) (a).

5. The last sentence in paragraph (d) (3) (iii) (g) is revised.

Par. 4. Section 601.201 is amended as follows:

1. Paragraph (a) (2) is revised by deleting "Directors of the Income Tax Division and the Miscellaneous and Special Provisions Tax Division" from the third sentence and inserting in lieu thereof "Director, Corporation Tax Division and Director, Individual Tax Division".

2. Paragraph (e) (2) is revised.

3. Paragraph (e) (8) is revised by adding three new sentences immediately after the last sentence.

4. Paragraphs (e) (11) and (e) (12) are revised.

5. Paragraph (e) (13) is revised by deleting "Director, Income Tax Division" and inserting in lieu thereof "Director, Corporation Tax Division", and by deleting "Director, Miscellaneous and Special Provisions Tax Division" and inserting in lieu thereof "Director, Individual Tax Division".

6. Paragraph (e) (15) is revised by deleting "Income" from the fourth and fifth sentences and inserting in lieu thereof "Corporation".

7. A new paragraph (1) is added.

Par. 5. Section 601.204 is amended as follows:

1. Paragraph (a) is amended by revising the last sentence and adding three new sentences.

2. Paragraph (b) is amended by revising the last three sentences.

3. Paragraph (c) is amended by revising the last sentence.

Par. 6. Section 601.401 is amended by deleting "\$12,000" from the first sentence in paragraph (d) (1) and inserting in lieu thereof "\$13,200".

Par. 7. Section 601.402 is amended as follows:

1. Paragraph (a) (2) (ii) is revised.

2. Paragraph (e) (3) is amended by deleting "foreign cars," from the first sentence.



Par. 8. Section 601.403 is amended by deleting paragraph (a) (9) and redesignating paragraphs (a) (10) and (a) (11) as paragraphs (a) (9) and (a) (10), respectively.

Par. 9. Section 601.504 is revised by amending paragraph (b) (1) (ii).

Par. 10. Section 601.601 is amended as follows:

1. Paragraph (a) (1) is revised.  
2. The phrase "or the Director, as applicable," is deleted from the first sentence of paragraph (a) (2).

3. Paragraphs (d) (2) (iv) (e) and (d) (2) (iv) (f) are deleted, and paragraphs (d) (2) (iv) (g) and (d) (2) (iv) (h) are redesignated as paragraphs (d) (2) (iv) (e) and (d) (2) (iv) (f), respectively.

4. Paragraph (d) (3) is deleted.

Par. 11. Section 601.602(a) is amended. § 601.101 Introduction.

(d) *Application to Bureau of Alcohol, Tobacco and Firearms.* This part sets forth most of the procedural rules for the Bureau of Alcohol, Tobacco and Firearms. However, some of its procedural rules have been transferred to Part 71 of Title 27 of the Code of Federal Regulations (a portion of the Code of Federal Regulations exclusively devoted to alcohol, tobacco, firearms, and explosives matters). As used in this part, the terms "Alcohol, Tobacco, and Firearms Division", "assistant regional commissioner (alcohol, tobacco and firearms)", and "chief special investigator (alcohol, tobacco and firearms)" shall be construed as meaning respectively "Bureau of Alcohol, Tobacco and Firearms", "regional director, Bureau of Alcohol, Tobacco and Firearms", and "special agent-in-charge, Bureau of Alcohol, Tobacco and Firearms". Also, with regard to the administration and enforcement of the laws applicable to distilled spirits, wines, beer, cigars, cigarettes, cigarette papers and tubes, firearms, and explosives, the terms "assistant regional commissioner", "commissioner", and "Chief Counsel" used in Subpart C of this part, shall be construed as meaning respectively "regional director", "Director", and "Chief Counsel", the Bureau of Alcohol, Tobacco and Firearms. The term "internal revenue region" or "region" when used in connection with documents filed with, or matters handled by, a regional director, shall mean an Alcohol, Tobacco and Firearms Region. The seven ATF regions and their geographical compositions are listed in 27 CFR 71.22(b) (3) (ii).

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

(b) *Examination of returns.* . . .  
(5) *Technical advice from the National Office.*

(v) *Conference in the National Office.*

(b) A taxpayer is entitled, as a matter of right, to only one conference in the

National Office unless one of the circumstances discussed in (c) of this subdivision exists. This conference will usually be held at the branch level in the appropriate division (Corporation Tax Division or Individual Tax Division) in the office of the Assistant Commissioner (Technical), and will usually be attended by a person who has authority to act for the branch chief. In appropriate cases the examining officer may also attend the conference to clarify the facts in the case. If more than one subject is discussed at the conference, the discussion constitutes a conference with respect to each subject. At the request of the taxpayer or his representative, the conference may be held at an earlier stage in the consideration of the case than the Service would ordinarily designate. A taxpayer has no "right" of appeal from an action of a branch to the director of a division or to any other National Office official.

(e) A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the following offices with respect to matters in the areas of their responsibility:

Official:	Telephone numbers, (area code 202)
Director, Corporation Tax Division	964-4504 or 964-4505.
Director, Individual Tax Division	964-3767 or 964-3788.

(c) *District conference procedure.*

(2) *Field audit.* (i) If, at the conclusion of an examination, the taxpayer does not agree with the adjustments proposed by the examining officer, a complete examination report will be prepared fully explaining all proposed adjustments. Before the report or any invitation to a district Audit Division conference is sent to the taxpayer, the case file will be submitted to the district Review Staff for appropriate review. Following such review, the taxpayer will receive a copy of the examination report under cover of a transmittal letter (30-day letter) providing him with a detailed explanation of the available appeal procedure and requesting the taxpayer to inform the district director of his choice of action.

(iv) In cases involving proposed additional tax, proposed overassessment, or claimed refund in excess of \$2,500 for any year, when the nature or complexity of the unagreed issues is such that original consideration by the Appellate Division would result in the more expeditious resolution of the case, taxpayers will be invited to request initial consideration by the regional Appellate Division.

(5) *Settlement authority.* District conferees are authorized to consider and accept settlement proposals by taxpayers, subject to approval of Chief, Conference

Staff, Section Chief (Conference Staff), or Chief, Technical Branch (except in Manhattan District), as appropriate, in field and office audit cases when the total amount of proposed additional tax, proposed overassessment, or claimed refund does not exceed \$2,500 for any year. This authority includes the right to settle issues on a basis favorable to the taxpayer even though contrary to nonacquiescence in court decisions, revenue rulings, or interpretations of the Service as set forth in ruling letters issued to, or technical advice memorandums concerning, the taxpayer whose case is being considered by the district conferee.

(1) *Small Tax Court case referred to district Audit Divisions.* In a "small tax case" (as defined in Rule 171 of the Rules of Practice and Procedure of the U.S. Tax Court) in which a district director has issued the statutory notice of deficiency, the district Audit Division (unless regional counsel decides otherwise) attempts to resolve the case after service of the petition and before referral of the case to the Appellate Division. If possible, a conference will be arranged with petitioner in an attempt to resolve the issues of the case without trial. If the case has not been resolved within 60 days after the date of service of the petition (but not later than receipt of notification of placing the case on the trial calendar), it will be referred to the Appellate Division for disposition. A "small tax case" will also be referred to the Appellate Division for disposition in the event the district Audit Division determines that its efforts to resolve the case would be unavailing, that the petition was not timely filed, that the petition does not result from a statutory notice of deficiency, that the petition is not on behalf of all taxpayers involved in the notice, or that the petition does not cover all taxable years involved in the notice.

§ 601.106 Appellate functions.

(a) *General.* (1) There is provided in each region an Appellate Division with office facilities within the region. Unless they otherwise specify, taxpayers living outside the United States use the facilities of the Washington, D.C., branch office of the Appellate Division of the Mid-Atlantic Region. Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, the Commissioner has delegated to certain officers of the Appellate Division of each region authority to represent the regional commissioner in his exclusive and final authority for the determination of Federal income, profits, estate, gift, or Chapter 42 tax liability (whether before or after the issuance of a statutory notice of deficiency) and for the determination of employment or certain Federal excise tax liability, in any case originating in the office of any district director situated in the region or in any case in which jurisdiction has been transferred to the region, in which the taxpayer requests Appellate consideration and submits a written protest, when required, to the

determination of liability made by that officer. A written protest is required if the total amount of proposed additional tax, proposed over-assessment, or claimed refund exceeds \$2,500 for any taxable period; or in an offer-in-compromise, if the tax, penalty, and assessed (but not accrued) interest sought to be compromised exceeds \$2,500 for any taxable period. A written protest is also required if no district conference is held regardless of the amount involved. If the statutory notice of deficiency was issued by a district director or the Director of International Operations, the Appellate Division may waive jurisdiction to the director who issued the statutory notice during the 90-day (or 150-day) period for filing petition with the Tax Court, except where criminal prosecution has been recommended and not finally disposed of or the statutory notice includes the ad valorem fraud penalty. After the filing of a petition in the Tax Court the Appellate Division continues to have exclusive jurisdiction of the case, subject to the provisions of subparagraph (2) of this paragraph. Subject to the exceptions and limitations set forth in subparagraph (2) of this paragraph, there is also vested in the Appellate Division of the region authority to represent the regional commissioner in his exclusive authority to settle (i) all cases docketed in the U.S. Tax Court and designated for trial at any place within the territory comprising the region and (ii) all docketed cases originating in the office of any district director situated within the region or in which jurisdiction has been transferred to the region, which are designated for trial at Washington, D.C., unless the petitioner resides in and his books and records are located or can be made available in the region which includes Washington, D.C.

(2) . . .  
(iii) Eliminate the ad valorem fraud penalty in any case under jurisdiction of the Appellate Division in which the penalty has been determined by the district office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of the regional counsel; nor

(3) The authority vested in the Appellate Division does not extend to the determination of liability for any excise tax imposed by the following chapters of the 1954 Code (and the corresponding provisions of the 1939 Code): chapter 35 (relating to wagering); subchapter A of chapter 39 (relating to narcotic drugs and marijuana); subtitle E (relating to alcohol, tobacco, machine guns and certain other firearms); and subchapter D of chapter 78 (relating to certain import taxes) insofar as it relates to alcohol and tobacco. The authority vested in the Appellate Division also does not ex-

tend to determinations and/or related excise taxes involving employee plans and exempt organizations under the Employee Retirement Income Security Act of 1974.

(d) *Disposition and settlement of cases before the Appellate Division.* . . .

(3) *Cases docketed in the Tax Court.* . . .

(iii) If the deficiency notice in a case docketed in the Tax Court was not issued by the Appellate Division and no recommendation for criminal prosecution is pending, the case will be referred by the regional counsel to the Appellate Division for settlement as soon as it is at issue in the Tax Court. However, see § 601.105(1) for "small tax case" procedure before case is referred to Appellate Division. The settlement procedure shall be governed by the following rules:

(g) Upon receipt of the trial calendar, the regional counsel will address an appropriate letter to the taxpayer in each case on the calendar which has not been settled, or where the file has been retained by the Appellate Division, or in which the parties are not then negotiating a stipulation of facts. This letter will arrange or suggest a conference at an early date for the purpose of stipulating facts, as required by Rule 91 of the Rules of Practice and Procedure of the U.S. Tax Court, to clarify and, if possible, limit the issues.

§ 601.201 Rulings and determination letters.

(a) *General practice and definitions.*

(2) A "ruling" is a written statement issued to a taxpayer or his authorized representative by the National Office which interprets and applies the tax laws to a specific set of facts. Rulings are issued only by the National Office. The issuance of rulings is under the general supervision of the Assistant Commissioner (Technical) and has been largely redelegated to the Director, Corporation Tax Division and Director, Individual Tax Division. (See § 601.326 for rulings issued by the Bureau of Alcohol, Tobacco, and Firearms.)

(e) *Instructions to taxpayers.* . . .

(2) Each request for a ruling or a determination letter must contain a complete statement of all relevant facts relating to the transaction. Such facts include names, addresses, and taxpayer identifying numbers of all interested parties; the location of the district office that has or will have audit jurisdiction over the return or report of each party; a full and precise statement of the business reasons for the transaction; and a carefully detailed description of the transaction. In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction must be submitted with

the request. However, relevant facts reflected in documents submitted must be included in the taxpayer's statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an active examination or audit of a tax return of the taxpayer already filed or is being considered by a branch office of the Appellate Division. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. If the request is for an advance ruling under section 367 of the Code, see Revenue Procedure 68-23, 1968-1 C.B. 821. (Revenue Procedure 68-23 contains guidelines for taxpayers and their representatives in connection with requests for rulings under section 367.) If the request is for a ruling under section 351 of the Code, see Revenue Procedure 73-10, 1973-1 C.B. 760, and Revenue Procedure 69-19, 1969-2 C.B. 301. (Revenue Procedure 73-10 sets forth the information to be included in the request for a ruling under section 351, and Revenue Procedure 69-19 sets forth the conditions and circumstances under which an advance ruling will be issued under section 367 of the Code that an agreement which purports to furnish technical know-how in exchange for stock is a transfer of property within the meaning of section 351.) If the request is for a ruling under section 332, 334 (b) (1), or 334 (b) (2) of the Code, see Revenue Procedure 73-17, 1973-2 C.B. 465. (Revenue Procedure 73-17 sets forth the information to be included in the request for a ruling under section 332, 334(b)(1), or 334(b)(2).) If the request is for a ruling under section 302 or section 311, see Revenue Procedure 73-35, 1973-2 C.B. 490. (Revenue Procedure 73-35 sets forth the information to be included in the request for a ruling under sections 302 and 311.) If the request is for a ruling under section 346 (and its related sections, 331 and 336), see Revenue Procedure 73-36, 1973-2 C.B. 496. (Revenue Procedure 73-36 sets forth the information to be included in the request for a ruling under section 346, and its related sections, 331 and 336.) Original documents should not be submitted because documents and exhibits become a part of the Internal Revenue Service file which cannot be returned. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be sub-



mitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

(8) Any request for a ruling or an opinion or determination letter that does not comply with all the provisions of this paragraph will be acknowledged, and the requirements that have not been met will be pointed out. A request for a ruling or opinion letter addressed to the district director that does not comply with the provisions of this paragraph will be returned by the district director for completion prior to sending it to the National Office. If a request for a ruling or opinion letter addressed to the Commissioner of Internal Revenue is lacking essential information, the taxpayer or his representative will be advised that if the information is not forthcoming within a reasonable time, generally 30 days, the request will be closed by issuing a closing letter. If the information is received after mailing the closing letter, the request will be reopened and treated as a new request as of the date of the receipt of the essential information. Priority treatment of such request will be granted only in rare cases upon the approval of the Division Director.

(11) The Director, Corporation Tax Division, has responsibility for issuing rulings in areas involving the application of Federal income tax to taxpayers; those involving income tax conventions or treaties with foreign countries; those involving depreciation, depletion, and valuation issues; and those involving the taxable status of exchanges and distributions in connection with corporate reorganizations, organizations, liquidations, etc.

(12) The Director, Individual Tax Division, has responsibility for issuing rulings with respect to the application of Federal income tax to taxpayers (including individuals, partnerships, estates and trusts); areas involving the application of Federal estate and gift taxes including estate and gift tax conventions or treaties with foreign countries; areas involving certain excise taxes; the provisions of the Internal Revenue Code dealing with procedure and administration; and areas involving employment taxes.

(13) A taxpayer or his representative desiring to obtain information as to the status of his case may do so by contacting the following offices with respect to matters in the areas of their responsibility:

Telephone numbers (area code 202)	
Official:	
Director, Corporation Tax Division	964-4504 or 964-4505.
Director, Individual Tax Division	964-3787 or 964-3788.

(15) The taxpayer may, within 90 days after receipt of an adverse ruling letter under section 367 of the Code, protest the adverse determination by letter to the Assistant Commissioner (Technical). The Assistant Commissioner (Technical) will establish an ad hoc advisory board to consider each protest. The Assistant Commissioner will not be a member of the board but will be present at any conference granted. Neither the Director, Corporation Tax Division, the Chief, Reorganization Branch, nor any member of their staffs will be a member of the board. However, the Director, Corporation Tax Division, and Chief, Reorganization Branch, will be either present or represented at any conference granted. The board will consider all materials submitted in writing by the taxpayer and oral arguments presented at the conference. Whether or not a conference is granted, all protests will be considered by the board, which will make its recommendation to the Assistant Commissioner (Technical) for his decision. The specific procedures to be used by a taxpayer in protesting an adverse ruling letter under section 367 of the Code will be published from time to time in the Internal Revenue Bulletin (see, for example, Rev. Proc. 73-5, 1973-1 C.B. 751).

(b) *Alternative method of depletion.*—(1) In general. Section 1.613-4(d)(1)(i) of the regulations, adopted by T.D. 7170, March 10, 1972, provides that in those cases where it is impossible to determine a representative market or field price under the provisions of § 1.613-4(c), gross income from mining shall be computed by use of the proportionate profits method set forth in § 1.613-4(d)(4).

(2) *Exception.* An exception is provided in § 1.613-4(d)(1)(ii) where, upon application, the Office of the Assistant Commissioner (Technical) approves the use of an alternative method that is more appropriate than the proportionate profits method or the alternative method being used by the taxpayer.

(3) *Procedure.* The procedure for making application for approval to compute gross income from mining by use of an alternative method, other than the proportionate profits method; the conditions for approval and use of an alternative method; and other pertinent information with respect thereto, will be published from time to time in the Cumulative Bulletin (see, for example, Rev. Proc. 74-43, 1974-2 C.B. 496).

§ 601.204 Changes in accounting periods and in methods of accounting.

(a) *Accounting periods.* A taxpayer who changes his accounting period shall, before using the new period for income tax purposes, comply with the provisions of the income tax regulations relating to changes in accounting periods. In cases where the regulations require the tax-

payer to secure the consent of the Commissioner to the change, the application for permission to change the accounting period shall be made on Form 1128 and shall be submitted to the Commissioner of Internal Revenue, Washington, D.C. 20224, within the period of time prescribed in such regulations. See section 442 of the Code and regulations thereunder. If the change is approved by the Commissioner, the taxpayer shall thereafter make his returns and compute his net income upon the basis of the new accounting period. A request for permission to change the accounting period will be considered by the Corporation Tax Division. However, in certain instances, Form 1128 may be filed with the Director of the Internal Revenue Service Center in which the taxpayer files its return. See, for example, Rev. Proc. 66-13, 1966-1 C.B. 626; Rev. Proc. 66-50, 1966-2 C.B. 1260, and Rev. Proc. 68-41, 1968-2 C.B. 943. With respect to partnership adoptions, see § 1.706-1(b) of the Income Tax Regulations.

(b) *Methods of accounting.* A taxpayer who changes the method of accounting employed in keeping his books shall, before computing his income upon such method for purposes of income taxation, comply with the provisions of the income tax regulations relating to changes in accounting methods. The regulations require that, in the ordinary case, the taxpayer secure the consent of the Commissioner to the change. See section 446 of the Code and the regulations thereunder. Application for permission to change the method of accounting employed shall be made on Form 3115 and shall be submitted to the Commissioner of Internal Revenue, Washington, D.C. 20224, within 180 days after the beginning of the taxable year in which it is desired to make the change. Permission to change the method of accounting will not be granted unless the taxpayer and the Commissioner agree to the terms and conditions under which the change will be effected. The request will be considered by the Corporation Tax Division. However, in certain instances, Form 3115 may be filed with the Director of the Internal Revenue Service Center. See, for example, Rev. Proc. 74-11, 1974-1 C.B. 420.

(c) *Verification of changes.* Written permission to a taxpayer by the National Office consenting to a change in his annual accounting period or to a change in his accounting method is a "ruling". Therefore, in the examination of returns involving changes of annual accounting periods and methods of accounting, district directors must determine whether the representations upon which the permission was granted reflect an accurate statement of the material facts, and whether the agreed terms, conditions, and adjustments have been substantially carried out as proposed. An application, Form 3115, filed with the Director of the Internal Revenue Service Center is also subject to similar verification.

#### § 601.401 Employment taxes.

(d) *Special refunds of employee social security tax.* (1) An employee who receives wages from more than one employer during a calendar year may, under certain conditions, receive a "special refund" of the amount of employee social security tax (i.e., employee tax under the Federal Insurance Contributions Act) deducted and withheld from wages that exceed the following amounts: calendar years 1968 through 1971, \$7,800; calendar year 1972, \$9,000; calendar year 1973, \$10,800; calendar year 1974, \$13,200; calendar years after 1974, an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) effective with respect to that year. An employee who is entitled to a special refund of employee tax with respect to wages received during a calendar year, and who is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year), may obtain the benefits of such special refund only by claiming credit for such special refund on such income tax return in the same manner as if such special refund were an amount deducted and withheld as income tax at source on wages.

#### § 601.402 Sales taxes collected by return.

(a) *General.* Sales taxes collected by return include the following:

(1) The retailers excise taxes, imposed by chapter 31 of the Code, with respect to:

Diesel fuel;  
Special motor fuels;  
Noncommercial aviation fuel.

(2) The manufacturers excise taxes, imposed by chapter 32 of the Code, with respect to the following items:

(i) Motor vehicles and related items: Certain heavy-duty trucks, buses, trailers, truck parts and accessories; tires, tubes, and tread rubber; gasoline and lubricating oil.

(ii) Recreational equipment:

Fishing rods, creels, and reels;  
Artificial lures, baits and flies;  
Bows and arrows;  
Pistols and revolvers;  
Other firearms, shells, and cartridges.

(e) *Registration and bonding requirements.*

(3) Every importer of trucks, buses, etc., taxable under chapter 32 of the Code must make application to the district director for the district in which he will file returns of the tax for

\* This sentence, as unchanged, was inserted in § 601.401(d)(1) in lieu of the first two sentences (in brackets) by an amendment published in the Federal Register on March 7, 1974, and does not yet appear in the bound volume of the Code of Federal Regulations. As indicated, the current amendments change the \$12,000 amount in this sentence to \$13,200.

a determination whether he is required to give bond securing the payment of the tax on his sales of such commodities. Detailed instructions as to the information required to be included in the application and the procedure to be followed by the importer are set forth in the applicable regulations. Form 3006 has been prescribed for the convenience of importers and may be obtained from the district director.

#### § 601.403 Miscellaneous excise taxes collected by return.

(a) *General.* Miscellaneous excise taxes collected by return include the following:

(9) *Hydraulic mining.* The act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, as amended (33 U.S.C. 661-687), imposes a tax with respect to certain hydraulic gold mining in the State of California.

(10) *Investment income.* Under chapter 42 of the Code a tax of 4 percent is imposed each taxable year on the net investment income of a domestic private foundation which is exempt from tax under section 501(a).

§ 601.504 Requirement for execution, attestation, acknowledgment or witnessing, and certification of copies, of power of attorney and tax information authorization.

(b) *Execution of a power of attorney or a tax information authorization.*—(1) *Ordinary cases.* A power of attorney or a tax information authorization must be executed as follows:

(ii) *Husband and wife.* In the case of any taxable year for which a joint return was made by husband and wife, by both husband and wife except that either spouse may sign for the other if such signature is duly authorized in writing by the other spouse; however, an execution of a power of attorney or a tax information authorization for purposes of inspecting a joint income tax return may be made by either the husband or the wife. See § 301.6103 (a)-(1) (c) (iii) of the Regulations on Procedure and Administration (26 CFR Part 301).

#### § 601.601 Rules and regulations.

(a) *Formulation.* (1) Internal revenue rules take various forms. The most important rules are issued as regulations and Treasury decisions prescribed by the Commissioner and approved by the Secretary or his delegate. Other rules may be issued over the signature of the Commissioner or the signature of any other official to whom authority has been delegated. Regulations and Treasury decisions are prepared in the Office of the Chief Counsel. After approval by the Commissioner, regulations and Treasury decisions are forwarded to the Secretary or his delegate for further consideration and final approval.

(2) Where required by 5 U.S.C. 553 and in such other instances as may be desirable, the Commissioner publishes in the Federal Register general notice of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law). This notice includes (i) a statement of the time, place, and nature of public rule-making proceedings; (ii) reference to the authority under which the rule is proposed; and (iii) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

(d) *Publication of rules and regulations.*

(2) *Objectives and standards for publications of Revenue Rulings and Revenue Procedures in the Internal Revenue Bulletin.*

(iv) Informers and informers' rewards: (f) Disclosure of secret formulas, processes, business practices, and other similar information.

#### § 601.602 Forms and instructions.

(a) *Tax return forms and instructions.* Forms and instructions are developed by the Internal Revenue Service to explain the requirements of the internal revenue laws and regulations administered by the Internal Revenue Service and are issued for the assistance of taxpayers in exercising their rights and discharging their duties under the internal revenue laws. All internal revenue taxes which are not collected by stamps are assessed and collected through the self-determination and self-application of the law and the regulations by taxpayers. The tax return forms are the instruments through which this is accomplished.

(b) *Other forms and instructions.* In addition to the forms and instructions for the return of internal revenue taxes, the Internal Revenue Service provides other necessary or appropriate forms for assisting the public in complying with the technical requirements of the internal revenue laws and regulations administered by the Internal Revenue Service. The material contained in the forms and instructions, and the arrangements thereof, is carefully considered and is designed to lead the taxpayer step-by-step through an orderly accumulation of data to an accurate report of the information required.

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors or directors of service centers. Descriptions of many of the forms and publications of the Internal Revenue Service for public use are contained in Publication No. 481, *Description of Principal Federal Tax Returns, Related Forms, and Publications* and Publication 676, *Catalogue of Forms, Form Letters, Notices*. Publication Nos. 481 and 676 may be purchased from the Superintendent

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[FR Doc.76-14973 Filed 5-20-76;8:45 am]

# PART 601—STATEMENT OF PROCEDURAL RULES

## Amendments Relating to Determination Letters of Employees' Plans and Trusts

**Preamble.** This document contains amendments to the Statement of Procedural Rules (26 CFR Part 601). The amendments relate to the renomination of interested parties when an application for determination is resubmitted, and the administrative remedies available to applicants, interested parties, and the Pension Benefit Guaranty Corporation.

Section 601.201 is amended by revising the last sentence of paragraph (c) (3) (xv) and paragraph (c) (11) to read as follows:

§ 601.201 *Rulings and determination.*

- (c) *Employees' trusts or plans.* . . .
- (3) *Instruction to taxpayer.* . . .
- (xv) . . . If, however, an application is returned to the applicant for failure to adequately satisfy the notification requirement with respect to a particular group or class of interested parties, the applicant need not cause notice to be given to those groups or classes of interested parties with respect to which the notice requirement was already satisfied merely because, as a result of the resubmission of the application, the time limitations of this paragraph (c) (3) (xv) would not be met.

(11) *Exhaustion of administrative remedies.* For purposes of section 7476 (b) (3), a petitioner shall be deemed to have exhausted the administrative remedies available to him in the Internal Revenue Service upon the completion of the steps described in paragraph (c) (11) (i), (ii), or (iii) of this section, subject, however, to paragraphs (c) (11) (iv) and (v) of this section. If an applicant, interested party, or the Pension Benefit Guaranty Corporation does not complete the applicable steps described below, such applicant, interested party, or the Pension Benefit Guaranty Corporation will not have exhausted available administrative remedies as required by section 7476 (b) (3) and will thus be precluded from seeking a declaratory judgment under section 7476 except to the extent that paragraph (c) (11) (iv) (b) or (v) of this section applies.

(i) The administrative remedies of an applicant with respect to any matter relating to the qualification of a plan are:

(a) Filing a completed application with the appropriate district director pursuant to paragraphs (c) (3) (iii) through (xii) of this section;

(b) Compliance with the requirements pertaining to notice to interested parties as set forth in paragraphs (c) (3) (xiv) through (c) (3) (xxi) of this section;

(c) An appeal to the Office of the Assistant Regional Commissioner (EP/EO) pursuant to paragraph (c) (6) of this section, in the event of a notice of proposed adverse determination from the district director; and

(d) A request for National Office consideration pursuant to paragraph (c) (7) of this section, in the event the Assistant Regional Commissioner (EP/EO) upholds the proposed adverse determination.

(ii) The administrative remedy of an interested party with respect to any matter relating to the qualification of the plan is submission to the district director of a comment raising such matter in accordance with paragraph (c) (5) (i) (a) of this section or requesting the Department of Labor to submit to the district director a comment with respect to such matter in accordance with paragraph (c) (5) (i) (b) of this section, and, if such department declines to comment, submission of such a comment in accordance with paragraph (c) (5) (i) (c) of this section, so that such comment may be considered by the Internal Revenue Service through the administrative process.

(iii) The administrative remedy of the Pension Benefit Guaranty Corporation with respect to any matter relating to the qualification of the plan is submission to the district director of a comment raising such matter in accordance with paragraph (c) (5) (i) (a) of this section or requesting the Department of Labor to submit to the district director a comment with respect to such matter in accordance with paragraph (c) (5) (i) (b) of this section, and, if such department declines to comment, submission of such a comment to the Internal Revenue Service directly, so that such comment may be considered by the Internal Revenue Service through the administrative process.

(iv) An applicant, or an interested party, or the Pension Benefit Guaranty Corporation shall in no event be deemed to have exhausted his (its) administrative remedies prior to the earlier of:

(a) The completion of all the steps described in paragraph (c) (11) (i), (ii), or (iii) of this section, whichever is applicable, subject, however, to paragraph (c) (11) (v), or

(b) The expiration of the 270 day period described in section 7476 (b) (3), in a case where the completion of the steps referred to in paragraph (c) (11) (iv) (a) of this section shall not have occurred before the expiration of such 270 day period because of the failure of the Internal Revenue Service to proceed with due diligence.

The steps described in paragraph (c) (11) (i) (c) and (d) of this section will not be considered completed until the Internal Revenue Service has had a reasonable time to act upon the appeal or request for consideration, as the case may be. In addition, the administrative remedies described in paragraphs (c) (11) (ii) and (iii) will not be considered completed until the Internal Revenue

Service has had a reasonable time to consider the comments submitted pursuant to such paragraphs at each step of the administrative process described in paragraph (c) (11) (i).

(v) The administrative remedies described in paragraphs (c) (11) (i) (c) and (d) of this section will not be available to an applicant with respect to any issue on which technical advice from the National Office has been obtained.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.76-14966 Filed 5-20-76;8:45 am]

## Title 29—Labor

### SUBTITLE A—OFFICE OF THE SECRETARY

#### PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

##### Changes of Titles, Spelling Corrections and Editorial Changes

Notice is hereby given that the Department of Labor, Employment and Training Administration is amending 29 CFR Part 97a—Job Corps Program Under Title IV of the Comprehensive Employment and Training Act. The changes consist of spelling corrections, title changes required by Secretary's Order 14-75 (40 FR 54485) which changed the name of the Manpower Administration to the Employment and Training Administration, and a couple of editorial amendments.

Since none of these changes are substantive in nature, consisting of only spelling corrections, changes of title and editorial amendments, proposed rulemaking is not required by the Administrative Procedures Act. This document, therefore, shall become effective by June 21, 1976.

Accordingly, the following changes are made to 29 CFR Part 97a:

1. Throughout the Part, the acronym "MA" is changed to the acronym "ETA".

2. In the table of contents for Part 97a, a spelling correction is made so that the title of § 97a.21 should read: "97a.21 Eligibility for funds and eligible deliverers."

3. In § 97a.10 *Definitions*, all paragraph letters from (a) through (sss) are deleted.

4. In § 97a.10 *Definitions*, the definition of "ARDM" is deleted.

5. In § 97a.10 *Definitions*, following the definition of "Eligible deliverer", the following definition is inserted: "ETA". The Department of Labor, Employment and Training Administration.

6. In § 97a.10 *Definitions*, subparagraph (1) of the definition of "Disruptive home life", the spelling of the word "orphange" is corrected to read "orphanage".

7. In § 97a.10 *Definitions*, the definition of "MA" is deleted.

8. In § 97a.10 *Definitions*, following the definition of "Region", the following

definition is inserted: "Regional Administrator, Employment and Training Administration, (RA)". The chief ETA official in each DOL regional office.

9. In § 97a.10 *Definitions*, in the definition of "Regional office", the phrase "Manpower Administration" is changed to "ETA".

10. In § 97a.22 *Funding procedures*, paragraph (d), the acronym "ARDM" is changed to "RA".

11. In § 97a.71 *Death*, paragraph (d), the word "Workmen's" is changed to "Workers".

12. In § 97a.86 *Federal employee's compensation*, paragraph (g), the word "Worker's" is changed to "Workers".

13. In § 97a.95 *Right to privacy*, paragraph (b) (2), the citation "§ 97a.10 (ppp)" is changed to "§ 97a.10".

14. In § 97a.97 *Disciplinary procedures and appeals*, paragraph (a) (2), the citation "§ 97a.10 (qqq)" is changed to "§ 97a.10".

15. In § 97a.119 *Property management and procurement*, paragraph (b), the word "Manpower" is changed to "Employment and Training".

AUTHORITY: Sec. 702(a) of the Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), S.O. 14-75 (40 FR 54485).

Signed at Washington, D.C., this 17th day of May 1976.

WILLIAM H. KOLBERG,  
Assistant Secretary for  
Employment and Training.

[FR Doc.76-14952 Filed 5-20-76;8:45 am]

## CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

### PART 2611—VALUATION OF PLAN ASSETS

#### Standards for Individuals

##### Correction

In FR Doc. 76-13425, appearing on page 18991, in the issue of Friday, May 7, 1976, the following changes are made:

1. On page 18991, the cover page, "Plan Benefits" is changed to "Plan Assets".

2. On page 18992, the subject heading following Part 2611—Valuation of Plan Assets, which reads "Standards for Individuals" is changed to "Standards for Terminated Plans".

## Title 43—Public Lands: Interior CHAPTER II—BUREAU OF LAND MANAGEMENT; APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5584; F-15306 Anch.]

### ALASKA

#### Amendment of Public Land Order No. 5179

By virtue of the authority vested in the Secretary of the Interior by sec. 22(h) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 709, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

## RULES AND REGULATIONS

1. Public Land Order No. 5179 of March 9, 1972, as amended, is hereby modified by deleting the following described lands from said order:

KATEEL RIVER MERIDIAN  
(PROTRACTED DESCRIPTION)

Tps. 27 and 28 S., R. 8 E.

2. The lands described in paragraph 1 of this order were originally withdrawn under sections 17(d) (1) and 17(d) (2) of the Alaska Native Claims Settlement Act in Public Land Order No. 5179. They were further withdrawn under section 17(d) (1) in Public Land Order No. 5186 of March 15, 1972, but left open to State selections. Since these lands were not recommended to Congress on December 18, 1973, the section 17(d) (2) withdrawal of Public Land Order No. 5179 expired as of that date. The purpose of this order is to relieve the lands of the 17(d) (1) withdrawal of Public Land Order No. 5179, thus leaving the said lands subject only to the terms and conditions of Public Land Order No. 5186.

Dated: May 14, 1976.

JACK O. HORTON,  
Assistant Secretary of the Interior.

[FR Doc.76-14880 Filed 5-20-76;8:45 am]

## Title 50—Wildlife and Fisheries

### CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

#### PART 240—REGULATED COMMERCIAL FISHERIES

##### Herring and Mackerel

On March 11, 1976, there was published in the FEDERAL REGISTER (41 FR 10451) a notice of proposed rulemaking setting forth the proposed catch quotas for herring in the Subarea 5 and Statistical area 6 in the ICNAF Convention Area of the Northwest Atlantic, procedure to determine the incidental take of herring and mackerel, and an amendment to Appendix I, "Optional Settlement Agreement Form." Interested persons were given the opportunity to submit, not later than April 1, 1976, data, views, and recommendations regarding the notice.

No comments have been received, and the proposed amendments are hereby adopted without change.

Effective date: May 21, 1976.

Signed at Washington, D.C. on May 18, 1976.

JACK W. GEHRINGER,  
Deputy Director, National  
Marine Fisheries Service.

The proposed amendments to Subpart E are described below:

1. Amend paragraphs (2) and (3) and add new paragraphs (4) and (5) of § 240.41(a) to read as follows:

§ 240.41 *Catch quota.*

(a) (1) . . .

(2) The annual catch of herring by persons or fishing vessels fishing in Division 5Y of Subarea 5 shall not exceed 6,000 metric tons.

(3) The catch of herring for the period January 1 to June 30, 1976 by persons or fishing vessels fishing in Division 5Z of Subarea 5 and Statistical Area 6, shall not exceed 9,400 metric tons.

(4) A directed fishery for herring in Division 5Z of Subarea 5 and Statistical Area 6 shall be prohibited from January 1 to June 30, 1976, except with purse seiners or vessels of less than 110 ft. (33.5 meters).

(5) A person fishing for other species in Division 5Z of Subarea 5 and Statistical Area 6 may have in possession on board (either at sea or at the time of off-loading) herring in amounts not to exceed 7.5 percent by weight of all fish on board. Should it be observed during an inspection under the Scheme of Joint International Enforcement that a vessel is taking herring in amounts greater than that permitted during the first seventy-two hours of fishing since entering the fishery within the areas specified in paragraph (4), the inspector shall note this fact on the inspection report and bring it to the attention of the Master.

2. Amend paragraphs (b) and (d) of § 240.46 to read as follows:

§ 240.46 *Size limits.*

(b) A person on any trip may take herring less than 9 inches (22.7 cm), measured as specified in paragraph (a) of this section: Provided that the total amount taken does not exceed 10 percent by weight or 25 percent by count of all herring on board the vessel caught in the areas specified in paragraph (a) above which can be identified as to size at the time of inspection. Should it be observed during an inspection under the Scheme of Joint International Enforcement that a vessel is taking herring less than 9 inches (22.7 cm) in excessive amounts during the first forty-eight hours of fishing, since entering the fishery within the areas specified in paragraph (a), the inspector shall note this fact on the inspection report and bring it to the attention of the Master.

(d) A person on any trip may take mackerel less than 10 inches (25 cm) measured as specified in paragraph (c) of this section provided: that the total amount taken does not exceed 10 percent by weight or 25 percent by count of all mackerel on board the vessel caught in the areas specified in paragraph (c) which can be identified as to size at the time of the inspection. Should it be observed during an inspection under the Scheme of Joint International Enforcement that a vessel is taking mackerel less than 10 inches (25 cm) in excessive amounts during the first forty-eight hours of fishing since entering the fishery within the areas specified in paragraph (c), the inspector shall note this fact on the inspection report and bring it to the attention of the Master.



3. Add new item 10 in Appendix I "Optional Settlement Agreement Form" to read as follows:

10. Notwithstanding the provisions of paragraphs 4(a) and 8(b) above, the master or person in charge of a vessel may take and possess on board a fishing vessel at any time, settlement fish in the amounts up to . . . . . pounds caught in Division 4X of Subarea 4 (Browns Bank) provided:

(a) The master or person in charge of the vessel contacts CG radio or a CG fishery inspection vessel which may be on the scene once each day (1900 hours local time) and provides:

(1) Pounds of settlement fish taken within the previous 24 hour period from Division 4X of Subarea 4.

(2) Position at time of radio contact in latitude and longitude or Loran bearing.

(b) The master or person in charge of the vessel contacts CG radio as provided in subparagraph (a) and informs them of his arrival or departure from the fishing grounds within Division 4X of Subarea 4, and of his intent to fish elsewhere prior to landing that trip.

(c) If the total quantity of settlement fish taken in Division 4X of Subarea 4 does not exceed the amount specified and the provision of subparagraphs (a) and (b) are adhered to, then the Regional Director agrees to waive the provisions of paragraphs 4 and 8(b).

(d) The provisions of the paragraph shall remain in force during the period . . . . . 1976 or until the quota for Division 4X of Subarea 4 as set forth in Subpart B—Groundfish Fisheries Paragraph 240.11(a)(1) is taken. When the quota is attained or anticipated to be caught or failure of the vessel owner(s) to comply with the terms of the agreement, the provisions of paragraph 9 will apply.

[FR Doc. 76-14898 Filed 5-20-76; 8:45 am]

#### Title 7—Agriculture

### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

#### PART 724—FINE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) TOBACCO

##### Termination of Cigar-Binder (Types 51 & 52) Tobacco Quotas—1976-1977 Marketing Year

**Basis and purpose.** Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act," to proclaim (1) that the operation of farm marketing quotas in effect on cigar-binder (types 51 & 52) tobacco for the 1976-77 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1976-77 marketing year.

The material previously appearing in this section under centerhead Termination of Quotas—1975-76 Marketing Year remains in full force and effect as to the crop to which it was applicable.

A notice that an investigation was to be made to determine the existence of

the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on cigar-binder (types 51 & 52) tobacco for the 1976-77 marketing year was published in the FEDERAL REGISTER on April 20, 1976 (41 FR 16558). In such notice interested persons were given the opportunity for a hearing and to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. No submissions were received pursuant to such notice.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of cigar-binder (types 51 & 52) tobacco for the 1976-77 marketing year. On the basis of the investigation which has been made, it has been determined that the operation of farm marketing quotas on cigar-binder (types 51 & 52) tobacco for the 1976-77 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1976-77 marketing year should be terminated.

Accordingly, 7 CFR § 724.36 is revised to read as follows:

§ 724.36 Cigar-binder (types 51 & 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on cigar-binder (types 51 & 52) tobacco for the 1976-77 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1976-77 marketing year for such kind of tobacco are hereby terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of cigar-binder tobacco, who are preparing to plant their 1976 crop, need to know immediately the provisions hereof. Accordingly, this document shall become effective on May 21, 1976.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375.)

Signed at Washington, D.C. on: May 17, 1976.

KENNETH E. FRICK,  
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 76-14891 Filed 5-20-76; 8:45 am]

### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 1980-E]

#### PART 1980—GUARANTEED LOAN PROGRAMS

##### Business and Industrial Loan Program

The general provisions for Business and Industrial Loans contained in Sub-

part E of Part 1980, Title 7, Chapter XVIII, (40 FR 57643; 41 FR 11807), are amended to identify Administrative provisions which follow appropriate sections of the regulation, allow delegation of administrative duties, and to allow different interest rates on the guaranteed and unguaranteed portions of the loan to provide a more marketable loan. Since these amendments lessen some of the restrictions contained in the processing and servicing of guaranteed and insured loans which will be beneficial to both loan applicants and lenders without imposing any additional burden on such applicants and lenders, notice and public procedure thereon, are unnecessary. However, any comments on this amendment may be submitted to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before June 21, 1976. Until such time as further changes are made on the basis of the comments thus received, or otherwise, these amendments shall remain in effect.

Subpart E of Part 1980 is amended by revising various sections as follows:

1. Section 1980.401 is amended by adding paragraph (d) as follows:

§ 1980.401 Introduction.

(d) Throughout this regulation there appear administrative provisions for the State Director, District Director, and County Supervisor. These sections establish the internal duties, responsibilities and procedures to carry out the requirements of the program. These provisions are identified as "Administrative" and follow appropriate sections of this subpart.

2. Section 1980.423 is amended by adding paragraphs (a) (3) and (4) as follows:

§ 1980.423 Interest rates.

(a) . . . . .  
(3) It is permissible to have one interest rate on the guaranteed portion of the loan and another interest rate on the unguaranteed portion of the loan, provided the lender and borrower agree and:

(i) The rate on the unguaranteed portion does not exceed that currently being charged on loans of similar size and purpose for borrowers under similar circumstances.

(ii) The rate on the guaranteed portion of the loan will not exceed the rate on the unguaranteed portion.

(4) When multi-rates are used the lender will provide FmHA with the overall effective interest rate for the entire loan.

3. In § 1980.424, paragraph (a) is amended by deleting the last sentence.

4. In "General Administrative" following §§ 1980.496-1980.500 (Reserved), the first paragraph is lettered (A) without change; a new paragraph (B) is added, and reads as follows:

GENERAL ADMINISTRATIVE

(A) Office of the General Counsel (OGC):

(B) Delegation of Authority: The State Director may delegate to his staff those administrative duties and responsibilities stipulated in the Administrative sections of this subpart.

AUTHORITY: 7 U.S.C. 1989 delegation of authority by the sec. of Agric., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Effective date: May 21, 1976.

Dated: May 7, 1976.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.

[FR Doc. 76-14893 Filed 5-20-76; 8:45 am]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 40]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

###### PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 23-29, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.340 Lemon Regulation 40.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of

the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier early this week due to continuing cool and rainy weather in most major markets compared to \$1 per carton the previous carton the week ended May 15, 1976, compared to \$6.41 per carton the previous week. Track and rolling supplies at 175 cases were up 21 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to

effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1976.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 23, 1976, through May 29, 1976, is hereby fixed at 300,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 19, 1976.

CHARLES R. BRADER,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 76-15170 Filed 5-20-76; 11:54 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[ 50 CFR Part 20 ]

MIGRATORY BIRDS

Proposed Rulemaking; Correction

In FR Doc. 76-13760 appearing at page 19341 in the FEDERAL REGISTER of May 12, 1976, the heading for the Virgin Islands framework appearing on page 19342, column 2, is corrected to read:

PROPOSED FRAMEWORK FOR SELECTING OPEN SEASON DATES FOR HUNTING CERTAIN MIGRATORY GAME BIRDS IN THE VIRGIN ISLANDS, 1976-77 (ALL DATES INCLUSIVE)

Dated: May 18, 1976.

GEORGE W. MILLAS,

Acting Director,

U.S. Fish and Wildlife Service.

[FR Doc. 76-14929 Filed 5-20-76; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[ 24 CFR Part 1917 ]

[Docket No. FI-1123]

## APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Cumberland, Harlan County, Kentucky

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Cumberland, Harlan County, Kentucky.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the

Bulletin Board at Cumberland City Hall, 414 West Main Street, Cumberland.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. F. N. Hazen, Mayor, 414 West Main Street, Cumberland, Kentucky 40823. The period for comment will

be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Poor Fork	West corporate limits	1,417	(0)	170
	Rush St. (extended)	1,421	(0)	185
	River St. (extended)	1,422	(0)	205
	Beale St. (extended)	1,422	(0)	240
	Billips Ave.	1,425	165	400
	Freeman St.	1,430	175	610
	Isaac St. (extended)	1,430	140	500
	Main St.	1,434	150	210
	Louisville-Nashville RR.	1,436	225	200
	U.S. 119	1,437	1,770	120
	U.S. 119	1,441	1,070	190
	Oak St.	1,447	(0)	350
	O'Rinke St. (extended)	1,448	120	565
	Bride St.	1,449	240	175
Looney Creek	East corporate limits	1,450	(0)	(0)
	U.S. 119	1,441	1,360	1,270
	Blair St.	1,443	850	200
	Central St. (extended)	1,443	845	220
	Howard St. (extended)	1,443	720	120
	Wright St. (extended)	1,445	810	115
	Shepard St.	1,447	655	125
	1st St. (extended)	1,450	210	230
	2d St. (extended)	1,458	140	380
	3d St. (extended)	1,462	55	435
	4th St. (extended)	1,465	50	490
	5th St. (extended)	1,467	30	505
	6th St. (extended)	1,469	75	485
	7th St. (extended)	1,470	85	485
Cloverleaf Creek	East corporate limits	1,473	80	470
	Footbridge	1,427	110	520
	South Ave. (extended)	1,431	(0)	170
	1st St. (extended)	1,437	(0)	150
	South corporate limits	1,447	(0)	300

<sup>1</sup> Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14527 Filed 5-20-76; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-1111]

## APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Surf City, North Carolina

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4

(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Surf City, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Surf City, North Carolina must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected loca-

## PROPOSED RULES

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tions. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Surf City, North Carolina 28445.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Lucilla Gore, P.O.

Box 475, Surf City, North Carolina 28445.

The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Atlantic Ocean	Betts Ave.	13	Entire road.	
	Topsail Dr.	13	Do.	
	Wilmington Ave.	13	Do.	
Inland waterway	New River Dr.	13	Do.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14521 Filed 5-20-76; 8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-1110]

## APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Camp Hill, Cumberland County, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Camp Hill, Cumberland County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to partic-

ipate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the Borough Building, 2201 Market Street, Camp Hill.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor D. Stoner Dietz, 2201 Market Street, Camp Hill, Pennsylvania 17011. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Conodoguinet Creek	Center Street Bridge	221	(0)	260
	North corporate limits	221	(0)	260

<sup>1</sup> Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc. 76-14522 Filed 5-20-76; 8:45 am]



[ 24 CFR Part 1917 ]

[ Docket No. FI-1109 ]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Proposed Flood Elevation Determination for the Township of Palmyra, Wayne County, Pennsylvania**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Palmyra, Wayne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to par-

ticipate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the home of the Township Secretary, Mrs. R. Laabs, R.D. 1, Hawley, Pennsylvania 18428.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert C. Strong, Chairman, 404 North Street, Hawley, Pennsylvania 18428. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Lackawaxen River....	North corporate limits.....	929	200	420
	5,000 ft downstream from north corporate limits.....	922	640	460
	10,000 ft downstream from north corporate limits.....	914	370	90
	South corporate limits.....	896	(1)	40
	5,000 ft upstream from south corporate limits.....	908	70	70
Middle Creek.....	Corporate limits at Hawley.....	910	30	40
	L.R. 6822 Bridge.....	956	40	80
	2,500 ft downstream from west corporate limits.....	1,001	280	0
	West corporate limits.....	1,034	0	60
Wallenpaupack Creek..	Corporate limits at Hawley.....	1,042	40	(1)
	U.S. Route No. 6.....	1,006	10	(1)

<sup>1</sup> Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.76-14523 Filed 5-20-76;8:45 am]

[ 24 CFR Part 1917 ]

[ Docket No. FI-1108 ]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Proposed Flood Elevation Determination for the Township of Smithfield, Huntingdon County, Pennsylvania**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Smithfield, Huntingdon County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Office, 902 Pennsylvania Avenue, Huntingdon, Pennsylvania 16652.

Any person having knowledge, information, or wishing to make a comment on these determinations should im-

mediately notify Robert C. Kepner, Chairman of the Township Supervisors, R.D. 1, Huntingdon, Pennsylvania 16652. The period for comment will be ninety days following the second publication of

this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later. The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Junata River.....	Northern tip of Corporate limits.....	642	(1)	210
	Bridge Street.....	636	(1)	80
	Route 28 Bridge.....	622	(1)	260
	4th St.....	619	(1)	1,340
	Route 22.....	618	(1)	360
	Synders Run (extended).....	617	(1)	1,620
	Southeastern corporate limits.....	616	(1)	1,880
	L.R. 31109 (extended).....	614	(1)	220
Crooked Creek.....	Southeastern corporate limits.....	633	120	470
	Southwestern tip of fairgrounds (extended).....	625	540	60
	West of Route 31041.....	630	20	200
	East of Route 31041.....	620	220	300
	Southwest of Route 22.....	620	80	80
	Sycamore Lane (extended).....	620	60	1,120
	Southwest of Route 31032.....	616	160	20
	Point where Henderson Hollow Creek crosses Route L.R. 31109.....		20	20
Henderson Hollow Creek.....				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14528 Filed 5-20-76;8:45 am]

[ 24 CFR Part 1917 ]

[ Docket No. FI-1107 ]

**APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Proposed Flood Elevation Determination for the City of Devine, Medina County, Texas**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Devine, Medina County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order

to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Lobby, City Hall, 303 South Teel Drive, Devine.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Paul J. Schott, City Secretary, 303 South Teel Drive, Devine, Texas 78016. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Burnt Boot Creek.....	Colonial Ave. (extended).....	658	170	400
	Fay Ave.....	654	940	120
	McAnnely Ave.....	645	1,200	170
	Thompson Ave. (extended).....	638	600	220
	Webb Ave. (extended).....	634	260	1,120

<sup>1</sup> To corporate limits.



PROPOSED RULES

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14524 Filed 5-20-76;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-1106]

APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations  
for the Village of Bayside, Wisconsin

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Village of Bayside, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood In-

surance Program, the Village of Bayside must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Village Hall, 9075 North Regent Road, Milwaukee, Wisconsin 53217.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Richard Glaisner, Village President, 9075 North Regent Road, Milwaukee, Wisconsin 53217. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Fish Creek.....	1,300 ft downstream of Chicago and northwest railroad culvert.	617	45	60
	500 ft upstream of Chicago and north- west railroad culvert.	642	60	135
Tributary of Fish Creek.	East of West Duane Court.....	642	25	120
	Jonathan Lane (extension of).....	642	85	165

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14525 Filed 5-20-76;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-1105]

APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations  
for Green Lake County, Wisconsin

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed

determinations of flood elevations for Green Lake County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, Green Lake County must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood

PROPOSED RULES

elevations are available for review at Green Lake County Courthouse, Green Lake, Wisconsin 54941.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Ted Burdick, County Board Chairman, Green Lake County Courthouse, Green Lake, Wisconsin

54941. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream), to 100-yr flood boundary (feet)	
			Right	Left
Fox River.....	Berlin Lock No. 1.....	761	1,600	(1)
	White River Lock and Dam.....	761	2,500	3,200
	Princeton Lock and Dam.....	768	300	1,000
Puchyan River.....	C.T.H. J Bridge.....	774	50	50
	Berlin Street Bridge.....	782	100	1,000
Silver River.....	Spanning Bridge.....	804	800	450
Grand River.....	C.T.H. M Bridge.....	803	200	700
	Illage Road Bridge.....	803	300	200

<sup>1</sup> Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14526 Filed 5-20-76;8:45 am]

[ 24 CFR Part 1917 ]

[Docket No. FI-1104]

APPEALS FROM FLOOD ELEVATION  
DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for  
the City of Sheboygan, Sheboygan  
County, Wisconsin

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Sheboygan, Sheboygan County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to

participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the lobby of City Hall, 828 Center Avenue, Sheboygan.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Richard Fuscha, 828 Center Avenue, Sheboygan, Wisconsin 53081. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or August 19, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Sheboygan River.....	Lake Michigan shoreline.....	584	0	0
	Virginia Ave. (extended) east of 7th St..	584	0	0
	Pennsylvania Ave. east of 18th St.....	584	0	0
	14th St.....	585	0	0
	Pennsylvania Ave. (extended) west of 15th St.....	587	300	0
	New Jersey Ave.....	587	120	30
	South 22d St. (extended).....	589	1,710	40
Pigeon River.....	Western corporate limits.....	596	0	220
	Northern corporate limits.....	600	0	540
	Calumet Dr.....	670	670	250
	Western corporate limits.....		1,780	850



Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Lake Michigan	Northern corporate limit	584	0
	Columbus Ave. (extended)	584	0
	Clement Ave. (extended)	584	0
	Yollash Blvd. (extended)	584	0
	Superior Ave. (extended)	584	0
	Ontario Ave. (extended)	584	0
	Pennsylvania Ave. (extended)	584	0
	Alabama Ave. (extended)	584	0
	High Ave. (extended)	584	0
	Ashland Ave. (extended)	584	0
	Wilson Ave. (extended)	584	0
	Southern corporate limit	584	0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 28, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-14529 Filed 5-20-76;8:45 am]

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### [ 20 CFR Part 725 ]

#### BLACK LUNG DISEASE

#### Claims for Disability or Death Benefits Correction

In FR Doc. 76-13378, appearing on page 18868 of the issue of Friday, May 7, 1976, the closing date for submission of comments was incorrectly printed as "May 20, 1976". The date should read "June 7, 1976".

## CIVIL AERONAUTICS BOARD

#### [ 14 CFR Part 372a ]

[SPOR-44; Docket 28063; Dated May 18, 1976]

### POST-FLIGHT ACCOUNTING REPORTS

#### Proposed Elimination of Requirement

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 372a of the Special Regulations (14 CFR Part 372a) which would eliminate the requirement for the post-flight accounting report now required by § 372a.30 of Part 372a in cases where no more than the minimum pro rata charter price specified in the charter contract has been charged to the TGC participants.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under authority of sections 101, 204, 401, 402, 407 and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766 and 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1377 and 1386).

Interested persons may participate in the proposed rulemaking through submission of twenty (20) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 21, 1976, will be con-

sidered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Acting Secretary.

#### EXPLANATORY STATEMENT

On July 10, 1975, a rulemaking petition was filed by Overseas Charter-A-Flight ("Overseas") in Docket 28063 seeking consideration of an amendment to Part 372a of our Special Regulations (14 CFR Part 372a) to eliminate, in certain cases, the need for Travel Group Charter (TGC) organizers to submit the post-flight accounting report required by § 372a.30 of the TGC rule. More precisely, petitioner seeks the elimination of the report in all situations where there has no increase in the price charged to TGC participants, and in which each of them had been so advised by the 45th day prior to the originating flight. In support of its request, Overseas alleges that in many of its TGC's the tentative adjusted pro rata price (which the TGC rule requires to be specified no later than 45 days prior to the scheduled departure date) has in fact been the same as the final price. In these circumstances, Overseas claims, the post-flight accounting requirement has not only created an unnecessary paperwork burden, but has also caused confusion among participants resulting in additional time being spent in explaining the purpose of the report.

Upon consideration of Overseas' petition, we have determined to institute public rulemaking procedures to consider a proposed rule which would grant its petition in large part. We will not, however, propose a rule which would eliminate the requirement for post-flight accounting reports in all cases in which there has been no pro rata price increase subsequent to the payment of the tentative adjusted price. Under our TGC rule, the "adjusted" price may be more than the "minimum" price, and, indeed, even the initial payment may exceed the minimum pro rata charter price, so that the post-flight report thus remains necessary to advise participants whether or not a refund is due. However, we are tentatively persuaded that, in situations where no more than the minimum pro rata charter price (as defined in § 372a.14(a)) has been received from the TGC participants, there appears to be no valid reason for requiring the organizer to submit a post-flight report to the participants. In such situations each participant will already have been advised that the minimum pro rata charter price is identical to the adjusted pro rata charter price (as defined in § 372.14 (c)), and neither an increase nor a decrease in price can subsequently result.

The proposed amendment would thus retain this consumer protection feature in our existing TGC rule for participants requiring such protection, but allow a reduction in paperwork and other expense for TGC organizers when the preparation of the report would serve no useful purpose.

It is proposed to amend Part 372a of the Special Regulations (14 CFR Part 372a) as follows:

1. Revise § 372a.30 to read as follows:

§ 372a.30 Post-flight accounting report.

In all cases in which the charter participants have paid any amount in excess of the minimum pro rata charter price (as defined in § 372a.14(a)) to the charter organizer, the charter organizer shall submit a post-flight accounting report to each charter participant no later than 10 days following the completion of the charter. The post-flight accounting report shall be in the form prescribed in Appendix C, and shall set forth the final adjusted pro rata price, which shall take into account all payments made by charter participants subsequent to the date on which the tentative adjusted price was computed. Any refunds due to participants shall be forwarded with the post-flight accounting report.

2. Revise the first sentence of the instructions to Appendix C to Part 372a to read as follows:

#### APPENDIX C

#### POST FLIGHT ACCOUNTING REPORT

#### INSTRUCTIONS

When charter participants have paid an amount in excess of the minimum adjusted pro rata charter price, each charter participant shall be furnished a report in this form no later than 10 days following completion of the charter.

[FR Doc.76-14965 Filed 5-20-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

#### [ 40 CFR Part 52 ]

[FRL 546-1]

#### NEW JERSEY

#### Proposed Revision of the New Jersey Implementation Plan

New Jersey has submitted a proposed revision to the New Jersey implementation plan, which was received by the Region II Office, on April 27, 1976. The revision request was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51, and consists of the following:

(a) An amended State regulation, N.J.A.C. 7:27-9.1 et seq. entitled, "Sulfur in Fuel;" and

(b) A technical justification supporting the amended regulation.

The amendments to N.J.A.C. 7:27-9.1 accomplish the following:

TABLE 1-- Proposed sulfur in fuel limitations

Source	Location	Percent sulfur by weight	
		Existing limitation	Proposed limitation
National Bottle Corp.	Salem City, Salem County	0.3	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County	3	1.5
Heinz U.S.A.	Salem City, Salem County	3	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County	3	1.5
Anchor Hocking Corp.	Salem City, Salem County	3	2.0
Atlantic City Electric, Deepwater Station	Penns Grove, Salem County	3	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County	3	1.5
Mannington Mills, Inc.	Salem City, Salem County	3	2.0
Atlantic City Electric, B. L. England Station	Beesley Point, Cape May County	1.0	2.0
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County	1.0	2.5
Owens Illinois, Inc., Kimble Products Division	Vineland City, Cumberland County	1.0	2.5
Leone Industries	Bridgeton, Cumberland County	1.0	2.5
Owens Illinois, Inc.	Bridgeton City, Cumberland County	1.0	2.5
Progresso Food Corp.	Vineland City, Cumberland County	1.0	2.5
Bridgeton Dyeing and Finishing Corp.	Bridgeton City, Cumberland County	1.0	2.5
Whitehead Bros. Co.	Haleville, Cumberland County	1.0	2.5
Vineland Chemical Co.	Vineland City, Cumberland County	1.0	2.5

The control strategy demonstration submitted by the State shows through the use of a diffusion analysis that the amended regulations will not cause a contravention of national ambient air quality standards for sulfur oxides. The control strategy demonstration consists of the following:

(1) A sulfur oxide analysis for Salem County,

(2) A sulfur oxide analysis for Cumberland County, and

(3) A sulfur oxide analysis for Atlantic City Electric Generating Station, Cape May County.

The Regional Office's preliminary analysis of the control strategy demonstration has led to the conclusion that the document is deficient as it relates to certain facilities. The analysis neglected to consider potential aerodynamic downwash effects in the diffusion analysis. The criteria used to screen candidates for potential aerodynamic downwash is the stack height to building height ratio; the building height is the height of the highest building within a distance of three stack lengths from the stack. The presence of aerodynamic downwash may, under certain meteorological conditions, cause elevated sulfur oxide concentrations in areas of close proximity of the facility. The potential for aerodynamic downwash was indicated at the following sources: Owens-Illinois (Bridgeton);

1. It revises the applicable sulfur in fuel limitation from 0.3%, by weight, to 2.0%, by weight, for four facilities in Salem County;

2. It revises the applicable sulfur in fuel limitation from 0.3%, by weight, to 1.5%, by weight, for four other facilities in Salem County;

3. It revises the applicable sulfur in fuel limitation from 1.0%, by weight, to 2.5%, by weight, for eight facilities in Cumberland County; and

4. It revises the applicable sulfur in fuel limitation from 1.0%, by weight, to 2.0%, by weight, for one facility in Cape May County.

These amendments are scheduled to expire six months from the date of EPA approval.

The list of facilities, their location and the proposed sulfur in fuel limitations are presented in Table 1.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New Jersey Department of Environmental Protection, Trenton, New Jersey 08625. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: May 14, 1976.

G. M. HANSLER,  
Regional Administrator,  
Environmental Protection Agency.  
[FR Doc.76-14854 Filed 5-20-76;8:45 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

#### [ 12 CFR Part 329 ]

#### INTEREST ON DEPOSITS

Restricting Payment of Negotiated Rates of Interest on Pooled Time Deposits of \$100,000 or More, Extension of Comment Period

This notice extends the period for comments in connection with the notice, published in the FEDERAL REGISTER on March 8, 1976 (41 FR 9896), proposing a rule restricting the payment of negotiated rates of interest on pooled time deposits of \$100,000 or more. That notice stated that comments would be accepted until April 16, 1976. The comment period was thereafter extended to May 10, 1976, by notice published in the FEDERAL REGISTER on April 5, 1976 (41 FR 14395).

The comment period in connection with the proposed rule is hereby further extended to July 9, 1976.

By order of the Board of Directors dated May 18, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,  
ALAN R. MILLER,  
Executive Secretary.

[FR Doc.76-14911 Filed 5-20-76;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

#### [ 12 CFR Part 563 ]

[No. 76-347]

#### INSURANCE OF ACCOUNTS

#### Loans to One Borrower

#### SUMMARY

MAY 14, 1976.

The following summary of the amendment proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations.

I. Existing Regulations—limit the amount that an insured institution may loan on the security of real estate to one borrower.

II. Proposed Amendment—would extend the limitation to include all types of loans by an insured institution.



III. *Purpose of Amendment*—to protect insured institutions against lending concentration with respect to all types of loans.

The Federal Home Loan Bank Board considers it desirable to propose to amend § 563.9-3 of the rules and regulations for Insurance of Accounts (12 CFR 563.9-3) for the purpose of protecting insured institutions against lending concentration with respect to all types of loans.

The amendment proposes to extend the limitation in present § 563.9-3 on the amount an insured institution may loan on the security of real estate to one borrower to include all types of loans. This change would reflect the present lending authority of insured institutions.

Accordingly, the Board hereby proposes to amend § 563.9-3 of the Rules and Regulations for Insurance of Accounts, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by June 21, 1976, as to whether the proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

#### § 563.9-3 Loans to one borrower.

(a) *Definition of terms.* For the purposes of this section the term "one borrower" means (1) any person or entity that is, or that upon the making of a loan will become, obligor on a loan, (2) nominees of such obligor, (3) all persons, trusts, partnerships, syndicates, and corporations of which such obligor is a nominee or a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, and (4) if such obligor is a trust, partnership, syndicate, or corporation, all trusts, partnerships, syndicates, and corporations of which any beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, is also a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock of such obligor; and the term "total balances of all outstanding loans" means the original amounts loaned by an insured institution plus any additional advances and interest due and unpaid, less repayments and participating interests sold and exclusive of any loan on the security of real estate the title to which has been conveyed to a bona fide purchaser of such real estate.

(b) *Limitations.* No insured institution shall have outstanding any loan to one borrower, as defined in paragraph (a) of this section, if the sum of (1) the amount of such loan and (2) the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower exceeds an amount equal to 10 percent of such institution's withdrawable accounts or an amount equal to such institution's net worth, whichever amount is less: *Provided, That, notwithstanding any other limitation of this sentence, any*

such loan may be made if the sum of subparagraphs (1) and (2) of this paragraph does not exceed \$100,000 or if such loan is secured by a first lien on low-rent housing.

(c) *Determination by institution; maintenance of records.* If an insured institution or service corporation affiliate thereof makes a loan to any one borrower, as defined in paragraph (a) of this section, in an amount which, when added to the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower, exceeds \$250,000 or 2 percent of the net worth of such institution, whichever is greater, but in all cases where such outstanding loans exceed \$1,000,000, the records of such institution or its service corporation affiliate with respect to such loan shall include documentation showing that such loan was made within the limitations of paragraph (b) of this section; for the purpose of such documentation such institution or service corporation affiliate may require, and may accept in good faith, a certification by the borrower identifying the persons, entities, and interests described in the definition of one borrower in paragraph (a) of this section.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. Fynn,  
Secretary.

[FR Doc. 76-14937 Filed 5-20-76; 8:45 am]

#### FEDERAL TRADE COMMISSION [16 CFR Part 455]

##### SALE OF USED MOTOR VEHICLES Disclosure and Other Regulations

Notice is hereby given that the Federal Trade Commission has expanded the areas upon which comment was requested in its Initial Notice of Proposed Rulemaking published in the *FEDERAL REGISTER* of January 6, 1976, 41 FR 1089. The modifications are set forth in the following questions for comment. These questions are in addition to, and not replacements for, the questions published in the *FEDERAL REGISTER* of January 6, 1976.

#### QUESTIONS

Interested persons are urged to consider carefully the following questions. A final rule may be promulgated in ways suggested by these questions.

1. Should the Vehicle Information Disclosure set forth in § 455.2 of the proposed rule include a provision requiring used motor vehicle dealers to disclose the existence of any defects known to them from presale inspections, or otherwise known to them? If no inspections are performed on vehicles offered for sale, should dealers be required to disclose the lack of such inspection when such vehicles are offered for sale? What format would best provide such information? Should standards be developed to distin-

guish between defective and non-defective components? If such standards should be established, what should those standards be? What would be the cost, if any, to the dealer to disclose the existence of a defect already known to him? Would the provision of defect information operate to create any warranties under state law? Would a defect disclosure provision adversely affect the competitive position of any class of dealers vis-à-vis other classes of dealers? What should be encompassed within the term "defect"? Should a defect disclosure include, in addition to disclosure of specific defects such as worn brakes or a malfunctioning transmission, notification of such things as prior flood damage, major collision damage, or the reconstruction of a vehicle from salvage?

2. Should any of the disclosures set forth under the Vehicle Information Disclosure, § 455.2, including the modifications in such disclosure set forth in questions 1 and 3 herein, be required to be made in dealer-to-dealer sales situations? If dealer-to-dealer disclosures should be required, what types of information should be conveyed, in what form, and in how much detail? What types of sellers of used motor vehicles should be required to make such disclosures? For example, should financial institutions, wholesalers, auction facilities, repair facilities, or salvage yards be included? If dealer-to-dealer disclosures are not required, would any of the types of information referred to in § 455.2 not be available to the retailing dealer? What would be the cost, if any, of each type of dealer-to-dealer disclosure?

3. Should the Vehicle Information Disclosure, § 455.2, include the Vehicle Identification Number (VIN) of the particular vehicle offered for sale? Should the VIN be required on any other documents, such as the sales agreement referred to in § 455.3? What would be the cost, if any, of placing the VIN on such documents?

#### DEADLINE TO PROPOSE ISSUES OF DISPUTED FACT

Proposals identifying issues of disputed fact in this proceeding, previously requested in the initial notice appearing in the *FEDERAL REGISTER* on January 6, 1976 (41 FR 1089), will be accepted until June 23, 1976. The June 23, 1976, deadline will apply to any disputed issues which may arise out of the questions published herein and to any disputed issues arising from the January 6, 1976, *FEDERAL REGISTER* notice.

Written comments concerning this rulemaking proceeding other than proposals identifying issues of disputed fact will, as previously announced, be accepted until forty-five days before commencement of public hearings which are to be scheduled and published in the *FEDERAL REGISTER* at a later date.

Issued: May 24, 1976.

By Direction of the Commission.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 76-14894 Filed 5-20-76; 8:45 am]

## notices

This section of the *FEDERAL REGISTER* contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[Order No. 156]

#### DEPARTMENT OF THE TREASURY

Internal Revenue Service  
ASSISTANT COMMISSIONER  
(COMPLIANCE)  
Authority Delegation

MAY 19, 1976.

1. Pursuant to the authority vested in the Commissioner of Internal Revenue by 26 CFR 301.7122-1 and 26 CFR 301.7701-9, the Assistant Commissioner (Compliance) is delegated the authority to sign recommendation letters to the Department of Justice concerning Settlement Offers for years or parties not in suit, but related to pending refund suits for other years or parties.

2. The authority delegated herein may not be redelegated.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc. 76-14970 Filed 5-20-76; 8:45 am]

[Order No. 75 (Rev. 8)]

#### ASSISTANT REGIONAL COMMISSIONER DELEGATION ORDER

Authority Delegation

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25, dated June 1, 1953, as amended by Order No. 180, dated November 17, 1953, and Order No. 150-36, dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief, Assistant Chief, and Conferee-Special Assistant, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based on doubt as to liability or doubt as to both liability and collectibility.

2. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) based solely on doubt as to liability will be subject to approval by the Regional Commissioner if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is \$100,000 or more.

3. A determination by regional Appellate Division officials to accept an offer (other than one involving specific penalties only) based solely on doubt as to collectibility or on doubt as to collectibility and liability will be subject to approval by the Director, Collection Division, if the unpaid amount of tax (including any interest, penalty, additional amount or addition to the tax) is \$100,000 or more.

4. The authorities delegated herein may not be redelegated and are not applicable to cases arising under tax laws relating to wagering, narcotics, marihuana, alcohol, tobacco or firearms (other than firearms taxes imposed by sections 4181 and 4182 of the Internal Revenue Code of 1954 and sections 2700 and 3407 of the Internal Revenue Code of 1939) or to offers in compromise coming within the jurisdiction of the Chief Counsel under existing procedures, rules or delegations.

5. This Order supersedes Delegation Order No. 75 (Rev. 5), issued November 23, 1970.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc. 76-14972 Filed 5-20-76; 8:45 am]

[Order No. 11 (Rev. 7)]

#### REGIONAL COMMISSIONERS, ET AL.

Authority To Accept or Reject Offers in Compromise

MAY 19, 1976.

The authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150-36 dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, and Treasury Department Order No. 150-60 dated June 3, 1964, is hereby delegated as follows:

1. Regional Commissioners of Internal Revenue are delegated authority under section 7122 of the Internal Revenue Code to accept offers in compromise of tax based solely on doubt as to liability if the unpaid tax (including any interest, penalty, additional amount or addition to tax) is \$100,000 or more. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated.

2. For the Office of International Operations, the Assistant Commissioner (Compliance) is delegated authority under section 7122 of the Internal Revenue Code to accept offers in compromise of tax based solely on doubt as to liability is the unpaid tax (including any interest, penalty, additional amount or

addition to tax) is \$100,000 or more. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated.

3. The Director, Collection Division is delegated authority to accept all offers in compromise based on doubt as to collectibility and doubt as to both collectibility and liability if the unpaid tax (including any interest, penalty, additional amount or addition to tax) is \$100,000 or more. In addition, the Director, Collection Division is delegated authority to accept offers in compromise submitted under section 3469 of the Revised Statutes, as amended (31 U.S.C. 194) insofar as claims arising in the administration of the internal revenue laws are concerned. The authority delegated herein does not pertain to offers in compromise of liabilities arising under laws related to alcohol, tobacco and firearms taxes. The authorities delegated herein may not be redelegated.

4. District Directors, Assistant District Directors, the Director of International Operations and the Assistant Director of International Operations are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise in cases in which the liability sought to be compromised (including any interest, penalty, additional amount or addition to the tax) is less than \$100,000, to accept offers involving specific penalties, and to reject offers in compromise regardless of the amount of liability sought to be compromised. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco and firearms taxes. The authority delegated herein may not be redelegated, except that the authority to reject offers in compromise based on doubt as to collectibility may be redelegated to the Chief, Collection Division or Chief, Collection and Taxpayer Service Division.

5. Service Center Directors and Assistant Service Center Directors are delegated authority, under section 7122 of the Internal Revenue Code, to accept or reject offers in compromise limited to specific penalties (except those arising under laws relating to alcohol, tobacco and firearms taxes); ad valorem delinquency penalties relating to employment taxes under Subtitle C of the Internal Revenue Code and ad valorem delinquency penalties relating to excise taxes under Subtitle D of the Internal Revenue Code (except those arising under laws relating to alcohol, tobacco and firearms taxes). This authority may



be redelegated but not lower than to Division Chief.

6. This Order supersedes Delegation Order No. 11 (Rev. 6) issued May 21, 1971.

Effective date: May 19, 1976.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc. 76-14969 Filed 5-20-76; 8:45 am]

[Order No. 154]

# REGIONAL COMMISSIONERS, ET AL. Authority Delegation

## Decision on Reports of Refunds and Credits to the Joint Committee on Internal Revenue Taxation

1. Pursuant to the authority vested in the Commissioner of Internal Revenue by Section 3777(a) of the Internal Revenue Code of 1939, Treasury Department Order No. 150-4, dated May 15, 1952, Sections 6405(a) and 7851(b) (3) of the Internal Revenue Code of 1954, and Treasury Department Order No. 150-36, dated August 17, 1954, authority is hereby delegated to:

a. Regional Commissioners to make the decision and report to the Joint Committee on Internal Revenue Taxation as required by Section 6405(a) of the Internal Revenue Code of 1954 on cases within their regional jurisdiction.

b. The Regional Commissioner, Mid-Atlantic Region, to make the decision and report to the Joint Committee on Internal Revenue Taxation as required by Section 6405(a) of the Internal Revenue Code of 1954 on cases within the jurisdiction of the Director of International Operations.

c. Assistant Commissioner (Compliance) to take final action for the Commissioner on issues or matters formally presented by the Joint Committee on Internal Revenue Taxation relating to reports submitted under Section 6405(a) of the Internal Revenue Code of 1954.

2. The authority delegated herein may not be redelegated.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc. 76-14971 Filed 5-20-76; 8:45 am]

[Order No. 156]

# REGIONAL COMMISSIONERS, ET AL. Delegation of Authority

May 19, 1976.

Authority to Permit Inspection of Certain Returns and Related Documents as Set Forth in Treas. Reg. 301.6103(a)-1 and 301.9000-1 and to Disclose Certain Information under 26 U.S.C. 6103(f) as to Persons Filing Income Tax Returns.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by 26 CFR 301.6103(a)-1 and 26 CFR 301.9000-1, authority is hereby delegated to the Regional Commissioners, Assistant Commissioner (Compliance), District Directors, Service Center Directors, Director of International Operations, and the

Chief, Disclosure Staff, to permit inspection of returns in their custody by the persons and subject to the conditions as prescribed for such persons in 26 CFR 301.6103(a)-1(c), and by the same persons, and subject to the conditions as prescribed for such persons in 26 CFR 301.6103(a)-1(c), with respect to whom inspection is discretionary under 26 CFR 301.9000-1. The authority delegated in this paragraph may be redelegated only to Assistant District and Service Center Directors, Assistants to the District and Service Center Directors, Division Chiefs, and Disclosure Officers, and such redelegation is limited to the inspection of returns as defined in 26 CFR 301.6103(a)-1(a) (3) (i) (a).

2. Regional Commissioners, Assistant Commissioner (Compliance), District Directors, Service Center Directors, the Director of International Operations and the Chief, Disclosure Staff, are authorized to furnish returns, as defined in 26 CFR 301.6103(a)-1(a) (3), or copies thereof, without written application, to United States Attorneys and attorneys of the Department of Justice, in accordance with paragraph (h) of section 301.6103(a)-1, for official use in proceedings before a U.S. grand jury or in litigation in any court provided such use pertains to the prosecution of claims and demands by, and offenses against, the United States, or the defense of claims and demands against the United States or officers and employees thereof, in cases arising under the internal revenue laws or related statutes which were referred by the Department of the Treasury to the Department of Justice for such prosecution or defense. The authority delegated in this paragraph of this order does not extend to the furnishing of returns of members of the judiciary, both Federal and State, or of third parties not directly involved in the transactions of the taxpayer. The authority delegated in this paragraph may be redelegated only to Assistant District and Service Center Directors, Assistants to the District and Service Center Directors, Division Chiefs, Assistant Chief, Disclosure Staff, and Disclosure Officers.

3. With respect to matters referred to the Department of Justice by the Department of the Treasury, the authority to furnish returns of the judiciary, both Federal and State, and of third parties not directly involved in the transactions of the taxpayer, is delegated to the Assistant Commissioner (Compliance) and the Chief, Disclosure Staff. The Assistant Commissioner (Compliance) and the Chief, Disclosure Staff, should act in all such matters only after coordination with the Disclosure Division, Office of the Chief Counsel. The authority delegated in this paragraph may not be redelegated.

4. Regional Commissioners, Assistant Commissioner (Compliance), District Directors, Service Center Directors, the Director of International Operations, and the Chief, Disclosure Staff, may furnish an affirmative or negative response to inquiries from the Department of Justice,

in accordance with paragraph (h) of section 301.6103(a)-1, concerning whether a prospective juror in any Federal litigation has been or is being investigated by the Internal Revenue Service. The authority delegated in this paragraph may be redelegated to Assistant District and Service Center Directors, Assistants to the District and Service Center Directors, Division Chiefs, Assistant Chief, Disclosure Staff, and Disclosure Officers.

5. The Assistant Commissioner (Compliance) and the Chief, Disclosure Staff, are authorized to act on all other requests from United States Attorneys and attorneys of the Department of Justice for inspection and copies of returns, in accordance with paragraphs (g) and (h) of section 301.6103(a)-1, and by the same persons, and subject to the conditions as prescribed for such persons in 26 CFR 301.6103(a)-1 (g) and (h), with respect to whom inspection is discretionary under 26 CFR 301.9000-1. The authority delegated in this paragraph may be redelegated by the Assistant Commissioner (Compliance) to the Assistant Chief, Disclosure Staff, and to Tax Law Specialists GS-987-14 in the Disclosure Staff.

6. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, District Directors, Service Center Directors, and the Director of International Operations are authorized, after inquiry has been made, to inform an inquirer as to whether the person who is the subject of the inquiry has, or has not, filed an income tax return with their office for the taxable year in question. The Assistant Commissioner (Compliance) and the Chief, Disclosure Staff, also are authorized to act on requests made under 26 U.S.C. 6103(f). The authority delegated in this paragraph may be redelegated to Assistant District and Service Center Directors, Assistants to the District and Service Center Directors, Division Chiefs, Assistant Chief, Disclosure Staff, and Disclosure Officers.

7. The authority vested in the Commissioner by 26 CFR 301.9000-1 to determine whether or not information received by Internal Revenue Service employees or employees of the Office of Chief Counsel relating to nontax crimes (such as homicide, rape, burglary, robbery or similar crimes) may be disclosed to appropriate Federal, State or local law enforcement officials is delegated to the Assistant Commissioner (Compliance) and the Deputy Assistant Commissioner (Compliance). This authority is limited to those situations in which it appears that the information sought to be disclosed may be tax return related or otherwise involves income or other financial information of an individual or entity. The Assistant Commissioner (Compliance) and the Deputy Assistant Commissioner (Compliance) are authorized to approve or deny such requests for disclosure, based on their determination, made in coordination with the Director, Disclosure Division, Office of Chief Counsel. The authority as delegated in this paragraph may not be redelegated.

8. Disclosure of information to appropriate Federal, State or local law enforcement officials may be made by Internal Revenue Service employees and employees of the Office of Chief Counsel in nontax crimes described in paragraph 7 which do not involve tax return related information or the income or other financial information of an individual or entity, in accordance with the provisions of the Disclosure of Official Information Handbook, IRM 1272.

9. The authority vested in the Commissioner by 26 CFR 301.9000-1 and 301.6103(a)-1 (c), (d), (e), (f), (g) and (h) and not heretofore delegated is delegated by this Order to the Deputy Commissioner, Regional Commissioners, Assistant Commissioner (Compliance), Deputy Assistant Commissioner (Compliance), and the Chief, Disclosure Staff, to the extent as described below:

(a) Regional Commissioners are authorized to determine whether or not officials and employees of the Internal Revenue Service assigned to the region, including employees of the Office of the Chief Counsel, will be permitted to testify or produce Service documents because of a request or demand as referred to in paragraph (d) (1) (i) and (ii) of 26 CFR 301.9000-1 in Civil litigation pending in state or local Courts and only involving state or local authorities and private parties. The Regional Commissioners should act in all such matters only after coordination with the Office of Regional Counsel. The authority as delegated in this paragraph may not be redelegated.

(b) The Assistant Commissioner (Compliance) and the Deputy Assistant Commissioner (Compliance) are authorized to determine whether or not officers and employees of the Internal Revenue Service, including employees of the Office of Chief Counsel, will be permitted to testify or produce Service documents because of a request or demand as referred to in paragraph (d) (1) (i) and (ii) of 26 CFR 301.9000-1 in all matters not described in (a) above. The Assistant Commissioner (Compliance) or the Deputy Assistant Commissioner (Compliance) should act in all such matters only after coordination with the Disclosure Division of the Office of Chief Counsel. The authority as delegated in this paragraph may not be redelegated.

(c) The Assistant Commissioner (Compliance) and the Chief, Disclosure Staff, are authorized to permit inspection or production of documents or information of the Internal Revenue Service by any applicant eligible therefor under 26 CFR 301.6103(a)-1 (e) and (a)-1 (f), and by the same applicant, and subject to the conditions as prescribed for such applicant in 26 CFR 301.6103(a)-1 (e) and (a)-1 (f), with respect to whom inspection is discretionary under 26 CFR 301.9000-1. The authority as delegated in this paragraph may not be redelegated.

10. Whenever it is determined that a return or related document is available for disclosure in a particular case, a copy or certified copy may be furnished the party requesting the same.

11. This Order supersedes Delegation Order No. 86 (Rev. 5) issued January 9, 1976, and Delegation Order No. 83 (Rev. 5) issued July 15, 1974.

DONALD C. ALEXANDER,  
Commissioner.

[FR Doc. 76-14969 Filed 5-20-76; 8:45 am]

# Office of the Secretary KNITTING MACHINES FOR LADIES' SEAMLESS HOSIERY FROM ITALY Antidumping, Withholding of Appraisal Notice

Information was received on July 15, 1975, from Rockwell International, Reading, Pennsylvania, alleging that knitting machines for ladies' seamless hosiery from Italy were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 15, 1975 (40 FR 34424). The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

The Secretary concluded that a tentative determination could not reasonably be made within the usual six-month period. The period in this case was therefore extended to no more than nine months, and a "Notice of Extension of Investigatory Period" to that effect was published in the FEDERAL REGISTER of February 12, 1976 (41 FR 6289).

**Tentative Determination of Sales at Less Than Fair Value.** On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of knitting machines for ladies' seamless hosiery from Italy is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

**Statement of Reasons on which this determination is based:** a. Scope of the investigation. It appears that 95 percent of imports of the subject merchandise from Italy were manufactured by either Billi-Matec S.p.A., Florence, Italy, or DiLonati Francesco & Figli S.N.C., Brescia, Italy. Therefore, the investigation was limited to these two manufacturers.

b. Basis of Comparison. For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison for both manufacturers appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related customers in the United States. Home

market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes. With respect to Billi-Matec S.p.A., it appears that the preponderance of home market sales were made at less than the cost of production. However, pending verification of data relating to the cost of production, the information now available appears to indicate that there remains home market sales made at not less than the cost of production which are adequate for the purpose of determining fair value. Should information subsequently indicate that these sales are also made at less than the cost of production, then fair value will be determined with reference to sales to countries other than the United States, or to constructed value, as appropriate.

c. Purchase Price. For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of knitting machines for ladies seamless hosiery from Italy during the period March 1 through October 31, 1975, from both companies.

In the import transactions, all of the merchandise was purchased or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of the Act. The purchase price has been calculated on the basis of the c.i.f., duty paid, price to unrelated U.S. purchasers. Deductions have been made for transportation expenses, including Italian inland freight, U.S. import duties, insurance and installation expenses, where applicable. An addition has been made for rebates of indirect taxes made upon the exportation of this product, as appropriate.

d. Home Market Price. For the purposes of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. The home market price has been calculated on the basis of the delivered price in the home market to unrelated purchasers. Adjustments have been made for insurance, transportation and installation expenses, for discounts, and for differences in interest costs and in commissions in the two markets, as appropriate. Adjustment for interest costs relates to extended payment terms granted to customers in both markets. Adjustment for commissions relates to commissions paid on certain sales in both markets. Adjustment for discounts relates to quantity discounts actually given to home market purchasers.

f. Result of Fair Value Comparisons. Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise. Comparisons were made on approximately 100 percent of the sales of the subject merchandise to the United

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States by both manufacturers during the investigative period. Margins were tentatively found, ranging from 5 percent to 41 percent for sales made by Billi-Matec, S.p.A., on 100 percent of the sales compared, and from 3 percent to 25 percent for sales made by Lonati Francesco on 95 percent of the sales compared.

Accordingly, Customs officers are being directed to withhold appraisement, of knitting machines for ladies' seamless hosiery from Italy in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with section 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before June 2, 1976. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received in his office on or before June 21, 1976.

This notice, which is published pursuant to section 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective May 21, 1976. It shall cease to be effective at the expiration of 6 months from the date of publication unless previously revoked.

Dated: May 17, 1976.

JAMES B. CLAWSON,  
Acting Assistant Secretary  
of the Treasury.

[FR Doc.76-14859 Filed 5-20-76;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### PUEBLO OF COCHITI, NEW MEXICO Transfer of Federally Owned Lands

MAY 11, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On March 23, 1976, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1976 (88 Stat. 1954), the below-described property was transferred by the Acting Director, Real Property Division, Fort Worth Regional Office, of the General Services Administration to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Pueblo of Cochiti, New Mexico:

A parcel of land located in the NE1/4 NW1/4 Section 19, T. 16 N., R. 6 E., New Mexico

Principal Meridian, in Sandoval County, New Mexico, containing 3.308 acres and described as follows in the order of September 20, 1911, of the Second Judicial District Court of the Territory of New Mexico:

Beginning at the northeast corner, whence the southwest corner of the Church bears S. 72 degrees 35 minutes E. 420.6 feet distant; thence N. 66 degrees 13 minutes W. 480 feet to the northwest corner; thence S. 23 degrees 47 minutes W. 300 feet to the southeast corner; thence S. 66 degrees 13 minutes E. 480 feet to the southeast corner; thence N. 23 degrees 47 minutes E. 300 feet to the northeast corner, the place of beginning.

This land is to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Pueblo of Cochiti. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc.76-14904 Filed 5-20-76;8:45 am]

### Bureau of Land Management

[NM 28100]

#### NEW MEXICO

##### Application

MAY 13, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station right-of-way on the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 2 W.,  
Sec. 12, E1/2SE1/4.

The cathodic protection station, necessary to natural gas operations, will occupy .760 acres in Dona Ana County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001.

FRED E. PADILLA,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.76-14867 Filed 5-20-76;8:45 am]

#### ARIZONA

##### Phoenix District Redelegation of Authority to Area Managers

###### Correction

In FR Doc. 76-12546 appearing in the issue of Friday, April 30, 1976 on page 18109 the following signature was inadvertently omitted:

Approved:

EDWARD F. SPRANG,  
Acting State Director.

#### ARIZONA

##### Safford District Redelegation of Authority to Area Managers

###### Correction

In FR Doc. 76-12545 appearing in the issue of Friday, April 30, 1976 on page 18109 the following signature was inadvertently omitted:

Approved:

EDWARD F. SPRANG,  
Acting State Director.

#### ASHLAND OIL, INC.

##### Qualified Joint Bidders

On April 21, 1976, the Director of the Bureau of Land Management, as a convenience to the public, and pursuant to his authority under 43 CFR 3300, caused to be published in the FEDERAL REGISTER (Vol. 41, No. 78) a list of those companies and individuals who had timely filed a Statement of Production in accordance with 43 CFR 3302.3-2(a) which had qualified them to bid jointly at Outer Continental Shelf oil and gas lease sales during the Bidding Period of May 1, 1976, through October 31, 1976.

According to 43 CFR 3302.3-2(a), such qualifying statements were required to be filed with the Director 45 days prior to the commencement of the bidding period, or by March 17, 1976. The statements of three other companies were received after that date, but before the date of filing the list of qualified joint bidders with the FEDERAL REGISTER. These three statements were deemed to be acceptable under the provisions of 43 CFR 1821.2-2(g) which gives to the authorized officer the discretion to accept as timely filed a document which by the terms of other regulations in the same chapter would be considered as untimely filed. The authorized officer may exercise this discretionary authority except where:

1. The law does not permit him to do so.
2. The rights of a third party or parties have intervened.
3. The authorized officer determines that further consideration of the document would unduly interfere with the orderly conduct of business.

None of the these exceptions were deemed to exist in these cases.

The three companies whose names should be added to the list published on April 21, 1976, are:

Ashland Oil, Inc., Golden Eagle Refining Company, Inc., Northern Michigan Exploration Company.

Dated: May 18, 1976.

GEORGE L. TUNCOTT,  
Acting Director,  
Bureau of Land Management.  
[FR Doc.76-14865 Filed 5-20-76;8:45 am]

#### Fish and Wildlife Service ANNUAL REGULATIONS CONFERENCE FOR MIGRATORY SHORE AND UPLAND GAME BIRDS

##### Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name: Annual Regulations Conference for Migratory Shore and Upland Game Birds.

Date: June 22, 1976.

Place: Conference Room 2008, New Executive Office Building, 728 Jackson Place, N.W., Washington, D.C. 20004.

Time: 9 a.m.

Purpose of meeting: The Committee will review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976-77 hunting season.

This meeting will be open to the public. Persons wishing to attend should notify the Director (FWS/MBM), United States Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or call AC 202-343-8827. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing such statements are also submitted in writing before or after the meeting.

Dated: May 18, 1976.

GEORGE W. MILIAS,  
Acting Director,  
U.S. Fish and Wildlife Service.

[FR Doc.76-14940 Filed 5-20-76;8:45 am]

#### Geological Survey

[Operational Order No. 6]

##### CENTRAL AND WESTERN REGIONS Pipelines and Surface Production Facilities; Proposed Geothermal Resources

Notice is hereby given that pursuant to 30 CFR 270.11 the Chief, Conservation Division, Geological Survey, proposes to approve GRO Order No. 6 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 6 is to provide requirements relative to pipelines and surface production facilities.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Area Geothermal Supervisor, U.S. Geological Survey, Mail Stop 92,

345 Middlefield Road, Menlo Park, California 94025, on or before June 25, 1976.

W. A. RADLINSKI,  
Acting Director.

This Order is established pursuant to the authority prescribed in 30 CFR 270.11. The design, operation, and testing of all pipelines and surface facilities will be conducted in accordance with the provisions of this Order. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations, or requirements are to those given or made by the Area Geothermal Supervisor (Supervisor) or his delegated representative.

The plan for and design of all pipelines and surface facilities, including but not limited to, production, injection, and waste water disposal systems, shall be submitted to the Supervisor for approval prior to construction. Such plans and designs shall be included in a Plan of Operation with contents and approval according to 30 CFR 270.34.

1. *Design and Construction Requirements.* All geothermal pipelines and surface facilities shall be designed and constructed in accordance with the following:

A. *General Design.* (1) *Thermal Expansion.* All pipelines and production facilities shall be designed to prevent failure in tension or compression due to thermal stresses. Pipelines shall be anchored to isolate or transfer stress to the ground or solid structure, and to prevent unsafe movement in case of line failure. Main anchors may be required at pipe ends, at changes in direction, at shutoff valves, at manifolds where lines are interconnected, or at other points as dictated by the expansion arrangements adopted. Intermediate anchors may be required to divide the pipeline into separate expanding sections and to bear any unbalanced thrust. Intermediate supports between anchors shall allow free lateral and longitudinal movement. Expansion bends or loops should avoid sharp bends, and shall be installed horizontally where feasible. The effects of mineral scaling shall be considered before utilizing slip joints or expansion bellows.

(2) *Two-Phase Flow.* Submission of complete design criteria and calculations may be required for planned two-phase production pipelines and surface facilities to demonstrate that such facilities are designed for the additional water hammer stresses caused by two-phase flow.

(3) *Environmental Considerations.* All pipelines and surface facilities shall be designed and constructed in accordance with the environmental protection requirements of GRO Order No. 4.

B. *Safety Control Devices.* (1) *Production Pipelines and Related Facilities.* All production pipelines and related surface facilities shall be equipped with the following devices except as noted in 1.B. (1)(d) below:

(a) Each producing well shall be equipped with a low pressure sensing device to actuate a valve to shut-in production to minimize safety or pollution hazards caused by pipeline or facility failure.

(b) Pipelines and related surface facilities shall be protected against pressure buildup in excess of the system's design limit by high pressure sensors which will actuate either (1) well shut-in valves, or (2) a system or well pressure relief valves and/or rupture discs. If only pressure relief valves are installed, it must be demonstrated that such venting in an emergency will not cause pollution; otherwise shut-in valves shall be installed. Vented production must be properly muffled so as to comply with provisions of GRO Order No. 4. A remote controlled shut-in or venting system may be required, in addition to pressure sensors.

(c) Check valves or other approved devices shall be required to prevent uncontrolled backflow from producing wells in the system in case of a line or facility failure, or where a line failure may result in pollution due to line drainage.

(d) Exceptions to requirements 1.B.(1)(a) through (c) above may be made for systems or parts of systems where the lessee can demonstrate to the satisfaction of the Supervisor that lack of such controls will not result in danger of pollution or to public health and safety. Information to be considered in an evaluation of a requested exception may include chemical analysis of the produced fluids, steam, and gases; the rate, temperature and pressure of production; environmental conditions in the area; type of geothermal reservoir system; type of resources utilization; the number, hourly coverage, and supervision of personnel operating the facilities; and, the type of manually operated controls installed.

(2) *Injection Pipelines and Related Facilities.* All injection pipelines and related surface facilities must be designed to safely accommodate maximum expected surface injection pressures, and shall be equipped with the following devices, except as noted in 1.B.(1)(d) above.

(a) Each injection well shall be equipped with a low pressure sensing device to actuate a valve to shut-in injection to minimize safety or pollution hazards caused by injection pipeline or facility failure.

(b) Injection pipelines and related surface injection facilities shall be protected against pressure buildup in excess of the system's design limit by high pressure sensors which will actuate either (1) well shut-in valves, or (2) a system or well pressure relief valves and/or rupture discs. If only pressure relief valves are installed, it must be demonstrated that such venting in an emergency will not cause pollution; otherwise, shut-in valves shall be installed. A remote-controlled shut-in or venting system may be required, in addition to pressure sensors.

(c) Check valves or other approved devices shall be required to prevent uncontrolled backflow from injection wells in



the system in case of a line or facility failure, or where a line failure may result in pollution due to line drainage.

C. *Testing and Operation.* (1) *Hydrostatic Tests.* All pipelines shall be hydrostatically tested to 1.25 times the designed working pressure for a minimum of 2 hours prior to placing the line in service. Certain low pressure lines such as waste disposal drains may be exempted from this requirement if authorized by the Supervisor. The Supervisor shall be notified at least 48 hours in advance of the estimated date and time of each test so that the test may be witnessed.

(2) *Safety Device Tests.* The automatic and remote control devices installed in accordance with 1.B. (1) and (2) above shall be tested semiannually or at more frequent intervals as required by the Supervisor. Advance notification of at least 48 hours shall be given so that the Supervisor may witness the test. The lessee shall maintain records on each device showing present status and past history, including dates and details of inspection, testing, repairing, adjustment, reinstallation or replacement, and will forward copies of these records to the Supervisor semiannually.

(3) *Operator Monitoring.* Production, injection, and other waste disposal systems which are not completely equipped with shut-in or relief devices shall require 24-hour on-site monitoring by operator personnel unless it can be demonstrated to the satisfaction of the Supervisor that less frequent monitoring will not increase the danger of pollution or to human life and health.

2. *Application.* The operator shall submit the items listed below, in triplicate, to the Supervisor for approval. In addition, a Plan of Operation according to 30 CFR 270.34 items (a) through (i), as appropriate, shall be submitted for joint approval by the Supervisor and the appropriate land management agency. Production flowlines for development wells may be included as a part of the Plan of Operation required for drilling the well.

A. *Maps.* A plat(s) showing the major topographic features and other pertinent data including the proposed route, length, size, and location of the line(s), and any connecting facilities.

B. *Equipment Plans.* A schematic drawing showing the location of the following pipeline safety equipment and the manner in which the equipment functions:

- (1) high-low pressure sensor(s)
- (2) automatic shut-in valve(s)
- (3) check valve(s)
- (4) metering system(s)
- (5) pressure relief valve(s)
- (6) other manual or automatic valve(s) or equipment.

C. *Design Information.* General information concerning the pipeline including the following:

- (1) Product(s) to be transported by the pipeline
- (2) Size, weight, and grade of the pipe
- (3) Length of line(s)
- (4) Type(s) of corrosion protection
- (5) Description of protective coatings

(6) Description of pipe insulation and the application of exterior color camouflage

(7) Anticipated gravity or density of the product(s) and a chemical analysis

(8) Design working pressure and capacity

(9) Maximum working pressure and capacity

(10) Hydrostatic pressure and hold time to which the line will be tested after installation

(11) Other related information as required by the Supervisor.

3. *Completion Report.* The operator shall submit a report to the Supervisor when installation of the pipeline is completed, accompanied by all hydrostatic test data, including procedure, test pressure, hold time, and results.

REID T. STONE,  
Area Geothermal Supervisor.

RUSSELL G. WAYLAND,  
Chief, Conservation Division.  
[FR Doc. 76-14858 Filed 5-20-76; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

[Amendment 13]

### SALES OF CERTAIN COMMODITIES

#### Rice and Peanuts, Monthly Sales List (Fiscal Year Ending June 30, 1976)

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 FR 30510, as amended, is further amended as follows:

1. The provisions of section 33 entitled "Peanuts Farmers Stock—Restricted Use Sales (FOB Point of Storage)" published at 40 FR 49810, are deleted.

2. The last sentence of section 25 entitled "Rice, rough-Unrestricted use sales—FOB warehouse" published at 40 FR 53607 is revised to read as follows:

Basis of sale is f.o.b. warehouse as is or, at buyers option, basis outturn weights and grades.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective date: 2:30 p.m. (EDT), April 30, 1976.

Signed at Washington, D.C., on May 13, 1976.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 76-14892 Filed 5-20-76; 8:45 am]

### Forest Service

#### CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

##### Notice of Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet on Friday and Saturday, June 25th and 26th, 1976, at the Dunes Motel in Lincoln City, Oregon. The meeting on Friday will be from 1:00 to 5:00 p.m. and from 7:00 to 10:00 p.m. Saturday's meeting will start at 9:00 a.m.

The purpose of this meeting is for the recommendations for the Final Environmental Statement for the final management plan for the Scenic-Research Area. The Council will consider the public input received on the Draft Environmental Statement for the proposed management plan filed with the Council on Environmental Quality on March 26, 1976, in making this recommendation.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Pam McCrawley, Hebo Ranger Station, Hebo, Oregon, phone 392-3161, ext. 34, or Edlu Allert, Siuslaw National Forest, at 545 SW Second Street, Corvallis, Oregon, phone 757-4490.

Dated: May 13, 1976.

LARRY A. FELLOWS,  
Forest Supervisor.

[FR Doc. 76-14866 Filed 5-20-76; 8:45 am]

#### Rural Electrification Administration COOPERATIVE POWER ASSOCIATION AND UNITED POWER ASSOCIATION Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for loans in the aggregate approximate amount of \$334,849,000 to Cooperative Power Association of Minneapolis, Minnesota, and United Power Association of Elk River, Minnesota. These guarantee funds will be used to supplement \$632,679,000 in prior loan and loan guarantee funds to complete a project consisting of two 450 MW steam generating units near Underwood, North Dakota, and associated transmission facilities consisting of approximately 475 miles of  $\pm 400$  kV Direct Current transmission lines with related terminal facilities, associated 345 kV and 230 kV transmission facilities and coal mine development costs. Cooperative Power Association will have a 56 percent undivided ownership interest and United Power Association a 44 percent undivided ownership in the project.

Legally organized lending agencies capable of making, holding and servicing the loans proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrowers of the guaranteed loan funds, from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minnesota 55330.

In order to be considered, proposals must be submitted on or before June 21, 1976 to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cooperative Power Association, United Power Association

and the Rural Electrification Administration deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 17th day of May 1976.

DAVID A. HAMIL,  
Administrator, Rural  
Electrification Administration.  
[FR Doc. 76-14977 Filed 5-20-76; 8:45 am]

#### Soil Conservation Service INDIAN BROOK WATERSHED PROJECT, NEW HAMPSHIRE Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Indian Brook Watershed project, Coos County, New Hampshire, USDA-SCS-EIS-WS-(ADM)-75-1(F)-NH.

The EIS concerns a plan for watershed protection, flood prevention, and fish and wildlife habitat development. The planned works of improvement provide for conservation land treatment, 1 floodwater retarding structure, 1 multipurpose dam for flood protection and fish and wildlife habitat and about 3,000 feet of channel work.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Federal Building, Durham, New Hampshire 03824.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc. 76-14901 Filed 5-20-76; 8:45 am]

#### HACKERS CREEK WATERSHED PROJECT, WEST VIRGINIA

##### Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines

(39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Hackers Creek Watershed project, Lewis, Upshur, and Harrison Counties, West Virginia, USDA-SCS-EIS-WS-(ADM)-76-1(D)-WV.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement include conservation land treatment supplemented by one multiple-purpose floodwater retarding and municipal and industrial water supply structure, and 3.1 miles of single-purpose flood prevention channel work. The channel work will generally enlarge the natural channel and follow the present channel alignment. About 0.6 mile of the channel work will be rock riprapped on one side through curve sections, 2.4 miles will be excavated from one side and revegetated, and 0.1 mile will be concrete lined. This work involves a perennial stream through an urban area.

A limited supply of copies is available to fill single copy requests at the Soil Conservation Service, Federal Building, P.O. Box 865, Morgantown, West Virginia 26505.

Copies of the draft environmental impact statement have been sent for comments to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to James S. Bennett, State Conservationist, Soil Conservation Service, P.O. Box 865, Morgantown, West Virginia 26505.

Comments must be received on or before July 5, 1976, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

May 14, 1976.  
[FR Doc. 76-14902 Filed 5-20-76; 8:45 am]

#### TEHUACANA CREEK WATERSHED PROJECT, TEXAS

##### Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tehuacana Creek Watershed Project, McLennan, Hill, and Limestone counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include ten grade control and stabilization structures needed in conjunction with or prior to land treatment.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service.)

Dated: May 13, 1976.

JOSEPH W. HAAS,  
Deputy Administrator for Water  
Resources, Soil Conservation  
Service.

[FR Doc. 76-14903 Filed 5-20-76; 8:45 am]

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmosphere Administration

#### POINT REYES BIRD OBSERVATORY Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Point Reyes Bird Observatory, Mesa Road, Bolinas, California 94924, to conduct scientific research on an undetermined number of California sea lions (*Zalophus californianus*) on Southeast Farallon Island, California.

The proposed research plans to determine if a potential conflict exists between the food resource needs of the sea lion and the foreign vessel fishery operating within 200 miles of the California coast. This will be determined by collecting and analyzing the material remains regurgitated, naturally by the animals while they rest on the shore of the island. The project will be conducted over a three year period with samples collected in two



week intervals beginning March 15, and ending October 1st of each year.

The Applicant states that the materials collected are regurgitated while the animals rest on the dock and not as a consequence of being disturbed.

The research project will be conducted by biologists from the Point Reyes Bird Observatory, Dr. David G. Ainley, principal investigator.

Documents submitted in connection with this application are available in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and  
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before June 21, 1976. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 14, 1976.

HARVEY M. HUTCHINGS,  
Acting Associate, Director for  
Resource Management, National  
Marine Fisheries Service.

[FR Doc. 76-14909 Filed 5-20-76; 8:45 am]

#### SEA WORLD, INC.

##### Receipt of Application for a Scientific Research and Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take and import marine mammals for scientific research and public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Sea World, Incorporated, 1720 South Shores Road, San Diego, California 92109, to take, over a 3½ year period from various areas around the world, 140 Atlantic and Pacific Bottlenosed dolphins (*Tursiops truncatus*).

The marine mammals to be collected would be utilized as follows:

1. Opportunistic field research will be conducted on not more than 100 of the individuals taken. The animals will not be removed from the wild but will be handled only incidental to normal collecting procedures and released immediately after completion of nonharmful studies. These studies will include, but not be limited to:

- Blood sampling for baseline studies;
- Tooth sectioning for age-growth determination studies;
- Full body measurements;
- Doppler stethoscope for pregnancy determination in females;
- Semen collection in males for reproduction correlation;
- Establishment through use of the above research methods, as well as experimental husbandry, practices which will contribute to lengthening longevity, health, and reproduction in captive marine mammals;
- Cryogenic marking to aid in identifying the groups of individuals involved in the collection process;

2. Up to 40 animals would be collected and removed from the wild and maintained for up to 90 days for purposes of conducting opportunistic research outlined, acclimating and evaluating the animals for public display and continued research. No pregnant females nor nursing young, nor animals less than five feet ten inches in length or more than ten feet in length will be utilized in this study.

3. 20 animals from the above mentioned 40 animals collected and removed from the wild would be maintained indefinitely at a Sea World facility for purposes of public display, breeding research and/or other forms of opportunistic research.

Thus, a total of up to 140 animals would be studied under this permit: up to 100 animals in the wild, up to 40 animals for a 90-day period, and, from this 40, up to 20 animals for an indefinite period of time.

The animals will be taken by means of an encircling net or breakaway hoop net, from various areas around the world, with primary emphasis on the Florida coast, Florida Keys, Mississippi coast, the Gulf of Mexico and the Gulf of California. The animals will be transported to the San Diego, California, Cleveland, Ohio, and/or Orlando, Florida facilities, by means of trucks or chartered airplanes.

The requested animals would be maintained at any of the following Sea World facilities in any of the holding and display tanks indicated below:

Sea World of Ohio: a. Whale/Dolphin performing Tank—227,000 gallons, 40 feet wide, 75 feet long, 18 feet deep.

b. Dolphin Holding Tank—33,000 gallons, 35 feet in diameter, 4 feet deep.

Sea World of Florida: a. Whale/Dolphin performance pool—534,000 gallons, 105 feet 10 inches long, 45 feet wide, 24 feet deep.

b. Dolphin Holding Tank—93,000 gallons, 35 feet in diameter, 12 feet deep.

See World of San Diego: a. Holding Tanks (7)—from 6,700 to 45,000 gallons each; from 18 feet in diameter, 5 feet deep to 35 feet in diameter, 8 feet deep.

b. Underwater Theater Tank—165,000 gallons, 44 feet in diameter, 13 feet deep.

The requested animals are desired to provide sufficient flexibility in the Sea World marine mammal inventory to permit alternation of display programs, and variations in the nature of the displays. Since the opening of the first park in

1964, Sea World has hosted 25 million visitors. In addition, over 600,000 school children have participated in Sea World's educational programs.

The Applicant states that in the event an animal dies during the collection, maintenance, or research of any kind, a complete autopsy will be conducted. Results of such studies will be forwarded to the Director, National Marine Fisheries Service, and any useful remains will be forwarded to the Smithsonian Institution, Dr. James Mead, Curator, or other suitable bona fide research personnel and/or institutions.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before June 21, 1976. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 17, 1976.

HARVEY M. HUTCHINGS,  
Acting Associate Director for  
Resource Management, National  
Marine Fisheries Service.

[FR Doc. 76-14910 Filed 5-20-76; 8:45 am]

#### TWENTIETH CENTURY-FOX MARINELAND, INC.

##### Issuance of Permit To Take Marine Mammal

On March 19, 1976, notice was published in the Federal Register (41 F.R. 11594) that an application had been filed

with the National Marine Fisheries Service by Twentieth Century-Fox Marineland, Inc., 6600 Palos Verdes Drive South, Rancho Palos Verdes, California 90274, for a permit to take one Pacific pilot whale (*Globicephala macrorhynchus*) for the purpose of public display.

Notice is hereby given that, on May 14, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above taking to Twentieth Century-Fox Marineland, Inc., subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C.; and  
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 14, 1976.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

[FR Doc. 76-14908 Filed 5-20-76; 8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### Health Services Administration

##### PROFESSIONAL STANDARDS REVIEW ORGANIZATION

##### Florida Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area III

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 U.S.C. 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Jacksonville Area Professional Standards Review Organization, Inc. for PSRO Area III, which area is designated a Professional Standards Review Organization area in 42 CFR 101.12.

The Secretary has determined that the Jacksonville Area Professional Standards Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Florida, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Florida.

As stipulated in its Articles of Incorporation, the principal officer of the Jacksonville Area Professional Standards Review Organization, Inc. is:

##### NAME AND OFFICE HELD

- Robert K. Middlekauff, M.D., President

The official address of the corporation is 515 Lomax Street, Jacksonville, Florida 32204.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area III of the State of Florida who objects to the Secretary entering into an agreement with the Jacksonville Area Professional Standards Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before June 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 910 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area III of the State of Florida. In the event that more than 10 per centum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Jacksonville Area Professional Standards Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 U.S.C. 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: May 14, 1976.

LOUIS M. HELLMAN,  
Administrator,  
Health Services Administration.  
[FR Doc. 76-14638 Filed 5-20-76; 8:45 am]

#### PROFESSIONAL STANDARDS REVIEW ORGANIZATION

##### Maryland; Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area I

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 U.S.C. 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Western Maryland Review Organization, Inc. for PSRO Area I, which area is designated a Professional Standards Review Organization area in 42 CFR 101.24.

The Secretary has determined that the Western Maryland Review Organization, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Maryland, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 per centum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Maryland.

As stipulated in its Articles of Incorporation, the principal officers of the Western Maryland Review Organization, Inc. are:

##### NAME AND OFFICE HELD

- Charles C. Spencer, M.D., President.
- Frederick Mittenberger, M.D., Vice President.
- Thomas G. Johnson, M.D., Secretary.
- Timothy F. Hickey, M.D., Treasurer.

The official address of the corporation is 329 N. Potomac Street, Hagerstown, Maryland 21740.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area I of the State of Maryland who objects to the Secretary entering into an agreement with the Western Maryland Review Organization, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before June 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).



Pursuant to 42 CFR 101.103, the Secretary has determined that 381 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area I of the State of Maryland. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Western Maryland Review Organization, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 U.S.C. 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located is different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: May 7, 1976.

LOUIS M. HELLMAN,  
Administrator.

[FR Doc.76-14639 Filed 5-20-76;8:45 am]

#### PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Missouri; Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area IV

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 U.S.C. 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the MOAF, Inc. for PSRO Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.29.

The Secretary has determined that the MOAF, Inc. is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Missouri, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Missouri.

As stipulated in its Articles of Incorporation, the principal officers of the MOAF, Inc. are:

##### NAME AND OFFICE HELD

1. Michael J. Clark, M.D., President
2. John Fry, D.O., Vice President
3. Walter Zabec, D.D.S., Secretary/Treasurer

The official address of the corporation is 223A Professional Building, Springfield, Missouri 65806.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of Missouri who objects to the Secretary entering into an agreement with the MOAF, Inc., on the grounds that this organization is not representative of the doctors in such area may, on or before June 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 613 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area IV of the State of Missouri. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the MOAF, Inc. is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 U.S.C. 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located is different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: May 14, 1976.

LOUIS M. HELLMAN,  
Administrator,  
Health Services Administration.

[FR Doc.76-14640 Filed 5-20-76;8:45 am]

#### PROFESSIONAL STANDARDS REVIEW ORGANIZATION

New York; Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area IV

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 U.S.C. 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Five-County Organization for Medical Care and Professional Standards Review New York Area IV, which area is designated a Professional Standards Review Organization area in 42 CFR 101.36.

The Secretary has determined that the Five-County Organization for Medical Care and Professional Standards Review New York Area IV is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of New York, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New York.

As stipulated in its Articles of Incorporation, the principal officers of the Five-County Organization for Medical Care and Professional Standards Review New York Area IV are:

##### NAME AND OFFICE HELD

1. Clarke T. Case, M.D., President
2. Robert M. George, M.D., Vice President
3. John C. Macaulay, M.D., Secretary
4. Norman C. Lyster, Jr., M.D., Treasurer

The official address of the corporation is 210 Clinton Road, New Hartford, New York 13413.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area IV of the State of New York who objects to the Secretary entering into an agreement with the Five-County Organization for Medical Care and Professional Standards Review New York Area IV, on the grounds that this organization is not representative of the doctors in such area may, on or before June 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility,

or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 573 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area IV of the State of New York. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Five-County Organization for Medical Care and Professional Standards Review New York Area IV is representative of such doctors in the area; Provided that pursuant to section 108(b) of Public Law 94-182, the provisions of section 1152(f) [42 U.S.C. 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located is different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: May 7, 1976.

LOUIS M. HELLMAN,  
Administrator.

[FR Doc.76-14641 Filed 5-20-76;8:45 am]

#### PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Ohio; Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area XII

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 U.S.C. 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Physicians' Peer Review Organization for PSRO Area XII, which area is designated a Professional Standards Review Organization area in 42 CFR 101.39.

The Secretary has determined that the Physicians' Peer Review Organization is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Ohio, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medi-

cine or osteopathy engaged in active practice in PSRO Area XII of the State of Ohio.

As stipulated in its Articles of Incorporation, the principal officers of the Physicians' Peer Review Organization are:

##### NAME AND OFFICE HELD

1. George P. Leicht, M.D., President
2. John J. Gaughan, M.D., Chairman
3. Julius Wolkin, M.D., Secretary/Treasurer

The official address of the corporation is 10515 Carnegie Avenue, Cleveland, Ohio 44106.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area XII of the State of Ohio who objects to the Secretary entering into an agreement with the Physicians' Peer Review Organization, on the grounds that this organization is not representative of the doctors in such area may, on or before June 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 3,488 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area XII of the State of Ohio. In the event that more than 10 percentum of the doctors express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Physicians' Peer Review Organization is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 U.S.C. 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located is different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: May 14, 1976.

LOUIS M. HELLMAN,  
Administrator,  
Health Services Administration.

[FR Doc.76-14642 Filed 5-20-76;8:45 am]

#### PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Ohio; Physicians Regarding Intention To Enter Into Agreement Designating Professional Standards Review Organization for PSRO Area II

Notice is hereby given, in accordance with Section 1152(f) of the Social Security Act [42 U.S.C. 1320c-1(f)] and 42 CFR 101.104, that the Secretary of the Department of Health, Education, and Welfare proposes, subject to satisfactory completion of the contract negotiation process, and completion of required changes in the organizational structure and formal plan, to enter into an agreement with the Region II Medical Review Corporation for PSRO Area II, which area is designated as Professional Standards Review Organization area in 42 CFR 101.39.

The Secretary has determined that the Region II Medical Review Corporation is qualified to assume the duties and responsibilities of a Professional Standards Review Organization as specified in Title XI, Part B of the Social Security Act. The aforementioned organization is incorporated, according to the laws of the State of Ohio, as a nonprofit professional organization whose membership is voluntary and comprises at least 25 percentum of the licensed doctors of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Ohio.

As stipulated in its Articles of Incorporation, the principal officers of the Region II Medical Review Corporation are:

##### NAME AND OFFICE HELD

1. Conrad DeBolt, M.D., President
2. Charles E. O'Brien, M.D., Vice President
3. Leslie R. White, D.O., Secretary
4. Walter Relling, Sr., M.D., Treasurer

The official address of the corporation is 1030 Fidelity Medical Building, Dayton, Ohio 45402.

Any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area II of the State of Ohio who objects to the Secretary entering into an agreement with the Region II Medical Review Corporation, on the grounds that this organization is not representative of the doctors in such area may, on or before June 21, 1976, mail such objection in writing to the Secretary of the Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022. All such objections must include the physician's address, the location(s) of his office(s), his signature, and a certification that such physician is engaged in the active practice of medicine or osteopathy (i.e., direct patient care and related clinical activities, administrative duties in a medical facility, or other health related institutions, and/or mental or osteopathic teaching or research activity).

Pursuant to 42 CFR 101.103, the Secretary has determined that 1,337 doctors of medicine and/or osteopathy are engaged in active practice in PSRO Area II of the State of Ohio. In the event that more than 10 percentum of the doctors



express objections as described in the preceding chapter, the Secretary will, in accordance with 42 CFR 101.106, conduct a poll of all such doctors of medicine or osteopathy in such area to determine whether the Region II Medical Review Corporation is representative of such doctors in the area; Provided that pursuant to Section 108(b) of Public Law 94-182, the provisions of Section 1152(f) [42 U.S.C. 1320c-1(f)], relating to notification and polling, as described above, shall not apply where: (1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or (2) the organization proposed to be designated by the Secretary under Section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f) (2) thereof.

Dated: May 7, 1976.

LOUIS M. HELLMAN,  
Administrator.

[FR Doc. 14943 Filed 5-20-76; 8:45 am]

**Office of Education  
RESEARCH PROJECTS IN VOCATIONAL  
EDUCATION**

**Availability of Transition Quarter Funds**

Notice is hereby given that, under the Education Division and Related Agencies Appropriation Act, 1976, Pub. L. 94-94, funds will be available for the transition quarter July 1, 1976 to September 30, 1976, for projects under the authority contained in Section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)). Up to \$2,202,975 will be available for the transition quarter for contracts for projects of special concern to the Commissioner and for additional grants and contracts under the competition announced in the FEDERAL REGISTER on November 10, 1975, (40 F.R. 51681) with a closing date for receipt of applications of January 9, 1976. Funds used for the support of additional projects for applications already submitted for the January 9, 1976 closing date will be used for projects that are of national significance as provided for in § 103.15 of the regulations (45 CFR 103.15). Therefore, no further applications for the transition quarter are necessary, requested, or desired.

The regulations applicable to this program are the regulations on Research and Training, Exemplary, and Curriculum Development Programs in Vocational Education published in the FEDERAL REGISTER on August 15, 1974 at 39 FR 29361 (45 CFR Part 103). Appendix B—Research Projects in Vocational Education, Additional Criteria, published in the FEDERAL REGISTER on February 27, 1976, 40 FR 4476, and the U.S. Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a).

**NOTICES**

(Catalog of Federal Domestic Assistance No. 13.498 Vocational Education Research)

Dated: May 18, 1976.

T. H. BELL,  
U.S. Commissioner  
of Education.

[FR Doc. 76-14888 Filed 5-20-76; 8:45 am]

**Office of the Secretary  
REVIEW PANEL ON NEW DRUG  
REGULATION  
Meeting**

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a, by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, June 7, 1976, from 8:30 a.m. to 4:00 p.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201. The Review Panel will consider matters pertaining to its studies of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration.

The meeting is open to the public with the following exception. In accordance with the provisions set forth in section 552(b) (6), Title 5 U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 12:15 p.m. to 2:15 p.m. for the purpose of discussion of personnel matters, the disclosure of which would constitute clearly unwarranted invasion of personal privacy.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-3000.

Dated: May 11, 1976.

LIONEL M. BERNSTEIN,  
Executive Secretary, Review  
Panel on New Drug Regulation.

MAY 17, 1976.

[FR Doc. 76-14890 Filed 5-20-76; 8:45 am]

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of Assistant Secretary for Consumer  
Affairs and Regulatory Functions

[Docket No. N-76-541]

**MOBILE HOME REGULATIONS  
ENFORCEMENT**

**Notice of Public Meeting**

The Assistant Secretary for Consumer Affairs and Regulatory Functions is holding meeting for all interested parties to discuss the final Mobile Home Enforcement Regulations issued under the Mobile Home Construction and Safety Standards Act of 1974 (P.L. 93-383). The meeting will be conducted by the Office of Mobile Home Standards' staff and will be held at the Plaza Inn International Motel at I-29 and 112th.

Street, Kansas City, Missouri. The meeting will be held on Thursday, May 27, 1976, and Friday, May 28, 1976. The Thursday meeting will begin at 9:00 A.M. and adjourn at 5:00 P.M. The Friday meeting will begin at 8:00 A.M. and conclude at 12:00 noon. Friday's meeting has been set aside for the HUD staff to handle individual questions and problems.

Issued at Washington, D.C., on May 19, 1976.

CONSTANCE B. NEWMAN,  
Assistant Secretary for Consumer  
Affairs and Regulatory Functions.

[FR Doc. 15086 Filed 5-20-76; 8:45 am]

**ADMINISTRATIVE CONFERENCE  
OF THE UNITED STATES**

**COMMITTEE ON RULEMAKING AND  
PUBLIC INFORMATION**

**Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:30 a.m. June 3, 1976 in the Conference Room in the lower level of the Gelman Building, 2120 L Street, N.W., Washington, D.C.

The Committee will meet to discuss the legislative veto project being conducted by Dean Ernest Gellhorn and Professor Harold H. Bruff.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,  
Executive Secretary.

MAY 19, 1976.

[FR Doc. 76-15144 Filed 5-20-76; 10:05 am]

**ADVISORY COUNCIL ON  
HISTORIC PRESERVATION**

**PUBLIC INFORMATION MEETING**

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800) that on June 7, 1976, at 7:00 p.m. a public information meeting will be held at the Fellowship House, 5th and Harry Streets, Conshohocken, Pennsylvania. The purpose of this meeting is to provide an opportunity for representatives of public

and private organizations and interested citizens to receive information and express their views on the proposed Conshohocken Central Business District Urban Renewal Project (HUD Project No. Pa. R-377) as it affects the Washington Hose and Steam Fire Engine Company No. 1, a property included in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purposes of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the Washington Hose and Steam Fire Engine Company No. 1 by the Department of Housing and Urban Development.

III. An explanation of the undertaking and an evaluation of its effects on the Washington Hose and Steam Fire Engine Company No. 1 by the Montgomery County Redevelopment Authority.

IV. A statement by the Pennsylvania State Historic Preservation Officer.

V. Statements from local officials, private organizations, and the public on the effects of the undertaking on the Washington Hose and Steam Fire Engine Company No. 1.

VI. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Washington, D.C. 20005 (202-254-3380).

ROBERT R. GARVEY, JR.,  
Executive Director.

[FR Doc. 76-14900 Filed 5-20-76; 8:45 am]

**CIVIL AERONAUTICS BOARD**

[Docket 28098]

**CATEGORY Y FARE INVESTIGATION  
Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 15, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on February 5, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 17, 1976.

WILLIAM H. DAPPER,  
Administrative Law Judge.

[FR Doc. 76-14980 Filed 5-20-76; 8:45 am]

**NOTICES**

[Docket 29199]

**HUGHES AIR CORP., D/B/A HUGHES  
AIRWEST**

**Proposed Group Fares Prehearing  
Conference**

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 10, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issue; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before June 1, 1976, and the other parties on or before June 7, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., May 17, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc. 76-14961 Filed 5-20-76; 8:45 am]

[Docket 27701]

**PACIFIC GROUP FARES INVESTIGATION  
Prehearing Conference**

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 22, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before June 29, 1976, and the other parties on or before July 13, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., May 17, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc. 76-14962 Filed 5-20-76; 8:45 am]

[Docket 28807]

**TRANS INTERNATIONAL AIRLINES, INC.  
Enforcement Proceeding; Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on June 14, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Ronnie A. Yoder.

Dated at Washington, D.C., May 17, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc. 76-14963 Filed 5-20-76; 8:45 am]

[Docket 29181]

**TRANSPORTES AEREOS PORTUGUESES  
S.A.R.L. (TAP)**

**Proposed Nonaffinity Group Fares;  
Prehearing Conference**

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 9, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before June 23, 1976, and the other parties on or before July 7, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., May 17, 1976.

ROBERT L. PARK,  
Chief Administrative Law Judge.

[FR Doc. 76-14964 Filed 5-20-76; 8:45 am]

**CIVIL SERVICE COMMISSION  
FEDERAL EMPLOYEES PAY COUNCIL  
Meeting**

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 1:00 p.m. on Wednesday, June 9, 1976. This meeting will be held in room 5A06A of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of



the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,  
Advisory Committee Management Officer for the President's Agent.

[FR Doc. 76-14960 Filed 5-20-76; 8:45 am]

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### PROCUREMENT LIST 1976

#### Proposed Additions, Amendment

Pursuant to Section 2(a) (2) of Public Law 92-28; 85 Stat. 79, the following commodities published as proposed additions in the Federal Register on April 2, 1976 (41 F.R. 14211) are amended to read as follows:

Class 7530: Folder, File, Pressboard; 7530-00-286-8570, 7530-00-286-7287.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

E. R. ALLEY, Jr.,  
Acting Executive Director.

[FR Doc. 76-14905 Filed 5-20-76; 8:45 am]

### PROCUREMENT LIST 1976

#### Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a) (2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

Class 7930: Porcelain Cleaner; 7930-00-864-7483; Wax, General Purpose, w/o Silica; 7930-00-286-1945, 7930-00-132-5582.

Class 8105: Bag, Sand, Cotton; 8105-00-285-4744.

Comments and views regarding these proposed additions may be filed with the

## NOTICES

Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

E. R. ALLEY, Jr.,  
Acting Executive Director.

[FR Doc. 76-14906 Filed 5-20-76; 8:45 am]

### PROCUREMENT LIST 1976

#### Additions to Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 F.R. 54742) were published in the Federal Register on February 20, 1976 (41 F.R. 7808), and April 2, 1976 (41 F.R. 14211).

Pursuant to the above notices, the following commodities are added to the Procurement List:

Class 1560: Wire Bundle Assemblies (SH); 1560-00-881-4215, 1560-00-894-3991, 1560-00-884-0409, 1560-00-934-0924, 1560-00-919-3706.

Class 6532: Cap, Operating, Surgical (SH); 6532-00-122-0468. Convalescent Suits (SH); 6532-00-512167, 6532-00-512168, 6532-00-512170, 6532-00-512171.

By the Committee.

E. R. ALLEY, Jr.,  
Acting Executive Director.

[FR Doc. 76-14907 Filed 5-20-76; 8:45 am]

## COUNCIL ON ENVIRONMENTAL QUALITY

### ENVIRONMENTAL IMPACT STATEMENTS

#### Availability

Environmental impact statements received by the Council on Environmental Quality from May 10, 1976 through May 14, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this Federal Register notice of availability. (July 5, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Bank copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

#### DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 369-A, Washington, D.C. 20250, (202) 447-3965.

### ANIMAL AND PLANT HEALTH INSPEC. SERVICE

#### Final

Fleming Key Animal Import Center, Monroe County, Fla., May 13: Proposed is the construction of an Animal Import Center on approximately 16 acres of Navy property on the Island of Fleming Key at Key West, Florida. Adverse impacts include the formation of chloramines in waste streams, toxaphene discharge (Chlorine gas), the possibility of accidental spillages of toxic chemicals, routine wastewater effluent discharges, and minimal objectionable odors. Comments made by: EPA, DOC, DOI and state and local agencies concerned groups. (ELR Order No. 60709.)

#### Draft

Big Hole Unit Plan, Lolo National Forest, Sanders County, Mont., May 10: Proposed is the implementation of a revised Multiple Use Plan for the Big Hole Planning Unit located on the Plains and Thompson Falls Ranger Districts, Lolo National Forest. This action affects 39,090 acres of National Forest land. The planning unit is subdivided into ten management units of similar resource potentials and problems. The primary environmental effects involve the modification of natural conditions on 9,750 acres that are presently roadless. (ELR Order No. 60693.)

#### Final

Herbicide Use, Alaska National Forests (Supplement), Alaska, May 10: This statement is the supplement to a final EIS filed with CEQ May 21, 1975. The proposed action involves vegetation control with the use of herbicides on road, railroad, and powerline rights-of-way. The herbicides proposed for use include 2,4-D, picloram, amitrole, sodium metaborate, sodium chlorate, and bromacil. Herbicide use considered in this statement is on Tongas and Chugach National Forests only. Susceptible target and non-target vegetation in the treatment areas will be reduced in vigor and, in most cases, top killed. No wildlife population will be adversely affected. Comments made by: DOC, EPA, DOI, HUD, and State agencies and local groups. (ELR Order No. 60685.)

Meadows Unit Land Use Plan, Payette National Forest, Idaho, Adams and Idaho Counties, Idaho, May 10: Proposed is a land use plan for the 141,406 acre Meadows Planning Unit Payette National Forest, Idaho. In the process of plan development the unit was divided into six management areas which were further divided into management units. Adverse effects include increases in noise and air pollution, increased sedimentation, and the displacement of some wildlife within the project area. Comments made by: DOI, EPA, HUD, USA, and State agencies and interested groups and individuals. ELR Order No. 60708.)

Kancamagus Unit Plan, White Mt. National Forest, Carroll and Grafton Counties, N.H., May 10: Proposed is the land use plan for the Kancamagus Unit of the White Mountain National Forest. Major points under the proposed action include: strategic water quality monitoring, major deer yard improvement, elimination and minimal expansion of camp and picnic grounds, more varied recreation facilities, use restrictions and carrying capacity standards, and timber sales producing over 4.8 million board feet per year. Adverse impacts of the proposal include sedimentation, stream channel instability, on-site erosion, decreased local tax revenues, and increased solid waste problems due to anticipated increase in dispersed off-road recreation. Comments made by: DOI, DOT, EPA, and State and local agencies and concerned groups. (ELR Order No. 60690.)

### FOREST SERVICE

### SOIL CONSERVATION SERVICE

#### Final

Cypress Creek Watershed, Ala. and Tenn., May 10: The statement concerns a project for watershed protection and flood prevention in Lauderdale County, Alabama, and Wayne County, Tennessee. The plan includes 19 floodwater retarding structures and 14.4 miles of channel work. About 420 acres of land will be cleared for sediment pools, dam, and spillway areas. There will be a loss of 1,340 acres of pasture and row crops and 785 acres of forest land within detention pools. An additional 208 acres of wildlife habitat will be lost. Comments made by: COE, HEW, HUD, DOI, DOT, EPA, TVA, USA, and State agencies and interest groups. (ELR Order No. 60694.)

#### DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, (202) 693-6795.

#### Draft

Marion Local Protection Project, Grant County, Ind., May 10: The project plan recommended consists of a levee along the left bank of the Mississinewa River to protect 107 acres of Marion from flooding. The levee would tie to high ground near the Anaconda plant and extend downstream along the river to the Washington Street bridge abutment. Adverse impacts of the project include the permanent loss of wildlife habitat in the 19 acre construction area and induced damages on the opposite bank and upstream from slightly higher flood heights resulting from stream confinement. (Louisville District). (ELR Order No. 60683.)

Teche-Vermillion Basin Projects, Operation and Maintenance, La., May 10: Proposed is the continued operation and maintenance dredging of the Bayou Teche, Vermillion River, and Freshwater Bayou, Louisiana projects. Continued dredging would have the following adverse effects: permanent changes in the composition of floodplain forest might occur; deposition of dredged material in existing forested areas would destroy both the trees and dependent fauna; and disturbance of some archeological or historical sites by dredging or deposition would occur. (New Orleans District). (ELR Order No. 60689.)

Vicksburg Harbor, Mississippi, Warren County Miss., May 12: Proposed are harbor improvements on Vicksburg Harbor, Mississippi. Recommended improvements include constructing an additional 600-foot wide harbor channel, widening the 150-foot wide approach channel into the present harbor, widening the Yazoo River Diversion Canal, and constructing a 100-foot wide floating area downstream from the new harbor channel. Adverse effects include the loss of about 1,267 acres of forest. Periodic increase in turbidity from dredging operations will occasionally lower water quality. (Vicksburg District). (ELR Order No. 60703.)

Sluslaw River Jetty Extension, Lane County, Ore., May 11: Proposed is the extension of the Sluslaw River and Bar Jetty in Lane County, Oregon. Project plans involve extension of the existing south jetty by 2,500 feet beyond its presently authorized length to improve bar conditions, and extension of the existing north jetty 1,400 feet beyond the 600 foot extension presently authorized to provide jetties of approximately equal length. Adverse effects include altered shoaling conditions at the mouth and potential coastal erosion. (Portland District). (ELR Order No. 60695.)

## NOTICES

Lake Wichita, Holliday Creek, Wichita Falls, Archer, Clay, and Wichita Counties, Tex., May 12: The proposed project provides for various improvements to Lake Wichita, Wichita Falls, Texas. The existing Lake Wichita dam will be replaced with an earthen dam approximately 16,000 feet long. A 50-foot wide grass-lined channel will extend from the spillway to the mouth of Holliday Creek. A low flow channel 10-feet wide by 2-feet deep will be provided in the bottom of the large channel to carry low flow releases. Adverse effects include destruction of habitat in the creek and along the streambank, and the elimination of stream fishery. (Tulsa District). (ELR Order No. 60704.)

Burnet, Crystal, and Scott Bays (2), Harris County, Tex., May 13: The proposed plan provides for permanent evacuation and assistance in relocation of residents now situated in the 50-year frequency flood plain of the Burnet, Crystal, and Scott Bays, Baytown, Texas. The plan also includes the removal of the evacuated dwellings and other structures and conversion of the land to a nature area. Adverse effects related to evacuation of residents will occur (Galveston District). (ELR Order No. 60710.)

Port of Grays Harbor/Kaiser Steel, Permitt, Grays Harbor County, Wash., May 10: The statement concerns the permit application by the Port of Grays Harbor/Kaiser Steel Corporation to dike and fill a wetland site in Grays Harbor to develop a facility for manufacture of off-shore drilling platforms. After the site has been filled, and access provided by the Port of Grays Harbor, Kaiser Steel Corporation will complete site development, construction office and service buildings, and necessary utilities. The action will result in the filling of about 39 acres of wetlands, including 25 acres of sedge marsh and 14 acres of tidal flats. Impacts will be spread via the estuary's food web, and could impact species in distant portions of the harbor (Seattle District). (ELR Order No. 60688.)

Logan and Nelsonville Water Resources Projects, Hocking County, W. Va., May 12: Proposed is the construction of the Logan and Nelsonville Local Protection Projects on the Hocking River to be operated as units of the plan of water resources development for the Central Ohio Water Development Region. The proposed plan consists of approximately 5.4 miles of channel modification along the Hocking River and approximately 3,500 feet of earthen levee along the Hocking River and Oldtown Creek at Logan, Ohio. Adverse effects include the loss or disruption of 90 acres of wildlife habitat. The projects would modify 5.4 miles of the Hocking River with an artificial channel and would adversely affect aquatic habitat. (Huntington District). (ELR Order No. 60706.)

#### Final

Lake Borgne Vicinity Navigation Projects, La., May 14: Proposed are navigation projects for operation and maintenance of the Mississippi River-Gulf Outlet, and Bayou Dupre, La. Loutre, St. Malo, and Yscloskey, all in the vicinity of Lake Borgne, Louisiana. Total project length is 111.3 miles. Dredge material will be deposited in both contained, diked disposal areas, and in open water in Breton Sound. Benthic habitats will be disrupted, and effects of resublimization of pollutants when dredged material is resuspended is yet to be determined. (New Orleans District). Comments made by: EPA, DOC, DOT, HEW, AHP, DOI, and state and local agencies and interested groups. (ELR Order No. 60716.)

Missouri River Levee System, Sarpy County, Nebr., May 11: This statement provides for the construction of the Missouri River Levee Unit R-616, the total length of which is 4.5 miles. This unit

will be built a minimum of 1,500 feet from the centerline of the Missouri River and will prevent occasional flooding on 3,950 acres of flood plain. Borrow pits will be used to obtain fill material for the levee. The project will commit 125 acres to the levee and will result in a slight increase in potential damage within the minimum 3,000 foot floodway. (Omaha District). Comments made by: EPA, DOI, USDA, DOT, HUD, and state and local agencies. (ELR Order No. 60697.)

Toledo Harbor, Maintenance Dredging, Lucas County, Ohio, May 14: The statement refers to the annual maintenance dredging of Toledo Harbor. The average volume of material dredged is about 1,175,000 cu. yds. About 20% of the material is classified as clean and is disposed of at an open water site, whereas the remaining 80% is polluted and placed into a confined disposal island via pipeline from the hopper dredge. Adverse impacts are increased turbidity, and disturbance of benthic organisms. (Detroit District). Comments made by: AHP, FPC, USDA, DOC, HEW, DOI, DOT, EPA, and state agencies and local groups. (ELR Order No. 60715.)

Oologah, Hulah, and Heyburn Lakes, Okla., May 14: Proposed is the continuance of operation and maintenance activities at Oologah, Hulah, and Heyburn Lakes, Oklahoma. These activities consist of reservoir regulation for authorized purposes, management of land resources and facilities, management of leases, easements and other outgrants, and project management and maintenance activities. Adverse effects associated with the operation of Oologah, Hulah, and Heyburn Lakes are soil erosion and/or compaction due to heavy recreational use, traffic in unauthorized areas, and effects of wave action and pool fluctuation on the shoreline. (Tulsa District). Comments made by: EPA, HUD, DOI, DOT, USDA, AHP, state agencies and conservation groups. (ELR Order No. 60717.)

Lower Monumental Lock and Dam, Wash., several counties in Washington, May 14: The statement evaluates the essentially completed Lower Monumental Lock and Dam, a Snake River project which includes a navigation lock, a three unit hydroelectric spillway dam, and 6,590 surface acre lake. Project impacts relate to recreational uses, navigation, and the operation of fish passage facilities. Operational control of water release, in particular for "power peaking," results in related impacts. (Walla Walla District). Comments made by: DOI, USCG, EPA, DOC, FPC, FEA, USDA, and state agencies and local groups. (ELR Order No. 60718.)

#### DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations), Washington D.C. 20350, (202) 692-3227.

#### Draft

POL Bulk Pipeline, Naval Supply Center, Norfolk, Va., May 11: Proposed is the construction of a 10" multipurpose (DFM and JP-5) fuel line to connect the 2,500,000 barrel tankage at the U.S. Naval Bulk Storage Facility, Craney Island, with the smaller tankage at the Naval Station, Destroyer-Submarine Piers (D&S), and with the contiguous Naval Air Station. An 8" sludge line (ballast and oily wastewater) will also be constructed connecting the Naval Fuel Depot, Craney Island, with the D & S piers. Few adverse effects are anticipated from project implementation. (ELR Order No. 60699.)

#### ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hamner, Director, Office of Federal Activities, Room WSMW 537,



401 M Street S.W., Washington, D.C. 20460, (202) 755-0780.

#### Draft

Utah Lake-Jordan R. Water Quality Management, several counties in Utah, May 10: This statement sets forth the Utah Lake-Jordan River Water Quality Management Planning Study. The study consists of a series of proposed wastewater treatment alternatives to resolve water pollution problems in all or parts of Davis, Salt Lake, Utah, Wasatch, and Juniper Counties in the state of Utah. Environmental impacts are presented in terms of impacts on water quality, land resources, and air quality, as well as economic, financial, and social impacts. (Region VIII). (ELR Order No. 60695.)

#### FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street N.W., Washington, D.C. 20426, (202) 275-4791.

#### Final

East Tennessee Natural Gas, Curtailment, May 10: The action consists of FPC's analysis of two permanent curtailment plans for the East Tennessee Natural Gas Company System. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structures and deregulation are not included as alternatives to curtailment. Comments made by: DOI, EPA, and state agencies. (ELR Order No. 60692.)

Zachary-Ft. Lauderdale Pipeline, La., Ala., and Fla., May 12: The statement concerns an application by Florida Gas Transmission Company to construct and operate 51.2 miles of 26 and 30-inch pipeline loop at nine locations and 11.3 miles of 4-inch and 5.9 miles of 20-inch lateral pipeline at three locations, and to relocate three compressor stations. Disruption along right-of-way would include the removal of vegetation on approximately 1,100 acres. Comments made by: DOI, USDA, NRC, COE, ERDA, USCG, EPA, DOC, and state agencies. (ELR Order No. 60702.)

#### GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kanders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 343-4161.

#### Draft

Federal Building, Pocatello, Bannock County, Idaho, May 12: The proposed action involves lease construction of a Federal Building and disposal of the existing Federal Building-Courthouse, Pocatello, Idaho. The new Federal building will provide approximately 40,000 square feet of agency office space, together with service areas, to house approximately 200 employees. A total of 160 parking spaces will be provided onsite for official, visitor, and employee vehicles. Adverse effects including the displacement of seven families. (ELR Order No. 60705.)

#### Final

Federal Youth Center, Talladega, Talladega County, Ala., May 11: The proposed action calls for construction of a Federal Youth Center in Talladega, Alabama to be operated by the Federal Bureau of Prisons, Department of Justice. The proposed site for the FYC consists of about 160 acres located on the south side of Renfro Road at the edge of the city limits. The center will contain approximately 195,000 gross square feet, and

## NOTICES

will house about 400 male Federal offenders between the ages of 18 and 26. Comments made by: USDA, EPA, FPC, HEW, HUD, DOI, DLAB, AEP, state and local agencies. (ELR Order No. 60698.)

Miami Courthouse Annex, Dade County, Fla., May 12: Proposed is the construction by the General Services Administration of an Annex to the existing U.S. Post Office and Courthouse in Miami, Florida. The Annex will provide a total occupiable area of about 109,000 square feet with basement parking for 84 vehicles; the gross area will be 176,000 square feet. Adverse effects of project implementation include relocation of eight businesses and some hotel residents. Acquisition of about 21,000 square feet of land will be required. Comments made by: USDA, DOC, HEW, DOI, DLAB, EPA, state and local agencies. (ELR Order No. 60711.)

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 461 7th Street, S.W., Washington, D.C. 20410, (202) 755-6308.

#### Final

Hobbs Water and Sewer Line Extension, Lea County, N. Mex., May 10: Proposed is the extension of water and sewer trunk lines into the north and west growth areas of the City of Hobbs, New Mexico. This extension of water and sewer trunk lines into prime development areas will encourage immediate site development for permanent and mobile home housing. Adverse effects of project implementation include the depletion of present underground water supplies. Comments made by: COE, EPA, and state agencies. (ELR Order No. 60686.)

Depot Street Improvement, Berea, Ohio, May 10: The city of Berea proposes to acquire, with local funds, a strip of Penn Central railroad property, extending from Front Street on the east, approximately 1900 feet to the west. On the acquired property a 29 foot wide, two lane road with curbs will be constructed utilizing Community Development Block Grants Funds. The road will be suitable for industrial traffic and will extend from Front Street west, connecting with the existing Depot Street immediately west of the cemetery. No significant adverse effects are anticipated from project implementation. Comments made by: EPA. (ELR Order No. 60684.)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

#### FEDERAL HIGHWAY ADMINISTRATION

#### Draft

I-105, California 1, El Segundo to Norwalk, Los Angeles County, Calif., May 14: The supplement is a 4(f) statement concerning the Imperial Village Park, Lennox High School, Larch Avenue Elementary School, and Lynwood Pacific Electric Railway Depot. The proposed highway will be 17.2 miles in length connecting the cities of Norwalk on the east and El Segundo near Los Angeles International Airport (LAX) on the west. A mass transit facility is planned for the median. (Region 9). (ELR Order No. 60720.)

Iowa 44 (Chatburn Ave.), U.S. 59 to 6th St., Shelby County, Iowa, May 12: The proposed project concerns the improvement of part of Iowa 44 within the corporate limits of Harlan. The project begins approximately 290 feet east of the centerline of U.S. 59 and proceeds easterly on the present alignment through Harlan to a point approximately

450 feet east of Sixth Street. The total length of the proposed 4-lane improvement is 1.09 miles. Adverse effects are expected to be minimal. (Region 7). (ELR Order No. 60701.)

I-10 Interchange, St. John the Baptist Parish, St. John Baptist County, La., May 12: The proposed action involves the construction of an interchange on Interstate 10 approximately four miles west of the existing I-10, U.S. 51 interchange located north of LaPlace, Louisiana. The proposed interchange will serve as a connecting link for a planned parish road to be constructed between I-10 and U.S. 61. The project will irreversibly replace 52 acres of cypress-tupelo swamp. (Region 6). (ELR Order No. 60714.)

Stolley Park Road, Grand Island, Hall County, Neb., May 10: The proposed improvement involves the upgrading and reconstruction of a segment of Stolley Park Road within Grand Island, Nebraska. The segment of street involved with the proposed improvement is approximately 0.75 miles long, beginning at Harrison Street and terminating at South Locust Street. Project plans also include construction of a storm sewer drainage system and construction of sidewalks on both sides of the entire length of street improvement. Little or no adverse effects are anticipated. (ELR Order No. 60691.)

U.S. 395 Corridor, Nevada, Washoe County, Nev., May 13: Proposed is the upgrading of U.S. 395 to freeway standards between the Carson City-Washoe County line and Panther Valley. The roadway would consist of four lanes throughout most of its length, with six lanes in the urban area of Reno. Adverse effects include disruption of local neighborhoods, disturbance of important archeological sites, and loss of natural and agricultural vegetation. (Region 9). (ELR Order No. 60713.)

Routes 169 and 440, Bayonne Bridge to Bayview Ave., Hudson County, N.J., May 10: The proposed action is the construction of a combination of roadway facilities including a freeway (four lanes) or land service road (four lanes), and feeder arterial sections (two and four lanes) totalling approximately 7.8 miles in length. The improvement would run from the Bayonne Bridge north through Bayonne to existing Route 440 with feeder extension into Jersey City to the vicinity of Bayview Avenue. Adverse impacts of the project include the displacement of up to 13 dwelling units and 20 commercial and industrial structures. From 100 to 210 acres of land would be required for right-of-way. (ELR Order No. 60687.)

Bridge-Stadium and Bridge-Stadium Corridor, Bernalillo County, N. Mex., May 12: The proposed project consists of the construction of a railroad overpass and the four-lane improvement of Bridge-Stadium Boulevard from 4th Street to Broadway Boulevard. The termini of the study Corridor is Coors Road (extension) on the west to Interstate 25 on the east, a distance of approximately 3.7 miles. Adverse effects include the relocation of an unspecified number of people, homes, and businesses. (Region 6). (ELR Order No. 60707.)

#### Final

Mud Lane-Waimea-Kawailae Road, Hawaii, May 12: Proposed is the construction of a new highway located in the districts of Hamakua and South Kohala, Island of Hawaii. The highway consists of two sections: Mud Lane to Waimea (Hawaii Belt Road, Route 19) and Waimea to Kawailae (Waimea-Kawailae Road). Total length is 19.3 miles. The proposed facility will be a two-lane highway with provisions and right-of-way acquisition for expansion to a four-lane divided highway. Adverse effects include the relocation of one family, one individual, and

a farming operation. Comments made by: COE, USAF, DOI, USDA, HEW, DOT, state agencies and private organizations. (ELR Order No. 60700.)

I-95, Baltimore City, Md., May 14: This statement evaluates the environmental impact resulting from the construction of a 4.2 mile section of Interstate Route 95 in Baltimore City, Maryland. The project will extend from Hanover Street in the west to O'Donnell Street in the east. Ramps for local access will be provided at McComas Street near Key Highway, Keith Avenue, and with proposed I-833 near O'Donnell Street. The project is designed as an eight-lane, fully-controlled access facility and will make I-95 a continuous facility in Baltimore City. Minimal effect on industry, land use, and existing transportation facilities would result from the recommended project. (Region 3). Comments made by: DOI, HUD, USDA, DOC, EPA, COE, state and local agencies, and interested groups. (ELR Order No. 60719.)

S.R. 371, McKinley and San Juan Counties, N. Mex., May 13: The statement refers to the proposed construction of S.R. 371, commencing 8.5 miles north of Crownpoint in McKinley County and terminating at a point 5 miles south of Farmington in San Juan County. The project length is approximately 65 miles. The most significant adverse effect will be the indirect influence of a great influx of population. Comments made by: USDA, HEW, EPA, HUD, COE, DOI, state and local agencies and concerned groups. (ELR Order No. 60712.)

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 546-5, OPP-50150]

### ELANCO PRODUCTS CO.

#### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471-EUP-45) allows the use of 150 pounds of the herbicide oryzalin (3,5-dinitro-N, N'-dipropylsulfanilamide) on tobacco (flue-cured) to evaluate control of annual grasses and broadleaf weeds. A maximum of 300 acres is involved; the program is authorized only in the States of Florida, Georgia, North Carolina, South Carolina, and Virginia. The experimental use permit is effective from May 20, 1976 to May 20, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes.

These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 17, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.

[FR Doc.76-14853 Filed 5-20-76; 8:45 am]

[FRL 546-7, OPP-50151]

### ICI UNITED STATES INC.

#### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to ICI United States Inc., Wilmington, Delaware 19897. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 10182-EUP-1) allows the use of 30 pounds of the insecticide 0,0-diethyl 0 - (2 - diethylamino - 6 - methyl - 4 - pyrimidinyl) phosphorothioate on ornamental turf to evaluate control of turf pests, specifically sod webworms and chinchbugs. A total of 5 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from April 20, 1976, to April 20, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 17, 1976.

JOHN B. RITCH, JR.,  
Director, Registration Division.

[FR Doc.76-14852 Filed 5-20-76; 8:45 am]

[FRL 546-4; OPP-33000, 408]

## NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement").

On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.



The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before June 21, 1976.

Dated: May 13, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

#### APPLICATIONS RECEIVED (OPP-33000/408)

EPA File Symbol 37141-G. Alm International Chemicals Corp., PO Box 367, Germantown WI 53022. GERMA-CLEANSE-ND CONCENTRATED DETERGENT, SANITIZER FUNGICIDE, DISINFECTANT, DEODORIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37141-U. Alm International Chemicals Corp. AIM GERMA CLEANSE. Active Ingredients: Methylododecylbenzyl trimethyl ammonium chlorides 3.2%; Potassium carbonate 1.5%; N-alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 1.0%; N-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.0%; Didecyl dimethyl ammonium chloride 1.0%; Methyl-dodecylxylene bis (trimethyl ammonium chloride) 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 18555-R. B&D Pool Service, Inc., 182 N.W. 13th St., Boca Raton FL. B&D POOL SERVICE, INC., CHLORINATING LIQUID SOLUTION. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 3579-RO. Brewer Chemical, C. Brewer Co., PO Box 48/311 Pacific St., Honolulu HI 96810. CHLORINE-LIQUIFIED. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 2620-TR. C-Z Chemical Co., Inc., 1447 Argall Ave., Beloit WI 53511. CZ-12 DISINFECTANT SANITIZER DEODORIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 2620-TN. C-Z Chemical Co., Inc. ADVANCE PINE #566. Active Ingredients: n-Alkyl (80% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Pine Oil 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 11741-RI. D. W. Davies & Co., 3200 Phillips Ave., Racine WI 53403. DAVIES "SUPER-SAN". Active Ingredients: n-Alkyl (80% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35574-E. Dyna-Pet, Inc., 1110 Florence Way, Campbell CA 95008. COPPER SULFATE. Active Ingredients: Copper Sulphate 4% (Elemental Copper 1%). Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 5429-EG. Cello Chemical Co., A Grow Chemical Subsidiary, 8200 Fischer Road, Baltimore MD 21222. CELLO MINT DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Essential Oils 0.20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 19605-A. Gulf Chemicals Co., Houston TX 77017. SWIMCHEM SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38448-E. Mar-Lo Chemical Co., 128 W. First (PO Box 2091), Hereford TX 79045. MIA-260. Active Ingredients: Disodium cyanodithiomidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39471-E. C. E. McMurdo Co., 7315 N.E. 27th Ave., PO Box 11081, Portland OR 97211. CEMCO #983. Active Ingredients: Poly(oxyethylene(dimethyliminio) ethylene-(dimethyliminio)ethylenedichloride) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38089-R. Mid-West Chemical and Supply Inc., Columbus OH 43227. SUPER HI-COLOR GRANULAR CHLORINATED. SWIM POOL ALGAECIDE AND BACTERICIDE. Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%; Available Chlorine 56%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38862-R. Miramar Hardware, 2829 S.W. 64 Ave., Miramar FL. CHLORINATING LIQUID SOLUTION. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38859-E. Monarch Engineering Co., 2642 Indian Ripple Road, Dayton OH 45440. METAC BIOCIDES I. Active Ingredients: Poly(oxyethylene(dimethyliminio)ethylene-(dimethyliminio)ethylenedichloride) 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38859-R. Monarch Engineering Co. METAC BIOCIDES II. Active Ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 8.76%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 10079-A. National Swimming Pool Products Inc., 775 River St., Paterson NJ 07524. NAT-CHLOR 2 OZ.

STABILIZED QUICK DISSOLVING CHLORINATED TABLETS. Active Ingredients: Trichloro-s-Triazinetrione 87%; Sodium Carbonate 33%; Available Chlorine 56%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 3635-EEG. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1201. Active Ingredients: Steam Distilled Pine Oil, 80.0%; Potassium Soap, 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 3573-UU. Procter & Gamble, Cincinnati OH 45202. CLEAN QUICK III. Active Ingredients: Sodium hypochlorite 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM34

EPA File Symbol 11590-EO. Revico, Inc., PO Box 17435, Memphis TN 38117. CHEM-SERV MBC-2211. Active Ingredients: Disodium cyanodithiomidocarbonate 4.23%; Potassium N-methyldithiocarbamate 5.83%; Ethylenediamine 1.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 707-RGN. Rohm & Haas, Independence Mall West, Philadelphia PA 19105. KATHON 886F. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one 8.6%; 2-Methyl-4-isothiazolin-3-one 2.6%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 34956-G. Royal Chemical Corp., 3632 Fleetbrook Dr., Memphis TN 38116. ROYAL LEMON. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 9172-A. Consumer Products Div., Scott Chemical Co., Inc., PO Box 32204, San Antonio TX 78216. MR. PINE. Active Ingredients: Pine Oil 30.00%; Isopropanol 11.00%; Soap 10.00%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 11547-UR. Share Corp., PO Box 9, Brookfield WI 53005. PINE ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Pine Oil 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 8648-GN. Staple Cotton Services Association A.A.L., Farm Chemicals Div., 210-214 W. Market St., PO Box 547, Greenwood MS 38930. STAPLCOTN 3-3 EPN-METHYL PARATHION. Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 31.6%; O-ethyl O-p-nitrophenyl phenylphosphonothioate 31.6%; Aromatic Petroleum Solvent 27.4%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 9428-G. Sun-Pine Corporation, PO Box 8383, Jackson MS 39204. SUN-PINE PINE FRAGRANCE. Active Ingredients: Isopropanol 20.95%; Pine Oil 10.10%; Soap 5.30%; Ortho-Benzyl Para-Chlorophenol 0.75%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 37092-E. SynTech Products Corp., 4654 Vicksburg St., Sylva OH 43560. TECH CIDE 1000. Active Ingredients: ethylene-(dimethyliminio)ethylenedichloride 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

tion proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11659-RN. Walling Chemical Co., PO Box 408, 2008 Westport Ave., Sioux Falls SD 57101. A-229. Active Ingredients: Poly(oxyethylene(dimethyliminio)ethylene-(dimethyliminio)ethylenedichloride) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 38832-R. Water & Energy Systems Technology Inc., PO Box 2036, Orange CA 92669. WEST C100. Active Ingredients: Diethyl dimethyl ammonium chloride 50%; Ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38708-E. Kentex Water management, 8607 Quivira Rd., Lenexa KS 66215. K-CIDE W. Active Ingredients: Poly(oxyethylene(dimethyliminio)ethylene-(dimethyliminio)ethylenedichloride) 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

#### CORRECTED ITEMS

The following are corrections to the list of Applications Received previously published in the FEDERAL REGISTER.

EPA File Symbol 8590-UUO. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. KELTHANE 1.5EC. Active Ingredients: Xylene 73.0%. (Originally published with ingredient omitted.) PM13. 41 FR 16687 (4/21/76)

EPA File Symbol 7052-RI. Big D Chemical Co., PO Box 82822, Oklahoma City OK 73108. BIG D PINE ODOR DISINFECTANT, DETERGENT, SANITIZER. (Originally published with incorrect product name.) PM32. 41 FR 16689 (4/21/76)

EPA Reg. No. 655-536. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX D.D. V.P. FIVE. Active Ingredients: 2,2-dichloronitryl dimethyl phosphate 4.65%. (Originally published with incorrect ingredient.) PM13. 41 FR 18146 (4/30/76)

[FR Doc.76-14855 Filed 5-20-76;8:45 am]

#### FEDERAL ENERGY ADMINISTRATION VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

##### Meetings

In accordance with section 252(c) (1) (A) (i) of the Energy Policy and Conservation Act (Pub. L. 94-163), announcement is made of the following meetings:

1. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 3 and 4, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m. on June 3. The agenda for the meeting is as follows:

- Opening remarks by Chairman and report on communications to and from IEA including report on SEQ meetings of 28/29 April and 18/19 May.
- Matters arising from record note of IAB meeting 22nd April.
- Position of IAB/Reporting Companies under EEC competition regulations.

(B) U.S. Voluntary Plan.

4. Report on and discussion of work of Subcommittee A, including:

(A) Emergency Management Manual including:

- Discussion of implementation of articles 9.3, 9.4 and 10.1 of IEP.
- Pricing in an emergency.
- Allocation systems test.
- Data and data flow including report on 14 May meeting of Reporting Companies.
- Report on and discussion of work of Subcommittee B including report on 17 May meeting of SEQ ad hoc group on naphtha.
- Report on and discussion of work of Subcommittee C, including:

- Extraordinary costs.
  - Settlement of disputes.
  - The question of ISAG expenses in an emergency.
  - Future work program and organization of IAB.
  - Dates and venues for future meetings of IAB and subcommittees.
2. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 4, 1976, to be continued, if required, on June 7, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:00 a.m. on June 4. The agenda for the meeting is as follows:

- IEA Allocation Systems Test, including:
- Revision of Allocation Systems Test Guide.
- Further design phase tasks.
- ISAG data formats.
- Next meeting/location.

3. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 2, 1976, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:00 a.m. The agenda for the meeting is as follows:

- Opening remarks.
- Review of May 18/19 SEQ meeting affecting Subcommittee A activities.
- Emergency Management Manual, including:

- Oil pricing in an emergency.
- Implementation of IEP Articles 9.3, 9.4 and 10.1.
- Data and data flow, including:
- Test run of the emergency data system.
- Reporting Instructions for Japan/U.S.A.
- ISAG job descriptions and organization.
- IEA allocation systems test, including:

- Review of allocation systems test guide.
  - Review of procedures to permit U.S. monitoring of test.
  - Date and location of next meeting.
- In accordance with section 252(c) (1) (A) (ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., May 18, 1976.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.  
[FR Doc.76-14861 Filed 5-18-76;10:15 am]

#### FEDERAL MARITIME COMMISSION

RAYMOND A. CHIMELIAS DBA SHIPPERAMA-INTERNATIONAL FORWARDING AND PRACHT INTERNATIONAL INC.  
Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916 (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20373.

Raymond A. Chimelias dba Shipperama-International Forwarding, 9426 NW, 13th Street, Unit 52, Miami, Florida 33172.  
Pracht International Inc., One World Trade Center, New York, N.Y. 10018. Officers: Gerhard Duda, Director, Gerd Walscheid, President, Hans D. von Goetz, Vice President/Treasurer.

By the Federal Maritime Commission

Dated: May 17, 1976.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-14956 Filed 5-20-76;8:45 am]

[Docket No. 76-26]

#### TRANSCONEX INC.

Proposed General Rate Increase in the Virgin Islands Domestic Offshore Trade; Correction

MAY 12, 1976.

In the Order of Investigation and Suspension (46 F.R. 20016; May 14, 1976), add the following tariff page numbers to Appendix A:

11th Revised Page—25  
12th Revised Page—38

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-14955 Filed 5-20-76;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket No. RI76-50]

#### AMAREX, INC., ET AL.

Order Setting Matter for Hearing Establishing Procedures and Granting Intervention

MAY 17, 1976.

On October 29, 1975 Amarex, Inc. (Operator), et al. (Amarex) filed in Docket No. RI76-50 an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Colorado Interstate Gas Company (CIG) from the Moore Unit No. 1 Well, Mills Ranch Field, Wheeler County, Texas. In addition, Amarex filed along with its application a petition for special relief from the nationwide rate, as adjusted for small producers by Opinion No. 742, for the proposed sale pursuant to Section 2.56a



(g) (2) of the Commission's General Policy and Interpretations (18 CFR § 2.56a (g) (2)).

Amarex was issued a small producer certificate in Docket No. CS71-92. Amarex owns a 100% working interest in the Moore Unit No. 1 Well. On February 19, 1974 Amarex entered into a gas sales agreement with CIG covering acreage in three specific areas located in Wheeler County, Texas, which includes the acreage on which the Moore Unit No. 1 Well is located. Amarex states that it drilled three unsuccessful wells on the contract acreage prior to drilling the Moore Unit No. 1 Well. No sales have yet been made from the Moore Unit No. 1 Well.

The gas sales contract provides for Amarex to collect a rate of 80 cents per Mcf for the sales to CIG. However, Amarex alleges that the contract price is so low as to adversely affect the public interest, and consequently requests the Commission to grant special relief at a rate which is in excess of the contract rate and which is not so low as to adversely affect the public interest. Amarex's request is apparently in reliance upon the Commission's authority under the Sierra Doctrine<sup>1</sup> to sanction a rate in excess of a contract rate if the contract rate can be shown to be so low as to adversely affect the public interest. Amarex has submitted data purporting to show that an appropriate rate should be in the range of \$2.02 per Mcf, based on a cost study which includes the cost of the three unsuccessful wells on the contract acreage but which does not include a rate of return on investment.

In addition to its certificate application and its petition for special relief, Amarex has filed a petition for a declaratory order pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR § 1.7). Amarex states that Mississippi River Transmission Corporation (MRT) may claim some right to purchase gas produced by Amarex from the subject acreage, and requests that the Commission order MRT to show the nature and extent of its claim, if any, or to state that it will not claim a right to purchase gas produced by Amarex. Amarex further requests that the Commission issue an order declaring MRT's entitlement, if any, to purchase the subject gas.

Notice of Amarex's application and petitions was issued on December 1, 1975, and appeared in the FEDERAL REGISTER on December 9, 1975 at 40 FR 57388. CIG filed a timely petition to intervene and requested that a hearing be held. MRT filed a timely petition to intervene in which it asserted the right to purchase 25% of the gas to be produced from the subject acreage.

In light of the factual and legal issues raised by Amarex's application and petitions, this proceeding should be set for hearing in order to provide Amarex and other interested parties an opportunity to present evidence on the issues raised and on any other matters considered to be relevant to the proceeding.

<sup>1</sup> *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

**The Commission finds:** (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) Good cause exists to grant the petitions to intervene of CIG and MRT.

**The Commission orders:** (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 C.F.R. Chapter 1), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to resolve the issues raised by Amarex's application and petitions.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Amarex and all intervenors supporting Amarex shall file their direct testimony and evidence on or before June 11, 1976. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on July 8, 1976, at 9:30 A.M. EST, in a hearing room at the address noted in Ordering Paragraph (A).

(E) CIG and MRT are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and *Provided, further*, that the admission of CIG and MRT in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding, and that they agree to accept the record as it now stands.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14936 Filed 5-20-76; 8:45 am]

[Docket Nos. ER76-626 and ER76-530]

**ARIZONA PUBLIC SERVICE CO.**  
**Notices of Cancellation, Proposed Rate Increases, and Other Proceedings**

May 14, 1976.

On April 15, 1976, Arizona Public Service Company (APS) tendered for filing in Docket No. ER76-530 a notice of can-

cellation of APS Rate Schedule FPC No. 17, as supplemented, governing service to Navopache Electric Co-operatives, Inc. (Navopache) and in Docket No. ER76-626 a notice of cancellation of APS Rate Schedule FPC No. 34, as supplemented, governing service to the Town of Wickenburg (Wickenburg). These notices were filed pursuant to the Commission's order issued March 31, 1976, as amended by order issued April 26, 1976, in Docket No. ER76-530 which indicated, *inter alia*, that APS' proposed rate increases to Wickenburg and Navopache were incomplete because the requisite notices of cancellation had not been filed with the Commission. Accordingly, no filing date was assigned to APS' submittals relating to Wickenburg and Navopache. Action was deferred on motions to reject submittals filed by each of the two customers. For the reasons hereinafter stated, the Commission shall accept APS' filing of its notice of termination to the two customers, accept APS' rate increase to the two customers for filing and suspend it for one day to become effective May 16, 1976 subject to refund.

On May 7, 1976 Wickenburg filed a pleading which requested that the Commission reject APS' filing of its notice of cancellation to Wickenburg, reject the rate increase to Wickenburg, and alternately, if the rate is accepted, that it be suspended for five months. The Commission shall deny Wickenburg's motions to reject for reasons stated hereinafter.

By letter dated March 31, 1975 APS cancelled its contract with Wickenburg. Thus, there is no contractual bar to APS' filing. The fact that APS continued to serve Wickenburg under the terms of the cancelled contract does not indicate that the contract was renewed by actions of the parties because APS was required to continue such service. The cancelled contract remained the only filed rate schedule and APS was required to observe it until changed. Once APS decided to change the schedule, it was required by Section 35.13 to demonstrate its right to do so. Thus, the requirement that APS file the letters terminating the contract was a requirement of Section 35.13 which has been observed.

Because APS does not propose to cancel service to Wickenburg, there is no requirement that APS proceed under Section 35.15. Accordingly, the Commission shall accept APS' rate increase to Wickenburg for filing. However, these rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. The Commission shall suspend the use of the new rates until May 16, 1976, when they shall become effective subject to refund.

Wickenburg alleges that since the material in Docket No. ER76-530 was tendered the Period I data has become "stale" in that it is now more than seven months old. However, Section 35.13(b) (4) (iii) as amended by order issued January 20, 1976 provides that Period I shall cover a period ending not more than seven months prior to the date the filing was tendered. APS tendered its filing on February 26, 1976 which was within the prescribed time limits.

With respect to the length of the suspension period, the Commission has reviewed the documents filed in these dockets and believes that a one day suspension is warranted in this case. The Commission notes that the rate increase to the other customers for whom it was permitted to become effective prior to a final Commission Order was suspended until May 1, 1976.

The Commission deferred action in its March 31 order on Navopache's motion to reject until proof of APS rights to file had been established.

As quoted in that order the following language is found in the APS-Navopache contract:

After the anniversary date of this contract in 1970 (September 14, 1970), the contract shall be deemed automatically renewed for one additional ten (10) year term, subject, however, to reopening, on notice given by either party to the other not less than two (2) years in advance effective as of the anniversary date in 1970 or any subsequent anniversary date specified in the notice of renegotiation as to rates, terms or other conditions. Thereupon the parties shall negotiate in a bona fide attempt to reach agreement mutually satisfactory as to rates, terms and conditions, but in the event that such negotiation does not result in agreement prior to the anniversary date as of which the notice to reopen is effective, then either party shall have the right to cancel this contract effective as of the anniversary on which the notice for reopening was to become effective.

APS' April 15 filing contains (1) a letter dated May 25, 1972 which purported to open the Agreement for renegotiation; and (2) a letter dated September 11, 1974 which purported to cancel the contract because renegotiations had not brought about final agreement on a new contract. These two letters are accepted for filing as demonstrating a termination of the contract between APS and Navopache. Navopache argues that the contract has been renewed for an additional 10 years and that the notice of termination referred to in the succeeding clause refers to an anniversary date of September 14, 1980. In short Navopache believes that "anniversary date" refers to the anniversary date at the end of the next term of 10 years. The Commission believes that the term "anniversary date" refers to the date the contract was signed and the yearly anniversaries of that date. The letters filed by APS clearly demonstrate that the contract was cancelled in a timely manner under this interpretation. Accordingly, Navopache's motion to reject shall be denied.

APS' filing of its notice of termination to Navopache is in accordance with the requirements of Section 35.13 of the Commission's Rules and Regulations and thereby completes APS' filing. Accordingly, APS' rate increase to Navopache shall be accepted for filing. However, the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commis-

sion shall suspend the use of the rates until May 16, 1976 when they shall be accepted for filing subject to refund.

These two filings raise issues of law and fact similar to the issues in Docket No. ER76-530 and accordingly the two dockets shall be consolidated for purposes of hearing and decision.

**The Commission finds:** (1) Navopache's and Wickenburg's motions to reject should be denied.

(2) Good cause exists to accept APS' rate increase to Navopache and Wickenburg, suspend it for one day to become effective May 16, 1976 subject to refund.

(3) Good cause exists to consolidate Docket Nos. ER76-530 and ER76-626.

**The Commission orders:** (A) Navopache's and Wickenburg's motions to reject are hereby denied.

KENNETH F. PLUMB,  
Secretary.

Arizona Public Service Co.

Other party	Designation	Description
Wickenburg	Supp. No. 14 to rate schedule FPC No. 34	Rates.
	Supp. No. 15 to rate schedule FPC No. 34 (supersedes supp. No. 13)	Fuel clause.
	Exhibit A to rate schedule FPC No. 34	Letter dated Mar. 31, 1975.
Navopache	Exhibit A to rate schedule FPC No. 17	Letter dated May 25, 1972.
	Exhibit A to rate schedule FPC No. 17	Letter dated Sept. 11, 1974.
	Supp. No. 19 to rate schedule FPC No. 17	Rates.
	Supp. No. 20 to rate schedule FPC No. 17 (supersedes supp. No. 18)	Fuel clause.

[FR Doc.76-14930 Filed 5-20-76; 8:45 am]

[Docket No. ER76-643]

**ARKANSAS POWER & LIGHT CO.**  
**Proposed Change in FPC Rate Schedule**

May 14, 1976.

Take notice that on April 26, 1976, Arkansas Power & Light Company (Company) tendered for filing proposed changes in one of the Company's rate schedules: Arkansas Power & Light Company Rate Schedule FPC No. 50.

The Company states that Rate Schedule FPC No. 50 is a contract between the Company and the Water and Light Commission of Hope, Arkansas (City of Hope). The change in FPC No. 50 includes the addition of one point of delivery. The change in FPC No. 50 is proposed to take effect on April 28, 1976. For this reason, the Company requests waiver of the Commission's thirty day rule on filings.

The Company states that due to a difficulty in making accurate estimates on the billing effect of this change, no billing data was filed. The company states that there will be no change in rates or provisions in the schedule other than those noted above. The Company requests waiver of the Commission's Regulations concerning this proposed filing. A copy of the filing has been mailed to the City of Hope.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 24, 1976. Protests will be considered by the Commission in de-

(B) APS' rate increase filing (See designation in Appendix A) to Navopache and Wickenburg is hereby accepted and suspended until May 16, 1976 when it shall become effective subject to refund. APS' letters to Navopache and Wickenburg are accepted for filing (See designation in Appendix A).

(C) Docket Nos. ER76-626 and ER76-530 are hereby consolidated for purposes of hearing and decision.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

termining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14924 Filed 5-20-76; 8:45 am]

[Docket No. ER76-657]

**CENTRAL HUDSON GAS AND ELECTRIC CORP.**

**Filing of Rate Schedule**

May 14, 1976.

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson), on April 30, 1976 tendered for filing as a supplement to its Rate Schedule F.P.C. No. 22 a letter of agreement and notification dated December 10, 1975 between Central Hudson and New York State Electric and Gas Corporation. Central Hudson states that this letter provides for an increase in the monthly facilities charge from \$6,803.63 to \$7,130.92 in accordance with Article IV.1. of its Rate Schedule F.P.C. No. 22, an increase in the monthly transmission charge from \$1,625.00 to \$2,430.48 in accordance with Articles V. and VI. of its Rate Schedule F.P.C. No. 22 and an increase in the annual operation and maintenance charge from \$1,471.37 to \$1,603.80 in accordance with Article IV.2. of its Rate Schedule F.P.C. No. 22. Central Hudson requests waiver of the notice requirement of Subsection 35.3 of the Commission's Regulations to permit this proposed increase to become effective January 1, 1976.



Copies of filing by Central Hudson were served upon: New York State Electric and Gas Corporation, 4500 Vestal Parkway, East, Binghamton, New York 13902.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14919 Filed 5-20-76; 8:45 am]

[Docket No. ER76-533]

#### CENTRAL VERMONT PUBLIC SERVICE CORP.

##### Order Denying Motion for Reconsideration

MAY 17, 1976.

On April 14, 1976 Central Vermont Public Service Corporation (Central Vermont) filed a motion for reconsideration of the Commission's order of March 31, 1976 in the above-referenced proceeding. Central Vermont requests a reduction in the length of the suspension period now set at five months. Upon review of Central Vermont's pleading and the March 31 order the Commission shall herein deny Central Vermont's motion.

In support of its motion Central Vermont points to the "serious erosion" of its financial condition. Further Central Vermont reassures that existing wholesale rate levels do not recover the full cost of serving its wholesale customers. In its motion Central Vermont states its belief that the length of the suspension period is largely based upon its method of demand allocation which Central Vermont vigorously defends. Finally Central Vermont states that its wholesale business constitutes a large proportion of its overall operations and must therefore make a significant contribution to the overall financial condition of the Company.

The Commission has reviewed its determination of the length of the suspension period and continues to believe that it is proper based upon an examination of Central Vermont's entire filing.

The decision concerning the length of the suspension period is one of discretion with the Commission. *Municipal Light Boards v. FPC*, 450 F.2d 1341 (D.C. Cir.—1971) cert. den. 405 U.S. 989 (1972). The Commission has reviewed the record in this case and reaffirms its March 31 order.

*The Commission finds:* Central Vermont has presented no new issues of fact or law which are sufficient to grant reconsideration of the March 31 in this proceeding.

*The Commission orders:* (A) Central Vermont's motion for reconsideration is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14928 Filed 5-20-76; 8:45 am]

[Docket No. RP76-73]

#### DISTRIGAS OF MASSACHUSETTS CORP.

##### Order Granting Motion for Summary Rejection and Granting Interventions

MAY 17, 1976.

On March 18, 1976, Distrigas of Massachusetts Corporation (DOMAC) tendered for filing a proposed tariff to replace existing contracts with its LNG customers. Public notice of DOMAC's tender was issued on March 26, 1976 with comments, protests or petitions to intervene due on or before April 7, 1976. Several petitions to intervene were filed and shall be granted. In addition, a Motion for Summary Rejection was filed by Boston Gas Company. For the reasons hereinafter stated, this Motion shall be granted.

Petitions to intervene were filed by South Jersey Gas Company on April 7, 1976; Valley Gas Company on April 7, 1976; New Jersey Natural Gas Company on April 7, 1976; collectively by Bay State Gas Company, The Connecticut Gas Company, Fall River Gas Company, Haverhill Gas Company and Providence Gas Company on April 7, 1976; and, Boston Gas Company on April 5, 1976. A late petition to intervene was filed by the Brooklyn Union Gas Company on April 9, 1976. All these parties purchase LNG from DOMAC. A petition to intervene was filed also by Algonquin Gas Transmission Company (Algonquin) on April 5, 1976. Algonquin does not purchase LNG from DOMAC, but Algonquin operates LNG terminal facilities similar to those of DOMAC. Algonquin's interest in the instant proceeding is that "the Commission's decision herein may establish principles related to the rates and conditions of such sales will directly affect Algonquin Gas' interest in the *Eascogas* project, which similarly involves the sale of imported LNG."

Boston Gas Company (Boston Gas) filed on April 7, 1976 a Motion for Summary Rejection of the Proposed Gas Tariff or, in the Alternative, to Suspend such Tariff Pending a Public Hearing. Boston Gas is an intrastate customer, i.e., one which purchases LNG in the state of importation, of DOMAC. Boston Gas contends that the Court in *Distrigas Corporation v. FPC*, 495 F.2d 1057 (D.C. Cir. 1972), cert. denied, 419 U.S. 884 (1974)

"found that the Commission does not have jurisdiction under the Natural Gas Act to regulate the intrastate sales of imported LNG" to Boston Gas. The Motion then indicates the Commission could assert jurisdiction under the *Distrigas* decision as part of an import authorization under Section 3 of the Natural Gas Act, but only if this was in the public interest and supported by substantial evidence. Boston Gas asserts that since the Commission has not made such a finding, rate jurisdiction over DOMAC's LNG sales to Boston Gas has not attached.

On April 22, 1976, DOMAC filed an Answer in Opposition to Motion of Boston Gas for Summary Rejection. DOMAC's Answer alleges that the Commission's order of April 16, 1976 in this docket "either granted or substantially mooted the motion of Boston Gas." DOMAC states that "the contentions of Boston Gas that the Tariff abrogates the long-term LNG supply contracts between DOMAC and Boston Gas is not supported by fact or law." DOMAC alleges further that its contract with Boston Gas permits DOMAC to restate the contract terms in tariff form and that the contract provision is similar to that presented in *United Gas Pipe Line Co. v. Memphis Light, Gas & Water Division*, 358 U.S. 103 (1958) permitting "an adjustment in rates."

Boston Gas filed on April 30, 1976 a Renewal of Motion and Response to the Answer of DOMAC in Opposition. Boston Gas claims the Tariff "substantially changes not only the intrastate rates for LNG imported into Massachusetts but the terms and conditions associated with those sales upon which Boston Gas has relied." Boston Gas in this Renewal contends that its contract provides for change to tariff form only after it is finally determined that the Commission has jurisdiction over these intrastate sales. Boston Gas claims this bars DOMAC from filing a tariff with the Commission at present because a final determination of the Commission's jurisdiction has not been made. Finally, Boston Gas indicates that the issues raised by its April 7, 1976 Motion were not mooted by the Commission's April 16, 1976 order because the tariff contains "unjust and discriminatory features" which extend beyond the scope of reparation by refund and, therefore, may cause irreparable harm to Boston Gas.

The central question presented by Boston Gas' Renewal of Motion is whether DOMAC's filing a tariff in place of the existing contract with Boston Gas is barred by the application of the *Mobile-Sierra* doctrine. The pertinent language of the DOMAC-Boston Gas contracts reads:

If it is finally determined that any regulatory authority has jurisdiction over [DOMAC's] sales made under this contract, then in such event but not otherwise [DOMAC] shall have the right

<sup>1</sup> *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956).

to restate this contract as part of a tariff consisting of rate schedules, general terms and conditions and form of service agreement and to file such tariff with such regulatory agency."

The Commission must determine whether this language presents a contractual bar to DOMAC's filing its tariff as applied Boston Gas and, if it does, has a final determination been made concerning the Commission's jurisdiction over DOMAC's LNG sales to Boston Gas.

The primary thrust of the *Mobile-Sierra* doctrine is the preservation of the integrity of private contractual arrangements.

The obvious implication is that except as specifically limited by the [Natural Gas] Act, the rate-making powers of natural gas companies were to be no different from those they would possess in the absence of the Act to establish *ex parte*, and change at will, the rates offered to prospective customers, or to fix by contract and change only by mutual agreement, the rate agreed upon with a particular customer. *United Gas v. Mobile Gas*, supra n.1, 350 U.S. at 343.

Although the original statement of the doctrine applied specifically to increase in rates, the doctrine has been construed to include limitation of the manner in which rate changes can be made.

By ensuring that contractual obligations cannot be circumvented by one party to the contract unilaterally filing with the Commission a new tariff inconsistent with those obligations, the *Mobile-Sierra* doctrine "preserv[es] the integrity of contracts" and "permits the stability of supply arrangements which all agree is essential to the health of the . . . industry." [*Mobile*, supra, at 344] These principles apply whether the parties agree to a specific rate or whether they agree to a rate changeable in a specific manner. In either case the contract is binding and a unilateral filing is ineffective to change it. (Emphasis added) *Richmond Power & Light Co. v. FPC*, 481 F.2d 490, 497 (D.C. Cir. 1973); cert. denied sub nom., *Indiana & Michigan Electric Co. v. FPC*, 414 U.S. 068 (1973).

DOMAC's unilateral filing of a tariff to replace the existing contract it had with Boston Gas falls within the ambit of the *Mobile-Sierra* doctrine because the language of these contracts shows the parties' intent to change the contract only in a specific manner. As the Commission interprets the DOMAC-Boston Gas contracts, DOMAC may file a tariff replacing the contract only when it is finally determined that the Commission

<sup>2</sup> This same language is found in each of the four contracts between DOMAC and Boston Gas:

1. Vaporized and Liquid LNG Purchase Agreement, Section 8.3;
2. Liquefied Natural Gas Purchase Agreement, Section 7.3;
3. Vaporized LNG Purchase Agreement, Section 7.3;
4. Bulk off Purchase Agreement, Section 5.3.

has jurisdiction over these sales. Thus this language operates as a contractual bar to DOMAC's filing a tariff replacing the Boston Gas contract unless it has been finally determined that the Commission does have jurisdiction over these sales.

The question of the Commission's jurisdiction over the LNG sales by DOMAC to Boston Gas has not been finally determined. The decision in *Distrigas Corporation v. FPC*, 495 F.2d 1057 (D.C. Cir. 1974), did not indicate that final determination of this question has been achieved. The Court of Appeals stated two bases for the Commission deciding it has jurisdiction, but found the record before it lacking necessary elements for final resolution.

While we do not believe the Commission [is] in any way estopped from imposing on Distrigas the equivalent of Section 7 requirements, two considerations prevent us, on the present record, from affirming the Commission's order as a proper exercise of its Section 3 authority. *Ibid.*, 1066.

The two considerations were the lack of a Section 3 hearing and the lack of the proper Section 3 "necessary or appropriate" determination.

The Court of Appeals indicated also that the "commingling" theory was deficient on the record before it.

[T]he Commission originally grounded its order on a "commingling" theory. It eschewed that theory, however, in its order denying rehearing. In addition, it failed, both in its original order and in its order denying rehearing, to make any findings of jurisdictional fact or to provide any reasoned analysis to support a conclusion that, because of commingling, the Commission has jurisdiction over Distrigas' facilities and sales. *Id.*, 1057.

While the Commission believes it may be possible to find jurisdiction over DOMAC's sales to Boston Gas in a manner fully supported as a part of the final decision in Docket No. CP70-196 which deals with this question, such a final determination has not been made as yet. In view of this, the contractual language preventing the unilateral change from a contract to a tariff prior to the final determination of the Commission jurisdiction bars the instant filing by DOMAC as

<sup>3</sup> DOMAC claims the same provisions of the Boston Gas contracts contain *Memphis*, supra, 358 U.S. 103, clauses which permit "an adjustment in rates." However, the *Memphis* clause of these provisions does not operate unless it has been determined that the Commission has jurisdiction: "In such event [that jurisdiction is found] but not otherwise [DOMAC] further shall have the right to propose to any such regulatory authority changes in the rates, charges, classifications, services, practices, rules and regulations contained in such tariff." Since this sentence contemplates the existence of a tariff it has no applicability here where a tariff is being filed for the first time by DOMAC for these sales.

it relates to Boston Gas. Therefore, the Commission shall grant Boston Gas' Motion for Summary Rejection and reject DOMAC's tariff as it relates to Boston Gas.

*The Commission finds:* (1) The petitions to intervene may be in the public interest.

(2) Good cause exists to grant Boston Gas' Motion for Summary Rejection.

*The Commission orders:* (A) Boston Gas' Motion for Summary Rejection is hereby granted.

(B) DOMAC's proposed Tariff as it relates to Boston Gas is hereby rejected.

(C) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in each of their notices of intervention; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14932 Filed 5-20-76; 8:45 am]

[Dockets Nos. AR64-1, et al. and RP67-9 (Refunds)]

#### AREA RATE PROCEEDING (HUGOTON ANADARKO AREA) AND EL PASO NATURAL GAS CO.

##### Filing of Refund Report

MAY 13, 1976.

Take notice that on April 14, 1976, El Paso Natural Gas Company ("El Paso") submitted a report of refunds received from its producer-suppliers during the period July 1, 1975, through March 31, 1976.

El Paso states that the instant filing is in accordance with Article IV of the Stipulation and Agreement approved by the Commission Order issued on April 3, 1967, in Docket No. RP67-9 and is in compliance with ordering paragraph (C) of the Order issued on March 17, 1975 in Docket Nos. AR64-1, et al.

El Paso states that copies of its filing have been served upon El Paso's jurisdictional customers and upon interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be

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considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-14915 Filed 5-20-76; 8:45 am]

[Docket No. CP74-126]

**EL PASO NATURAL GAS CO.  
Petition To Amend**

MAY 14, 1976.

Take notice that on May 6, 1976, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to operate an additional exchange point in Eddy County, New Mexico, and to exchange gas at such point with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner is authorized in the instant docket to operate facilities and to exchange natural gas with Natural. Petitioner states that Natural has acquired additional gas supplies in proximity to Petitioner's facilities in Eddy County, New Mexico, and that in order to avoid the necessity for Natural's constructing duplicative facilities to take the gas Petitioner has agreed to receive the gas from Belco Petroleum Company and Bass Enterprises Production Company for the account of Natural. Petitioner states that the gas would be received from the producers by means of Petitioner's existing wellhead measurement facilities and that no new facilities are required to be constructed and operated by Petitioner and Natural. The new exchange point would be known as the Eddy No. 6 exchange point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-14926 Filed 5-20-76; 8:45 am]

[Docket No. CP75-362]

**EL PASO NATURAL GAS CO.  
Order Setting Pre-Hearing Conference Prescribing Procedures and Granting Interventions**

MAY 17, 1976.

On June 11, 1975, El Paso Natural Gas Company (El Paso) filed at Docket No. CP75-362 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and retire from natural gas service certain mainline transmission pipeline, compression, and right-of-way tap facilities presently comprising a part of its interstate gas pipeline transmission system. El Paso states that if the abandonment is granted, it would convert certain of the abandoned facilities to the transmission of crude oil. El Paso states that the converted line would become an integral part of a proposed crude oil pipeline system which would extend from Long Beach, California, to the vicinity of Midland, Texas (the "Crude Oil Project"). The Crude Oil Project, if implemented, would deliver surplus Alaskan crude oil to the Midwest, Gulf Coast and Eastern United States.

On September 11, 1975, El Paso submitted data respecting its application in response to an August 12 data request by Staff. On December 8, 1975, El Paso filed a first supplement and amendment to its application. On January 16, 1976, El Paso filed and served its prepared direct testimony and proposed hearing exhibits in support of its abandonment application.

The facilities that El Paso seeks to abandon consist of:

- (i) Approximately 669.4 miles of 30" O.D. and 26" O.D. high pressure gas transmission pipeline;
- (ii) A total of 57,050 horsepower located at six compressor stations; and
- (iii) Five taps used for the sale and delivery of natural gas for resale to five grantors of pipeline rights-of-way.

El Paso states that it also seeks permission and approval under § 7(b) of the Natural Gas Act to abandon the sale of natural gas for resale made by means of such taps. El Paso states that it will attempt to negotiate alternative arrangements with the five right-of-way grantors whose natural gas service would be affected.

El Paso states that despite its continuing efforts to connect new gas supplies to support or increase sales from its system, El Paso's available gas supply in 1977, and thereafter, will be depleted to such an extent that the continued operation in natural gas service of the facilities proposed to be abandoned is unwar-

ranted. El Paso states that its interstate transmission system's maximum day design capacity is approximately 3,999 MMcf. El Paso states that during the past several years it has been unsuccessful in its efforts to acquire new supplies of natural gas capable of even offsetting the decline in deliverability of its existing supply sources. Therefore, El Paso is curtailing gas service pursuant to Commission orders issued at Docket No. RP72-6. El Paso projects winter peak day gas service at 2,797 MMcf for December 1977, 2,804 MMcf for January 1978 and 2,597 MMcf for January 1979. Thus, the minimum peak day idle capacity that El Paso projects is 1,195 MMcf. El Paso's proposed abandonment would reduce the natural gas pipeline capacity by 683 MMcf per day.

El Paso states that on May 6, 1975, it executed a preliminary agreement with the Standard Oil Company, Ohio (Sohio) respecting the conversion of certain of the facilities proposed to be abandoned to crude oil service, in connection with the "Crude Oil Project". The Crude Oil Project contemplates the use of both new and existing facilities to initially transport up to 500,000 barrels per day of Alaskan crude oil, off loaded in California. The project could ultimately be expanded to 1,000,000 barrels per day. The El Paso facilities proposed to be converted would comprise a part of a crude oil pipeline system extending approximately 1,000 miles from the West coast of California to terminal storage facilities near Midland, Texas, and to points of connection with existing liquid pipelines in that area. Sohio would be responsible for connecting oil pipeline facilities from the receipt location in California to the El Paso pipeline near Blythe, California and from the terminus of the El Paso pipeline near Jal, New Mexico to the area near Midland, Texas.

The original cost of the El Paso pipeline proposed to be abandoned is approximately \$95 million. If the abandonment is granted, El Paso proposes that, pursuant to Section 8.03(4) of its Indenture of Mortgage, an independent engineer will make an estimate of the fair market value of the properties to be released from the mortgage (i.e. abandoned). Next, Coronado Pipeline Company (Coronado), a wholly owned subsidiary will finance the purchase from El Paso of the facilities to be converted. The purchase price will be the fair market value determined by the independent engineer. Coronado would then deposit cash with the trustee equal to the fair market value and the trustee will release the properties from the lien of the pipeline mortgage and El Paso will sell the facilities to Coronado. Finally, Coronado would lease the pipeline to Sohio Transportation Company, a wholly owned subsidiary of Sohio.

The initial term of the lease to Sohio Transportation would be twenty years commencing with the date that all permits, authorizations and approvals required for the abandonment of natural

gas through El Paso's facilities have been issued to and accepted by El Paso and such service has been discontinued. Sohio Transportation would pay rent to Coronado at the rate of \$11,300,000 per year until the Crude Oil Project is capable, on a sustained basis, of transporting 500,000 barrels per day of oil from the Southern California ocean port to the Midland, Texas terminus point.<sup>1</sup>

Petitions to intervene have been filed by:

Texas Eastern Transmission Corporation  
California Gas Producers Association  
Natural Gas Pipeline Company of America  
San Diego Gas and Electric Company  
Tuscon Gas & Electric Company  
Northern Border Pipeline Company  
Standard Oil Company, Ohio  
Alaskan Arctic Gas Pipeline Company  
Southern California Gas Company  
Arizona Public Service Company  
Pacific Gas and Electric Company  
Southern California Edison Company  
Salt River Project Agricultural Improvement and Power District  
Michigan Wisconsin Pipe Line Company  
Southern Union Gas Company  
Southwest Gas Corporation  
Federal Energy Administration  
Railroad Commission of the State of Texas

In addition, a joint notice of intervention has been filed by the People of the State of California and the Public Utilities Commission of the State of California (California).

On January 23, 1976, El Paso filed a motion to phase hearings and to establish procedural dates or alternatively to order a prehearing conference. In its motion, El Paso states that by early 1978 a surplus of crude oil in the range of 400,000 barrels per day will exist in the markets of the western United States. El Paso states that the abandonment authorization sought herein must be obtained not later than the first quarter of 1977.

El Paso proposed a phased hearing with Phase I to include presentation and cross-examination of all evidence required under Section 7(b) and would include the presentation and cross-examination of any environmental evidence to be presented by any parties except Staff. Phase II would consist of hearings on Staff's environmental impact statement. In addition, El Paso requests that the Commission set dates for the service of testimony and exhibits by supporting intervenors. Furthermore, El Paso requests that the Commission either set a date for the commencement of hearings or for a pre-hearing conference. Finally, El Paso states that due to the imperative need for timely action on its application, it will file, at an appropriate time in the future, a petition to the Commission to modify the procedures specified in Sections 2.80 and 2.82 of the Commission's Statements of General Policy and Interpretations in order to permit cross-examination of the Staff's Draft Environmental Impact Statement rather than Staff's Final Environmental Impact Statement.

<sup>1</sup> From that point until the end of the initial term, Sohio Transportation will pay \$17,000,000 per annum.

<sup>2</sup> Intervention requests a formal hearing.

California, in a response to El Paso's motion, stated that it does not object to a phased proceeding. California stated that it does object, however, to the requirement that intervenors file environmental testimony prior to the issuance of Staff's Final Environmental Impact Statement. Finally, California supports El Paso's alternate suggestion that a pre-hearing conference be convened for the purpose of adopting procedural dates. The Federal Energy Administration (FEA) has coupled its intervention with a statement in support of El Paso's motion.

We believe that a formal hearing should be convened to develop a complete record in this proceeding. In this order, we will establish a date for the filing of testimony by supporting intervenors and we will grant El Paso's alternate motion for the convening of a pre-hearing conference. We note that El Paso has not made a formal motion to modify the procedures specified in Sections 2.80 and 2.82 of the Commission's Statements of General Policy and Interpretations. However, the particular circumstances which underlie El Paso's application for abandonment in this proceeding warrant our prescribing a procedural course of action with respect to the environmental aspects that fall within the sphere of this agency's responsibility in order to assure that the progress of this proceeding is not unduly impeded.

The abandonment for which El Paso seeks Commission approval in this proceeding is merely one step that it must take in order to bring its overall proposal to full fruition. Before reaching this goal El Paso and Sohio will also require the approval of another federal entity, i.e., the Department of the Interior. The fact that the overall project will necessitate El Paso's obtaining the approval of more than one federal entity raises the question of the precise scope of this Commission's responsibility under NEPA,<sup>2</sup> and the manner in which it should undertake to implement these responsibilities in this particular proceeding.

The formulation of an Environmental Impact Statement (EIS) is necessarily a costly and time consuming process due to the fact that a broad spectrum of highly complex subjects must be considered. Hence, the situation presently before us requires that we prescribe a course of action relative to environmental considerations that will avert a duplication of effort on this issue by the Federal entities involved. Additionally, it is necessary for us to define appropriate procedures at this juncture relative to environmental matters affecting those limited areas of responsibility that fall within the sphere of our jurisdiction in order to avert impeding the expeditious resolution of a project that may be of significant national importance.

Even though the permission sought herein to abandon certain facilities is

<sup>2</sup> National Environmental Protection Agency Act (NEPA), 42 USC 4332(2)(c).

undoubtedly an important first step in the progression of the overall project, our role, when viewed in the context of the overall project, is merely ancillary in nature.<sup>4</sup>

However, the abandonment of the aforementioned pipeline facilities appears to be an integral part of the overall project. The Department of Interior has evidently already made a determination that the project is a "major federal action" under NEPA. In view of the fact that Interior has the broadest spectrum of responsibility with respect to the overall project being considered herein, it must be regarded as being the so-called "lead agency" under the tenets of the recent decision handed down by the DC Circuit in the *Alice Henry* case.<sup>5</sup>

Interior will, therefore, formulate and circulate an EIS with respect to the overall project. It would serve no useful purpose for this agency, in view of the aforementioned, to undertake a parallel and duplicative effort in this matter. It will, therefore, defer any action with respect to the promulgation of an appropriate EIS for the overall project to Interior and at a suitable time formally adopt that document unless it finds that it can not do so upon reviewing it. In which event, the Commission will make provision to assure that Interior's EIS, and any modifications or revisions that it may suggest be made thereto, is incorporated into the record developed in this proceeding.

We note that El Paso, in anticipation of an order providing for formal hearing, has already filed much of its direct testimony and exhibits. This testimony should, of course, be updated, and completed by the filing of the environmental presentation. In addition, the proceeding should develop, *inter alia*, a record on the following subjects:

(1) El Paso shall provide a schedule of estimated remaining recoverable gas reserves from reservoirs dedicated to the pipeline. This schedule should include an explanation of any large decline in deliverability from a reservoir field and a listing of all attempts by producers to abandon sales of natural gas to El Paso. This latter listing should include an explanation of El Paso's response to any attempts to abandon sales.

(2) El Paso shall provide a listing of potential reserves which could be attached to the pipeline system in the near future. This listing should include gas from offshore sources, LNG, SNG and coal gasification proposals.

<sup>4</sup> The Commission's sphere of responsibility relates to the issue of whether or not it should grant abandonment to El Paso with respect to its operations relative to certain of its in-place mainline natural gas transmission facilities which are allegedly in excess of its needs due to the critical natural gas shortage.

<sup>5</sup> See *Alice Henry v. FPC*, Case Nos. 73-2090, et al. DC CA decided July 28, 1975, affirming the Commission's Opinion No. 663, *El Paso Natural Gas Company*, 50 FPC 651 (1973).



(3) El Paso shall discuss the effect of the proposed abandonment on the application in El Paso Eastern Company, Docket No. CP73-358, *et al.*, and El Paso Natural Gas Company, Docket No. CP73-131.

(4) El Paso shall provide a complete explanation of the proposed operation of its natural gas system if the El Paso proposal in El Paso Alaska, *et al.*, Docket No. CP75-96, *et al.*, and the abandonment proposed herein are approved. This explanation should consider the proposed operation of the natural gas system if abandonment of facilities for Phase II of the Crude Oil Project is approved and should list the facilities proposed to be abandoned in Phase II of the Crude Oil Project.

(5) El Paso shall list any requests for transportation of natural gas under Order No. 533 and discuss the effect of the proposed abandonment upon future requests.

(6) El Paso shall explain why it did not follow the required accounting procedure for Gas Plant Instruction 4F, Gas Plant Purchased or Sold. In its response, El Paso shall estimate the accumulated depreciation and shall provide a breakdown of the vintage years when the facilities proposed to be abandoned were placed into service.

(7) El Paso and/or Sohio shall discuss the effect of the proposal on the quality of the human environment.

(8) El Paso shall explain the necessity of a sale to Coronado rather than a direct lease by El Paso to Sohio Transportation.

(9) El Paso and/or Sohio shall present any contracts or agreements with producers of the Alaskan crude oil to transport such oil through the Crude Oil Project.

(10) El Paso and/or Sohio shall present studies on the financial feasibility of the Crude Oil Project. Such data shall include a discounted cash flow analysis of the project, anticipated transportation charges for the oil and the effect of Interstate Commerce Commission restraints on return.

(11) El Paso and/or Sohio shall discuss proposed market distribution of the oil after refining. Such discussion shall include projected cost of the oil to the end-use consumer.

*The Commission finds:* (1) It is necessary and appropriate that the proceeding in Docket No. CP75-362 be set for formal public hearing.

(2) El Paso's alternative motion for the convening of a pre-hearing conference should be granted.

(3) Under § 1.8 of the Commission's Rules of Practice and Procedure, a pre-hearing conference should be convened to establish procedures to expedite the orderly conduct of the formal hearing.

\*The El Paso-Sohio agreement of May 6, 1975, seems to indicate that El Paso is obligated to seek authorization for abandonment of the Phase II facilities.

(4) The petitions to intervene may be in the public interest.

*The Commission orders:* (A) El Paso Natural Gas Company, and all supporting intervenors, shall file direct testimony and exhibits comprising their cases-in-chief on all issues set forth in this order on or before June 4, 1976.

(B) A pre-hearing conference is to be convened on June 10, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to discuss procedural issues as noted in this order. The Presiding Judge has authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss) as provided for in the Rules of Practice and Procedure.

(C) The motion of El Paso to expedite procedures is granted to the extent stated herein.

(D) The record of this proceeding shall remain open until the submission of the Commission Staff's final environmental impact statement and the presentation of supporting environmental testimony.

(E) The above-mentioned petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, that participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and Provided, further, that the admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14933 Filed 5-20-76; 8:45 am]

[Docket Nos. ER76-397 and E-9091]

#### GEORGIA POWER CO. Order Denying Rehearing

MAY 17, 1976.

On April 19, 1976, the Cities of Acworth, Georgia, *et al.*, and the Electric Cities of Georgia, Georgia Municipal Association, Inc. (Cities) filed an application for rehearing of the Commission's March 19, 1976 order in these dockets. For the reason hereinafter stated, the Commission shall deny the application for rehearing.

By order issued March 19, 1976, the Commission accepted for filing and suspended for one day a proposed fuel adjustment clause as well as a temporary fuel surcharge tendered for filing by Georgia Power Company (Georgia Power). The Commission, after fully considering the formal protest and the arguments presented by the Cities, set the matter for hearing stating

"Insofar as the matters raised by petitioners (Cities) are proper subjects for investigation rather than bases for a rejection of the proposed filing, we shall deny Cities' motion for rejection."

In their April 19, 1976 application for rehearing, the Cities seek rehearing of the Commission's acceptance of the proposed fuel adjustment clause and the decision to suspend the use of the fuel adjustment clause for one day. In support of their application, the Cities argue (1) that the clause does not conform to Section 35.14 of the Commissions Regulations in that the clause is based on estimated rather than actual fuel costs and energy sales for the current period; (2) that the proposed fuel adjustment clause removed a built-in incentive for Georgia Power to bargain for lower prices from its fuel suppliers by doing away with the "lag" in collecting fuel cost increases; (3) that the temporary fuel surcharge constitutes unlawful retroactive ratemaking; and (4) that the surcharge was discriminatory against the Cities since it is not to be applied to Georgia Power's Cooperative customers.

These allegations are identical to those cited in the Cities' original protest which were fully considered by the Commission in its determination to suspend Georgia Powers filing and set it for an investigative hearing rather than to reject the filing. The Cities have not presented the Commission with any basis upon which to amend that conclusion.

Upon thorough consideration of Georgia Powers filing, and the Cities' protest and petition to intervene the Commission found a one-day suspension period to be warranted. After further consideration, we reaffirm our view that a one-day suspension is in order and that it represents a proper exercise of Commission discretion. Reconsideration of the suspension period shall be denied.

The Commission finds: Good cause does not exist to grant the application for rehearing of the Commission's March 19, 1976 order in these dockets filed on behalf of the Cities.

The Commission orders: (A) Good cause not present the Commission hereby denies the Cities' April 19, 1976 application for rehearing of the Commission's March 19, 1976 order in these dockets.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14931 Filed 5-20-76; 8:45 am]

<sup>1</sup> *Municipal Light Boards of Reading and Wakefield, Massachusetts v. F.P.C.*, 450 F.2d 1341 (D.C. Cir. 1971), cert. denied 405 U.S. 989 (1972); *Minneapolis Gas Company v. F.P.C.*, 294 F.2d 212 (D.C. Cir. 1961); *Cities of Lexington, etc., Kentucky v. F.P.C.*, 295 F.2d 109 (4th Cir. 1961); See also *Arrow Transportation Co. v. Southern Railway Co.*, 372 U.S. 658 (1963).

[Docket Nos. E-9469 and ER76-377]

#### LOCKHART POWER CO. Conference

MAY 14, 1976.

Take notice that on May 24, 1976, Staff is convening a conference of all interested persons for the purpose of discussing the issues in the above-captioned proceeding. The conference will be held in Room 8402 of the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m.

All interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14923 Filed 5-20-76; 8:45 am]

[Docket Nos. ER76-209 and ER76-492]

#### METROPOLITAN EDISON CO. Settlement Conference

MAY 14, 1976.

Take notice that on June 16, 1976, a conference to discuss the issues in the captioned proceedings will be convened at the offices of the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. The conference will convene at 10:00 a.m. The room number of such conference will be posted with the schedule of hearings on the Second Floor of the Commission's offices.

Customers and other interested persons will be permitted to attend, but if such other persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Metropolitan Edison's proposed changes to its rates and any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulation discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

Copies of this notice are being mailed this date to all jurisdictional customers and interested State commissions.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14913 Filed 5-20-76; 8:45 am]

[Docket No. RP76-31]

#### LOUISIANA-NEVADA TRANSIT CO. Order Identifying Producers Made Parties to Proceeding

MAY 17, 1976.

Ordering Paragraph (B), mimeo p. 4, of the Commission's order issued March 22, 1976, in the above-captioned docket directed Louisiana-Nevada Transit Company (LNT) to file a list of the names and addresses of the Walker Creek producers associated with the court decision, *Louisiana-Nevada Transit Company v. Dalton J. Woods, et al.*, (Case No. T-73-C-43, U.S. Dist. Ct. W. Dist. Ark., issued June 9, 1975) and stated that the Commission would thereafter issue an order identifying the producers made parties to this proceeding. On April 1, 1976, LNT filed a list of said producers. The Commission hereby identifies the producers listed in Appendix A as parties to this proceeding.

The Commission finds: Good cause exists to identify the Walker Creek producers made parties to this proceeding.

The Commission orders: (A) The producers listed in Appendix A are hereby identified as parties to this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

DEFENDANTS IN THE LAW SUIT OF LOUISIANA-NEVADA TRANSIT COMPANY VS. DALTON J. WOODS ET AL.; CASE NO. T-73-C-43

Defendants	Name and address on company records
Dalton J. Woods..	Dalton J. Woods, 1412 Mid South Towers, Shreveport, La. 71101.
W. C. Partee.....	W. C. Partee, P.O. Box 667, Magnolia, Ark. 71753.
O. M. Helms.....	O. M. Helms, 116 West Church St., Springhill, La. 71075.
Fort Taylor, trustee.	Fort Taylor, trustee, Route 4, Box 53-B, Magnolia, Ark. 71753.
Jane Partee Burrow.	Jane Partee Burrow, P.O. Box 667, Magnolia, Ark. 71753.
Cal Partee, Jr....	Cal Partee, Jr., P.O. Box 667, Magnolia, Ark. 71753.
Smead Stuart.....	Smead Stuart, 1002 Highland Dr., Magnolia, Ark. 71753.
Floyd P. Wilson....	Floyd P. Wilson, Route 1, Box 69, Magnolia, Ark. 71753.
R. P. Snow.....	Robert P. Snow, 2000 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.

Defendants	Name and address on company records
J. B. Budd.....	Jimmie Boreing Budd, 720 Partee Dr., Magnolia, Ark. 71753.
J. B. Warmack.....	J. B. Warmack, Rural Route 3, Waldo, Ark. 71770.
Bernice McKay....	Bernice McKay, P.O. 86, Magnolia, Ark. 71753.
Larry W. Chandler..	Larry W. Chandler, P.O. Box 86, Magnolia, Ark. 71753.
R. L. Choate, trustee.	Transferred interest to: Bernice McKay, P.O. Box 86, Magnolia, Ark. 71753.
Ralph C. Weiser, individually and d.b.a. Weiser-Brown Oil Co.	Ralph C. Weiser, P.O. Box 457, Magnolia, Ark. 71753.
Ben T. Laney.....	Ben T. Laney, Route 1, Box 82, Magnolia, Ark. 71753.
Charles S. Wilkins..	Charles S. Wilkins, 940 Highland Dr., Magnolia, Ark. 71753.
Gene A. Sanders....	Gene A. Sanders, 1903 Dogwood, Magnolia, Ark. 71753.
Wilson Rogers.....	Wilson Rogers, 1706 Pineview St., Magnolia, Ark. 71753.
Grady DuPriest ..	Grady DuPriest, 215-216 McAlester Bldg., Magnolia, Ark. 71753.
Oliver M. Clegg....	Oliver M. Clegg, Drawer A, Magnolia, Ark. 71753.
Edwin B. Keith....	Edwin B. Keith, Drawer A, Magnolia, Ark. 71753.
W. A. Eckert.....	W. A. Eckert, Drawer A, Magnolia, Ark. 71753.
H. M. Wilson.....	Halmon M. Wilson, 604 North Jackson, Magnolia, Ark. 71753.
Dr. J. H. Wilson....	Dr. J. H. Wilson, Wilson Clinic, Magnolia, Ark. 71753.
John H. Wilson, M.D.	John H. Wilson, M.D., 123 North Jackson St., Magnolia, Ark. 71753.
Larkin M. Wilson..	Larkin M. Wilson, P.O. Box 543, Magnolia, Ark. 71753.
Weyman H. Cox II..	Weyman H. Cox II, Suite 840, 400 Travis St., Shreveport, La. 71101.
Wilburn A. Slack, agent .....	Wilbur A. Slack, individually and as attorney in fact for Wanda Wood Slack, et al., P.O. Box 755, Springhill, La. 71075.
Harvey Broyles....	Louisiana Bank & Trust Co. of Shreveport A/C Harvey Broyles, P.O. Box 1730, Shreveport, La. 71166.
William H. Broyles.....	Louisiana Bank & Trust Co. of Shreveport A/C William H. Broyles, P.O. Box 1730, Shreveport, La. 71166.
Ray T. Jenkins....	Ray T. Jenkins, P.O. Box 1046, Shreveport, La. 71163.
N. L. Burkett.....	N. L. Burkett, 2502 Ashland Ave., Bossier City, La. 71010.



Defendant	Name and address on company records
Orieta W. Wright	Orieta W. Wright, 252 Dunleith, Port Allen, La. 70767.
Charles Emory Wilkins	Charles Emory Wilkins, 1608 Fairview, Monroe, La. 71201.
J. C. Templeton	J. C. Templeton, P.O. Box 1814, Shreveport, La. 71166.
Everett L. Davidson	Everett L. Davidson, P.O. Box 173, Shreveport, La. 71102.
James F. White	James F. White, 1408 Mid South Towers, Shreveport, La. 71102.
	James F. White c/o Louisiana Bank & Trust Co., P.O. Box 1730, Attention: CLD, Shreveport, La. 71120.
Ralph C. Nash	Ralph C. Nash, P.O. Box 387, Nashua, N.H. 03060.
William J. Barrett	William J. Barrett, 40 Chester St., Nashua, N.H. 03060.
A. G. Randolph	A. G. Randolph, 3024 NE. 26th St., Fort Lauderdale, Fla. 33305.
Linda W. Mathis	Lynda W. Mathis, Marathon Oil Co., P.O. Box 53268 OCS, Lafayette, La. 70501.
T. Guy McNaron	T. Guy McNaron, 14330 Wyoming, Detroit, Mich. 48238.
Triple L Co.	Interest transferred to: Rodney R. Landes, 810 Lion Oil Bldg., El Dorado, Ark. 71730.
C. C. Robinson	C. C. Robinson, 2700 Northside Dr., Bossier City, La. 71010.
John H. Fetzer, Jr.	John H. Fetzer, Jr., 4420 Fairway Dr., Shreveport, La. 71109.
H. A. Chapman	H. A. Chapman, 404 Cities Service Bldg., Tulsa, Okla. 74119.
	Harry Allen Chapman, address same.
Cap Oil Co.	Cap Oil Co., 404 Cities Service Bldg., Tulsa, Okla. 74119.
Austral Oil Co., Inc.	Austral Oil Co., Inc., 2700 Humble Bldg., Houston, Tex. 77002.
Oil Participations, Inc.	Oil Participations, Inc., 2700 Humble Bldg., Houston, Tex. 77002.

[FR Doc 76-14912 Filed 5-20-76; 8:45 am]

[Docket No. CP76-366]

## NORTHERN NATURAL GAS CO.

## Application

MAY 14, 1976.

Take notice that on May 7, 1976, Northern Natural Gas Company (Applicant), 223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-366 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas for Iowa-Illinois Gas and Electric Company (Iowa-Illinois) under a transportation and rescheduling of deliveries arrangement, all as more fully set forth in the application on file

with the Commission and open to public inspection.

The application states that pursuant to a gas transportation and rescheduling agreement among Applicant, Iowa-Illinois, and Natural Gas Pipeline Company of America (Natural) dated April 21, 1976, Applicant has agreed to transport and deliver to Natural, for the account of Iowa-Illinois, up to 5,000 Mcf of summer maximum daily volume of gas from March 27 through October 26, the summer season. Natural would transport and deliver such volumes to Iowa-Illinois for liquefaction and storage in Iowa-Illinois' LNG facility at Bettendorf, Iowa. It is stated that the gas delivered to Iowa-Illinois during the summer season would be gas available to Iowa-Illinois from its authorized entitlements from Applicant for the Fort Dodge billing group. From October 27 through March 26, the winter season, Natural would deliver up to 5,000 Mcf of winter maximum daily volume of gas to Applicant, for the account of Iowa-Illinois. The application states that the total volumes transported and delivered by Applicant for Iowa-Illinois pursuant to the gas transportation and rescheduling agreement would not exceed 100,000 Mcf during any one summer season or during any one winter season. Deliveries to and from Natural for the account of Iowa-Illinois would be at an existing interconnection between Applicant's and Natural's facilities in Glenwood, Mills County, Iowa, it is said.

Applicant proposes to charge Iowa-Illinois a demand charge which would be determined by applying the monthly summer or winter season demand rate to the appropriate maximum daily volume. Applicant also proposes to charge Iowa-Illinois a commodity charge which would be determined by applying the summer or winter season commodity rate by the summer or winter season transport volumes. The rates are as follows:

	Winter season (1,000 ft <sup>3</sup> )	Summer season (1,000 ft <sup>3</sup> )
Commodity (in cents)	3.97	0.98
Monthly demand	\$1.53	\$0.99

The application states that the minimum annual bill would be \$39,300.

The application states that Iowa-Illinois has advised Applicant that the proposed transportation and rescheduling arrangement is required in order to assure maintenance of reliable and adequate service to Iowa-Illinois' firm and small volume customers during future heating seasons. The application states further than all winter season volumes delivered to Iowa-Illinois by Applicant as proposed in the instant application would be distributed by Iowa-Illinois only to its firm and small volume customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-14927 Filed 5-20-76; 8:45 am]

[Docket No. RP76-52, et al.]

## NORTHERN NATURAL GAS CO.

## Extension of Time

MAY 14, 1976.

On May 10, 1976, Northern Natural Gas Company filed a motion for an extension of time within which to respond to the filings of Lake Superior District Power Company and Flambeau Paper Company, made on May 3rd and May 7, 1976, respectively, relative to the revised tariff sheets, containing revised curtailment procedures in the above matter.

Upon consideration, notice is hereby given that the time is extended to and including May 26, 1976, within which to respond to comments filed in this matter.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-14914 Filed 5-20-76; 8:45 am]

[Docket No. E-9552]

## OTTER TAIL POWER CO.

## Order Authorizing the Transfer of Facilities

MAY 14, 1976.

On March 18, 1976, Otter Tail Power Company (Applicant), filed an application, pursuant to Section 203 of the Federal Power Act, for an order authorizing it to sell to Cooperative Power Association certain 115 Kv transmission lines

and associated easements, permits, licenses and property rights located in the Minnesota Counties of Big Stone and Lac Qui Parle and the South Dakota County of Grant. The Cooperative Power Association will pay the Applicant a cash consideration of \$450,000 for said property. The purchase price was arrived at by arm's length negotiations by the parties.

Applicant is incorporated under the laws of the State of Minnesota, with its principal business office at Fergus Falls, Minnesota and is engaged in the generation, transmission, distribution and sale of electrical energy in the states of Minnesota, North Dakota and South Dakota. Cooperative Power Association is a transmission Cooperative, whose members are rural electric cooperatives in the State of Minnesota.

Applicant and Cooperative Power Association entered into an Integrated Transmission Agreement dated August 25, 1967, which provided for the continued interconnection and operation of an integrated transmission system within the common operating areas of the parties. In order to effectuate the agreement, the Applicant has from time to time sold several items of electric equipment to Cooperative Power Association. These transactions were authorized by Commission's Orders issued April 5, 1968 and September 20, 1971 in Docket No. E-7395.

The proposed transaction is part of an on going effort to implement the August 1967, Integrated Transmission System Agreement between Applicant and Cooperative Power Association, wherein each is required to make an aggregate investment in transmission facilities proportionate to its load on the system. Applicant states that this unified transmission system will, through joint planning, construction, and use, benefit both parties primarily by avoiding wasteful duplication of facilities and providing some economies of scale as larger facilities can be constructed for joint use than either party could justify for its own use.

The original cost of the lines to be sold is \$445,982 and the accumulated depreciation is \$10,400 resulting in a net book value of \$435,582. Applicant proposes to credit the excess of the selling price over net depreciated cost, \$14,418, to Account 421.1 Gain on Disposition of Property, net of related income taxes, and to Credit Account 236, Taxes Accrued, for the related income taxes. Staff excepts to Applicants' proposed treatment of the income tax effect of the gain on the sale. The text of Account 421.1, Gain on Disposition of Property, requires that amounts credited thereto be gross amounts. Income taxes related thereto are required to be charged to Account 409.2 Income Taxes, other income and deductions.

Written notice of the application has been to the Minnesota Public Service Commission, the North Dakota Public Service Commission, the South Dakota Public Service Commission and to the

Governor of each of those States. Notice was also given by publication in the FEDERAL REGISTER, stating that any person desiring to be heard or to make any protest with reference to said application, should on or before April 23, 1976, file, petitions or protests, with the Federal Power Commission, Washington, D.C. 20426. No petition, protest or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Otter Tail Power Company, a Corporation, is a public utility within the meaning of Section 203 of the Federal Power Act, subject to the jurisdiction of the Commission.

(2) The proposed transfer of electrical facilities, as described above, will constitute a transaction within the meaning of Section 203 of the Federal Power Act.

(3) The proposed transaction, as described above, upon the terms and conditions and for the purposes contained in the application will be consistent with the public interest as expressed in Section 203 of the Federal Power Act.

(4) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The proposed transaction, as described above, is authorized and approved upon the terms and conditions and for the purposes set forth in the application, subject to the provisions of this order.

(B) The Applicant shall record the proposed transaction herein authorized and the facilities and properties described above as provided in the Commission's Uniform System of Accounts, and shall charge the income tax related to the gain to Account 409.2 Income Taxes, other income and deductions.

(C) This authorization shall expire unless the transaction herein authorized and approved is consummated within 90 days from the date of issuance of this order.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates, or determinations of cost or any matter whatsoever now pending or which may come before this Commission.

(E) Nothing in this order shall be construed to imply acquiescence by this Commission in any estimate or determination of cost or any valuation of property claimed or asserted.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14929 Filed 5-20-76; 8:45 am]

[Docket No. ES76-46]

## PACIFIC POWER &amp; LIGHT CO.

## Application

MAY 14, 1976.

Take notice that on May 10, 1976, Pacific Power & Light Company (Applicant), a corporation organized under the laws of the state of Maine and qualified

to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it (1) to enter into a Financing Agreement (Financing Agreement) with the County of Converse, Wyoming (County), pursuant to which Applicant will incur liabilities equal to the required payment of the principal obligation of, premium, if any, and interest on Pollution Control Revenue Bonds (Pollution Control Bonds) not to exceed \$60,000,000 in aggregate principal amount, to be issued by the County, pursuant to an Indenture of Trust (the Indenture) to be entered into between the County and a bank (to be selected) acting as Trustee (Trustee), and (2) without sale at competitive bidding, to issue not to exceed \$60,000,000 in aggregate principal amount of its First Mortgage Bonds (First Mortgage Bonds) for delivery to the Trustee as security for Applicant's obligations under the Financing Agreement.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14922 Filed 5-20-76; 8:45 am]

[Docket Nos. AR64-1, et al. and RP73-36 (Refunds)]

## AREA RATE PROCEEDING (HUGOTON ANARDARKO AREA) AND PANHANDLE EASTERN PIPELINE CO.

## Filing of Refund Report

MAY 13, 1976.

Take notice that on April 19, 1976, Panhandle Eastern Pipe Line Company ("Panhandle") tendered for filing a corrected report of refund amounts received.

Panhandle states that on August 4, 1975, it submitted to the Commission a plan for the flow-through of refund amounts received from Hugoton-Anadarko producers. That plan was filed, according to Panhandle, in accordance with paragraph (C) of the Commission's Order of March 17, 1975, in Docket Nos. AR64-1, et al. Included as part of this

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plan was a summary of refund amounts received and retained by Panhandle.

By letter dated March 31, 1976, the Commission raised questions regarding several of the refund amounts which had been included by Panhandle in its summary of refund amounts received. Panhandle states that it has reviewed the refund amounts received and has found that corrections to its report are warranted. Also, Panhandle states that subsequent to its August 4, 1975, submittal, it received additional refund amounts from producers. Accordingly, Panhandle now submits a corrected report of refund amounts which reflects necessary adjustments to the refund amounts reported on August 4, 1975, and additional refund amounts received after August 4, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14917 Filed 5-20-76; 8:45 am]

[Docket Nos. RP76-39 and RP73-89 (PGA)]

**SEA ROBIN PIPELINE CO.**  
Filing of Revised Tariff Sheets

MAY 14, 1976.

Take notice that on May 10, 1976, Sea Robin Pipeline Company (Sea Robin) filed with the Federal Power Commission (Commission) as a part of its FPC Gas Tariff, the following Revised Tariff Sheets:

- ORIGINAL VOLUME No. 1
- Eighth Revised Sheet No. 4.
- ORIGINAL VOLUME No. 2
- Substitute Third Revised Sheet No. 6.
- Substitute Third Revised Sheet No. 21.
- Substitute Third Revised Sheet No. 39.
- Substitute Third Revised Sheet No. 64.
- Substitute Fourth Revised Sheet No. 96.
- Substitute Third Revised Sheet No. 97.

The revised tariff sheets are being filed pursuant to the Commission's order issued December 11, 1975 to reflect elimination from the proposed rates of: (1) costs associated with facilities which are not certificated and in service at the end of the suspension period, and (2) re-statement of Sea Robin's depreciation reserve to reflect the depreciation recorded by Sea Robin since its inception. The rates contained on Eighth Revised Sheet No. 4 also reflect Sea Robin's current gas cost and negative surcharge ad-

justments determined in accordance with the provisions of the PGA clause to Sea Robin's FPC Gas Tariff.

A copy of the revised tariff sheets is being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14916 Filed 5-20-76; 8:45 am]

[Docket No. RP73-57 (PGA 76-2)]  
**SOUTH TEXAS NATURAL GAS**  
**GATHERING CO.**

**Purchased Gas Cost Adjustment Rate**  
**Change**

MAY 14, 1976.

Take notice that South Texas Natural Gas Gathering Company (South Texas), on April 29, 1976, tendered for filing with the Federal Power Commission its Sixth Revised Exhibit A (Sixth Revised PGA-1) superseding Substitute Fifth Revised Exhibit A to its Purchased Gas Cost Rate Adjustments Clause. The proposed change reflects an increase in South Texas' rate to Transcontinental Gas Pipe Line Corporation of 6.68 cents per Mcf. An effective date of June 1, 1976 is requested.

Copies of the filing were served by South Texas upon its only affected customer, Transcontinental Gas Pipe Line Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14920 Filed 5-20-76; 8:45 am]

[Docket No. ER76-414]

**TOLEDO EDISON CO.**

**Request To Withdraw Tendered Fuel Adjustment Clause and Request for Waiver of Conformity Requirements**

MAY 14, 1976.

Take notice that on April 27, 1976, The Toledo Edison Company (Company) by letter dated April 20, 1976 filed a request to withdraw the tariff sheets tendered in the instant docket. The Company further requests the Commission to issue an Order terminating Docket No. ER76-414 and granting a waiver pursuant to Order No. 517 issued November 13, 1974 of the fuel clause conformity requirements for its municipal customers.

The Company requests the Commission to allow a fuel clause previously accepted by the Commission but which does not comply with Order No. 517 to remain effective for the period from January 1, 1976 to February 25, 1976 for those municipalities presently being served under a Service Agreement, and from January 1, 1976 until the expiration date of their respective contracts for those municipalities being served pursuant to a fixed rate contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14921 Filed 5-20-76; 8:45 am]

[Docket No. ER76-538]

**TUCSON GAS & ELECTRIC CO.**  
**Supplemental Filing**

MAY 14, 1976.

Take notice that on May 10, 1976, the Tucson Gas and Electric Company (Tucson), tendered for filing supplemental data in response to the Commission Secretary's letter of April 2, 1976, informing the company that its filing in this proceeding had been assessed as deficient.

Tucson states that the Arizona Electric Power Cooperative, Inc. was sent a copy of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before May 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14925 Filed 5-20-76; 8:45 am]

[Docket Nos. CP66-398, CP69-71 and CP70-275]

**TENNESSEE GAS PIPELINE CO., A**  
**DIVISION OF TENNECO INC.**

**Petition To Amend**

MAY 14, 1976.

Take notice that on April 30, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP66-398, CP69-71, and CP70-275 a petition to amend the Commission's orders issued respectively, in said

dockets on August 26, 1966 (36 FPC 541), November 1, 1968 (40 FPC 1206), as amended, and June 22, 1970 (43 FPC 937), as amended, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in the proceedings set forth below it was authorized to provide natural gas service to (1) United Fuel Gas Company (United Fuel) pursuant to a gas sales contract dated August 26, 1966, (2) Ohio Fuel Gas Company (Ohio Fuel) pursuant to a gas sales contract dated November 1, 1968, and (3) The Manufacturers Light and Heat Company (Manufacturers) pursuant to a gas sales contract dated November 1, 1968. Further, Petitioner states that each of such gas sales contracts provide for service under the provisions of Petitioner's contracted demand service rate schedules. The petition shows the contract quantities and deliveries by rate zone under such gas sales contracts and the dates and the proceedings in which such service were authorized as follows:

Docket No.	Contracted demand (1,000 ft <sup>3</sup> /d at 11.73 lb/in <sup>2</sup> )		
	Central zone	Eastern zone	Northern zone
United Fuel.....	CP66-398, Aug. 26, 1966.....	76,500	193,680
Ohio Fuel.....	CP69-71, Nov. 1, 1968.....		20,100
Manufacturers.....	do.....		15,900

Petitioner also states that by order issued June 22, 1970, in Docket No. CP70-275 it was authorized to render a natural gas storage service to Manufacturers under a contract dated July 1, 1970, providing for a daily storage quantity of 15,300 Mcf and a winter storage quantity of 2,295,000 Mcf.

Petitioner asserts that based on Commission authorization in Docket No. CP71-132 Columbia Gas Transmission Corporation (Columbia) has acquired and is operating all of the facilities and properties of United Fuel, Ohio Fuel, and Manufacturers. It is stated that Petitioner and Columbia desire to enter into a single new gas sales contract to provide for the aforesaid contracted demand service and to provide for a changed delivery pattern. Accordingly, Petitioner requests that the above described orders in Docket Nos. CP66-398 and CP69-71 be amended to authorize the rendition of natural gas service to Columbia under a single gas sales contract for contracted demand service in lieu of under three separate contracts; and, at the request of Columbia, Petitioner further requests that said orders be amended to transfer, in such single contract, 7,500 Mcf per day of contracted demand from Petitioner's eastern rate zone to its northern rate zone, effective the date the herein requested authorization is granted, and to transfer an additional 20,000 Mcf of contracted demand service from Petitioner's eastern rate zone to its northern rate zone effective January 1, 1977.

The subject petition indicates that the following tabulation sets forth the contracted demand quantity upon consolidation of the three separate gas sales contracts into a single gas sales contract with Columbia:

From—	To—	Contracted demand (1,000 ft <sup>3</sup> /d)		
		Central zone	Eastern zone	Northern zone
Effective date hereof.....	Jan. 1, 1977.....	76,500	486,180	73,800
Jan. 1, 1977.....	Remainder of term.....	76,500	486,180	93,800

Additionally, Petitioner requests that the order in Docket No. CP70-275 be amended to authorize the rendition of storage service under a gas sales contract with Columbia in lieu of the contract with Manufacturers.

Petitioner asserts that the requested authorizations will permit Petitioner and Columbia properly to reflect the realignment of their contractual relationship as

a result of the acquisition by Columbia of its wholly-owned affiliates described above and will enhance Columbia's ability to serve its market area under current conditions. Further, it is asserted that the granting of the requested relief will not increase the volumes of gas Petitioner is presently authorized to sell and deliver to Columbia nor will the rendition of such service under the new gas

sales contracts contemplated affect Petitioner's ability to render authorized services to its other existing customers or require Petitioner to construct and operate additional facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 8, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-14935 Filed 5-20-76; 8:45 am]

[Docket No. CP76-354]

**UNITED GAS PIPE LINE CO.**  
**Application**

MAY 14, 1976.

Take notice that on April 29, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-354 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing a transportation service for a two-year term for Burlington Industries, Inc. (Burlington), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement, dated March 16, 1976, whereby Applicant has agreed to transport volumes of natural gas for Burlington from a point of receipt on Applicant's Carthage-Sterlington line in Ouachita Parish, Louisiana, to mutually agreeable, existing points of interconnection where Applicant would redeliver volumes so transported for the account of Burlington to Transcontinental Gas Pipe Line Corporation (Transco). The application shows the points of interconnection to be near Victoria, Victoria County, Texas; near Cameron, Cameron Parish, Louisiana; at Egan Plant in Acadia Parish, Louisiana; near Gueydan, Acadia Parish, Louisiana; at Gibson Plant Nos. 1 and 2 in Terrebonne Parish, Louisiana, near Magnolia and Holmesville, Pike County, Mississippi; near Walthall, Walthall County, Mississippi; and at Harmony Plant, Clarke County, Mississippi.

It is said that the gas to be transported by Applicant would be purchased from Harvey Broyles, et al., from the



Tremont Field in Lincoln Parish, Louisiana, and would be consumed for high priority end use at Burlington's plants located in Greensboro, Burlington, Wake Forest, and Durham, North Carolina. Applicant proposes to transport up to 1,500 Mcf of gas per day and to redeliver 98.5 percent of such gas to Transco which would, in turn, transport and deliver such gas to Piedmont Natural Gas Company and Public Service Company of North Carolina, Inc., for the account of Burlington for high priority use in the following plants: Greensboro Finishing (including Greensboro, North Carolina, Meadowview); Formed Fabrics, Greensboro, North Carolina; Burlington House Fabrics Finishing, Burlington, North Carolina; Wake Plant, Wake Forest, North Carolina; and Durham Plant, Durham, North Carolina. Applicant states that the 1½ percent deduction is an allowance for gas used, lost, and unaccounted for while in Applicant's system. Burlington has purchased such gas in an effort to offset the loss of its gas supply because of curtailed deliveries by its interstate supplier.

The application shows the following information submitted by Applicant:

1. Applicant proposes to transport peak day, average day, and annual volumes of 1,500 Mcf, 1,050 Mcf, and 378,000 Mcf, respectively.

2. The proposed transportation would have no effect on Applicant's ability to provide systemwide deliveries for its Priority 1 requirements.

3. The initial rate for the transportation service would be 16.87 cents for each Mcf of gas transported.

4. The subject gas was not secured as part of Applicant's system gas supply because the various producers are unwilling to make any sale to interstate purchasers for resale or be subject to any form of federal regulation as a result of such sales.

5. The transportation of gas proposed would not modify curtailments on Applicant's system during the period of the transportation.

The application shows that from the first delivery through the first contract year, Burlington would pay the producers \$1.50 per Mcf and, effective on the first day of the second contract year or any subsequent contract year, the price would increase 10.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14934 Filed 5-20-76; 8:45 am]

[Docket No. ER76-676]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

MAY 14, 1976.

Take notice that on May 6, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement dated January 30, 1976, to the Service Agreement with the Town of Robersonville, North Carolina to Virginia Electric and Power Company's FPC Electric Tariff, Original Volume No. 1.

Said supplement requests Commission authorization for Virginia to increase the transformer capacity serving the Town of Robersonville from 5 MVA to 10 MVA for anticipated future loads.

Virginia requests an effective date as that date of connection of facilities which is expected to occur sometime in June 1976.

VEPCO states that copies of the filing were sent to the North Carolina Utilities Commission and to the Town of Robersonville, North Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-14918 Filed 5-20-76; 8:45 am]

# FEDERAL RESERVE SYSTEM CENTRAL MORTGAGE BANCSHARES, INC. Order Approving Acquisition of Cenco Insurance Company

Central Mortgage Bancshares, Inc., Warrensburg, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under § 4(c) (8) of the Act and § 225.4(b) (2) of the Board's Regulation Y, to acquire direct or indirect ownership or control of all of the voting shares of Cenco Insurance Company ("Cenco"), Phoenix, Arizona. Cenco would engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions by Applicant's subsidiary banks: Barton County State Bank, Lamar, Missouri; Citizens Bank of Warrensburg Mo., Warrensburg, Missouri; Farmer's Bank of Stover, Stover, Missouri; and Jackson County State Bank, Kansas City, Missouri, ("Banks"). Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a) (10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FR 826 (1976)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in § 4(c) (8) of the Act (12 U.S.C. 1843 (c) (8)).

Applicant, the twenty-seventh largest banking organization in Missouri, controls four subsidiary banks with aggregate deposits of approximately \$62 million, representing about 0.4 per cent of the total deposits in commercial banks in the State.<sup>1</sup>

Cenco's activities will be limited to acting as reinsurer of credit life and credit accident and health insurance directly related to extensions of credit by Banks. Cenco will be formed as an Arizona insurance corporation and will be qualified to underwrite insurance directly only in Arizona. Accordingly, the insurance sold by Applicant's subsidiary banks will be directly underwritten by an unaffiliated insurance company qualified to do business in Missouri, and will thereafter be assigned or ceded to Cenco under a reinsurance agreement. Since this proposal involves a *de novo* acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance are generally made available by banks and other lenders and are designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

<sup>1</sup> All banking data are as of June 30, 1975.

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits to bank holding company performance of this service. (12 CFR § 225.4 (a) (10) n. 7).

Applicant has stated that following consummation of the acquisition, Cenco will offer at reduced premiums the several types of credit insurance policies that it will reinsure. Cenco will offer decreasing term credit life insurance on installment loans and level term credit life insurance on single payment loans at a premium rate 15 per cent below the statutory maximum allowable rates in Missouri. Applicant also proposes that Cenco will offer a 5 per cent reduction on the premium rate its subsidiary banks charge for credit accident and health insurance.

The Board notes that proposed legislation had been pending in the State of Missouri which, if adopted, would have reduced the maximum allowable rates for credit life and credit accident and health insurance. In order to ensure that Applicant's proposal would provide a continuing benefit to the public should such legislation ever become effective, Applicant further committed that Cenco would reduce its rates below the maximum levels established by the new legislation by amounts which would be consistent with rate reductions previously approved by the Board in connection with applications involving premium rate structures comparable to those which would be adopted in Missouri. The Board is of the view that the reductions in insurance premiums that Applicant proposes to establish are, and will continue to be, in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to authority hereby delegated.

By order of the Board of Governors, effective May 14, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc.76-14862 Filed 5-20-76; 8:45 am]

# FIRST MISSOURI BANKS, INC. Proposed Acquisition of First Missouri Insurance Group

First Missouri Banks, Inc., formerly First Banc Group, Inc., Creve Coeur, Missouri, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire voting shares of First Missouri Insurance Group, Phoenix, Arizona.

Notice of the application was published on April 6, 1976, in The Record Reporter, a newspaper circulated in Phoenix, Arizona, and on April 7, 1976, in The St. Louis Countian and the St. Louis Daily Record, newspapers circulated in St. Louis, Missouri.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiary banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 14, 1976.

Board of Governors of the Federal Reserve System, May 13, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc.76-14863 Filed 5-20-76; 8:45 am]

# SUMNER COUNTY BANCSHARES, INC. Order Approving Formation of Bank Holding Company and Retention of Insurance Activities

Sumner County Bancshares, Inc., Wellington, Kansas, has applied for the Board's approval under § 3(a) (1) of the Bank Holding Company Act (12 U.S.C. § 1842(a) (1)) of formation of a bank holding company through acquisition of

90.13 percent of the voting shares of The National Bank of Commerce of Wellington, Wellington, Kansas ("Bank"). At the same time, Applicant has applied for the Board's approval under § 4(c) (8) of the Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, to continue to engage in the sale as agent of credit life and credit accident and health insurance directly related to extensions of credit by Bank on Bank's premises. Such activities have been determined by the Board to be closely related to banking (12 C.F.R. § 225.4(a) (iii) (a)).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 Federal Register 3784). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) and the considerations specified in § 4(c) (8) of the Act.

Applicant, a Kansas corporation, proposes to become a bank holding company through the acquisition of Bank and to continue to engage in the sale of credit-related insurance. Bank, with deposits of approximately \$5.4 million, representing less than 0.1 of one percent of the total commercial bank deposits in Kansas, ranks eighth among the twelve banks located in Sumner County, which approximates the relevant banking market. One of Applicant's principals also controls The Farmers State Bank of Norwich, Norwich, Kansas, which is located about 38 miles northwest of Bank, and is separated from Bank by several intervening banks. However, since the Norwich bank is located in a separate banking market from that of Bank it appears that no existing competition would be eliminated, nor potential competition foreclosed as a result of consummation of this proposal. Accordingly, based on the facts of record, particularly the fact that the transaction is essentially a reorganization of Bank's ownership from individual to corporate, consummation of the proposal would not have an adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in any relevant area. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and prospects, which are dependent upon profitable operations of both Bank and the insurance activities, appear favorable. Although Applicant will incur debt in connection with the proposal, the

<sup>1</sup> All banking data are as of September 30, 1975, and reflect bank holding company formations and acquisitions approved through April 30, 1976.



projected income from Bank and the insurance activities should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval of the application to acquire Bank. It is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

In conjunction with its proposal to form a bank holding company, Applicant also proposes to continue to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. Approval of the application to engage in such activities would enable Applicant to offer Bank's customers a convenient source of credit-related insurance services, which the Board regards as being in the public interest. It does not appear that Applicant's proposed insurance activities would have any significant adverse effect on existing or potential competition. Further, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors required to be considered under § 4(c)(8) of the Act favor approval of both of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated Authority. The determination with respect to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's

\*Voting for this action: Vice Chairman Gardner and Governors Holland, Jackson and Partee. Absent and not voting: Chairman Burns and Governors Wallich and Coldwell.

regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,\* effective May 14, 1976.

[SEAL] GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc.76-14864 Filed 5-20-76;8:45 am]

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-45]

#### NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON RESEARCH Meeting

The NASA Research and Technology Advisory Council Panel on Research will meet on June 7 and 8, 1976, at NASA Headquarters, Washington, D.C. 20546. The meeting will be held in Room 623 of Federal Office Building 10B, 600 Independence Avenue, S.W. Members of the public will be admitted on a first-come, first-served basis, limited by the seating capacity of the room which is about 40 persons. All visitors must sign in prior to attending the meeting.

The Panel on Research of the NASA Research and Technology Advisory Council serves in an advisory capacity only. There are 13 members on the Panel. The chairman is Professor A. Hertzberg. The following list sets forth the approved agenda and schedule for the meeting of this Panel on Research on June 7 and 8, 1976. For further information, please contact Mr. F. C. Schwenk, Area Code 202, 755-2488.

June 7, 1976

Time	Topic
9 a.m.	Remarks by the Chairman. (Purpose: To report to the Panel on the most recent Research and Technology Advisory Council meetings.)
9:15 a.m.	Report by Dr. Richard Seebass, Panel Member. (Purpose: To report to the Panel on the need for basic research in Fluid Physics.)
10:30 a.m.	Report by Dr. Dale Henderson, Panel Member. (Purpose: To report to the Panel on the need for basic research in Lasers, Energetics, and Plasma Physics.)
1 p.m.	Report by Dr. Stephen Wiberley, Panel Member. (Purpose: To report to the Panel on the need for basic research in Materials and Structures (Including Electronic Materials).)
2:15 p.m.	Presentation. (Purpose: To present results of OAST Planning/New Theme Approach.)

\*Voting for this action: Vice Chairman Gardner and Governors Holland, Jackson and Partee. Absent and not voting: Chairman Burns and Governors Wallich and Coldwell.

Time	Topic
3:30 p.m.	Panel Discussion. (Purpose: To discuss presentations and prepare findings and recommendations for NASA.)
June 8, 1976	
9 a.m.	Panel Discussion continued. (Purpose: To continue discussion and preparation of findings and recommendations for NASA.)
10 a.m.	Preparation of Committee Report. (Purpose: To summarize discussions and recommendations.)
1:15 p.m.	Presentation by OAST Research Council. (Purpose: To report on recent Review of Basic Research and Fund for Independent Research.)
2 p.m.	Remarks by the Executive Secretary. (Purpose: To brief the Panel on recent activities in NASA Headquarters which may affect the work of the Panel on Research.)
2:45 p.m.	Consideration of Future Panel Activities. (Purpose: To define areas of further study by the Panel on Research.)
4 p.m.	Adjournment.

WILLIAM W. SNAVELY,  
Assistant Administrator for  
DOD and Interagency Affairs,  
National Aeronautics and  
Space Administration.

May 18, 1976.  
[FR Doc.76-14937 Filed 5-20-76;8:45 am]

[Notice 76-46]

#### NASA SPACE PROGRAM ADVISORY COUNCIL (SPAC), APPLICATIONS AND THE PHYSICAL SCIENCES COMMITTEE Joint Meeting

The NASA SPAC Applications Committee and the Physical Sciences Committee will meet on June 17, 1976, at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California 91103. The meeting will be held in room 101, Building 180. Members of the public will be admitted to the meeting beginning at 9:00 a.m. on a first come first served basis to within the 80 seat capacity of the room. Visitors will be requested to sign a visitor's register.

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently the Committee comprises 7 members including the Chairman, Mr. Thomas Rogers.

The Physical Sciences Committee also serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee presently has 16 members including the Chairman, Dr. George B. Field.

For further information regarding the joint meeting, please contact either Mr. Louis B. C. Fong, (202) 855-8617 or Dr. Sabatino Sofia, (202) 755-8494. The approved agenda for the joint meeting on June 17, 1976, is as follows:

Time	Topic
9 a.m.	Opening Remarks. This time is provided for the Chairmen of both committees to make introductory remarks and for any administrative matters to be covered.
9:30 a.m.	Stratospheric Research Program. NASA's Stratospheric Research Program Plan has been reviewed by NASA's Stratospheric Research Advisory Committee and elements of that program will be discussed.
11 a.m.	Solar Radiation Measurement Experiments. Two experiments will be discussed, one of which will be flight tested on June 17, 1976, and the other is scheduled for early flight test in 1979 on the Solar Maximum Mission. Members' comments and guidance will be solicited with regard to interim and follow-on measurements and studies.
12n.	Earth Radiation Budget Satellite System Study. Several parallel studies for measuring the earth radiation budget from space have been made over the past four years. This work was reviewed by the National Research Council (NRC) Committee on Atmospheric Sciences (CAS) in 1975, which resulted in specific recommendations on the approach. These recommendations are incorporated in the Earth Radiation Budget Satellite System (ERBS) which is being recommended as a FY 1978 new start. Committee members will be asked to comment on the study and the NRC-CAS initial assessment.
1:45 p.m.	Earth Dynamics Applications Program. Committee's endorsement and/or comments and recommendations on Earth Dynamics activities and plans will be requested.

Time	Topic
2:45 p.m.	Magnetospheric Physics. Main trends of current studies of magnetospheric physics will be discussed and guidance on future direction will be sought from the committee members.
3:45 p.m.	Summary and Conclusions.
4:15 p.m.	Adjourn.

May 17, 1976.

WILLIAM W. SNAVELY,  
Assistant Administrator for  
DOD and Interagency Affairs,  
National Aeronautics and  
Space Administration.  
[FR Doc.76-14958 Filed 5-20-76;8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR REGULATORY BIOLOGY Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Regulatory Biology.  
Date and time: June 7, 8, and 9, 1976—9:00 a.m. to 5:00 p.m. each day.  
Place: Room 321, National Science Foundation, 1800 G Street, N.W., Washington, D.C.  
Type of meeting: Closed.  
Contact person: Dr. Roger A. Hoffman, Program Director, Regulatory Biology, Rm. 333, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4299.

Purpose of panel: To provide advice and recommendations concerning support for research in Regulatory Biology.  
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: May 14, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc.76-14538 Filed 5-19-76;8:45 am]

#### ADVISORY COMMITTEE ON RESEARCH APPLICATIONS POLICY

##### Open Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Research Applications Policy.  
Date: June 8 and 9, 1976.  
Time: 9:00 a.m. to 5:00 p.m.  
Place: 1800 G Street, N.W., Room 540.  
Type of meeting: Open.  
Contact person: Darleen Morano, Special Assistant, Research Applications, Directorate, Room 1243, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5820 on June 4, 1976.

Summary minutes: Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.  
Purpose of advisory committee: To provide recommendations concerning the plans, status, and results of NSF Research Applications Program.

Agenda: June 8 will include:

9:00	Opening Remarks and Review of Previous Meeting.
9:30	Summary of FY 76 RANN Program Activities.
10:00	Discussion.
10:30	Planned FY 77 Activities and FY 78 Thrusts in the Energy & Resources Program.
11:00	Discussion.
12:00	Recess.
1:00	Planned FY 77 Activities and FY 78 Thrusts in the Environment Program.
1:30	Discussion.
2:15	Planned FY 77 Activities and FY 78 Thrusts in the Productivity Program.
2:45	Discussion.
3:30	Planned FY 77 Activities and FY 78 Thrusts in the Intergovernmental Science and Public Technology Program.
4:00	Discussion.
5:00	Adjourn.

June 9

9:00	Planned FY 77 Activities and FY 78 Thrusts in the Exploratory Research and Technology Assessment Program.
9:30	Discussion.
10:15	Policy Implications of the NAS Committee Report on Social Sciences in the NSF.
12:00	Recess.
1:00	Discussion.
3:30	Summary.
4:30	Adjourn.

MARIAN R. WINKLER,  
Acting Committee  
Management Officer.

MAY 17, 1976.

[FR Doc.76-14999 Filed 5-20-76;8:45 am]



**OFFICE OF MANAGEMENT AND BUDGET  
COMMISSION ON GOVERNMENT PROCUREMENT**

**Executive Branch Position on Recommendation D-14**

Notice is hereby given that the Administrator for Federal Procurement Policy, on behalf of the executive branch, has accepted and arranged for implementation of Recommendation D-14 of the Commission on Government Procurement, which states:

D-14. Develop and issue a set of standard programs to be used as benchmarks for evaluating vendor ADPE proposals.

It is recognized that implementation of this recommendation will be a continuing process requiring successive actions. Therefore, lead agency responsibility has been assigned to the National Bureau of Standards (NBS) as part of its existing central management role and ongoing efforts in benchmarking. The NBS will continue to coordinate and seek advancements in benchmarking within the executive branch and will publish various guidelines and documents, as appropriate.

Dated at Washington, D.C. on May 17, 1976.

**HUGH E. WITT,  
Administrator.**

[FR Doc. 76-14869 Filed 5-20-76; 8:45 am]

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 12442; SR-ASECC-76-1]

**AMERICAN STOCK EXCHANGE CLEARING CORP.**

**Order Approving Proposed Changes in the Rules of American Stock Exchange Clearing Corporation**

May 13, 1976.

On March 22, 1976, American Stock Exchange Clearing Corporation ("ASECC"), 86 Trinity Place, New York, New York 10006 filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, copies of proposed rule changes relating to (i) priority mechanisms for the allocation of securities, and (ii) the treatment of dividends payable in the form of securities or cash ("optional dividends"), in ASECC's continuous net settlement ("CNS") system.

Notice of the proposed rule changes, together with the terms of substance of the proposed rule changes, was given by publication of a Commission Release (Securities Exchange Act Release No. 12292 (March 31, 1976)) and by publication in the FEDERAL REGISTER (41 F.R. 14794) (April 7, 1976).

By a letter to the Commission contained in File No. SR-ASECC-76-1, ASECC made certain undertakings with respect to the above-referenced rule changes.

The Commission finds that the proposed rule changes are consistent with

**NOTICES**

the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change, contained in File No. SR-ASECC-76-1, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**GEORGE A. FITZSIMMONS,  
Secretary.**

[FR Doc. 76-14869 Filed 5-20-76; 8:45 am]

[Release No. 12451; SR-MSE-76-1]

**MIDWEST STOCK EXCHANGE  
Order Approving Proposed Rule Change**

May 14, 1976.

On January 7, 1976, the Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change converts the MSE's "MAX" program from a pilot program to a permanent program. MAX is an execution formula for market orders from 100-199 shares available in those issues included in the MAX program.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12015 (January 13, 1976)) in the FEDERAL REGISTER (41 Fed. Reg. 2876 (January 22, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on January 7, 1976, be, and it hereby is, approved.

By the Commission.

**GEORGE A. FITZSIMMONS,  
Secretary.**

[FR Doc. 76-14870 Filed 5-20-76; 8:45 am]

[Rel. No. 9288; 812-3907]

**J. P. MORGAN OF CANADA LTD.**

**Filing of Application Pursuant to Section 6(c) for Order of Exemption From all Provisions of the Act**

May 13, 1976.

Notice is hereby given that J. P. Morgan of Canada Limited 25 King Street West, Toronto, Canada M5L 1G2, ("Applicant"), an Ontario corporation, filed

an application on February 5, 1976, and an amendment thereto on May 10, 1976, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting it, and any trustee of, and any underwriter for, Applicant, from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant, incorporated under the laws of the Province of Ontario on October 16, 1973, is a wholly-owned subsidiary of J. P. Morgan Overseas Capital Corporation ("Overseas") which is a wholly-owned subsidiary of Morgan Guaranty International Finance Corporation ("MGIFC"), a corporation organized pursuant to Section 25(a) of the Federal Reserve Act, 12 U.S.C.A. § 611 et seq. (the "Edge Act"). MGIFC is a wholly-owned subsidiary of Morgan Guaranty Trust Company of New York, a New York trust company and a member bank of the Federal Reserve System (the "Bank"). The Bank is, in turn, a wholly-owned subsidiary of J. P. Morgan & Co. Incorporated ("Morgan"), a Delaware business corporation and a bank holding company registered under the Bank Holding Company Act of 1956, as amended, 12 U.S.C.A. § 1841 et seq. (the "Bank Holding Company Act"). Morgan, the Bank and MGIFC are not investment companies as defined in the Act. Applicant states that Morgan is primarily engaged, through wholly-owned subsidiaries, in the business of banking and therefore is expressly exempt from the Act pursuant to Section 3(c)(6) and is, Applicant alleges, also entitled to an exemption pursuant to Section 3(b)(1) thereof. The Bank is a trust company doing business under the laws of the State of New York which receives deposits, exercises fiduciary powers and is examined by New York banking authorities and is, therefore, exempt from the Act pursuant to Section 2(a)(5)(C) and Section 3(c)(3) thereof. MGIFC is a banking institution organized under the laws of the United States and is therefore exempt from the Act pursuant to Section 2(a)(5)(A) and Section 3(c)(3) thereof. Overseas, organized in 1972 to invest in and make loans to subsidiaries and affiliates of Overseas and MGIFC, was exempted from all the provisions of the Act pursuant to an Order of the Commission dated August 4, 1972. Investment Company Release No. 7313.

The application alleges that Applicant, which primarily provides commercial financing and other financial services to Canadian corporations and other Canadian entities, is not currently an "investment company" as defined in the Act since under Section 3(b)(3) thereof all of its outstanding securities other than certain short-term guaranteed promissory notes are owned directly or indirectly by a company excepted from the definition of "investment company" pursuant to Section 3(b)(1) of the Act.

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Applicant represents that Morgan is subject to regulation under the Bank Holding Company Act and, as a registered bank holding company, Morgan and its subsidiaries, including Applicant, are subject to examination by the Board of Governors of the Federal Reserve System (the "Board") and Morgan is required to file with the Board an annual report and such other additional information as the Board may require pursuant to the Bank Holding Company Act. Applicant represents that the Bank is a member of the Federal Reserve System and the Federal Deposit Insurance Corporation and its business is subject to both Federal and New York State laws and to examination and regulation by both Federal and New York State banking authorities. Applicant further represents that Morgan, MGIFC, Overseas and Applicant, as affiliates of the Bank, are subject to examination by the Superintendent of Banks in New York.

Applicant further represents that MGIFC, as a corporation organized under the Edge Act (an "Edge Act corporation") is under the supervision of and is examined by the Board. The Board regulates the activities and investments of Edge Act corporations through the provisions of its Regulation K, 12 C.F.R. Part 211. Under the terms of the Board's consent to the indirect investment by MGIFC in Applicant, Applicant, except in certain limited respects, is obligated to conduct its activities substantially as if it were an Edge Act corporation, and MGIFC is required to furnish to the Board such reports regarding the activities of the Applicant as the Board may request. Under the Edge Act, Regulation K and the Board's interpretations thereof, Edge Act corporations are authorized to engage in international or foreign banking, other international or foreign financing activities and activities incidental thereto. An Edge Act corporation may not carry on any part of its business in the United States, except such as in the judgment of the Board is incidental to its international or foreign business. An Edge Act corporation has the power to borrow money, but under Regulation K it may not issue or have outstanding any debentures, bonds, promissory notes (other than notes due within one year) or similar obligations without the prior approval of the Board. Moreover, the investments which an Edge Act corporation is permitted to make are subject to regulation by the Board, the prior consent of the Board is required for any investment in shares of a corporation which would result in the Edge Act corporation having more than \$500,000 invested in the shares of such corporation or holding more than 25% of the voting stock thereof, and any investment in shares of a corporation must be fully reported to the Board within 30 days after the close of the quarter in which such investment is made. Applicant represents that it has not made equity investments as part of its financing activity and will, in no event make equity investments in corporations which

are organized under the laws of the United States or any state thereof.

The primary method of financing Applicant's activities has been the sale of promissory notes which are unconditionally guaranteed by the Bank and which have a maturity of less than nine months. These notes are presently issued in denominations of not less than \$100,000 in Canadian or United States funds or the equivalent thereof in other currencies, and are sold in Canada through Canadian dealers either on a discounted or interest-bearing basis. The principal purchasers of the notes are large Canadian corporate and institutional investors. Although the notes are not sold in the United States, from time to time a substantial portion is purchased by American corporate and institutional investors which place orders through the Canadian dealers located in Toronto and other Canadian cities. The application alleges that by virtue of the guarantee of the Bank, the notes are marketed primarily on the credit of the Bank and any sale of such notes would be exempt from the registration provisions of the Securities Act of 1933 under Section 3(a)(2) thereof since the notes are "guaranteed by a bank" within the meaning of said Act. Other sources of financing of Applicant's activities have been short-term bank borrowing and contributions to capital.

Applicant further represents that in order to obtain longer term financing, it is considering three additional methods of financing. Each financing plan, described below, would involve the issuance of debt securities with a maturity of one year or more from the date of issue, and, pursuant to the provisions of Regulation K referred to above, MGIFC obtained approval of the Board in connection with the proposed financings. Under the financings:

(1) Applicant proposes to issue debt securities, which will be unconditionally guaranteed as to payment of principal and interest by the Bank, and to offer and sell these securities in transactions not involving any public offering to institutional investors in the United States and elsewhere who will not be "underwriters" within the meaning of the Securities Act of 1933.

(2) Applicant proposes to issue debt securities, which will be unconditionally guaranteed as to payment of principal and interest by the Bank, and to offer and sell these securities outside of the United States through underwriters to members of the public who are not nationals or residents of the United States.

(3) Applicant proposes to issue debt securities which will be offered and sold, either directly or through a dealer, in transactions not involving any public offering to a limited number of institutional investors in Canada or elsewhere outside the United States who will not be "underwriters" within the meaning of the Securities Act of 1933.

Upon implementation of any of the above-described financing plans, the exemption from the definition of "investment company" provided by Section 3

(b)(3) would no longer be available to Applicant since certain of Applicant's securities will thereupon be owned by a company other than one entitled to the exclusion contained in Section 3(b)(1) or Section 3(b)(2) of the Act. In such an event, Applicant, as a foreign investment company, and any depositor or trustee of, or underwriter for Applicant would be subject to Section 7(d) of the Act which prohibits the use of jurisdictional means to offer or sell, or to deliver after sale, any security of Applicant in connection with a public offering.

Applicant states that although it is not a "bank" under Section 2(a)(5)(C) of the Act, it fits within the general intent of Section 3(c)(3) of the Act which excludes banks and other institutions, subject to supervision by State or Federal regulatory agency, from the definition of "investment company" under the Act. Applicant operates as a wholly-owned subsidiary of MGIFC and the Bank, in part serving their clients engaged in activities in Canada, its activities are supervised by MGIFC and the Bank, and it performs many of the functions which are performed by the Bank worldwide. In addition, Applicant represents that, except in certain limited respects, it is subject to the same regulations prescribed for Edge Act corporations and is subject to examination by both the Board and the Superintendent of Banks in New York. Accordingly, Applicant requests an exemption from all provisions of the Act pursuant to Section 6(c) thereof, subject to the following conditions:

(1) Applicant will not sell any debt securities other than (a) promissory notes unconditionally guaranteed by the Bank having maturities of nine months or less, (b) debt securities unconditionally guaranteed by the Bank having maturities of one year or more which are offered and sold in transactions not involving any public offering to financial institutions, located in the United States and elsewhere, which are not "underwriters" of such securities within the meaning of the Securities Act of 1933, and (c) debt securities having maturities of one year or more which are sold in offerings outside the United States and which are either (i) unconditionally guaranteed by the Bank or (ii) offered and sold in transactions not involving any public offering to financial institutions located in Canada or elsewhere outside the United States which are not "underwriters" of such securities within the meaning of the Securities Act of 1933 pursuant to agreements reasonably designed to prevent such debt securities from coming into the hands of an American national or resident.

(2) In the event that all the common shares of Applicant do not continue to be held by Morgan or by a wholly-owned subsidiary of Morgan which is either (a) not an investment company or (b) duly exempted from the provisions of the Act pursuant to an order of the Commission, the order will terminate.

(3) In the event that Applicant ceases to be supervised and examined by a Fed-



eral authority having supervision over banks, the order will terminate.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 7, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-14871 Filed 5-20-76; 8:45 am]

[Rel. No. 19529; 70-5856]

#### OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

##### Proposed Leases of Nuclear Fuel and Related Facilities

MAY 14, 1976.

Notice is hereby given that Ohio Edison Company ("Ohio Edison") 47 North Main Street, Akron, Ohio 44308, a registered holding company and electric utility company and its electric utility subsidiary, Pennsylvania Power Company ("Pennsylvania") 1 East Washington Street, New Castle, Pennsylvania, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application,

which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison, Pennsylvania Power Company, The Cleveland Electric Illuminating Company, Duquesne Light Company and The Toledo Edison Company (collectively referred to as the "CAPCO companies", herein called "Lessee") propose to enter into separate Nuclear Material Lease Agreements with PruLease, Inc. ("Lessor") to lease certain nuclear fuel and nuclear fuel components thereof (the "Nuclear Material"). The Nuclear Material will be used by Lessee to satisfy the fuel requirements of Beaver Valley Unit No. 2 and Perry Unit No. 1. Lessor is a subsidiary of Pruco, Inc., a holding company subsidiary of Prudential Insurance Company. The obligations of the Lessee under the Leases will be several and not joint and will be based on their proportionate ownership in the unit involved.

The Lessee will lease the Nuclear Material under each Lease for approximately one year, beginning with the date Lessor first makes a payment under the Lease toward the cost of the Nuclear Material (the "Lease Term"). Thereafter, the Lease may be extended from month to month until termination (the "Extended Term").

Under the Leases, the Lessor is obligated to pay the cost of the Nuclear Material (the "Acquisition Cost"). If any part of the Acquisition Cost is paid or incurred by the Lessee, the Lessor shall promptly reimburse the Lessee.

At the option of the Lessee, any rent paid by Lessee to Lessor with respect to any Nuclear Material prior to completion of the first 200 full power hours of burn of the Nuclear Material and closing costs payable by Lessee to Lessor with respect to a Lease, will be considered an Acquisition Cost under that Lease.

Pursuant to the Leases, the Lessee will assign to the Lessor all contracts relating to the purchase of or services to be performed with respect to Nuclear Material and entered into by it prior to the effective date of the applicable Lease and the Lessor will reimburse the Lessee for all payments theretofore made with respect to such contracts.

Under the Leases, the Lessee assumes all risks of loss or damage to the Nuclear Material and is responsible for keeping the Nuclear Material in good operating condition and repair. The Lessee is obligated to procure physical damage insurance in an amount not less than the Lessor's unrecovered Acquisition Cost as it exists from time to time, and liability insurance to the extent required by applicable laws, rules, or regulations. The Lessee also may self-insure to the extent required by applicable laws, rules or regulations and agreed to by the Lessor.

The Lessor and its affiliates are fully indemnified by the Lessee against all claims, demands, liabilities, costs and expenses arising as a result of the Lessor having leased the Nuclear Material except certain costs and expenses which are the responsibility of the Lessor under a Lease.

Lease payments will be payable monthly and will commence with the term of the Lease. These payments will depend on whether the Nuclear Material is carried on an Interim Leasing Record or a Final Leasing Record. Basically, Nuclear Material is carried on an Interim Leasing Record when it is not actually installed for operation in a nuclear reactor and thereafter until the first day of the month on or after which such Nuclear Material has completed its first 200 full power hours of burn. Nuclear Material not carried on an Interim Leasing Record is carried on a Final Leasing Record. On an Interim Leasing Record the amount of any specific rental payment is determined by allocating Lessor's then unrecovered Acquisition Cost with respect to that Nuclear Material equally over a 360 day period and by multiplying a portion of the amount so allocated (the portion attributable to the number of days equal to the number of days covered by the rental payment) by a percentage equal to the sum of 1 3/4% plus the higher of (i) the prime rate of Morgan Guaranty Trust Company or (ii) the rate of interest paid by Lessor on its commercial paper. For the first two full calendar months that Nuclear Material is carried on a Final Leasing Record, rental payments are the same as they would be under an Interim Leasing Record. Thereafter, the amount of any specific rental payment is the amount payable while the Nuclear Material is being carried on an Interim Leasing Record plus an amount designed to permit the Lessor to recover the Acquisition Cost associated with that Nuclear Material over the period during which such Nuclear Material is expected to be utilized in connection with the generation of electric power, taking into account any anticipated salvage value with respect thereto.

The Leases are subject to termination by either party by notice or otherwise pursuant to their terms. Depending on the circumstances of the termination, the Lessor is entitled to receive the fair market value of the Nuclear Material or its unrecovered Acquisition Cost with respect thereto (the "Termination Price"). However, the Lessor shall never receive less than its unrecovered Acquisition Cost upon any termination of a Lease. In certain circumstances, the Lessee is entitled to take title to the Nuclear Material upon payment of the applicable Termination Price. In other events, the Lessor retains title while the Lessee (if it is a non-default situation) seeks to sell the Nuclear Material on behalf of the Lessor. The Lessee is then obligated to pay the Lessor the unrecovered Acquisition Cost and is entitled to a reimbursement from the Lessor out of the proceeds of any such sale up to the amount of the unrecovered Acquisition Cost so paid.

Specified events of default under a Lease can trigger termination of that Lease and/or other remedies, including the right to repossess the Nuclear Material. If one of the Lessees default, the nondefaulting companies have the right to cure any such default.

Under the Leases, unrecovered Acquisition Costs for Beaver Valley Unit No. 2 and Perry Unit No. 1 may not exceed \$52,000,000 and \$72,000,000, respectively. The allocable percentages of Ohio Edison and Pennsylvania with respect thereto are 35.6% and 6.28%, respectively (i.e., \$18,512,000 and \$24,920,000, respectively for Ohio Edison and \$3,265,000 and \$4,396,000, respectively for Pennsylvania).

Under certain conditions, each of the Leases permits Nuclear Material covered by a Lease to be transferred for lease under any other lease of Nuclear Material between some or all of the CAPCO companies and the Lessor and permits Nuclear Material covered by any such lease to be transferred for lease under a Lease. If any such transfers are made and the lease from which the Nuclear Material is taken or to which it is added relates to a unit in which the ownership interests of Ohio Edison and Pennsylvania differs from their ownership interests in Beaver Valley Unit No. 2 or Perry Unit No. 1, there may be a disposition or acquisition of a utility asset by Ohio Edison or Pennsylvania. In the event that such transfer adds Nuclear Material to a Lease and results in an increase in the dollar amount of the then remaining proportional obligation of either Ohio Edison or Pennsylvania under that Lease to an amount greater than that stated above, Ohio Edison or Pennsylvania, as the case may be, would notify the Commission and request authorization for such transfer.

Ohio Edison and Pennsylvania propose to charge the rent under Leases to fuel expense and to account for the transactions as leases rather than purchases.

The fees, commissions and expenses to be incurred in connection with the proposed transactions by Ohio Edison and Pennsylvania are estimated to be \$8,500 and \$2,200, respectively, including legal fees of \$6,800 for Ohio Edison and \$1,700 for Pennsylvania. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions, except that the Nuclear Regulatory Commission has jurisdiction over the ownership, possession, storage and handling of the Nuclear Material.

Notice is further given that any interested person may, not later than June 10, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-14872 Filed 5-20-76; 8:45 am]

[Release No. 19527; 70-5735]

#### PUBLIC SERVICE CO. OF OKLAHOMA, ET AL.

##### Proposed Acquisition of Interests in Fuel Exploration and Development Activities

MAY 13, 1976.

Notice is hereby given that Central and South West Corporation ("CSW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company, Public Service Company of Oklahoma ("PSO"), P.O. Box, Tulsa, Oklahoma 74102; an electric utility subsidiary of CSW, and Transok Pipe Line Company ("Transok"), P.O. Box 3008, Tulsa, Oklahoma 74101; a subsidiary pipe line company of PSO, have filed an application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9, 10 and 12(f) of the Act and Rules 43 and 100 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated November 18, 1975 (HCAR No. 19248) issued in this proceeding, CSW was authorized to make a \$5,000,000 capital contribution to PSO. Jurisdiction was reserved with respect to the proposed acquisition of interests in fuel acquisition and development activities by PSO and Transok which are also the subject of the application-declaration.

PSO owns and operates six steam electric generating stations in Oklahoma. All of these plants are designed and constructed to use natural gas as their primary source of fuel. PSO also has two peaking turbine units scheduled to be placed in service in 1976 which will burn oil in regular operation but which are capable of burning gas. Planned base-load units scheduled to be placed in service by PSO after 1976 are to be either

coal or nuclear fueled. These future units are two coal-fired units of 450 Mw each scheduled for service in 1979 and 1980 and two nuclear units of 1,150 Mw each (700 Mw each of which is committed to PSO) for 1983 and 1985.

PSO states that it has found it impossible in the last few years to rely upon renewing traditional long-term fuel supply contracts or obtaining additional contracts of this nature to meet increased future needs. Accordingly, PSO turned to coal and nuclear fuel for all base-load units to be constructed in the future and, together with Transok, initiated an oil and gas exploration and development program to provide future fuel supplies.

PSO and Transok are involved with various third parties in the fuel development and exploration projects. Operations of particular projects are generally supervised and conducted by such third parties who have expertise in the fuel exploration and development field. Interests obtained by PSO and Transok vary under the individual projects. PSO's and Transok's interest are in some cases subject to overriding royalty or other interests in favor of third parties who have participated in the project as investors and/or operators.

It is stated that PSO and Transok had spent a total of \$19,679,530 on oil, gas and uranium fuel exploration and development projects through December 31, 1975, including \$3,884,925 refunded to PSO in August 1974 under the Saga Petroleum program (subject of the Commission's Memorandum Opinion and Order dated July 17, 1975 HCAR No. 19090) and excluding certain advances and prepayments to suppliers and producers totalling \$2,279,890 at July 31, 1975. At December 31, 1975, PSO and Transok had acquired 443,868 net acres of oil and gas leasehold interests and 32,990 acres of uranium interests. Estimated reserves amounted to 16,738,065 Mcf of gas and 1,026,805 Bbls of oil for Transok at December 31, 1975 and 290,000 lbs of uranium, 428,570 net Bbls of oil and 766,670 Mcf of gas for PSO at May 31, 1975.

PSO and Transok request, to the extent required under the Act, authority for the future acquisition through December 31, 1977, of interests relating to fuel exploration and development activities. PSO and Transok plan to spend a total of \$50,816,300 through 1977 for such activities, allocated as follows: \$10,607,500 for fuel exploration, \$770,000 for acquisition of property interests related to fuel exploration, \$31,438,800 for development of fuel resources and \$8,000,000 presently unallocated.

The PSO and Transok fuel development and exploration activities may include further acquisition of leasehold interests and surface titles, disposition of interests not deemed attractive or appropriate, geological evaluation and testing, drilling of exploratory and development wells, operation of wells, arrangement for certain treatment and processing of gas incidental sales of products or by-products where no use can feasibly



## NOTICES

(File No. 500-1)

## PRESLEY CO.

## Suspension of Trading

MAY 13, 1976.

be made of them by PSO. Activities may also be entered into in the future through joint ventures, partnerships or other common enterprises and may involve farm-ins, farm-outs, bottom-hole or dry-hole contributions and other transactions of the sort customarily engaged in during acquisition, exploration and development of oil, gas or uranium leasehold properties.

PSO and Transok propose to report quarterly to the Commission, to the extent required by Rule 24 under the Act, on operations undertaken, expenditures made and interests acquired and disposed of pursuant to the authority requested in their application-declaration.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transactions (other than fees and expenses incident to the performance of the proposed fuel activities) including the capital contribution heretofore authorized, are estimated at \$6,000, including legal fees of \$3,500.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail) if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 76-14875 Filed 5-20-76; 8:45 am)

The common stock of Presley Companies, being traded on the American Stock Exchange, the Pacific Stock Exchange, the Boston Stock Exchange, and the PBW Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Presley Companies being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from May 14, 1976 through May 23, 1976.

By the Commission,

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 76-14874 Filed 5-20-76; 8:45 am)

(Release No. 12443; SR-SCC-76-2)

## STOCK CLEARING CORP.

## Order Approving Proposed Changes in the Rules of Stock Clearing Corporation

MAY 13, 1976.

On March 5, 1976, Stock Clearing Corporation ("SCC"), 55 Water Street, New York, New York 10041, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, copies of proposed rule changes relating to (i) priority mechanisms for the allocation of securities, and (ii) the treatment of dividends payable in the form of securities or cash ("optional dividends"), in SCC's continuous net settlement ("CNS") system.

Notice of the proposed rule changes, together with the terms of substance of the proposed rule changes, was given by publication of a Commission Release (Securities Exchange Act Release No. 12225 (March 17, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 12105) (March 23, 1976).

By a letter to the Commission contained in File No. SR-SCC-76-2, SCC made certain undertakings with respect to the above-referenced rule changes.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change, contained in File No. SR-SCC-76-2, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

(FR Doc. 76-14875 Filed 5-20-76; 8:45 am)

## STOCK FUND OF AMERICA, INC. AND THE INVESTMENT CO. OF AMERICA

(Rel. No. 9289; 812-3948)

## Filing of Application for an Order Exempting a Proposed Transaction

MAY 13, 1976.

Notice is hereby given that The Stock Fund of America, Inc. ("SFA"), and The Investment Company of America ("ICA"), 611 West Sixth Street, Los Angeles, California 90017, (collectively, the "Applicants"), both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application on April 27, 1976, and an amendment thereto on May 12, 1976, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act a proposed merger of SFA into ICA. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, SFA was incorporated in the State of Delaware on December 14, 1951, and, on March 31, 1976, had 6,284,821 shares outstanding and net assets of \$47,618,693. It is said that ICA was incorporated in the State of Delaware on August 28, 1933, and, on March 31, 1976, had 101,033,600 shares outstanding and net assets of \$1,394,396,599.

Applicants propose to enter into an Agreement and Plan of Merger (the "Proposed Agreement"), pursuant to which SFA will be merged into ICA and the separate existence of SFA will cease. Applicants state that to become effective, the Proposed Agreement requires the affirmative vote of at least a majority of the outstanding shares of SFA; but that, by virtue of Section 251 (f) of the Delaware General Corporation Law, approval of the shareholders of ICA is not required. A meeting of the shareholders of SFA to vote on the Proposed Agreement has been scheduled to take place in June of 1976. It is also said that a condition precedent to the proposed merger is the receipt of either a ruling from the Internal Revenue Service or opinions of the Applicants' respective legal counsels to the effect that the merger will constitute a tax-free reorganization. Applicants state that the effective time of the

merger is to be the close of the business day of June 25, 1976, and that shortly before the effective date of the merger, each of the Applicants shall distribute to its shareholders substantially all of its net taxable income for the fiscal year through the effective date of the merger.

If the merger is consummated, it is proposed that the outstanding shares of SFA held of record by each shareholder of SFA immediately preceding the effective time of the merger will be converted into and become the number of full and/or fractional shares of common stock of ICA which, when multiplied by the net asset value per share of such shares of ICA, shall have an aggregate net asset value equal to the aggregate net asset value of such shareholder's interest in SFA. The net asset value of the shares of common stock of ICA and SFA at the effective time of the merger shall be the net asset values of each of the Applicants determined in the manner described in their current prospectuses as of the close of the New York Stock Exchange on the day of the effective time of the merger or, if the Exchange is not open on that day, on the last preceding day on which the Exchange was open.

The respective tax positions of Applicants as of March 31, 1976, are said to be as follows: SFA had total net assets of approximately \$47,618,693 and a total capital loss carry-over of \$21,690,000, of which \$9,000,000, \$6,650,000 and \$6,040,000 may be used to offset capital gains realized during the fiscal years ending October 31, 1978, 1979, and 1980, respectively; ICA had total net assets of \$1,394,396,599 and no loss carry-over; SFA's net unrealized gains were \$6,979,706 and ICA's net unrealized gains were \$140,787,163.

The Applicants have agreed that no adjustment need be made in the computation of Applicants' respective net asset values to reflect any potential income tax impact on the shareholders of the Applicants which might result from differences in amounts of realized and unrealized capital gains or losses in the respective portfolios. Applicants are of the opinion that the actual impact of capital loss carry-overs and current net unrealized gains or losses is not readily determinable and would be largely a matter of speculation; and, further, that any such impact would depend on many different factors, including each individual shareholder's personal tax status.

Applicants state that the investment objective of ICA, which is said to be similar to the investment objective of SFA, will be the investment objective of the surviving company. SFA's primary investment objective is said to be long-term growth of income and principal. Applicants state that, to the extent consistent with this objective, current income is given consideration in the selection of investments, but that major investment emphasis is given to common stocks of well established companies which appear to have favorable prospects for long-term growth of earnings and dividends. However, it is stated that SFA may also purchase preferred stocks,

bonds, and short-term debt securities. ICA's assets are said to consist principally of a diversified group of common stocks. Applicants state that in the selection of securities for ICA's portfolio, the possibilities of appreciation and potential dividends are given more weight than current dividend yield, but that at times when the outlook for common stocks is not considered promising, a substantial portion of the assets of ICA may be held as cash in banks or in United States Government securities.

Applicants state further that the investment restrictions of the Applicants are substantially similar in content and that the fundamental investment restrictions of ICA will continue in effect after the merger and will be the fundamental investment restrictions of the surviving company.

It is proposed that each of the Applicants will bear its own expenses in connection with the merger. The aggregate expenses are expected to be approximately \$54,000 of which it is proposed that SFA will bear \$27,000 and the remainder of approximately \$27,000 will be borne by ICA.

Capital Research and Management Company ("CRMC") acts as investment adviser to each of the Applicants. Applicants state that CRMC's investment advisory agreement with ICA would continue as the investment advisory agreement of the surviving company.

It appears that CRMC's investment advisory and service agreement with SFA provides for compensation of .5% of the first \$150,000,000 of SFA's net assets and of .4% of the net assets of in excess of \$150,000,000; and that ICA pays CRMC a monthly advisory fee of 1/12 of the following annual rates: .36 of 1% on the portion of the value of the total net assets of ICA not exceeding \$300,000,000, and .27% of the portion exceeding \$300,000,000. Such monthly payment is said to be reduced by \$5,250 for a 60-month period which began January 1, 1972.

The Applicants contend that they are not affiliated persons of each other, within the meaning of Section 2 (a)(3) of the Act. Applicants assert that they have only one common director, and that the majority of the members of their respective Boards of Directors are not "interested persons" as defined in the Act. Moreover, Applicants are said to have no common officers with the exception of two individuals. Applicants assert further that neither of them owns any of the outstanding shares of the other. As stated above, CRMC acts as investment adviser to each of the Applicants. CRMC is said to own 20,090 shares of ICA, which amount appears to be less than 1/50 of one percent of the outstanding shares of ICA.

Applicants recognize, however, that on the basis of the foregoing facts they might be deemed to be "affiliated persons" of each other and state that they have filed the application so as to avoid any questions being raised under Section 17 of the Act with respect to the transactions described therein.

Section 17(a) of the Act provides, in part, that it shall be unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, shall by order exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned in that share of ICA are proposed to be issued for shares of SFA on the basis of their respective net asset values. Applicants further submit that the transaction is consistent with the policies of each of them. In the opinion of the Applicants, the shareholders of SFA will benefit from a lower investment advisory fee and the elimination of certain duplications of expense in: (i) auditing, accounting, and legal areas; (ii) the qualification of shares for sale in the various jurisdictions where shares are sold; (iii) preparation and printing of shareholder reports, prospectuses, and proxy material; and (iv) possible further savings in brokerage commissions and custodian fees. It is estimated by applicants that their combined expenses in the twelve months ended December 31, 1975, would have been reduced by more than \$100,000, had the Applicants been combined during that period.

Notice is further given that any interested person may, not later than June 4, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's



own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-14874 Filed 5-20-76; 8:45 am]

# VETERANS ADMINISTRATION ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

## Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Holiday Inn, Crown A meeting room, Riverside, California, June 28, 1976, at 9 a.m. The June 28, 1976, meeting will be open to the public.

Those wishing to attend should contact Ms. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, D.C. 20420 (phone 202-389-5211) not later than June 16, 1976. Any interested person may attend, appear before, or file a statement with the committee. Individuals wishing to make oral statements should please indicate this in a letter to Ms. Withers in which they fully identify themselves and state the organization or association they represent or are speaking for. Written statements should be filed with Ms. Withers at the Washington address prior to the meeting. In this regard, the minutes of the meeting will be held open through July 14, 1976, to accept written statements not available during the committee meeting. Oral statements will be heard only between 1:15 and 2:15 p.m. on June 28, 1976.

Dated: May 17, 1976.

R. L. ROUDEBUSH,  
Administrator.

[FR Doc. 76-14914 Filed 5-20-76; 8:45 am]

## PRIVACY ACT OF 1974

### Proposed Revised System Notice

On August 26, 1975, the Veterans Administration published in the FEDERAL REGISTER (40 FR 38095) a Notice of Systems of Records in accordance with 5 U.S.C. 552a(e) (1), section 3 of the Privacy Act of 1974 (Pub. L. 93-579). The proposed descriptions of records were adopted by notice published on page 47980 of the FEDERAL REGISTER of October 10, 1975.

Notice is hereby given that the Veterans Administration now proposes to change one existing manual system of records by automating the system entitled, "Voluntary Service Records —

VA" for which public notice initially appeared on page 38122 of the FEDERAL REGISTER of August 26, 1975. A revised system notice for the altered system has been prepared consistent with the provisions of 5 U.S.C. 552a(o) of the Privacy Act and guidelines issued by the Office of Management and Budget (40 FR 45877, October 3, 1975).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before June 21, 1976 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that it is proposed to make this description effective the date of final approval.

Approved: May 17, 1976.

R. L. ROUDEBUSH,  
Administrator.

### PROPOSED REVISED SYSTEM NOTICE

System name: Voluntary Service Records—VA.

System location: Records are maintained at each of the VA health care facilities and data processing centers. Active records are retained at the facility where the individual has volunteered to assist the administrative and professional personnel and at the data processing centers. Address locations are listed in VA Appendix 1 published August 26, 1975 (40 FR 36123).

Categories of individuals covered by the system: Non-affiliated volunteers and members of voluntary service organizations; welfare, service, veterans, fraternal, religious, civic, industrial, labor, and social groups or clubs which voluntarily offer the services of their organizations to patients through VA Voluntary Service under Title 38, United States Code, Section 213.

Categories of records in the system: Administrative records containing personal information about the individual making application to become a volunteer in a VA health care facility. Information relating to the individual medical history, membership in service organization, qualifications, restrictions and preferences of duty and availability to schedule time of service.

Authority for maintenance of the system: Title 38, United States Code, Section 213.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To confirm volunteer service, duty schedule, and assignments to the Bureau of Unemployment, service organizations, insurance firms, offices of personnel of the individual's full-time employment; to assist in the development of the Veterans Administration history of the volunteer and his/her assignments; and, to confirm voluntary hours on-the-job accidents, and for recognition awards.

Policies and practices for storing, retrieving, accessing retaining, and disposing of records in the system:

Storage: (a) Paper documents; (b) X-ray; (c) punch cards; (d) magnetic tapes; (e) magnetic disk packs.

Retrievability: (a) All volunteer applications are filed by name and Social Security Number or Pseudo SSN and cross-referenced under organization they represent; (b) Medical histories and X-rays by name and Social Security Number or Pseudo SSN.

Safeguards: Physical Security: Access to VA working space and medical record storage areas and data processing centers is restricted to VA employees on a "need to know" basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a "need to know" basis.

Retention and disposal: The individual volunteer's record of service is maintained by the Veterans Administration health care facility and data processing center as long as he or she is living and actively participating in the VAVS program, or until he or she irrevocably removes himself or herself from further participation in the VAVS program, or is removed from the VAVS program for cause.

System manager(s) and address: Director, Voluntary Service (125), Veterans Administration, VA Central Office, Washington, D.C. 20420.

Notification procedure: Individuals seeking information concerning the existence and content of a volunteer's service record pertaining to themselves must

submit a written request or apply in person to the VA health care facility where their voluntary service was accomplished. All inquiries must reasonably identify the portion of the volunteer's service folder and approximate the dates of service to the facility. Inquiries should include the volunteer's name, Social Security Number or Pseudo SSN, organization represented, date of birth, last address while serving as a volunteer to the VA.

Record access procedures: Volunteers, dependents, survivors or duly authorized representatives seeking information regarding access to and contesting of VA Voluntary Service records may contact the Chief, Voluntary Service, Veterans Administration health care facility where individual was a voluntary worker.

Contesting record procedures: (See Record access procedures above).

Record source categories: 1. The volunteer, his/her family. 2. Civic and service organization. 3. Private physician. 4. VA health care facility.

[FR Doc. 76-14974 Filed 5-20-76; 8:45 am]

## DEPARTMENT OF LABOR

### Employment Standards Administration MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

#### General Wage Determination Decisions Correction

In FR Doc. 76-13754, appearing on page 20115, in the issue for Friday, May 14, 1976, "Modification P. 21, Decision #MN76-2003" was inadvertently omitted, and should be inserted between, "Modification P. 20, Decision #MN76-2003—Mod. #1" which appears on page 20126, and "Modifications P. 22, Decision #MN76-2004—Mod. #2" which appears on page 20127, as set out below:

MODIFICATIONS P. 21

#### DECISION #MN76-2003 (Cont'd)

##### Power Equipment Operators:

Building  
Class 1  
Class 2  
Class 3  
Class 4  
Class 5  
Class 6  
Class 7  
Class 8  
Class 9  
Class 10  
Class 11

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$13.45	.45	.40		
11.05	.45	.40		
10.70	.45	.40		
10.60	.45	.40		
10.50	.45	.40		
10.25	.45	.40		
10.13	.45	.40		
10.05	.45	.40		
9.78	.45	.40		
9.50	.45	.40		
9.05	.45	.40		

##### Site Preparation, Excavating & Incidental Paving—East of the Western Right-of-Way of U.S. Hwy #15

Group I  
Group II  
Group III  
Group IV  
Group V  
Group VI  
Group VII

13.30	.45	.35		
10.01	.45	.35		
9.75	.45	.35		
9.63	.45	.35		
9.53	.45	.35		
8.85	.45	.35		
8.55	.45	.35		

##### Site Preparation, Excavating & Incidental Paving—Remainder of the County

Group I  
Group II  
Group III  
Group IV  
Group V  
Group VI  
Group VII

13.05	.45	.35		
8.87	.45	.35		
8.62	.45	.35		
8.48	.45	.35		
8.40	.45	.35		
7.87	.45	.35		
7.47	.45	.35		

## Employment and Training Administration EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

### Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 19 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding



these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training 601 D St., NW., Washington, D.C. 20218.

Signed at Washington, D.C. this 17th day of May, 1976.

**BEN BURDETSKY,**  
Deputy Assistant Secretary  
for Employment and Training.

Applications received during the week ending May 14, 1976

Name of applicant	Location of enterprise	Principal product or activity
Electronics Knitting Industries, Inc.	San Lorenzo, P.R.	Manufacture of polyester fabrics.
Barnes Lumber Corp.	Charlottesville, Va.	Manufacture of fabricated wood buildings and components.
Isotop Research, Inc.	do.	Manufacture of electronic components.
Squire Plastics (located in Jackson County)	Ripley, W. Va.	Manufacture of plastic industrial components.
Fashions by Witz, Inc.	Tupelo, Miss.	Manufacture of men's apparel.
Music Vendors, Inc.	Jacksonville, N.C.	Distribution of coin-operated machines.
Fountain View Land Trust	Kidder, Ill.	Nursing home.
Paul Management Co.	Paoli, Ind.	Health service facilities.
Don Tester Ford, Inc.	Newark, Ohio	Automobile sales and service.
Walton Furniture Manufacturing Corp.	Waldron, Ark.	Manufacture of upholstered wood furniture.
Peabody Galt Corp.	Dumas, Okla.	Manufacture of construction machinery and equipment.
Risby Pallet & Lumber Co., Inc.	Pittsboro, Mo.	Manufacture of wooden industrial pallets.
Ratall Equipment, Inc.	Mazon, Mo.	Retail farm machinery sales and service.
Watsonville Canning & Frozen Food Co.	Watsonville, Calif.	Processing and packaging of frozen vegetables.
Richard A. Shaw, Inc.	do.	Processing and packaging of frozen vegetables.
Wildcat Land Co.	Corvallis, Ore.	Production of concrete.

[FR Doc.76-14851 Filed 5-20-76; 8:45 am]

#### Labor-Management Services Administration DEPARTMENT OF THE TREASURY

##### Internal Revenue Service EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving Stryco Manufacturing Company Pension Trust et al. (Application No. D-417)

##### Correction

In FR Doc. 76-14477 appearing on page 20455 in the FEDERAL REGISTER of Tuesday, May 18, 1976, the fifth line of paragraph 5 on page 20456 should read: "pal amount of \$131,720, with matur-".

##### Office of the Secretary

[TA-W-409, 410, 469-475]

##### GENERAL MOTORS CORP.

Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

##### Correction

In FR Doc. 76-12941 appearing at page 18487 in the FEDERAL REGISTER of Tuesday, May 4, 1976 make the following correction:

On page 18489, first column, last paragraph, third line, the figures in parentheses should read "(TA-W-409)".

[TA-W-848]

##### AMERACE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former work-

ers of the Strongsville Plant, Strongsville, Ohio, a subsidiary of Amerace Corporation (TA-W-848).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with nylon patches produced by Amerace Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

**MARVIN M. FOOKS,**  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14808 Filed 5-20-76; 8:45 am]

[TA-W-824]

##### AMERICAN STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steel Workers of America on behalf of the workers and former workers of American Steel Company, Ellwood City, Pennsylvania (TA-W-824).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel cotter pins produced by American Steel Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

**MARVIN M. FOOKS,**  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14784 Filed 5-20-76; 8:45 am]

[TA-W-847]

##### AMPCO-PITTSBURGH CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Monaca, Pennsylvania plant of AMPCO-Pittsburgh Corporation, Pittsburgh, Pa. (TA-W-847).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with pipe thread protectors and nipples produced by AMPCO-Pittsburgh Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

**MARVIN M. FOOKS,**  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14807 Filed 5-20-76; 8:45 am]

[TA-W-612]

##### ANITA FOUNDATIONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-

W-612: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the Corset and Brassiere Workers' Local 32, International Ladies Garment Workers Union (ILGWU) on behalf of workers and former workers producing brassieres and girdles at Anita Foundations, Inc., in New York, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10634). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Anita Foundations, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation has revealed that all four of the above criteria have been met.

##### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Anita Foundations declined 21 percent in 1975 compared to 1974.

##### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Brassieres account for 95 percent of Anita Foundations sales and production. Sales declined 30 percent in fiscal year 1975 (September to August) compared to fiscal 1974.

Total production by Anita Foundations declined 16 percent in 1975 compared to 1974.

##### INCREASED IMPORTS

Imports of brassieres, bra-lettes and bandeaux increased in each year between 1970 and 1975. Imports of these products increased from 6.2 million dozen in 1974 to 6.9 million dozen in 1975.

##### CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation indicates that customers of Anita Foundations, Inc. have decreased purchases of its brassieres in favor of less expensive imported brassieres.

##### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of brassieres at Anita Foundations, Inc., New York, N.Y. who became totally or partially separated from employment on or after February 12, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976.

**JAMES F. TAYLOR,**  
Director,  
Planning and Evaluation Staff.

[FR Doc.76-14760 Filed 5-20-76; 8:45 am]

[TA-W-754]

##### ARMCO STEEL CORP.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-754: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers of the Armco Steel Corporation, Advanced Materials Division plant in Wildwood, Florida.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17028). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially



## NOTICES

separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers increased 5 percent from 1973 to 1974, and then decreased 13 percent from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of stainless steel pipe and tubing increased 15 percent in quantity from 1973 to 1974, and then declined 36.7 percent from 1974 to 1975.

#### INCREASED IMPORTS

Imports of stainless steel pipe and tubing increased 60.4 percent in 1974 compared to 1973 and increased 28.2 percent in 1975 compared to 1974. The ratios of imports to domestic shipments and consumption increased from 16.0 percent and 16.3 percent, respectively, in 1974 to 25.7 percent and 24.0 percent, respectively, in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Armco Steel Corporation's Wildwood plant had increased their purchase of imported stainless steel pipe and tubing. Customers indicated that lower prices of the imported pipe and tubing were causing the shift.

#### CONCLUSION

After care review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel pipe and tubing produced at the Armco Steel Corporation's Wildwood plant contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of stainless steel pipe and tubing at the Armco Steel Corporation plant located in Wildwood, Florida who became totally or partially separated from employment on or after April 20, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D. C. this 9th day of May 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.  
[FR Doc.76-14753 Filed 5-20-76; 8:45 am]

[TA-W-867]

#### BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Lebanon, Pa. plant, a division of the Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-867).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by Bethlehem Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14828 Filed 5-20-76; 8:45 am]

[TA-W-868]

#### BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Williamsport, Pennsylvania plant, Wire Rope Division of Bethlehem Steel Corporation, Bethlehem, Pa. (TA-W-868).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with wire rope produced by Bethlehem Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14829 Filed 5-20-76; 8:45 am]

[TA-W-825]

#### BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 26,

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1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Fredericktown, Missouri plant of Brown Shoe Company, a division of Brown Group, Inc., St. Louis, Missouri (TA-W-825).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and boys' leather shoes produced by Brown Shoe Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14785 Filed 5-20-76; 8:45 am]

[TA-W-832]

CARDOZO MANUFACTURING CO., INC.  
Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 26, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Cardozo Manufacturing Co., Inc., Kansas City, Missouri (TA-W-832). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of Inter-

national Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with metal tennis racquets produced by Cardozo Manufacturing Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14792 Filed 5-20-76; 8:45 am]

[TA-W-818]

CHAMPION COMMERCIAL INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Champion Rivet Division, East Chicago, Indiana, a subsidiary of Champion Commercial Industries, Inc., Cleveland, Ohio (TA-W-818).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative

increases of imports of articles like or directly competitive with solid steel rivets produced by Champion Commercial Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14778 Filed 5-20-76; 8:45 am]

[TA-W-823]

#### CHICAGO EXPANSION BOLT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Chicago Expansion Bolt Corporation, East Chicago, Illinois (TA-W-823).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with masonry fasteners produced by Chicago Expansion Bolt Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or sub-



division and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc 76-14783 Filed 5-20-76; 8:45 am]

[TA-W-843]

#### CHICAGO PNEUMATIC TOOL CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 25, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of the Utica, New York plant of Chicago Pneumatic Tool Company, New York, New York (TA-W-843).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with air powered tools produced by Chicago Pneumatic Tool Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate,

to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc 76-14803 Filed 5-20-76; 8:45 am]

[TA-W-570]

#### THE COLUMBIAN ROPE CO.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-570: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1976, in response to a worker petition received on January 30, 1976, which was filed by the Textile Workers Union of America on behalf of workers and former workers producing manila rope and synthetic rope at the Auburn, New York plant of The Columbian Rope Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 6821) on February 13, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Columbian Rope Company, its customers, the U.S. Department of Commerce, the Cordage Institute, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision

thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat, thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased .9 percent in 1974 compared to 1973. Employment of production workers declined 10.4 percent in 1975 compared to 1974. Employment declined in the last three quarters of 1975 compared to the corresponding quarters in 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of natural-fiber rope at the Auburn plant declined 13.8 percent in quantity in 1974 compared to 1973 and declined 23.3 percent in quantity in 1975 compared to 1974. Production declined in each quarter of 1975 compared to the corresponding quarters in 1974.

Production of synthetic rope at the Auburn plant increased 12.4 percent in quantity in 1974 compared to 1973 and then declined 10.1 percent in 1975 compared to 1974. Production declined in the last three quarters of 1975 compared to the corresponding quarters in 1974.

#### INCREASED IMPORTS

Imports of manila rope increased absolutely and relatively from 1971 to 1972, and then declined absolutely and relatively from 1972 to 1973. Imports increased both absolutely and relatively from 1973 to 1974. In the first ten months of 1975, imports increased relatively compared to the same period in 1974. The ratio of imports to domestic production and consumption increased from 40.7 percent and 29.1 percent, respectively, in the first ten months of 1974 to 44.4 percent and 30.9 percent, respectively, in the same period in 1975.

Imports of synthetic rope increased absolutely in each year from 1971 through 1974. Imports of synthetic rope increased 187.1 percent in 1975 compared to 1974. The ratio of imports to domestic production and consumption increased from 2.0 percent and 2.0 percent, respectively, in 1974 to 7.0 percent and 7.0 percent, respectively, in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Columbian Rope Company's Auburn, New York

[TA-W-585]

#### DR. SCHOLL SHOE MANUFACTURING CO. Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-585: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 6, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers of Dr. Scholl Shoe Manufacturing Company, Jefferson, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on February 20, 1976 (41 FR 7830). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dr. Scholl Shoe Mfg. Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Jefferson plant increased 22 percent in 1974 compared to 1973 and declined 25 percent in 1975 compared to 1974. In the first two months of 1976 the average number of production workers declined 19 percent compared to the same period in 1975. The average weekly hours of production workers decreased 9 percent in 1975 compared to 1974 and increased 5 percent in the first two months

of 1976. The average weekly hours of production workers decreased 9 percent in 1975 compared to 1974 and increased 5 percent in the first two months

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with natural fiber rope and synthetic rope produced at the Auburn, New York plant of the Columbian Rope Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of natural fiber rope and synthetic rope at the Auburn, New York plant of The Columbian Rope Company who became totally or partially separated from employment on or after March 4, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc 76-14764 Filed 5-20-76; 8:45]

[TA-W-595]

#### DORADO FABRICS, INC.

#### Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-595: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976, in response to a worker petition received on that date which was filed by the Knit Goods Union, Local 190, International Ladies Garment Workers Union (ILGWU) on behalf of workers and former workers of Dorado Fabrics, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10639). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dorado Fabrics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analyst, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision

thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average annual employment of production workers decreased 1 percent from 1973 to 1974, and declined 22 percent from 1974 to 1975. Average weekly hours worked decreased one percent from 1973 to 1974, and declined 3 percent from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales value of double-knit yard goods produced at the Dorado plant declined 15 percent from 1973 to 1974, and 26 percent from 1974 to 1975.

Dorado's production declined 15 percent from 1973 to 1974 and declined 19 percent from 1974 to 1975.

#### INCREASED IMPORTS

Imports of man-made knit fabrics have been decreasing steadily since 1971, when the U.S. imported 143 million square yards of knit fabric. Square yardage of imported man-made knits declined to 78 million in 1973, 32 million in 1974 and 26 million in 1975. The ratios of imports to domestic consumption and production both declined from 0.6 percent in 1974 to 0.5 percent in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that major customers of Dorado Fabrics did not switch their purchases to imported fabrics. Those that had decreased or ceased purchases of Dorado's product cited industry and fashion trends, or competition from lower-priced domestic knitting mills as the reason for their switch.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the double-knit fabrics produced at Dorado Fabrics, Inc., Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 3rd day of May 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc 76-14773 Filed 5-20-76; 8:45 am]

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of 1976 compared to the same period in 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of men's leather shoes at the Jefferson, Wisconsin plant increased 5 percent in 1974 compared to 1973, and declined 11 percent in 1975 compared to 1974.

Production of men's leather shoes increased 22 percent in 1974 compared to 1973 and declined 23 percent in 1975 compared to 1974. Production in the first two months of 1976 was nearly 50 percent below production during the same period of 1975.

#### INCREASED IMPORTS

Imports of men's nonrubber footwear, except athletic, increased both absolutely and relatively in each year from 1970 through 1974 and continued to increase in the first 11 months of 1975 compared to the same period in 1974. Imports increased from 45.0 million pairs in 1970 to 68.6 million pairs in 1974, an increase of 52.4 percent. Imports increased from 65.3 million pairs in the first 11 months of 1974 to 70.0 million pairs in the same period in 1975, an increase of 7.2 percent. The import/production and import/consumption ratios increased from 37.6 percent and 27.3 percent, respectively, in 1970 to 60.9 percent and 37.9 percent, respectively, in 1974. The import/production and import/consumption ratios increased from 63.3 percent and 38.8 percent, respectively, in the first 11 months of 1974 to 73.4 percent and 42.3 percent, respectively, in the same period in 1975.

#### CONTRIBUTED IMPORTANTLY

Fifty percent of the shoes produced at the Jefferson plant are distributed through retail outlets owned by Dr. Scholl, Inc., the remainder being sold through independent retailers. The Department's investigation reveals that the Scholl-owned outlets sell no imported footwear other than men's exercise sandals and clogs imported by Dr. Scholl to complement its domestic line. The representatives indicated that reduced sales in 1975 were due to general economic conditions. Independent retailers who purchase shoes produced by the Jefferson plant also attributed reduced sales to economic conditions. Customers indicated that the Dr. Scholl shoe is a high quality shoe that offers a comfortable fit. The customers indicated that shoes of the style and quality produced by Dr. Scholl at its Jefferson plant are not available from foreign sources.

Dr. Scholl shoes are stocked to accommodate a particular type customer who does not express a preference for the styles found in imported shoes.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's leather shoes

produced at the Jefferson, Wisconsin plant of Dr. Scholl Shoe Manufacturing Company, a subsidiary of Dr. Scholl, Inc., Chicago, Illinois, did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 21st day of April 1976.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.  
[FR Doc. 76-14768 Filed 5-20-76; 8:45 am]

[TA-W-838]

#### DUQUESNE MINE SUPPLY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Duquesne Mine Supply Company, Pittsburgh, Pennsylvania. (TA-W-838).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with hot-headed specialty bolts and related products produced by Duquesne Mine Supply Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

#### NOTICES

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 76-14798 Filed 5-20-76; 8:45 am]

[TA-W-655]

#### EAGLE SHIRTMAKERS, INC.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 12, 1976, in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of former workers of the Eagle Shirtmakers, Inc., Quakertown, Pennsylvania.

Notice of the investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12752). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of the Quakertown plant were separated on or before January 23, 1975. Section 223(b) (1) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is February 26, 1976 and, thus, workers terminated prior to February 26, 1975 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 4th day of May, 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 76-14756 Filed 5-20-76; 8:45 am]

[TA-W-841]

#### ERIE BOLT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steel Workers of America on behalf of the workers and former workers of Erie Bolt Corporation, Erie, Pennsylvania (TA-W-841).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or

directly competitive with special steel fasteners produced by Erie Bolt Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 76-14801 Filed 5-20-76; 8:45 am]

[TA-W-871]

#### FISHER CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 20, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the workers and former workers of Long Island City plant of Fisher Corporation, a division of Emerson Electric Co., Inc. St. Louis, Mo. (TA-W-871).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with HI-FI systems and stereo components produced by Fisher Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or

#### NOTICES

subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 76-14832 Filed 5-20-76; 8:45 am]

[TA-W-539]

#### FOWNE'S BROTHERS AND CO., INC.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on March 17, 1976 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to former workers engaged in employment related to the production of women's shoes at the Amsterdam, New York plant of Fownes Brothers and Company, Inc., Amsterdam, New York (TA-W-539). The notice of certification was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12747).

On the basis of a further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the certification is hereby revised to include an additional employee of the Shoe Division whose employment extended beyond the termination date specified in the notice of certification but whose employment will not terminate until the completion of inventory liquidation.

Such revised certification is hereby made as follows:

All workers of the Shoe Division engaged in employment related to the production of women's shoes at the Amsterdam, New York plant of Fownes Brothers and Company, Inc. who became totally or partially separated from employment on or after December 16,

1974 and before October 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Except that the following named individual who may become totally or partially separated on or after October 31, 1975 is eligible to apply for adjustment assistance: Mr. Leonard J. Gould.

Signed at Washington, D.C. this 9th day of May 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.  
[FR Doc. 76-14755 Filed 5-20-76; 8:45 am]

[TA-W-564]

#### FOX KNAPP MANUFACTURING CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-564: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 23, 1976 in response to a worker petition received on January 23, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing CPO jackets, other special casual, sports related outer garments and nylon shell snorkel parkas at the Fox Knapp Mfg. Co., Milton, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on February 10, 1976 (41 FR 5881). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fox Knapp Mfg. Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any



other cause.

The investigation has revealed that criterion four has not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employees are not separately identifiable by product line. Average annual employment of hourly production workers at the Milton plant declined 34 percent from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Almost 95 percent of Fox Knapp's production consists of CPO jackets and special outer garments. Production of CPO jackets declined 35 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of men's and boys' woven wool sport shirts and light jackets decreased in the years 1971, 1973, and 1974 compared to the preceding years. Imports increased in the years 1972 and 1975 compared to the preceding years. The ratios of imports to domestic production and consumption increased slightly from 22.9 percent and 18.6 percent, respectively in 1974 to 23.2 percent and 18.8 percent, respectively in 1975.

#### CONTRIBUTED IMPORTANTLY

The Milton plant of Fox Knapp stitches and trims primarily CPO jackets. Fox Knapp's major customers decreased purchases of CPO jackets from Fox Knapp and purchases of CPO jackets from Fox Knapp and switched to other domestic manufacturers.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with CPO jackets produced at the Fox Knapp Manufacturing Co., Inc., Milton, Pennsylvania did not contribute importantly to the total or partial separation of the workers at that plant.

Signed at Washington, D.C. this 30th day of April 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-14767 Filed 5-20-76; 8:45 am]

[TA-W-632]

#### GILMORE STEEL CORP.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-632: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the United Steelwork-

ers of America, AFL-CIO on behalf of workers and former workers producing iron pellets at the Portland, Oregon plant of the Direct Reduction Division of Gilmore Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10655). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Gilmore Steel Corporation, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (3) and (4) have not been met.

#### INCREASED IMPORTS

Imports of iron ore consumed in steel furnaces declined from 1.5 million tons in 1971 to 1.4 million tons in 1972. In 1973 imports increased to 1.6 million tons and declined to 1.5 million tons in 1974. In 1975 imports declined to 0.7 million tons. The ratio of imports to domestic shipments was 313.2 percent in 1971 and declined in each year until it reached 219.2 percent in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that approximately ninety-five percent of the output of the Direct Reduction Division goes to Oregon Steel Mill, another division of Gilmore Steel. Oregon Steel Mills does not purchase iron pellets from any other source. Due to reduced sales of its carbon steel products, Oregon Steel Mills reduced orders from the Direct Reduction Division.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with iron pellets produced at the Portland, Oregon plant of the

Direct Reduction Division of Gilmore Steel Corporation, did not contribute importantly to the total or partial separations of the workers at such plants. Signed at Washington, D.C. this 29th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc. 76-14769 Filed 5-20-76; 8:45 am]

[TA-W-864]

#### ITT CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the ITT Harper Division, Morton Grove, Illinois, a subsidiary of International Telephone & Telegraph Corp. (TA-W-864).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by ITT Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14826 Filed 5-20-76; 8:45 am]

[TA-W-854]

#### JOLIET WROUGHT WASHER CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Joliet Wrought Washer Company, Joliet, Illinois, a subsidiary of MSL Industries, Inc. (TA-W-854).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard and special washers produced by Joliet Wrought Washer Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14812 Filed 5-20-76; 8:45 am]

[TA-W-863]

#### KEYSTONE CONSOLIDATED INDUSTRIES

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Delta Metal Forming Division, Greenville, Mississippi, a subsidiary of Keystone Consolidated Industries (TA-W-863).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special steel fasteners produced by Keystone Consolidated Industries, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14825 Filed 5-20-76; 8:45 am]

[TA-W-630]

#### THE LAMSON AND SESSIONS CO.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of

Labor herein presents the results of TA-W-630: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976, in response to a worker petition received on February 27, 1976, which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing metal fasteners (nuts and screws) at the Birmingham, Alabama plant of Lamson and Sessions Company.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10642). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Lamson and Sessions Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 7 percent in 1974 compared to 1973 and then declined 43 percent in 1975 compared to 1974.

Average weekly hours remained stable in 1974 compared to 1973 and declined 32 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased 77 percent in 1974 compared to 1973, and then declined 51 percent in 1975 compared to 1974.

Production increased 12 percent in 1974 compared to 1973, and then declined 63 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of metal fasteners (screws) increased both absolutely and relatively



each year from 1971 through 1974. Imports increased 34.7 percent in 1974 compared to 1973, and decreased 28.1 percent in the first 6 months of 1975 compared to the like period in 1974. However, the ratios of imports to domestic production and consumption increased from 32.0 percent and 25.6 percent, respectively, in the first 6 months of 1974 to 32.9 percent and 26.5 percent, respectively, in the similar period in 1975.

Imports of metal fasteners (nuts) increased both absolutely and relatively each year from 1971 through 1974. Imports increased 39.9 percent from 1973 to 1974, and decreased 14.6 percent in the first six months of 1975 compared to the like period of 1974. However, the ratios of imports to domestic production and consumption increased from 80.3 percent and 46.5 percent, respectively, in the first six months of 1974 to 90.1 percent and 52.0 percent, respectively during the similar period in 1975.

#### CONTRIBUTED IMPORTANTLY

Domestic producers of metal fasteners have undergone a continuous erosion of their markets in recent years because of severe competition from imports.

The Department's investigation indicated that customers of the Lamson and Sessions Company have shifted their purchases to imported metal fasteners resulting in declines in sales, production and employment at the Birmingham plant. The major reason given by customers for switching to imports was the price advantages of imports compared to domestic fasteners.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with metal fasteners (iron or steel nuts and screws) produced at the Lamson and Sessions Company's, Birmingham, Alabama plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of metal fasteners at the Birmingham, Alabama plant of The Lamson and Sessions Company who became totally or partially separated from employment on or after February 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc 76-14776 Filed 5-20-76; 8:45 am]

[TA-W-631]

#### THE LAMSON AND SESSIONS CO. Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of

TA-W-631: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976, in response to a worker petition received on February 27, 1976, which was filed by the United Steel Workers of America on behalf of workers and former workers producing metal fasteners (iron and steel screws) at the Chicago, Illinois plant of the Lamson and Sessions Company.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10643). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Lamson and Sessions Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production;

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 5.5 percent in 1974 compared to 1973 and declined 26.0 percent from 1974 to 1975.

Average weekly hours declined 39.3 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased 69.4 percent in 1974 compared to 1973 and then declined 51.5 percent in 1975 compared to 1974.

Production increased 19.2 percent in 1974 compared to 1973 and then declined 62.5 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of metal screws increased 138.1 percent from 1971 through 1974. The ratios of imports to domestic production and consumption of metal screws have risen in each year from 1971 through 1974. In the first six months of

1975, the ratios of imports to domestic production and consumption increased to 32.9 percent and 26.5 percent, respectively, from 32.0 percent and 25.6 percent, respectively, in the same period of 1974.

#### CONTRIBUTED IMPORTANTLY

Domestic producers of metal fasteners have experienced a continuous erosion of their markets in recent years because of severe competition from imports.

The Department's investigation indicated that customers of The Lamson and Sessions Company have shifted their purchases to imported metal fasteners resulting in declines in sales, production, and employment at the Chicago plant. The major reason given by customers for switching to imports was the favorable price advantages of imports compared to the domestically produced products.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with metal fasteners (iron or steel nuts and screws) produced at the Lamson and Sessions Company's Chicago, Illinois plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of metal fasteners at the Chicago, Illinois plant of The Lamson and Sessions Company who became totally or partially separated from employment on or after February 23, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc 76-14776 Filed 5-20-76; 8:45 am]

[TA-W-658]

#### THE LAMSON AND SESSIONS CO. Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-658: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976, in response to a worker petition received on February 27, 1976, which was filed by the United Auto Workers Union Local 217 on behalf of workers and former workers producing metal nuts and screws at the Cleveland Ohio plant of the Lamson and Sessions Company.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (41 FR 11641). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of the Lamson and Sessions Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Departmental files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 1.3 percent in 1974 compared to 1973 and then declined 41.2 percent in 1975 percent compared to 1974. Average weekly hours declined 14.9 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of metal nuts and screws increased 60.5 percent in 1974 compared to 1973, and then declined 38.2 percent in 1975 compared to 1974.

Production increased 22.6 percent in 1974 compared to 1973 and then declined 47.2 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of metal fasteners (screws) increased both absolutely and relatively each year from 1971 through 1974. Imports increased 34.7 percent in 1974 compared to 1973, and then decreased 28.1 percent in the first 6 months of 1975 compared to the like period in 1974. However, the ratios of imports to domestic production and consumption increased from 32.0 percent and 25.6 percent, respectively in the similar period in 1975.

Imports of metal fasteners (nuts) increased both absolutely and relatively each year from 1971 through 1974. Imports increased 39.9 percent from 1973 to 1974, and then decreased 14.6 percent in the first six months of 1975 compared to the like period of 1974. However, the ratios of imports to domestic production and consumption increased from 80.3 percent and 46.5 percent, respectively, in the first six months of 1974 to 90.1 per-

cent and 52.0 percent, respectively, during the similar period in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that domestic producers of metal fasteners have undergone a continuous erosion of their markets in recent years because of competition from imports.

Customers of the Lamson and Sessions Company have shifted their purchases to imported metal fasteners resulting in declines in sales, production and employment at the Cleveland plant. The major reason given by customers for switching to imports was the favorable price advantages of imports compared to domestically produced fasteners.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with metal fasteners (iron or steel nuts and screws) produced at the Lamson and Sessions Company's Cleveland, Ohio plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of metal fasteners at the Cleveland, Ohio plant of the Lamson and Sessions Company who became totally or partially separated from employment on or after February 16, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.  
[FR Doc 76-14775 Filed 5-20-76; 8:45 am]

[TA-W-620]

#### THE LAMSON AND SESSIONS CO. Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-620: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by The Allied Industrial Workers of America on behalf of workers formerly producing metal fasteners (iron and steel nuts) at the Kent, Ohio plant of the Lamson and Sessions Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 10642) on March 12, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Lamson and Sessions Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, indus-

try analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 2 percent in 1974 compared to 1973 and then declined 20 percent in 1975 compared to 1974. Average weekly hours declined 2.5 percent in 1974 compared to 1973 and declined 12.8 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 24 percent in 1975 compared to 1974. Production declined 38 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of iron or steel nuts have increased 85 percent from 1971 through 1974. The ratios of imports to domestic production and consumption have increased in each year from 1971 to 1974.

In the first six months of 1975, imports of iron or steel nuts declined absolutely compared to the similar period in 1974. However, the ratios of imports to domestic production and consumption rose from 80 percent and 47 percent, respectively in the first six months of 1974 to 90 percent and 52 percent, respectively in the like period of 1975.

#### CONTRIBUTED IMPORTANTLY

Domestic producers of metal fasteners have undergone a continuous erosion of their markets in recent years because of severe competition from imports.

The Department's investigation indicated that customers of the Lamson and Sessions Company have shifted their purchases to imported metal fasteners at an increasing rate resulting in declines in sales, production and employment at the plant. The major reason given by customers for switching to imports was the favorable price advantages of imports



compared to the domestically produced products.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with metal fasteners (iron or steel nuts) produced at the Kent, Ohio plant of The Lamson and Sessions Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production of iron or steel nuts at the Kent, Ohio plant of The Lamson and Sessions Company who became totally or partially separated from employment on or after February 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc. 76-1477 Filed 5-20-76; 8:45 am]

[TA-W-820]

#### LAMSON AND SESSIONS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the U.S. Steelworkers of America on behalf of the workers and former workers of Chicago, Illinois plant of Lamson and Sessions Company, Cleveland, Ohio (TA-W-820).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard and special screws produced by Lamson and Sessions, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a

substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14780 Filed 5-20-76; 8:45 am]

[TA-W-324]

#### LANHAM CLOTHES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-324; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 7, 1975 in response to a worker petition received on November 7, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sport jackets at Lanham Clothes, Inc., Lawrence, Massachusetts. The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54319). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lanham Clothes, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and

to such decline in sales or production. For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

In 1974 average employment of production workers at Lanham Clothes, Inc. was 33.8 percent lower than it was in 1973, and average employment of production workers during the first three quarters of 1975 declined 19.6 percent from the first three quarters of 1974. Average employment of production workers during the third quarter of 1975 was 7.2 percent greater than it was during the third quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

In 1974 production at Lanham Clothes, Inc. was 44.2 percent lower than it was in 1973. Production for the first three quarters of 1975 was 14.7 percent lower than during the first three quarters of 1974, and production for the third quarter of 1975 was 4.2 percent lower than during the third quarter of 1974.

#### INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first nine months of 1975, imports of men's and boys' suits increased 86 percent compared to the first nine months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first nine months of 1974 to 19.9 percent in the first nine months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first nine months of 1974 to 41.9 percent in the first nine months of 1975.

Customers, which are fashion, specialty shops, indicated that imported men's suits or sportcoats did not influence their decision to reduce purchases from Lanham Clothes, Inc. These customers reduced purchases because of the general business recession.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I have concluded that increases of imports like or directly competitive with men's suits and sport jackets produced at Lanham Clothes, Inc., Lawrence, Massachusetts,

did not contribute importantly to the total or partial separations of the workers at such plant. Signed at Washington, D.C. this 7th day of February 1976.

HERBERT N. BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc. 76-14824 Filed 5-20-76; 8:45 am]

[TA-W-246]

#### LAWRENCE CLOTHES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-246; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on October 14, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and leisure suits at the Lawrence Clothes, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on October 30, 1975, (40 FR 50586). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lawrence Clothes, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Lawrence Clothes, Inc. began

to decline in the fourth quarter of 1974. The average number of production workers declined 21 percent in the first nine months of 1975 compared to the first nine months of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at Lawrence Clothes declined 5 percent in 1974 compared to 1973. Sales declined 4 percent in the first six months of 1975 compared to the first six months of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of men's and boys' suits increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively in 1972 to 9.0 percent and 9.9 percent, respectively in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent, respectively, in 1972 to 18.2 percent and 22.3 percent, respectively, in 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first seven months of 1974.

On OTAA survey of major apparel retailers indicated that the ratio of purchases of imported leisure suits increased from 0 percent in 1973 to 2.8 percent in 1974 and from 4.0 percent in the first half of 1974 to 21 percent in the first half of 1975.

The evidence developed during the Department's investigation indicates that the men's domestic clothing industry has been adversely affected by increased imports from low wage areas. Over 70 clothing plants have been closed since the beginning of 1974. The major customer of Lawrence Clothes more than doubled purchases of less expensive imported tailored clothing from 1973 to 1974. As a result, Lawrence shifted production to leisure suits, which are less labor-intensive, and employment at Lawrence subsequently declined during 1975.

#### CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increases of imports of men's suits and sportcoats contributed importantly to the total or partial separation of the workers of Lawrence Clothes, Inc. Section 223(b) (1) of the Trade Act of 1974 states that a certification under this section shall not apply to any workers whose

last total or partial separation occurred before October 3, 1974. In accordance with the provision of the Act, I make the following certification:

All hourly, piecework, and salaried workers engaged in employment related to the production of men's suits, sportcoats and leisure suits at Lawrence Clothes, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of February 1976.

HERBERT BLACKMAN,  
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc. 76-14821 Filed 5-20-76; 8:45 am]

[TA-W-604]

#### M. T. SHAW, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-604; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the Boot and Shoe Workers Union, AFL-CIO on behalf of workers formerly producing men's boots and dress and casual shoes at the Coldwater, Michigan plant of M. T. Shaw, Inc., Coldwater, Michigan.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 10645) on March 12, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M. T. Shaw, Inc., its customers, the International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separa-

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tions, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 16.5 percent in 1975 compared to 1974 and 11.4 percent in the first quarter of 1975 compared to the same quarter in 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in quantity, declined 18.9 percent in 1975 compared to 1974 and 13.4 percent in the first quarter of 1975 compared to the same period in 1974.

#### INCREASED IMPORTS

U.S. imports of men's dress and casual footwear having leather uppers increased absolutely and relatively in each year from 1971 through 1974 and in the first eleven months of 1975 compared to the same period in 1974. U.S. imports increased from 31.6 million pairs in 1971 to 52.4 million pairs in 1974. U.S. imports further increased from 48.5 million pairs in the first eleven months of 1974 to 54.4 million pairs for the same period in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that customers, including distributors and retailers, of M.T. Shaw, Inc., Coldwater, Michigan either decreased their purchases from M.T. Shaw Inc., and increased their import purchases or increased their import purchases while keeping their purchases from M.T. Shaw constant in 1975 compared to 1974.

Customers indicated that they increased their import purchases of men's shoes and boots because of the lower prices offered off-shore.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress and casual shoes and boots produced at the M.T. Shaw, Inc., Coldwater, Michigan plant contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Coldwater, Michigan plant of M.T. Shaw Inc., who became totally or partially separated from employment on or after February 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of May 1975.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc.76-14776 Filed 5-20-76; 8:45 am]

[TA-W-851]

#### MASSILLON SPRING & RIVET CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Massillon Spring & Rivet Corporation, Massillon, Ohio (TA-W-851).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with U-bolts produced by Massillon Spring & Rivet Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14809 Filed 5-20-76; 8:45 am]

[TA-W-857]

#### MEDALIST REDI-BOLT, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America

on behalf of the workers and former workers of Medalist Redi-Bolt, Incorporated, E. Chicago, Indiana, a division of Medalist Industries, Inc. of Milwaukee, Wisconsin (TA-W-857).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel fasteners produced by Medalist Redi-Bolt, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14815 Filed 5-20-76; 8:45 am]

[TA-W-846]

#### METOWEE LUMBER AND PLASTICS CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 7, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Furniture Workers of America on behalf of the workers and former workers of Metowee Lumber and Plastics Company, Granville, New York, a division of Telescope Folding Furniture Co., Inc., Granville, New York (TA-W-846).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has insti-

tuted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with lumber and plastics used in outside folding furniture produced by Metowee Lumber and Plastics Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14806 Filed 5-20-76; 8:45 am]

[TA-W-860]

#### MODULUS CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 13, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Gary, Indiana Division of Modulus Corporation, a subsidiary of AVC Corporation (TA-W-860).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by Modulus Corporation or an appropriate subdivision

thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14818 Filed 5-20-76; 8:45 am]

[TA-W-861]

#### MODULUS CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of The Mt. Pleasant, Pa. Division of Modulus Corporation, a subsidiary of AVC Corporation (TA-W-861).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by Modulus Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the

date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14819 Filed 5-20-76; 8:45 am]

[TA-W-827]

#### NATIONAL SCREW AND MANUFACTURING CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of National Screw Manufacturing Co., Cullman, Alabama, a subsidiary of Monogram Industries, Inc. (TA-W-827).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by National Screw and Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II,



Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14787 Filed 5-20-76; 8:45 am]

[TA-W-822]

#### NEW ENGLAND BOLT CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of New England Bolt Corporation, Everett, Massachusetts (TA-W-822).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by New England Bolt Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a

public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14782 Filed 5-20-76; 8:45 am]

[TA-W-858]

#### NYANZA, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Nyanza, Incorporated, Ashland, Massachusetts (TA-W-858).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with dyes and intermediates produced by Nyanza, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International

Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14816 Filed 5-20-76; 8:45 am]

[TA-W-819]

#### OHIO NUT AND WASHER CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Ohio Nut and Washer Company, Mingo Junction, Ohio (TA-W-819).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with flat washers produced by Ohio Nut and Washer Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14779 Filed 5-20-76; 8:45 am]

[TA-W-865]

#### PATTIN MANUFACTURING CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Pattin Manufacturing Company, Marietta, Ohio, a division of East-ern Company, Naugatuck, Connecticut (TA-W-865).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard bolts produced by Pattin Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14813 Filed 5-20-76; 8:45 am]

[TA-W-839]

#### PAWTUCKET FASTENERS, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15,

1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Pawtucket Fasteners, Inc., Pawtucket, Rhode Island (TA-W-839).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel fasteners produced by Pawtucket Fasteners, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14799 Filed 5-20-76; 8:45 am]

[TA-W-834]

#### PAWTUCKET SCREW CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Pawtucket Screw Company, Pawtucket, Rhode Island, a subsidiary of Jacobson Manufacturing Company, Kennilworth, New Jersey. (TA-W-834).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel, brass, and stainless screws produced by Pawtucket Screw Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14794 Filed 5-20-76; 8:45 am]

[TA-W-821]

#### PENN-BIRMINGHAM BOLT CO.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Penn-Birmingham Bolt Company, Scenery Hill, Pennsylvania, a subsidiary of the Birmingham Fabricating Company, Birmingham, Alabama. (TA-W-821).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.



The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by Penn-Birmingham Bolt Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14761 Filed 5-20-76; 8:45 am]

[TA-W-394]

#### PERFECT TEXTILE MILLS, INC.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-394: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition received on December 12, 1975 which was filed on behalf of workers and former workers producing broad woven silk and polyester fabric at Perfect Textile Mills, Inc., Paterson, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on January 5, 1976 (41 FR 849). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Perfect Textile Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. Inter-

national Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 7 percent in 1974 compared to 1973 and increased 14 percent in the first quarter of 1975 compared to the same period in 1974.

Average weekly hours worked did not change in 1974 from 1973 and decreased 23 percent in the first quarter of 1975 compared to the same period in 1974.

The plant was closed in March, 1975 and all workers were separated.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production declined 13 percent in 1974 compared to 1973 and increased 87 percent in the first quarter of 1975 compared to the same period in 1974.

In March, 1975 all production was ceased and the plant was closed.

#### INCREASED IMPORTS

Imports of broadwoven fabrics of all types of manmade fibers increased from 1970 through 1972 and declined from 1972 through 1974. Imports decreased 5 percent in 1974 from 1973 and increased 8 percent in the first ten months of 1975 from the same period in 1974. The ratios of imports to production and consumption in the first ten months of 1975 were both 3.2 percent.

Imports of broadwoven fabrics of polyester fibers decreased from 1971 through 1974. Imports declined 10 percent in 1974 from 1973 and increased 32 percent in the first ten months of 1975 from the same period in 1974. The ratios of imports to production and consump-

tion in the first ten months of 1975 were 5.2 and 5.3 percent respectively.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that Perfect Textile Mills, Inc. had been a weaver of silk specialty fabrics for the better dress trade for over 50 years. A combination of the lack of demand for silk and silk blend fabrics and an increase in the price of raw silk from \$8.00 a pound to \$10.00 a pound and finally to \$28.00 a pound forced them to seek more profitable lines in 1971.

Perfect tried to "weave" fabrics, from polyester yarn, which were similar to "knits". However, Perfect's looms were obsolete and Perfect was faced with competition from large domestic producers with looms which could produce fabrics in greater widths than Perfect was able to. Also, the weaving process for polyester was too complicated and Perfect's dyes did not know how to dye woven polyester. As a result the entire processes became too expensive for Perfect to compete with the large mills and the company was forced to go out of business in March 1975.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with broadwoven silk and polyester fabric produced at Perfect Textile Mills, Inc., Paterson, New Jersey did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 4th day of March 1976.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 76-14823 Filed 5-20-76; 8:45 am]

[TA-W-396]

#### PILGRIM SCREW CORP.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America, on behalf of the workers and former workers of Pilgrim Screw Corporation, Providence, Rhode Island. (TA-W-836).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel screws produced by Pilgrim Screw Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision

and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April, 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14766 Filed 5-20-76; 8:45 am]

[TA-W-596]

#### PROGRESSIVE KNITTING MILLS

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-596: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the Knit Goods Union, Local 190 on behalf of workers and former workers producing men's and boys' swimwear at Progressive Knitting Mills, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10645). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Progressive Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility re-

quirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criteria (3) and (4) have not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Progressive increased 12.9 percent from 1973 to 1974. Employment declined 16.0 percent from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of men's and boys' swimwear produced by Progressive increased 6.4 percent from 1973 to 1974. Sales declined 1.5 percent from 1974 to 1975.

Production at Progressive declined .3 percent from 1973 to 1974. Production increased .2 percent from 1974 to 1975.

#### INCREASED IMPORTS

Imports of men's and boys' swimwear declined .1 percent from 117.0 thousand dozens in 1974 to 116.9 thousand dozens in 1975. Data for previous years is not available; prior to 1974 men's and boys' swimwear was grouped in a basket category and was not separately identifiable.

#### CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that none of the manufacturers who buy directly from Progressive Knitting Mills purchase any imported men's and boys' swimwear. Furthermore, a survey of secondary retail customers revealed that imports were purchased only in insignificant amounts and by only one customer. None of the retail customers surveyed indicated a switch from domestic to imported swimwear.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by Progressive Knitting Mills are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of April 1976.

JAMES P. TAYLOR,  
Director,  
Planning and Evaluation Staff.  
[FR Doc. 76-14766 Filed 5-20-76; 8:45 am]

[TA-W-624; TA-W-625]

#### RCA CORP.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-624 and TA-W-625: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to worker petitions received on that date which were filed on behalf of workers and former workers engaged in employment related to the production of electronic receiving tubes at the Cherry Hill and Deptford, New Jersey facilities RCA Corporation.

The notices of investigation were published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10647-10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of workers in receiving tube-related activities at Cherry Hill and Deptford declined five percent in the first two months of 1976 compared to the

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last two months of 1975. RCA officials have announced that approximately 30 percent of the remaining receiving tube workforce at Cherry Hill and Deptford will be laid off prior to the end of 1976. All workers in receiving tube-related activities at Cherry Hill/Deptford worked in support of receiving tube production at RCA's Harrison, New Jersey plant.

**SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY**

Production of electronic receiving tubes by the Harrison plant declined 11 percent in 1974 from 1973 and declined 36 percent in 1975 from 1974. Production in the first quarter of 1976 was 34 percent below production in the first quarter of 1975. RCA terminated all production of receiving tubes in April 1976 with the closing of the Harrison plant.

**INCREASED IMPORTS**

Imports of electronic receiving tubes increased relative to domestic consumption and production in each year from 1971 through 1975. Imports increased their share of domestic consumption from 38.6 percent in 1974 to 48.5 percent in 1975. Imports relative to domestic production increased from 56.6 percent to 81.7 percent during the same period.

**CONTRIBUTED IMPORTANTLY**

The evidence developed by the Department's investigation reveals that the decline in sales and ultimate closure of the Harrison plant were due to increased competitive pressures from both foreign manufacturers of electronic receiving tubes and domestic firms with manufacturing facilities overseas. The decline in receiving tube operations experienced by RCA resulted in a reorganization in March 1975 at which time workers employed in activities in support of receiving tube production were transferred by RCA from the Harrison location to RCA facilities at Cherry Hill and Deptford, New Jersey. As sales of receiving tubes by RCA continued to decline in the first quarter of 1976, employment of workers in tube related activities at Cherry Hill and Deptford also declined. The decision by RCA to terminate all receiving tube production will result in continued separations of such workers throughout the remainder of 1976.

**CONCLUSION**

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic receiving tubes produced by RCA Corporation contributed importantly to the separation of workers of the Cherry Hill and Deptford facilities engaged in employment related to such production. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Cherry Hill and Deptford, New Jersey facilities of RCA Corporation engaged in employment related to the production of electronic receiving tubes who became or will become totally or partially separated from employment on or after January 18, 1976 are eligible to apply for adjust-

ment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of May 1976.

HERBERT BLACKMAN,  
Associate Deputy Under Secretary  
for International Affairs.

[FR Doc. 76-14754 Filed 5-20-76; 8:45 am]

[TA-W-627]

**RCA CORP.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-627: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in the storage and distribution of electronic receiving tubes at the Des Plaines, Illinois warehouse of RCA Corporation.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS**

Employment at the Des Plaines warehouse declined one percent in 1974 from 1973 and 45 percent in 1975 from 1974. All employment was terminated in Janu-

ary 1976 when the warehouse was closed by RCA.

**SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY**

Shipments of electronic receiving tubes by the Des Plaines warehouse declined 17 percent in 1974 from 1973 and declined 30 percent in 1975 from 1974. All receiving tubes shipped by the warehouse in recent years were produced by RCA at Harrison, New Jersey. RCA terminated all production of receiving tubes in April 1976 with the closing of the Harrison plant.

**INCREASED IMPORTS**

Imports of electronic receiving tubes increased relative to domestic consumption and production in each year from 1971 from 38.6 percent in 1974 to 48.5 percent in 1975. Imports relative to domestic production increased from 56.6 percent to 81.7 percent during the same period.

**CONTRIBUTED IMPORTANTLY**

The evidence developed by the Department's investigation reveals that the closure of the Des Plaines warehouse resulted from the steady decline in sales of electronic receiving tubes produced by RCA at its Harrison, New Jersey plant. The decision by RCA to close the Harrison plant was a result of increased competitive pressures from both foreign manufacturers and domestic firms with manufacturing facilities overseas.

**CONCLUSION**

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic receiving tubes produced by RCA Corporation contributed importantly to the separation of workers of the Des Plaines warehouse. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the RCA Corporation warehouse at 424 E. Howard Avenue, Des Plaines, Illinois who became totally or partially separated from employment on or after February 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-14757 Filed 5-20-76; 8:45 am]

[TA-W-626]

**RCA CORP.**

**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-626: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker

petition received on that date which was filed on behalf of workers and former workers engaged in the storage and distribution of electronic receiving tubes at the Atlanta, Georgia warehouse of RCA Corporation.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of RCA Corporation, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

**SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS**

Employment at the Atlanta warehouse declined 20 percent in 1975 from 1974. All employment was terminated in January 1976 when the warehouse was closed by RCA.

**SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY**

Shipments of electronic receiving tubes by the Atlanta warehouse declined 15 percent in 1974 from 1973 and declined 17 percent in 1975 from 1974. All receiving tubes shipped by the warehouse in recent years were produced by RCA at Harrison, New Jersey. RCA terminated all production of receiving tubes in April 1976 with the closing of the Harrison plant.

**INCREASED IMPORTS**

Imports of electronic receiving tubes increased relative to domestic consumption and production in each year from 1971 through 1975. Imports increased their share of domestic consumption from 38.6 percent in 1974 to 48.5 percent in 1975. Imports relative to domestic production increased from 56.6 percent to 81.7 percent during the same period.

**CONTRIBUTED IMPORTANTLY**

The evidence developed by the Department's investigation reveals that the closure of the Atlanta warehouse, resulted from the steady decline in sales of electronic receiving tubes produced by RCA at its Harrison, New Jersey plant. The decision by RCA to close the Harrison plant was a result of increased competitive pressures from both foreign manufacturers and domestic firms with manufacturing facilities overseas.

**CONCLUSION**

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with electronic receiving tubes produced by RCA Corporation contributed importantly to the separation of workers of the Atlanta warehouse. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of the RCA Corporation warehouse at 3405 Empire Boulevard, Atlanta, Georgia who became totally or partially separated from employment on or after February 18, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-14758 Filed 5-20-76; 8:45 am]

[TA-W-840]

**REED AND PRINCE MANUFACTURING CO.**

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Reed and Prince Manufacturing Company, Worcester, Massachusetts (TA-W-840).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ferrous and non-ferrous nuts and screws produced by Reed and Prince Manufacturing Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total

or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14800 Filed 5-20-76; 8:45 am]

[TA-W-856]

**REPUBLIC CORP.**

**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Harmony Industries Division, Mingo Junction, Ohio, a subsidiary of the Republic Corporation (TA-W-856).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special steel fasteners produced by Republic Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II,



Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14714 Filed 5-20-76;8:45 am]

[TA-W-833]

#### REPUBLIC STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 21, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the U.S. Steelworkers of America on behalf of the workers and former workers of Union Drawn Division plant of Republic Steel Corporation, Massillon, Ohio (TA-W-833).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with cold finished bars and coils produced by Republic Steel Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public

hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14793 Filed 5-20-76;8:45 am]

[TA-W-579]

#### REXNORD, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-579: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1976, in response to a worker petition received on January 30, 1976, which was filed on behalf of workers formerly producing machinery chain at the Springfield, Mass. plant of Rexnord, Inc.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1976 (41 FR 6828). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rexnord, Inc., its customers, the U.S. Department of Commerce, the International Trade Commission, the American Chain Association, Industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met, criteria three and four have not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 6.7 percent from 1973 to 1974 and 27.7 percent from 1974 to 1975. Employment declined in each quarter of 1975 from the same quarter of 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of roller chain by Rexnord declined 3 percent from 1973 to 1974 and 25 percent from 1974 to 1975. Quarterly sales declined in each quarter of 1975 from the same quarter of the previous year.

Production data was not available for 1973. Production of roller chains by Rexnord declined 34 percent from 1974 to 1975. Production declined in each quarter of 1975 from the same quarter of 1974.

#### INCREASED IMPORTS

Imports of power transmission chains including roller chains increased absolutely and relatively from 1971 to 1972, then declined relatively from 1972 to 1973. Imports increased both absolutely and relatively from 1973 to 1974. Imports decreased absolutely by 10.6 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 30.4 percent and 26.1 percent respectively in 1974 to 31.5 percent and 27.6 percent respectively in 1975.

#### CONTRIBUTED IMPORTANTLY

Evidence developed during the Department's investigation indicated that most customers surveyed did not switch from Rexnord roller chains to imports. Decreased customers purchases of Rexnord roller chains resulted from the overall decline in demand for roller chains which reduced U.S. consumption by 15.5 percent from 1974 to 1975.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with power transmission chains produced at Rexnord, Inc., Springfield, Massachusetts, did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 26th day of April 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.  
[FR Doc.76-14763 Filed 5-20-76;8:45 am]

[TA-W-606]

#### ROHR INDUSTRIES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-606: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing nacelles and other aerospace products at the Riverside, California plant of Rohr Industries, Inc.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 10648) on March 12, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rohr Industries, Inc., the Aerospace Industries Association of America, the Department of Commerce, the International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 31 percent in 1974 compared to 1973 and then declined 9 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, BOTH, HAVE DECREASED ABSOLUTELY

Rohr's total shipments of aerospace products in terms of value increased 17 percent in 1974 compared to 1973 and then declined by 10 percent in 1975 compared to 1974. Shipments of nacelles in

terms of units declined 10 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Rohr is the sole domestic manufacturer of aircraft nacelles. Rohr imports parts and subassemblies for its nacelles and other aerospace products from its Mexican facilities. Rohr's total imports from these Mexican facilities increased by 83 percent from 1973 to 1974 and increased by 15 percent from 1974 to 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that the separation of workers engaged in employment of certain subassemblies was caused by increased imports from Rohr's Mexican facilities.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of parts and subassemblies like or directly competitive with those produced at Rohr's Riverside plant have contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All hourly employees of Department 043 at the Riverside, California plant of Rohr Industries who became totally or partially separated from employment on or after February 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of April 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.  
[FR Doc.76-14765 Filed 5-20-76;8:45 am]

[TA-W-852]

#### RUSSELL, BURDSALL & WARD, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Rock Falls, Illinois plant of Russell, Burdsall & Ward, Inc. (TA-W-852).

Accordingly, the Director Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles likely or directly competitive with standard steel fasteners produced by Russell, Burdsall & Ward, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or

partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc.76-14810 Filed 5-20-76;8:45 am]

[TA-W-597]

#### SAND 'N SURF, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-597: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on that date which was filed by the Knit Goods Union, local 190, I.L.G.W.U. on behalf of workers and former workers engaged in the production of men's swimwear and ladies slacks at Sand 'N Surf, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10649-10650). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sand 'N Surf, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance,



ance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision or being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria 1, 2 and 4 have not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers increased 2 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased 15 percent in value in 1975 compared to 1974 and production in units increased 9 percent during this same period.

#### INCREASED IMPORTS

U.S. import data for men's swimwear is not available for the period 1970 through 1973. Imports of men's swimwear declined slightly in 1975 when compared to 1974 and the ratios of imports to domestic production and consumption decreased from 8.8 percent and 8.0 percent, respectively, in 1974 to 8.3 percent and 7.7 percent in 1975. Imports of women's, misses' and children's woven slacks, jeans and shorts increased in 1971 and 1972 compared to the previous year, and declined in both 1973 and 1974 compared to the previous years. Imports increased 18.6 percent in 1975 compared to 1974.

#### CONTRIBUTED IMPORTANTLY

Customers surveyed indicated they have not shifted their purchases from Sand 'N Surf's men's swimwear and women's, misses' and children's woven slacks, jeans and shorts to imports.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's swimwear and women's, misses' and children's woven slacks, jeans and shorts produced at Sand 'N Surf, Inc., Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separation of the workers at that facility.

Signed at Washington, D.C., this 29th day of April 1976.

JAMES P. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-14774 Filed 5-20-76;8:45 am]

[TA-W-859]

#### SCOVIL MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Scovil Manufacturing Co., Newark, New Jersey, a subsidiary of Scovil, Incorporated (TA-W-859).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with slide fasteners produced by Scovil Manufacturing Co., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14817 Filed 5-20-76;8:45 am]

[TA-W-826]

#### SOUTHERN SCREW CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Southern Screw Company, Statesville, North Carolina, a subsidiary of N. L. Industries, Inc. (TA-W-826).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard fasteners produced by Southern Screw Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14786 Filed 5-20-76;8:45 am]

[TA-W-870]

#### STAGG ZIPPER CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15,

1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the International Union of Radio, Electrical and Machine Workers on behalf of the workers and former workers of Stagg Zipper Corporation, Brooklyn, New York (TA-W-870).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with slide fasteners produced by Stagg Zipper Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14831 Filed 5-20-76;8:45 am]

[TA-W-853]

#### STANDARD LOCKNUT & LOCKWASHER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Standard Locknut and Lockwasher Inc. Carmel, Indiana (TA-W-853).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of

International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special steel fasteners produced by Standard Locknut & Lockwasher, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14811 Filed 5-20-76;8:45 am]

[TA-W-835]

#### STANDARD NUT AND BOLT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Standard Nut and Bolt Company, Cumberland, Rhode Island (TA-W-835).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial fasteners of all kinds produced by Standard Nut and Bolt Company, Cumber-

land, Rhode Island, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14795 Filed 5-20-76;8:45 am]

[TA-W-385]

#### STROUDSBURG ENGINE WORKS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-385: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing holts for fishing vessels and replacement parts at the Stroudsburg, Pennsylvania plant of Stroudsburg Engine Works, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 59277) on December 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Stroudsburg Engine Works, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.



In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increasing quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has found that although the first three criteria have been met, the fourth criterion has not been met.

#### SIGNIFICANT TOTAL OF PARTIAL SEPARATIONS

The average number of production workers declined 32 percent in 1975 compared to 1974. Average weekly hours declined 11 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Stroudsburg, Pennsylvania plant declined 44 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of hoists, winches and parts (including those for marine use) increased in value from \$21.0 million in the first nine months of 1974 to \$21.5 million in the first nine months of 1975. The ratio of imports to domestic production in 1974 was 13.2 percent.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation found that the hoists produced by Stroudsburg Engine Works Inc. are used primarily in the shrimping industry. In 1974 and 1975, shrimp prices declined. This caused financial difficulty among many shrimp boat operators. Because of these difficulties shrimp boat operators reduced purchases of new hoists. Major customers of Stroudsburg Engine Works did not report shifting purchases to imported hoists or replacement parts.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hoists and replacement parts produced at Stroudsburg, Pennsylvania plant of Stroudsburg Engine Works, Inc. did not contribute impor-

tantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 4th day of March 1976.

GLORIA G. PRATT,  
Director, Office of  
Foreign Economic Policy.

[FR Doc. 76-14823 Filed 5-20-76; 8:45 am]

[TA-W-844]

#### TELEDYNE EFFICIENT INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 7, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of the workers and former workers of Cleveland, Ohio plant of Teledyne Efficient Industries a division of Teledyne, Incorporated, Los Angeles, California (TA-W-844).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with tools, dies, jigs and fixtures that are used in the building of automobile bodies produced by Teledyne Efficient Industries, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, DC., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 76-14804 Filed 5-20-76; 8:45 am]

[TA-W-842]

#### TELEDYNE INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Teledyne Incorporated, Canonsburg Division, Washington, Pennsylvania (TA-W-842).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the polishing of stainless steel coils by Teledyne, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc. 76-14802 Filed 5-20-76; 8:45 am]

[TA-W-672]

#### TELEDYNE-VASCO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-672: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 18, 1976 in response to a worker petition received on March 18, 1976 which was filed by the United Steelworkers of America, Local 2936 on behalf of workers and former workers at the Agawam warehouse of Teledyne-Vasco in Agawam, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14224). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Teledyne-Vasco, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Agawam warehouse declined 25 percent from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The Agawam warehouse stores tool steel from the Colonial plant of Teledyne-Vasco. Annual sales of tool steel at the Colonial plant increased 7 percent in quantity from 1973 to 1974. Sales declined 19 percent in quantity in 1975 compared to 1974. Annual production of

tool steel at the Colonial plant of Teledyne-Vasco increased 56 percent from 1973 to 1974. Production declined 39 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of tool steel declined 27.8 percent in 1971 compared to 1970. Imports increased 18.1 percent in 1972 compared to 1971 and increased 44.7 percent in 1973 compared to 1972. Imports declined 36.9 percent in 1974 compared to 1973. Imports increased 39.4 percent in 1975 compared to 1974. The ratios of imports to domestic shipments and consumption increased from 12.1 percent and 11.6 percent, respectively, in 1974 to 27.7 percent and 23.4 percent in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Teledyne-Vasco have indicated that they have reduced purchases from Teledyne-Vasco and increased purchases of competitive imported products. The price differential between domestic and imported steel was the factor cited most frequently when purchases were switched from domestic to foreign suppliers.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tool steel produced by Teledyne-Vasco, contributed importantly to the total or partial separation of the workers of the Agawam warehouse. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment of warehousing tool steel at the Teledyne-Vasco warehouse located in Agawam, Massachusetts who became totally or partially separated from employment on or after March 12, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of April 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-14781 Filed 5-20-76; 8:45 am]

[TA-W-601]

#### TELEDYNE-VASCO, COLONIAL PLANT

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-601: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the United Steelworkers of America, Local 1261 on behalf of workers and former workers producing tool steel at the Teledyne-Vasco, Colonial Plant in Monaca, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10651). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Teledyne-Vasco, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, and threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Teledyne-Vasco, Colonial Plant declined 19 percent in 1975 compared to 1974. Employment declined in each quarter of 1975 compared to the like quarter in 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of tool steel at the Colonial Plant of Teledyne-Vasco increased 7 percent in quantity from 1973 to 1974. Sales declined 19 percent in quantity in 1975 compared to 1974. Annual production of tool steel at the Colonial Plant of Teledyne-Vasco increased 56 percent from 1973 to 1974. Production declined 39 percent in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of tool steel declined 27.8 percent in 1971 compared to 1970. Imports increased 18.1 percent in 1972 compared to 1971 and increased 44.7 percent in 1973 compared to 1972. Imports declined 36.9 percent in 1974 compared to 1973. Imports increased 39.4 percent in 1975 compared to 1974. The ratios of imports to domestic shipments and consumption increased from 12.1 percent and 11.6 percent, respectively, in 1974 to 27.7 percent and 23.4 percent, respectively, in 1975.



## CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Teledyne-Vasco have indicated that they have reduced purchases from Teledyne-Vasco and increased purchases of competitive imported products. The price differential between domestic and imported steel was the factor cited most frequently when purchases were switched from domestic to foreign suppliers.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tool steel produced by Teledyne-Vasco, Colonial Plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of tool steel at the Teledyne-Vasco, Colonial Plant located in Monaca, Pennsylvania who became totally or partially separated from employment on or after February 4, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of April 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc 76-14762 Filed 5-20-76; 8:45 am]

[TA-W-845]

## TELESCOPE FOLDING FURNITURE CO., INC.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 7, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Furniture Workers of America on behalf of the workers and former workers of Telescope Folding Furniture Co., Inc., Granville, New York (TA-W-845).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with outside folding furniture produced by Telescope Folding Furniture Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the sub-

division of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc 76-14805 Filed 5-20-76; 8:45 am]

[TA-W-829]

## TEXTRON, INC.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

An April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Elwood City, Pa. plant of Townsend Fastening Systems, a Division of Textron, Inc., Providence, Rhode Island (TA-W-829).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial fasteners produced by Textron, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a

substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc 76-14789 Filed 5-20-76; 8:45 am]

[TA-W-830]

## TEXTRON, INC.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fallstown, Pa. plant of Townsend Fastening Systems, a Division of Textron, Inc., Providence, Rhode Island (TA-W-830).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with industrial fasteners produced by Textron, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.  
[FR Doc 76-14827 Filed 5-20-76; 8:45 am]

[TA-W-648]

## VICTORY CLOTHES CO., INC.

## Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-648: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976, in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Victory Clothes Company, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1976 (40 FR 11640). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Victory Clothes Company, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That of articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

## SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Victory Clothes Company declined seven percent in 1974 from 1973 and declined 24 percent in 1975 from 1974. Average weekly hours for production workers de-

clined seven percent in 1974 from 1973 and eight percent in 1975 from 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of men's suit coats and sportcoats by Victory declined five percent in 1974 from 1973 and declined 37 percent in 1975 from 1974. Victory produces on a contractual basis and sales equal production.

## INCREASED IMPORTS

Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 to 1975. Imports relative to domestic production and consumption increased from 12.2 percent and 10.9 percent respectively in 1974 to 17.2 percent and 14.6 percent respectively in 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1971 to 1974. Imports relative to domestic production and consumption increased from 21.2 percent and 17.5 percent respectively in 1974 to 28.2 percent and 22.0 percent respectively in 1975.

## CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicates that production declines and separations of workers at Victory Clothes were due to the cutback in orders placed by the one firm for which Victory performed its contract operations. Customers of that firm indicated that they reduced purchases from the firm while increasing purchases of imported suits and sportcoats.

## CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at Victory Clothes Co., Inc. contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Victory Clothes Company, Inc., Philadelphia, Pennsylvania, who became or will become totally or partially separated from employment on or after February 25, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of April 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc 76-14777 Filed 5-20-76; 8:45 am]

[TA-W-862]

## VULCAN RIVET AND BOLT CORP.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15,



1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Vulcan Rivet and Bolt Corporation, Birmingham, Alabama, a subsidiary of Bethlehem Steel Corporation (TA-W-862).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with standard steel fasteners produced by Vulcan Rivet and Bolt Corporation, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14829 Filed 5-20-76; 8:45 am]

[TA-W-607]

#### WASHINGTON STEEL CORP.

##### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-607: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel strip and sheet at the Washington, Pennsylvania plant and was expanded to include the Houston, Pennsylvania plant of the Washington Steel Corporation, Washington, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10653). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Washington Steel Corporation, its customers, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

For purposes of paragraph (4), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at both plants declined 18.9 percent in 1975 compared to 1974 and declined 26.3 percent in the first quarter of 1975 compared to 1974. Separations of production workers exceeded 33 percent of the total workforce in February 1975.

#### SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales from both plants declined 42.9 percent and 39.6 percent, in quantity and value, respectively in 1975 compared to 1974. Sales declined 64.5 percent and 51.4 percent, in quantity and value, respectively in the first quarter of 1975 compared to the first quarter of 1974.

Production in quantity, declined 41.6 percent in 1975 compared to 1974 and

declined 58.9 percent in the first quarter of 1975 compared to the first quarter of 1974.

#### INCREASED IMPORTS

Imports of stainless steel sheet relative to U.S. shipments and domestic consumption declined from 42.3 percent and 31.0 percent, respectively in 1971 to 9.9 percent and 9.6 percent, respectively in 1973. The ratio of imports then increased each year from 9.9 percent and 9.6 percent, respectively in 1973 to 22.4 percent and 19.1 percent, respectively in 1975.

Imports of stainless steel strip increased from 11.0 thousand net tons in 1971 to 16.8 thousand net tons in 1972 before declining to 10.6 and 10.4 thousand net tons in 1973 and 1974, respectively. Imports then jumped to 14.2 thousand net tons in 1975. Imports of stainless steel strip relative to U.S. shipments and domestic consumption increased from 4.2 percent and 4.2 percent, respectively in 1971 to 5.8 percent and 5.8 percent, respectively in 1972, before falling to 3.0 percent and 3.2 percent, respectively in 1974. The ratio of imports to U.S. shipments and domestic consumption then increased from 3.0 percent and 3.2 percent, respectively in 1974 to 6.9 percent and 6.8 percent in 1975.

#### CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicates that about 65 percent of Washington Steel's total output is shipped to distribution centers. Sales by these centers have declined in 1975 compared to 1974 because customers have switched their purchases to other distributors who offer less expensive imported stainless steel strip and sheet.

Customers of Washington Steel other than the distribution centers report that they have increased purchases of imports and consequently decreased purchases from Washington Steel.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with stainless steel sheet and strip produced by the Washington Steel Corporation contributed importantly to the total or partial separation of the workers at the Washington, Pennsylvania and Houston, Pennsylvania plants. In accordance with the provision of the Act, I make the following certification:

All employees at the Washington Steel Corporation's, Washington, Pennsylvania and Houston, Pennsylvania plants, who became totally or partially separated from employment on or after February 8, 1975, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc.76-14772 Filed 5-20-76; 8:45 am]

[TA-W-837]

#### WILLIAM H. HASKELL MANUFACTURING CO.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of William H. Haskell Manufacturing Company, Pawtucket, Rhode Island, a subsidiary of Easco Corporation, Baltimore, Maryland (TA-W-837).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with corrosion and heat resistor standard and special fasteners made of steel, copper and nickel alloys produced by William H. Haskell Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14797 Filed 5-20-76; 8:45 am]

[TA-W-831]

#### WILLIAM H. OTTE MILLER CO.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steel Workers of America on behalf of the workers and former workers of William H. Otte Miller Company, York, Pennsylvania (TA-W-831).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel fasteners, special steel screws and other special steel items produced by William H. Otte Miller Company, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14791 Filed 5-20-76; 8:45 am]

[TA-W-828]

#### WROUGHT WASHER MANUFACTURING CO., INC.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15,

1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Wrought Washer Manufacturing Co., Inc., Wheatland, Pennsylvania (TA-W-828).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with washers produced by Wrought Washer Manufacturing Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-14788 Filed 5-20-76; 8:45 am]

[TA-W-869]

#### WROUGHT WASHER MANUFACTURING CO.

##### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Wrought Washer Manufacturing Co. of Milwaukee, Wisconsin (TA-W-869).

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Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with washers produced by Wrought Washer Manufacturing Co., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 31, 1976.

The petition filed in this case is available at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14950 Filed 5-20-76; 8:45 am]

[TA-W-662]

#### AMERICAN SPORTSWEAR

##### Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 12, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of American Sportswear, Brooklyn, New York, a division of Tarra Hall Clothes, Inc., New York, New York.

During the course of the investigation, it was established that all workers of American Sportswear were separated before November 1, 1974. Section 223(b) (1) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or

partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is March 9, 1976 and, thus, workers terminated prior to March 9, 1975 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 13th day of May 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc. 76-14953 Filed 5-20-76; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 53]

##### ASSIGNMENT OF HEARINGS

MAY 18, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

##### Correction

MC 19311 (Sub-No. 30). Central Transport, Inc. now being assigned for continued hearing on June 21, 1976, at Midland, Mich. (2 weeks), at the Ramada Inn, 2914 West Midland Road instead of June 30, 1976.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14979 Filed 5-20-76; 8:45 am]

[Notice No. 52]

##### ASSIGNMENT OF HEARINGS

MAY 18, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106149 (Sub 2). American Holiday Van Lines, Inc. now assigned June 7, 1976 at Washington, D.C. is now being postponed indefinitely. P.D. 27620, Maine Central Railroad Company v Amoskeag Company,

Frederick C. Dumaine and Dumaines; and P.D. 27621, Amoskeag Company—Control—Maine Central Railroad Company, now assigned May 24, 1976 at Washington, D.C., is now being cancelled & reassigned June 21, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C. MOC 8879, Bowman Transportation, Inc. ET AL v Central Motor Express, Inc. now being assigned July 15, 1976 (2 days), at Louisville, Ky., in a hearing room to be later designated.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14981 Filed 5-20-76; 8:45 am]

[Notice No. 252]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 21, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 212(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 10, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76271. By order of May 17, 1976, the Motor Carrier Board approved the transfer to Scheibler Truck Line, Inc. of the operating rights in Certificate No. 50849 issued March 16, 1962, to R. R. Scheibler, doing business as Scheibler Truck Line, Bennington, Kansas 67422, authorizing the transportation of agricultural implements and machinery, building materials, eggs, farm implements, farm machinery, feed, fencing materials, furniture, general commodities, grain, groceries, hardware, hay, livestock, oil and grease, petroleum products, pipe, service station equipment, and underground storage tanks from, to, and between specified points over regular and irregular routes in the states of Kansas, Missouri, and Nebraska. James R. Martin, Esq., 115 South First Street, Osborne, Kansas 67473, attorney for applicant.

No. MC-FC-76384. By order of May 17, 1976, the Motor Carrier Board approved the transfer to Trans Western Transports of Oklahoma, Inc., Oklahoma City, Okla., of the operating rights in Certificate No. MC-74346 issued May 8, 1969 to M-G Trucking Co., a corporation, doing business as M-G Trucking Company, Oklahoma City, Okla., authorizing the transportation of machinery, materials,

supplies, and equipment, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Oklahoma, Texas and Kansas, Louis J. Bodner, 417 Couch Drive, Oklahoma City, Okla. 73102. Attorney for applicants.

No. MC-FC-76414. By order of May 17, 1976, the Motor Carrier Board approved the transfer to A-1 Veterans Transfer Company, a corporation, P.O. Box 5839, Athens, Ga., 30604, of the operating rights in Certificate No. MC-6272 issued May 7, 1954, to Thomas Transfer Co., Inc., 200 Dairy Pak Road, Athens, Ga., 30601, authorizing the transportation of household goods between Athens, Ga., and points within 50 miles thereof, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky,

North Carolina, South Carolina, Tennessee, and Virginia.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14978 Filed 5-20-76; 8:45 am]

[Section 5a Application No. 46; Amdt. No. 11]

#### SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

##### Agreement

MAY 12, 1976.

The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed May 8, 1976 by: Robert E. Born, Born and May, P.C., Suite 400, 1447 Peachtree St. N.E., Atlanta, GA 30309.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the Federal Register. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-14980 Filed 5-20-76; 8:45 am]

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FRIDAY, MAY 21, 1976



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PART II:

## **ENVIRONMENTAL PROTECTION AGENCY**

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### **FUEL ECONOMY OF MOTOR VEHICLES**

Fuel Economy Regulations and Test  
Procedures for 1977 and Later  
Model Automobiles

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# ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 600]

[FRL 540-1]

## FUEL ECONOMY OF MOTOR VEHICLES

### Fuel Economy Regulations and Test Procedures for 1977 and Later Model Automobiles

On December 22, 1975, the President signed the Energy Policy and Conservation Act ("EPCA") into law. EPCA requires the EPA Administrator to prescribe rules for the fuel economy labeling of 1977 and later model year automobiles and for the distribution of a fuel economy booklet by auto dealers. Manufacturers are required to label each 1977 and subsequent model year automobile and dealers must maintain the label on the vehicle. Each label is required by the statute to include (1) the fuel economy of the automobile, (2) the estimated annual fuel cost associated with the operation of the automobile, and (3) the range of fuel economy of comparable automobiles. EPA is proposing that labels list three fuel economy values: city, highway, and combined.

EPA is soliciting comments on the form, content, and language of the labels and the use of graphics as they relate to the manufacturer's ability to implement the labels and the usefulness to the consumer.

The most significant issue in the proposed regulations is the method of determining comparability of automobiles to implement the requirement of the Act that fuel economy labels will display the fuel economy range of all comparable automobiles. The Preamble describes two approaches, one utilizing wheel base as a determinate, the other, an interior/exterior size or volume approach, using a combination of interior and exterior volume indices. Comments on a number of subsidiary issues regarding comparability are also requested:

- (1) The number of comparable classes of vehicles and their cut points.
- (2) The names given to these various classes.
- (3) The appropriate weighting factor between interior and exterior volumes if a volume approach is used.

On December 22, 1975, the President signed the Energy Policy and Conservation Act, Pub. L. 94-163, 89 stat. 871. Title III of this Act amends the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq. ("the Act") to provide that for all 1977 and later model year automobiles, manufacturers shall cause to be affixed and dealers cause to be maintained, a label bearing fuel economy information for that automobile. The Act further directs the EPA Administrator to prescribe rules pertaining to the form and content of such labels, and the manner in which the labels must be affixed. The Administrator must also compile and prepare a simple and readily understandable booklet containing data on fuel economy of automobiles manufactured in each model year. Automobile dealers are required, according to rules

## PROPOSED RULES

to be prescribed by the Administrator, to make these booklets available to prospective customers.

The regulations proposed below fulfill the requirements imposed upon EPA by the Energy Policy and Conservation Act with respect to the labeling of 1977 and subsequent model year automobiles. EPA has coordinated and consulted with the Department of Transportation, Federal Energy Administration (FEA), and the Federal Trade Commission, on the preparation of these proposed rules as required by EPCA.

It is proposed that Part 600 of 40 CFR Chapter I, be amended as described below.

**I. Basic Definitions.** Several key definitions are used throughout this preamble. An introductory discussion of the terms will aid in understanding the proposed rules. All of the following terms are defined in the text of the regulations.

The Act requires that all automobiles be labeled with a sticker displaying fuel economy information. An *automobile* is defined as any 4-wheeled vehicle, propelled by fuel, which is manufactured primarily for use on public streets, roads, or highways and which is rated at 6000 pounds gross vehicle weight (GVW) or less. This definition would include types of cars and trucks which are currently certified by EPA as "light-duty" and are included in the 1976 EPA/FEA Gas Mileage Guide for New Car Buyers. Present EPA certification regulations define a *light duty vehicle* as a passenger car or passenger car derivative capable of seating twelve passengers or less. A *light duty truck* is defined in the same regulations as being designed primarily for the purpose of transportation of property and rated at 6000 pounds GVW or less. Therefore all light duty vehicles and all light duty trucks (as defined for emissions certification purposes) will be required to display a fuel economy label except those trucks with a GVW of greater than 6000 pounds. (On February 12, 1976, EPA proposed rules extending the GVW upper limit for light duty trucks to 8500 pounds beginning with the 1978 model year, 41 F.R. 6279. Trucks above 6000 pounds GVW will be required to be fuel economy labeled according to these proposed regulations when the Secretary of Transportation promulgates rules applicable to these vehicles for some future model year).

For fuel economy labeling purposes, the first major subdivision of a manufacturer's product line is car line. A *car line* denotes a group of vehicles within a make or car division which has a degree of commonality in construction and in most cases corresponds to the general marketing name of the vehicles. Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics such as roof line, number of doors, seats or windows, although station wagons are considered distinct car lines from sedans. For example, in the 1976 EPA/FEA Gas Mileage Guide for New Car Buyers, Dodge, a division of Chrysler Corporation, has listed seven car lines: Dart, Aspen, Aspen

Wagon, Coronet/Charger, Coronet Wagon, Monaco, and Monaco Wagon.

A subdivision of car line and a major level for reporting fuel economy is model type. A *model type* is defined as a unique combination of car line, basic engine, and transmission class. Thus, within a car line, a number of model types may exist depending upon the availability of various *basic engines* (displacement and number of cylinders, fuel system, and catalyst usage) and the transmission classes offered (automatic or manual). Each line entry in the Buyer's Guide corresponds to a unique model type.

Although weight is not a model type determinant, it does figure into the calculation of the fuel economy for each model type. For testing and calculation purposes, each manufacturer's product line is subdivided into base levels. A *base level* is a unique combination of inertia weight class, basic engine, and transmission class. Note that base level is nearly the same as model type except that weight is substituted for car line. The fuel economy for any model type is simply the sales-weighted, harmonic average of fuel economy of each base level comprising the model type. Again using the Chrysler example, a typical base level would be 3500 pound, 318 cubic inch, 8 cylinder engine with 2 barrel carburetor, catalyst, and manual transmission.

Another level of delineation is used to identify individual test vehicles. Base levels are subdivided into vehicle configurations. A *vehicle configuration* is defined as a unique combination of inertia weight class, basic engine, and transmission class (all of which determine a base level) plus engine code, transmission configuration, and axle ratio. *Engine code* goes beyond the definition of basic engine by isolating different variations of carburetor, distributor, and other key engine and emission control system components. *Transmission configuration* considers more than just manual or automatic and distinguishes transmissions primarily by their numbers of forward gears, e.g., three-speed manual and four-speed manual. An example of a vehicle configuration is 3500 pound, 318 cubic inch, 8 cylinder, 2 barrel carburetor engine of engine code A, with catalyst, 3-speed manual transmission and 3.23 axle ratio.

**II. Fuel Economy Labels.** The Act requires that manufacturers label each 1977 and subsequent model year automobile and that dealers maintain the label on the vehicle. Each label is required to indicate (1) the fuel economy of the automobile, (2) the estimated annual fuel cost associated with the operation of the automobile, and (3) the range of fuel economy of comparable automobiles. All of this information is to be determined according to rules prescribed by the Administrator. EPA is also responsible for specifying, by rule, the form and content of the labels and the manner in which they are affixed.

Appendix IV to these regulations provides samples of the label formats which EPA is proposing. The Agency is soliciting comments on the form, content, and

language of the labels as they relate to the manufacturer's ability to implement the labels and the usefulness to the consumer of the format. Although no sample is provided, EPA is also considering requiring the use of graphics on the label to increase the consumer's comprehension, and comments on this point are requested.

The proposed labels are of two basic types, general and specific. The *general label* displays sales-weighted, fuel economy estimates for a model type—a unique combination of car line, engine displacement, number of cylinders, fuel system, catalyst usage, and transmission type (manual or automatic). The *specific label* differs from the general label by a more detailed description of the engine (although not identified on the label), weight of the vehicle, axle ratio, and the number of forward speeds of the transmission. A specific label contains the fuel economy of a unique vehicle configuration.

Both general and specific labels list three fuel economy values: city, highway, and combined. The city fuel economy value is determined from operating one or more test vehicles over the driving schedule in the Federal Emission Test Procedure, which is designed to simulate an average trip of 7.5 miles in an urban area at an average speed of just under 20 miles per hour. The city schedule consists of a cold and hot engine startup and vehicle operation on a chassis dynamometer. The highway fuel economy value is measured by operating one or more test vehicles over the driving schedule in the Federal Highway Fuel Economy Test Procedure, which is designed to simulate non-metropolitan driving at an average speed of 48.6 miles per hour and a maximum speed of 60 miles per hour. The highway schedule consists of a hot-engine startup and vehicle operation on a chassis dynamometer. The third value displayed is a combined fuel economy value which is the harmonic average of the city and highway fuel economy values, weighted 55 and 45 percent, respectively.

Each automobile is required to be labeled with a general label unless the manufacturer elects to apply a specific label. If a manufacturer chooses to utilize a specific label, he is also required to apply specific labels to all automobiles of the same model type, i.e., all those automobiles that would have been covered by a single general label. With the exception of this last requirement, the 1977 and subsequent model year labeling requirements are essentially identical to those in effect for the 1976 EPA/FEA Voluntary Fuel Economy Labeling Program. The label value calculation procedures are also the same as for the 1976 voluntary program. Interested parties, particularly manufacturers, are requested to comment on the effect that the new specific labeling provision will have on the use of specific labels by the industry.

The proposed regulations allow a manufacturer to use specific labels in place

## PROPOSED RULES

of general labels. However, except as noted below, the Agency will require that a general label be approved for each model type prior to the public introduction date of any vehicle configuration included in that model type. This provision has been included for two reasons: (1) EPA must calculate a general label value for each model type for inclusion in the fuel economy booklet, and (2) the availability of an approved general label value assures that the manufacturer can revert back to a general label in the event of a mid-year production change obsoletes some specific labels. However, EPA recognizes that large volume fleet sales often occur prior to the date at which the manufacturer might normally request a general label value be calculated, and that vehicles are often shipped to dealers before model introduction. Therefore, up until each manufacturer's general model introduction date, a manufacturer may introduce into commerce vehicles labeled with specific fuel economy labels without having an approved general label.

Every label will display an average annual fuel cost estimate based on the combined fuel economy that appears on that label. The EPA Administrator will, with assistance from the Secretary of Transportation and the Federal Energy Administration, determine the proper values for the average annual mileage for a new car and the average cost of fuel, respectively, and will advise the affected manufacturers of these data.

Neither the fuel economy values nor the average annual fuel costs initially determined for a general label will be revised during the course of a model year. However, on specific fuel economy labels, both the fuel economy figures and the annual fuel cost estimate will be updated to reflect any mid-year production modification that affects the vehicle configuration fuel economy.

The Act specifies that fuel economy labels contain the range of fuel economy from comparable automobiles. EPA is proposing that for the purpose of this requirement, this range should be the range of the city/highway combined fuel economy values for all model types included within a class.

All vehicles within a car line (or truck line) will be grouped into a single class. One distinct range will be calculated for each class for use on both general and specific labels. The range will consist of the highest and lowest combined fuel economy results of all model types within the class, i.e., the range of the general label values within the class. Since the fuel economy booklet is the primary source of comparative vehicle fuel economy information and lists general label values, it is desirable that any secondary and subordinate source of information, such as the label range values, be consistent. Additionally, for those vehicles included in a published edition of the fuel economy booklet, a consumer will be able to compare the fuel economy values of other model types of the same class and other classes.

The Agency recognizes that regardless of the approach adopted for establishing

the range of fuel economy values used on labels, there can be some degree of confusion for the potential car buyer. For example, if the range were to be based on specific label values, potential car buyers would have no practical way to ascertain which vehicles represent the extremes of the range since this information cannot readily be kept up-to-date and published in current booklet form. Conversely, if the range of values is based on general label values, vehicles that are specific-labeled could show fuel economy values outside of the range. EPA has tentatively concluded that less confusion will result from using the latter scheme, and will explain in the fuel economy booklet why some specific-labeled vehicles show fuel economy values outside of the range given on the label. Therefore, the range values are proposed to be based upon model type (i.e., general label) combined fuel economy figures for all automobiles determined to be in a specific class.

The Agency considered three basic issues relating to the range requirement:

1. How many classes should there be and what cut points should be employed?
2. Should the classes have descriptive names or be designated by a number or letter?
3. On what basis should car lines (and truck lines) be assigned to a class?

EPA concluded that a system that groups automobiles into a relatively small number of classes is most desirable. Too few classes have the effect of grouping too many dissimilar cars together and would not provide meaningful comparative information. On the other hand, a large number of classes is tantamount to putting each vehicle in its own unique class which frustrates the purpose of putting the range on the label.

Regarding the names of the classes, there are advantages to both approaches posed in question 2, above. The Agency sees merit in a scheme that uses descriptive terms that consumers generally understand. For example, passenger automobiles might be designated as "subcompact", "compact", "intermediate", "full-size", or "sports/specialty". For light trucks, common categories are "small pickup", "standard pickup", and "utility/special purpose". These classes are often used by trade publications, industry associations, and consumer testing organizations to identify vehicles. However, the disadvantage of using such names is that the class into which a vehicle is grouped for fuel economy labeling purposes may differ from the marketing intentions of the manufacturer. EPA wants to avoid any interference with manufacturer's marketing efforts. For this reason, EPA accepts that there may be some advantage to identifying the classes by using numbers or letters (e.g., "1", "2", or "A", "B").

Concerning the third issue, the basis for class determination, EPA could find no commonly accepted, objective criterion by which vehicles could be grouped into categories. Although the majority of existing classification systems are related to vehicle size, classification is ap-



parently determined subjectively based largely on the "marketing intent" of the manufacturer or, as may be perceived by some other classifying organization. It is not acceptable, in the Agency's opinion, to rely on subjective evaluations for class assignments. However, one disadvantage of an objective approach is that there will be a small number of vehicles that will appear to be misclassified. Comments are requested on a regulatory provision and the circumstances under which it would be applied to permit the Administrator to reclassify such vehicles on petition of a manufacturer.

EPA examined several parameters and dimensions in an effort to arrive at a solution that sensibly and objectively categorizes automobiles into classes. A primary consideration in evaluating any alternative approach is that the method be consistent with the proposed labeling scheme (i.e., general and specific) to the extent that no proliferation in the number of labels results. For example, a general label frequently includes automobiles in more than one weight class. Consequently, a method of defining classes of vehicles based on weight would necessitate that either more than one range appear on a single general label or that multiple versions of the same general label be used. Also, using weight as a criterion would provide little consumer information, because few people are believed to buy cars by weight.

In studying the automobile population, it became apparent to EPA that five basic types of vehicles existed: conventional passenger cars (generally designed to carry at least four persons and a moderate amount of luggage), station wagons (generally designed to carry at least 4 passengers and a large amount of luggage or property), sports passenger cars (normally designed to carry only two persons and a limited amount of luggage), exotic passenger cars (designed to carry anywhere from two to six persons, but costing significantly more than the average consumer normally considers on spending for an automobile) and light trucks (designed to carry primarily property). Size alone does not distinguish these fundamentally different types of vehicles. In addition, considering these basic types of vehicles together could distort the ranges. Therefore, EPA concluded that automobiles should first be subdivided into these five basic types and then classification schemes within each basic type evaluated.

EPA reasoned that since the number of sports and exotic passenger cars is relatively small, that both could be combined into a single class (e.g., "Sports/Specialty Automobiles"). Secondly, such a class would be comprised of all passenger automobiles with maximum seating capacity of two (as determined by the number of required seat belts) and all passenger automobiles with a base manufacturer's suggested retail price greater than some fixed dollar amount. Based on 1976 model year vehicles, a value of \$15,000 or more appears to isolate those vehicles that are generally

considered ultra-expensive or exotic from those that are more conventional. Clearly, this or any such price figure would have to be re-evaluated yearly.

For the purpose of subdividing trucks into classes, body shape and wheelbase length proved to be reasonable criteria. Trucks would then be divided into three classes, "Small Pickups" (trucks with open cargo bed and wheelbase under 112 inches), "Standard Pickups" (trucks with open cargo bed and wheelbase 112 inches or greater), and "Utility/Special Purpose" (all other light duty trucks). EPA attempted to develop a definition for vans as a separate class of trucks, but could not arrive at a satisfactory description of a van. Therefore, vans are included in the Utility/Special Purpose category.

An alternative approach for classifying pickup trucks into small and standard sizes which uses gross vehicle weight (GVW) as a determinant instead of wheelbase was recommended by FEA. Trucks with GVW less than 4500 pounds would be classed as small pickups under this approach, those with GVW equal to or greater than 4500 pounds would be classed as standard size pickups.

Conventional passenger cars are more difficult to classify since there are so many variations and they are continually changing from year to year. EPA and FEA analyzed several different methods for classifying passenger cars. EPA concluded that two of the alternatives had significantly more potential than the others.

The first approach is to group passenger cars (other than sports/specialty cars, into classes on the basis of wheelbase. EPA found that wheelbase generally separates cars into classes that are consistent with common groupings. Passenger cars were divided into four categories:

Subcompact (wheelbase length less than 100 inches)  
Compact (wheelbase length 100 inches to less than 112 inches)  
Intermediate (wheelbase length 112 inches to less than 120 inches)  
Full Size or Large (wheelbase length 120 inches or greater)

Although the wheelbase approach appears to work well for all 1976 model year vehicles, EPA recognizes that automobiles may very well change in the near future, largely due to the need to reduce the size of cars for fuel economy reasons. Particularly among domestic manufacturers, large cars are getting smaller and lighter and new compacts and subcompacts are being added to product lines. The car which is of a size today that would be considered "full size" will, in the near future be reduced in size to the range of today's intermediates. Moreover, this change is taking place at different rates for different manufacturers. A manufacturer who reduces the size of his cars is therefore facing the prospect of having his "full size" car put into the intermediate class, where fuel economy is generally better, rather than remaining in the "full size" class and reaping the competitive advantage of having reduced size and improved fuel economy.

This situation exists to some extent for any system which uses a size-related characteristic as the basis for classification. Unfortunately, any objective procedure requires that limits be set to define each class, but since vehicles are undergoing changes, the system is, in a sense, aiming at a moving target—at best, the procedure may work for the 1977 model year but would likely have to be revised in the next couple of years. This disadvantage is accentuated in systems which rely on exterior dimensions as the criteria for classification more than it is of interior dimension systems, since manufacturers will likely be trying to reduce overall size while retaining interior space. Furthermore, any system which relies on measurement of only one vehicle characteristic will necessarily be overly sensitive to any changes in that facet of design while being insensitive to any other changes.

Therefore, recognizing the potential problems associated with a relatively simplistic approach like the wheelbase system, EPA looked at a more sophisticated scheme that considers several design characteristics including exterior and interior vehicle dimensions and luggage capacity. This second method of classifying passenger cars is referred to as the "volume" scheme.

The advantages of the volume approach are that it is compatible with the space and weight conscious design of the new cars expected during the next few years and would tend to differentiate these cars from older designs which do not utilize space as efficiently. The manufacturer who reduces the size of his car and increases fuel economy, but who maximizes interior space, could be in the same class as larger (externally) cars and could thus have a favorable competitive fuel economy position. In terms of the objectives of EPCA, this procedure would seem to provide an additional incentive for manufacturers to improve fuel economy.

As considered by EPA, the volume approach classifies passenger cars on the basis of a class index, which is the sum of an interior volume index and a normalized exterior volume index. These indices are calculated using the basic measurement techniques found in the Society of Automotive Engineers (SAE) Recommended Practice J1100A, Motor Vehicle Dimensions. The actual measurement techniques are not described here in detail. A copy of this procedure has been placed in the Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

The interior volume index for sedans is defined as:

$$\text{Interior volume index} = \text{Front seat volume} + \text{rear seat volume} + \text{trunk volume}$$

where

$$\text{Front seat volume} = \text{Head room} \times \text{shoulder room} \times \text{leg room}$$

and

$$\text{Rear seat volume} = \text{Head room} \times \text{shoulder room} \times \text{leg room}$$

For hatchback models, trunk volume is proposed to be measured with the rear seat up, not down, as in the SAE Practice.

Station wagon interior volumes are calculated using the same expression as for sedans, except that cargo volume is substituted for trunk volume.

All measurements are to be in feet. The exterior volume index is expressed as:

$$\text{Exterior volume index} = \frac{\text{Overall vehicle length} \times \text{Overall vehicle width} \times \text{Overall vehicle height}}{\text{Overall vehicle height}}$$

In order to calculate the class index, the exterior volume index is "normalized" by multiplying it by a ratio of the average interior volume index divided by the average exterior volume index. Based upon 1976 vehicles, this ratio is approximately 0.25. The purpose of normalizing the exterior volume index is to make the class index equally sensitive to both interior and exterior volume changes. EPA requests specific comments on the appropriate weighting of interior and exterior volumes and on the various components of interior volume—front seat volume, back seat volume, and trunk volume.

Based on 1976 model year vehicles, EPA has categorized conventional passenger cars into five classes, with each class defined as:

- Class 1—cars with class index less than 162 cubic feet
- Class 2—cars with class index between 162 to less than 186 cubic feet
- Class 3—cars with class index between 186 to less than 222 cubic feet
- Class 4—cars with class index between 222 to less than 248 cubic feet
- Class 5—cars with class index over 248 cubic feet

Station wagons can be classified by either the wheelbase or the volume approach. The same cutpoints that applied to conventional passenger cars could be used for station wagons under the wheelbase approach since the same chassis are used. However, under the volume approach the larger interior volumes of station wagons necessitate the use of separate cutpoints. The classes and cutpoints recommended by the FEA are:

- Class 1—class index less than 200 cubic feet.
- Class 2—class index: 200 to less than 220 cubic feet.
- Class 3—class index: 220 to less than 280 cubic feet.
- Class 4—class index: 280 to less than 330 cubic feet.
- Class 5—class index greater than 330 cubic feet.

EPA has tested the volume scheme using a representative sample of current automobiles. However, due to the several dimensions that are required for each vehicle before a class index can be calculated, EPA has not applied the approach to all available makes of cars. Yet, based upon a limited number of vehicles, the volume system appears to assign vehicles to groups that correspond well with those classifications used by the media. EPA is continuing to evaluate other vehicles as additional data becomes available.

The Agency appreciates the significance of the method used to determine classes of comparable automobiles and recognizes that it has the potential effect of significantly affecting which vehicles compete with one another. However, EPA also realizes that the final determination of comparability rests with the consumer, who will evaluate and weigh the importance of various features differently according to individual needs, perception, etc. Nevertheless, the Agency is interested in arriving at a solution that is as meaningful to consumers as is possible and requests comments on the concept of classifying vehicles and the criteria that could be used to categorize vehicles. Specifically, EPA requests comments on the three key issues discussed earlier relating to this subject and on the acceptability of the wheelbase and volume schemes. Comments should address the appropriateness of the recommended approaches as they relate to current (1977 model year) vehicles and the potential impact that planned, near term (through 1980) model changes might have on the desirability of the discussed methods as well as any other alternative classification systems.

Because of the complexity of this topic and the limited information available to EPA concerning future model year vehicles, the Agency has decided not to publish specific regulatory language on comparability at this time. The Agency expects that responses received during the comment period, together with the discussed approaches, will serve as the basis in formulating a final position.

At the beginning of each model year, EPA will issue fuel economy ranges for each class of comparable vehicles as soon as enough data have been collected to calculate meaningful ranges. EPA will update these ranges during the model year if additional data on newly introduced model types make the original ranges unrepresentative. For the 1977 model year, EPA anticipates that the original issue date for the ranges will be approximately October 1, 1976, and that updated ranges will be issued approximately February 1, 1977. In each case, manufacturers will be required to include the most current range on labels affixed to automobiles manufactured or imported after 15 calendar days following receipt of the data. Automobiles manufactured or imported before the first range is available will be required to contain language on the label stating that no fuel economy range was available as of the date of production or importation. EPA requests comments on the appropriateness of this procedure, and on the specific time period involved.

III. Booklet Availability. Automobile dealers are required, beginning with the 1977 model year, to make available to prospective purchasers the booklet containing fuel economy and estimated fuel cost information. For each model year, EPA will provide the Federal Energy Administrator with a copy of the booklet with the first edition expected to be available about the end of September.

EPA anticipates that a second edition will be prepared in February which will include all model types certified after the compilation of the first edition. FEA will reproduce the booklets and make copies available to automobile dealers and other interested parties. Other parties may also reproduce the booklet for purposes of satisfying these requirements. Therefore, printing specifications and a description of the ways in which copies may deviate from the FEA-printed booklets are also included in the regulations.

IV. Fuel Economy Data Vehicles. Fuel economy data vehicles are those vehicles, in addition to emission certification vehicles, which are tested primarily to measure fuel economy for the purpose of including the results in the booklet or for labeling.

Fuel economy data vehicles may either be required or may be optional depending on the situation. For example, in a case in which additional data are necessary to calculate the manufacturer's general label values, fuel economy data vehicles are required. On the other hand, a manufacturer may voluntarily submit data from additional vehicles for use in calculation of specific labels or to supplement the minimum data base required to calculate a general label fuel economy value.

The need for fuel economy data vehicles arises from the fact that not all base levels are represented by emission certification tests. For purposes of determining compliance with emission certification standards, manufacturers' product lines are divided into engine families. Relatively few test vehicles (usually three to five) are tested from each engine family. These emission data vehicles are selected on the basis that the configuration is either projected to be a high seller or one that would be expected to exhibit high emissions. The expected high emission vehicle is selected on the premise that if the worst car in the engine family can meet the standards, the rest will likely meet the standards. Hence a significant fraction of the vehicle configurations covered by a certificate of conformity may not have been tested for emissions or fuel economy.

Fuel economy data vehicles can have one of two origins: prototypes, such as used for emission certification, or production vehicles. Production vehicles, including those that might be a part of a manufacturer's emission audit program or a Selective Enforcement Audit (SEA) test order, must be qualified by such procedures as checking the calibration of key components to assure that the vehicles are capable of generating representative fuel economy values.

In addition, to ease the burden of submitting additional data, manufacturers are permitted to change components on a previously tested vehicle to represent other vehicle configurations. Otherwise identical fuel economy data vehicles may also be tested at different inertia weight and road load power settings in order to represent more than one vehicle configuration.

Fuel economy data vehicles are permitted to have accumulated up to 10,000



miles. Although the 1976 voluntary fuel economy program specified some minimum mileage (2,000 miles for non-catalyst vehicles and 4,000 miles for catalyst vehicles), the proposed regulations have dispensed with the minimum. It is generally accepted that the fuel economy of a vehicle improves with the first few thousand miles as friction decreases. However, some automobile engines may be manufactured in such a way that the initial break-in period is minimized by operating the engine on a dynamometer or some other technique. By the time the vehicle completes the production process, the fuel economy characteristics of the vehicle may be essentially representative of a stabilized automobile. Therefore, the Agency has concluded that the question of the minimum mileage at which a test vehicle is capable of producing representative fuel economy data is best left to the manufacturer especially since it would be to the manufacturer's disadvantage to test a vehicle prior to the time it is stabilized from a fuel economy standpoint.

As an additional criterion, all fuel economy data vehicles must meet applicable emission standards in order to be accepted. If a vehicle fails to meet standard, no penalty is imposed under the fuel economy program other than rejecting the vehicle for the purposes of fuel economy testing. By permitting this increased flexibility in selecting and testing fuel economy data vehicles, manufacturers are encouraged to submit additional vehicles, thus improving the accuracy of the booklet and label values and encouraging participation in specific labeling. However, if individual configurations or groups of fuel economy data vehicles experienced difficulty in meeting emission standards during fuel economy testing, the Administrator will carry out appropriate investigation to identify the specific emission-related problem(s), the extent of the problem(s), and the corrective action required. Such corrective action may include revocation of the certificate of conformity or recall for the vehicle configurations or class of vehicles involved as provided by section 206(b)(2) or section 207(c)(1), as applicable, of the Clean Air Act, 42 U.S.C. section 1857 et seq.

EPA requests comments on the criteria used to determine the acceptability of fuel economy data vehicles. The Agency is also soliciting information on the use of production vehicles, such as those involved in a SEA test order or a manufacturer's internal quality control program, as fuel economy data vehicles. Manufacturers are specifically requested to comment on the extent to which such vehicles would be used as fuel economy data vehicles.

The proposed regulations also include a provision by which a manufacturer can use analytical techniques to develop additional fuel economy data in lieu of testing actual vehicles. The techniques must be approved by EPA prior to use for generating data for fuel economy labeling. It is expected that the approval of analytical methods would be limited

to those addressing quantifiable parameters such as axle ratio, inertia weight, and road load power setting.

Manufacturers and other interested parties may participate in this rulemaking by submitting comments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street, S.W., Washington, D.C. 20460. All relevant material received on or before June 21, 1976, will be considered.

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

**Title and Statutory Authority.** This notice of proposed rulemaking is issued under the authority of Title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq., as amended by Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871.

Dated: May 14, 1976.

RUSSELL E. TRAIN,  
Administrator.

It is proposed that 40 CFR Part 600 Table of Contents be amended by adding Subparts A, C, D, E, and G as set forth below. Subparts B and F are reserved.

**Subpart A—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—General Provisions**

Sec.	General applicability.
600.001-77	Definitions.
600.002-77	Abbreviations.
600.003-77	Section numbering, construction.
600.004-77	Maintenance of records, right of entry.
600.005-77	Data to be submitted.
600.006-77	Vehicle acceptability.
600.007-77	Review of fuel economy data, testing by the Administrator.
600.008-77	Hearings on acceptance of test data and classification of automobiles.

**Subpart B—[Reserved]**

**Subpart C—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Procedures for Calculating Fuel Economy Values and Annual Fuel Cost Estimates**

600.201-77	General applicability.
600.202-77	Definitions.
600.203-77	Abbreviations.
600.204-77	Section numbering, construction.
600.205-77	Record keeping.
600.206-77	Calculation and use of fuel economy values for a vehicle configuration.
600.207-77	Calculation and use of fuel economy values for a model type.
600.208-77	Sample calculation.

**Subpart D—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Labeling**

600.301-77	General applicability.
600.302-77	Definitions.
600.303-77	Abbreviations.
600.304-77	Section numbering, construction.
600.305-77	Record keeping.
600.306-77	Labeling requirements.

Sec.	Format of labels.
600.307-77	General label contents.
600.308-77	Specific label contents.
600.309-77	Labeling of high altitude vehicles.
600.310-77	Range of fuel economy for comparable automobiles.
600.311-77	Approval of labels.
600.312-77	Timetable for data and information submittal and review.
600.313-77	Updating fuel economy, annual fuel cost, and range of fuel economy for comparable automobiles.
600.314-77	Implementation of vehicle label.
600.315-77	Classes of comparable vehicles.

**Subpart E—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Dealer Availability of Fuel Economy Information**

600.401-77	General applicability.
600.402-77	Definitions.
600.403-77	Abbreviations.
600.404-77	Section numbering, construction.
600.405-77	Dealer requirements.
600.406-77	Distribution of booklet information.
600.407-77	Booklets displayed by dealers.

**Subpart F—[Reserved]**

**Subpart G—Fuel Economy Regulations for 1977 Model Year Automobiles—Test Procedures**

600.601-77	General applicability.
600.602-77	Definitions.
600.603-77	Abbreviations.
600.604-77	Section numbering, construction.
600.605-77	Record keeping.
600.606-77	Equipment requirements.
600.607-77	Fuel specifications.
600.608-77	Analytical gases.
600.609-77	EPA driving cycles.
600.610-77	Equipment calibration.
600.611-77	Test procedures.
600.612-77	Exhaust sample analysis.
600.613-77	Fuel economy calculations.
Appendix I—	Highway fuel economy driving cycle.

Appendix II—	Sample test value calculation.
Appendix III—	Sample fuel economy label calculation.
Appendix IV—	Sample fuel economy label formats.

**AUTHORITY:** Title V of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1901 et seq., as amended by Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871.

2. It is proposed that 40 CFR Part 600 be amended by adding Subparts A, C, D, E, and G as set forth below. Subparts B and F are reserved.

**Subpart A—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—General Provisions**

**§ 600.001-77 General applicability.**

The provisions of this subpart are applicable to 1977 and later model year automobiles. The requirements apply to all automobiles of the respective model year regardless of the date of production.

**§ 600.002-77 Definitions.**

(a) As used in this subpart all terms not defined herein shall have the meaning given them in the Act:

(1) "Act" means Part I of Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(3) "Secretary" means the Secretary of Transportation or his authorized representative.

(4) "Automobile" means any 4-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, or highways (except any vehicle operated on a rail or rails) and which is rated at 6,000 lbs gross vehicle weight or less or is a type of vehicle which the Secretary determines is substantially used for the same purposes.

(5) "Passenger Automobile" means any automobile which the Secretary determines is manufactured primarily for use in the transportation of no more than 10 individuals.

(6) "Model Year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term "model year" means the calendar year.

(7) "Federal Emission Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Part 86 for the respective model year, which are used to derive city fuel economy data.

(8) "Federal Highway Fuel Economy Test Procedure" refers to the dynamometer driving schedule, dynamometer procedure, and sampling and analytical procedures described in Subpart G of this part and which are used to derive highway fuel economy data.

(9) "Fuel" means gasoline and diesel fuel.

(10) "Fuel Economy" means the average number of miles traveled by an automobile or group of automobiles per gallon of gasoline or diesel fuel consumed as computed in § 600.613-76 or § 600-206-77.

(11) "City Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal Emission Test Procedure.

(12) "Highway Fuel Economy" means the fuel economy determined by operating a vehicle (or vehicles) over the driving schedule in the Federal Highway Fuel Economy Test Procedure.

(13) "Combined Fuel Economy" means the fuel economy value determined for a vehicle (or vehicles) by harmonically averaging the city and highway fuel economy values, weighted 0.55 and 0.45 respectively.

(14) "Average Fuel Economy" means the production-weighted combined fuel economy value of all passenger automobiles produced by a manufacturer in a single model year as computed in § 600-508-78.

(15) "Certification Vehicle" means a vehicle which is selected under § 86.077-24(b) and used to determine compliance under § 86.077-30 for issuance of an original certificate of conformity.

(16) "Fuel Economy Data Vehicle" means a vehicle used for the purpose of

determining fuel economy which is not a certification vehicle.

(17) "Label" means a sticker that contains fuel economy information and is affixed to new automobiles in accordance with Subpart D of this part.

(18) "Dealer" means a person who resides or is located in the United States, any territory of the United States or the District of Columbia and who is engaged in the sale or distribution of new automobiles to the ultimate purchaser.

(19) "Model Type" means a unique combination of car line, basic engine, and transmission class.

(20) "Car Line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roof line, number of doors, seats or windows except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.

(21) "Basic Engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by number of carburetor barrels or use of fuel injection), catalyst usage, and other engine and emission control system characteristics specified by the Administrator.

(22) "Transmission Class" means the basic type of transmission, e.g., manual, automatic or semi-automatic.

(23) "Base Level" means a unique combination of basic engine, inertia weight, and transmission class.

(24) "Vehicle Configuration" means a unique combination of basic engine, engine code, inertia weight, transmission configuration, and axle ratio within a base level.

(25) "Engine Code" means a unique combination, within an engine-system combination (as defined in Part 86), of displacement, carburetor (or fuel injection) calibration, distributor calibration, choke calibration, auxiliary emission control devices and other engine and emission control system components specified by the Administrator.

(26) "Inertia Weight" means the inertia weight class into which a vehicle is grouped based on its loaded vehicle weight in accordance with the provisions of Part 86.

(27) "Transmission Configuration" means a unique combination, within a transmission class, of the number of forward gears and, if applicable, overdrive. The Administrator may further subdivide a transmission configuration (based on such criteria as gear ratios, torque converter multiplication ratio, stall speed, shift calibration, etc.) if he determines that significant fuel economy differences exist within that transmission configuration.

(28) "Axle Ratio" means the number of times the input shaft to the differential (or equivalent) turns for each turn of the drive wheels.

(29) "Auxiliary Emission Control Devices (AECD)" means an element of design as defined in Part 86.

(30) "Rounded" means a number shortened to the specified number of decimal places in accordance with the "Round Off Method" specified in ASTM E 29-67.

(31) "Calibration" means the set of specifications, including tolerances, unique to a particular design, version or application of a component or component assembly capable of functionally describing its operation over its working range.

**§ 600.003-77 Abbreviations.**

The abbreviations used in this subpart have the same meaning as those in 40 CFR Part 86, with the addition of the following: "MPG" means miles per gallon.

**§ 600.004-77 Section numbering, construction.**

The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective until superseded.

Example: Section 600.111-78 applies to the 1978 and subsequent model years until superseded. If a § 600.111-81 is promulgated it would take effect beginning with the 1981 model year; § 600.111-78 would apply to model years 1978 through 1980.

**§ 600.005-77 Maintenance of records and right of entry.**

The provisions of this section are applicable to all fuel economy data vehicles. Certification vehicles are required to meet the provisions of § 86.077-7.

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this part shall establish, maintain, and retain the following adequately organized and indexed records:

(1) *General records.* (i) Identification and description of all vehicles for which data are submitted to meet the requirements of this part.

(ii) A description of all procedures used to test each vehicle.

(iii) A copy of the information required to be submitted under § 600.006-77 fulfills the requirements of paragraph (a) (1) (i).

(2) *Individual records.* (i) A brief history of each vehicle for which data are submitted to meet the requirements of this part, in the form of a separate booklet or other document for each separate vehicle, in which must be recorded:

(A) The steps taken to ensure that the vehicle with respect to its engine, drivetrain, fuel system, emission control system components, exhaust aftertreatment device, vehicle weight, or any other device or component, as applicable, will be representative of production vehicles.

(B) A complete record of all emission tests performed under Part 86 and all fuel economy tests performed under Part 600 (except tests performed by EPA directly), including all individual work-

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sheets and other documentation relating to each such test, or exact copies thereof, the date, time, purpose, and location of each test, the number of miles accumulated on the vehicle when the tests began and ended, and the names of supervisory personnel responsible for the conduct of the tests.

(C) A description of mileage accumulated since selection or build-up of such vehicles including the date and times of each mileage accumulation listing both the mileage accumulated and the name of each driver, or each operator of the automatic mileage accumulation device, if applicable. Additionally, a description of mileage accumulated prior to selection or build-up of such vehicle must be maintained in such detail as is available.

(D) If used, the record of any devices employed to record the speed or mileage, or both, of the test vehicle in relationship to time.

(E) A record and description of all maintenance and other servicing performed, within 2000 miles prior to fuel economy testing under this part, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. A copy of the maintenance information required to be submitted under § 600.006-77 fulfills the requirements of paragraph (a) (2) (i) (E).

(F) A brief description of any significant events affecting the vehicle during any time in the period covered by the history not described in an entry under one of the previous hearings including such extraordinary events as vehicle accidents or driver speeding citations or warnings.

(3) The manufacturer shall retain all records required under this subpart for a period of five years after the end of the model year to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, provided that in every case all the information contained in hard copy shall be retained.

(b) (1) Any manufacturer who has supplied fuel economy data to meet the requirements of this part shall admit any EPA Enforcement Officer during operating hours upon presentation of credentials at any of the following:

(i) Any facility where any fuel economy tests from which data are submitted or any procedures or activities connected with these tests are performed.

(ii) Any facility where any new motor vehicle which is being, was, or is to be tested is present.

(iii) Any facility where any construction process used in the modification or build-up of a vehicle into a fuel economy data vehicle is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (b) (1) of this section, the manufacturer shall allow any EPA Enforcement Officer:

(i) To inspect and monitor any part or aspect of procedures activities, and testing facilities, including, but not limited to, monitoring vehicle preconditioning, emission tests and fuel economy tests and mileage accumulation, maintenance, and vehicle soak and storage procedures; and to verify correlation of calibration of test equipment;

(ii) To inspect and make copies of any required records, designs, or other documents; and

(iii) To inspect and photograph any part or aspect of any fuel economy vehicle and any components to be used in the construction thereof.

(3) Any EPA Enforcement Officer will be furnished, by those in charge of a facility being inspected, with such reasonable assistance as may be requested to help discharge any function listed in this paragraph (b). Each manufacturer is required to have those in charge of the facility furnish such reasonable assistance without charge to EPA whether or not the manufacturer controls the facility.

(4) The duty to admit any EPA Enforcement Officer shall be applicable whether or not the manufacturer owns or controls the facility in question and is applicable to both domestic and foreign manufacturers and facilities. An EPA Enforcement Officer will not attempt to make any inspections which the officer has been informed are in contravention of any law. However, if local law makes it impossible for the EPA Enforcement Officer to verify or to insure the accuracy of data generated at a facility such that no informed judgment can properly be made as to the accuracy or reliability of data generated by or obtained from the facility, then a vehicle or data from that vehicle shall not be accepted for use in Subparts C or F of this part (unless the Administrator is otherwise convinced of the accuracy and reliability of such data).

(5) For purposes of this paragraph (b):

(i) "Presentation of credentials" means display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) For facilities or areas other than those covered by paragraph (b) (5) (ii) the term, "operating hours" will mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to fuel economy testing, or to vehicle manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available of personnel of the facility being inspected during their

working hours to inform the EPA Enforcement Officer of the operating procedures of the facility and to answer the EPA Enforcement Officer's questions; on request, and the performance on request of emissions tests or fuel economy tests on any vehicle which is being, has been, or will be used for fuel economy testing under this part. These tests shall be non-destructive, but may require appropriate mileage accumulation. By written request of the EPA Enforcement Officer, a manufacturer may be required to cause any employee of the manufacturer to appear before the EPA Enforcement Officer for the purpose of providing information pertaining to the records, books, papers and documents kept by the manufacturer and information pertaining to the manufacturer's monitoring, storage, maintenance, production and testing procedures and facilities, provided that the information will reasonably be required by the EPA Enforcement Officer to carry out the duties prescribed under this part. Any employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel. No counsel who accompanies, represents, or advises an employee compelled to appear may accompany, represent, or advise any other person or entity directly or indirectly involved in the investigation.

(v) Any entry without 24 hours prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement.

§ 600.006-77 Data to be submitted.

(a) All certification vehicles are considered to have met the requirements of this section.

(b) The manufacturer shall submit the following information for each fuel economy data vehicle:

(1) A description of the vehicle, exhaust emission test results, applicable deterioration factors, and adjusted exhaust emission levels.

(2) A statement of the origin of the vehicle including total mileage, mode of mileage accumulation, and modifications (if any) from the vehicle configuration in which the mileage was accumulated. (For modifications requiring advance approval by the Administrator, the name of the Administrator's representative approving the modification and date of approval are required.) If the vehicle was previously used for testing for compliance with Part 86 or previously accepted by the Administrator as a fuel economy data vehicle in a different configuration, the requirements of this subparagraph may be satisfied by reference to the vehicle number and previous configuration.

(3) A description of all maintenance to engine, emission control system or fuel system components performed within 2000 miles prior to fuel economy testing.

(4) A copy of calibrations for engine, fuel system, and emission control devices, showing the calibration of the actual components on the test vehicle as well as the design tolerances. (If calibrations for components were submitted previously as

part of the description of another vehicle or configuration, the original submittal may be referenced.)

(5) A statement that the fuel economy data vehicle, with respect to which data are submitted:

(i) Has been tested in accordance with applicable test procedures.

(ii) Is, to the best of the manufacturer's knowledge, representative of the vehicle configuration listed, and

(iii) Is in compliance with applicable exhaust emission standards according to § 86.077-28(a).

(c) The manufacturer shall submit the following fuel economy data for each fuel economy data vehicle.

(1) All individual test results and the harmonic average fuel economy of all city fuel economy tests and the harmonic average fuel economy of all highway fuel economy tests conducted by the manufacturer.

(2) For a vehicle other than a certification vehicle. As defined in this part tested by the Administrator under Part 86, the city and highway fuel economy results from the test or tests on that vehicle.

(d) The manufacturer shall submit an indication of the intended purpose of the data (e.g., data required by the general labeling program or voluntarily submitted for specific labeling).

(e) In lieu of submitting actual data from a test vehicle, a manufacturer may provide fuel economy values derived from an analytical expression, e.g., regression analysis. In order for fuel economy values derived from analytical methods to be accepted, the expression (form and coefficients) must be approved by the Administrator.

(f) If in conducting tests required or authorized by this part the manufacturer utilizes procedures, equipment, or facilities not described in the Application for Certification required in § 86.077-21, the manufacturer shall submit a description of such procedures, equipment, and facilities.

§ 600.007-77 Vehicle acceptability.

(a) All certification vehicles and other vehicles tested to meet the requirements of Part 86 (other than those chosen per § 86.077-24(c)) are considered to have met the requirements of this section.

(b) Any vehicle not meeting the provisions of paragraph (a) must be judged acceptable by the Administrator under this section in order for the test results to be reviewed for use in Subpart C or F of this part. The Administrator will judge the acceptability of a fuel economy data vehicle on the basis of the information supplied by the manufacturer under § 600.006-77(b). The criteria to be met are:

(1) A fuel economy data vehicle may have accumulated not more than 10,000 miles. This requirement will be considered to have been met if the base vehicle (i.e., chassis and basic engine) has accumulated 10,000 or fewer miles. Components other than engine, emission control system, and drivetrain are not required to be the same components in-

stalled when the mileage was accumulated. Engine, emission control system, and drivetrain components may be installed, replaced, or adjusted only with advance approval of the Administrator.

(2) A vehicle may be tested in different vehicle configurations by change of vehicle components, as specified in paragraph (b) (1), or by testing at different inertia weights or road load power settings. For the purpose of this part, each vehicle configuration will be considered a distinct vehicle and must be identified accordingly.

(3) The mileage on a fuel economy data vehicle must be, to the extent possible, accumulated according to § 86.077-26(a) (2).

(4) Each fuel economy data vehicle must meet the same exhaust emission standards as certification vehicles of the respective engine-system combination during the test in which the city fuel economy test results are generated. The deterioration factors established for the respective engine-system combination per § 86.077-28 will be used.

(5) No major engine tune-ups (as described in § 86.077-25) may be performed on a fuel economy data vehicle later than 2000 miles prior to the test, unless specifically authorized by the Administrator.

(6) The calibration information submitted under § 600.006-77(b) must be representative of the vehicle configuration for which the fuel economy data was submitted.

(c) If, based on a review of the information submitted under § 600.006-77(b), the Administrator determines that a fuel economy data vehicle meets the requirements of this section, the fuel economy data vehicle will be judged to be acceptable and the fuel economy data from that fuel economy data vehicle will be reviewed pursuant to § 600.008-77.

(d) If, based on the review of the information submitted under § 600.006-77(b), the Administrator determines that a fuel economy data vehicle does not meet the requirements of this section, the Administrator will reject that fuel economy data vehicle and inform the manufacturer of the rejection in writing.

(e) If, based on a review of the emissions data for a fuel economy data vehicle, submitted under § 600.006-77(b) (4), or emissions data generated by a vehicle tested under § 600.008-77(d), the Administrator determines that a significant indication of emission non-compliance exists, he may take such investigative actions as are appropriate to determine to what extent emission non-compliance actually exists.

(1) The Administrator may, under the provisions of § 86.077-37(a), request the manufacturer to submit production vehicles of the configuration(s) specified by the Administrator, for testing to determine to what extent emission non-compliance of a production vehicle configuration or of a group of production vehicle configurations actually exists.

(2) If the Administrator determines, as a result of his investigation, that sub-

stantial emission non-compliance is exhibited by a production vehicle configuration or group of production vehicle configurations, he may proceed with respect to the vehicle configuration(s) as provided under section 206(b) (2) or section 207(c) (1), as applicable, of the Clean Air Act, 42 U.S.C. section 1857 et. seq.

§ 600.008-77 Review of fuel economy data and testing by the administrator.

(a) Fuel economy data must be judged acceptable by the Administrator in order for the test results to be used in Subpart C or F of this part. The Administrator will evaluate the acceptability of the fuel economy data from either a fuel economy data vehicle or a certification vehicle on the basis of the test data submitted under § 600.006-77(c) or test data generated by the Administrator, as applicable, in accordance with good engineering practice.

(b) If, in the Administrator's judgment, the city and highway fuel economy results (or the harmonic averages, as applicable, if more than one test were conducted) for a fuel economy data vehicle, or for a certification vehicle, are reasonable and representative, the Administrator will accept the fuel economy data (or harmonic averages, as applicable, of the city and highway fuel economy data if more than one test were conducted) for use in Subpart C or F. In making this determination, the Administrator will, when possible, compare the results of a test vehicle to those of other similar test vehicles.

(c) If, in the Administrator's judgment, the city and highway fuel economy results (or the harmonic averages if more than one test were conducted) for a fuel economy data vehicle or for a certification vehicle are not reasonable or representative, the Administrator will notify the manufacturer in writing of his finding and require the manufacturer to submit the test vehicle(s) in question, at a place he may designate, for the purpose of fuel economy testing.

(d) The Administrator may require that any fuel economy data vehicle or certification vehicle be submitted, at a place he may designate, for the purpose of confirmation of fuel economy testing.

(e) For any fuel economy data vehicle that the Administrator has required to be submitted, at a place he may designate for the purpose of fuel economy testing, and for any certification vehicle, the Administrator will follow this procedure:

(1) The manufacturer's data (or harmonically averaged data if more than one test were conducted) will be compared with the results of the Administrator's test.

(2) If, in the Administrator's judgment, the comparison in (1) indicates a disparity in the data, the Administrator will repeat the city test or the highway test or both as applicable.

(i) The manufacturer's average test results and the results of the Administrator's first test will be compared with the results of the Administrator's second test as in (1).



(ii) If, in the Administrator's judgment, both comparisons in (2)(i) indicate a disparity in the data, the Administrator will repeat the city fuel economy test or highway fuel economy test or both as applicable until:

(A) In the Administrator's judgment no disparity in the data is indicated by comparison of two tests by the Administrator or by comparison of the manufacturer's average test results and a test by the Administrator; or

(B) Four city tests or four highway tests or both, as applicable, are conducted by the Administrator in which a disparity in the data is indicated when compared as in (2).

(3) If there is, in the Administrator's judgment, no disparity indicated by comparison of manufacturer's average test results with a test by the Administrator, the test values generated by the Administrator will be used to represent the vehicle.

(4) If there is, in the Administrator's judgment, no disparity indicated by comparison of two tests by the Administrator, the harmonic averages of the city and highway fuel economy results from those tests will be used to represent the vehicle.

(5) If the situation in subparagraph (2)(i)(B) occurs, the Administrator will notify the manufacturer, in writing, that the Administrator rejects that fuel economy data vehicle.

(f) The fuel economy data determined by the Administrator under paragraph (e) (3) or (4), together with all other fuel economy data submitted for that vehicle under § 600.066-77(c) will be evaluated for reasonableness and representativeness per paragraph (b). The fuel economy data which are determined to best meet the criteria of paragraph (b) will be accepted for use in Subpart C or F.

(g) If, based on a review of the fuel economy data generated by testing under (e), the Administrator determines that an unacceptable level of correlation exists between fuel economy data generated by a manufacturer and fuel economy data generated by the Administrator, he may reject all fuel economy data submitted by the manufacturer until the cause of the discrepancy is determined and the validity of the data is established by the manufacturer.

§ 600.009-77 Hearings on acceptance of test data and classification of automobiles.

(a) If the Administrator rejects the use of a manufacturer's fuel economy data vehicle, in accordance with § 600.008-77 (e) or (g), or the use of fuel economy data, in accordance with § 600.008-77 (c), or (f), or with the determination of a vehicle configuration, in accordance with § 600.206-77(a), or with the identification of a car line, in accordance with § 600.207-77(d), or with the fuel economy label values approved by the Administrator under § 600.213-77 (a), the manufacturer may, within 30 days following receipt of such notification,

request a hearing on the Administrator's decision. The request may be in writing, signed by an authorized representative of the manufacturer and include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, the manufacturer shall have a hearing in accordance with the provisions of this section with respect to such issue.

(b) (1) After granting a request for a hearing under paragraph (a) the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel shall represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under paragraph (a) the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(c) (1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer shall establish a hearing file. The file consists of the notice issued by the Administrator under paragraph (a) together with any accompanying material, the request for a hearing and the supporting data submitted therewith and correspondence and other data material to the hearing.

(2) The hearing file will be available for inspection by the applicant at the office of the Presiding Officer.

(d) A manufacturer may appear in person, or may be represented by counsel or by any other duly authorized representative.

(e) (1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by the Presiding Officer to consider the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(c) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(f) (1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provision of title 19 U.S.C. 1001 which imposes penalties for

knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witnesses may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Presiding Officer of their authority, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and will be reported as part of the record unless otherwise ordered.

(g) (1) The Presiding Officer will make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all material issues of fact, law or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law or discretion presented on the appeal or considered in the review.

#### Subpart B—[Reserved]

Subpart C—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Procedures for Calculating Fuel Economy Values and Annual Fuel Cost Estimates

§ 600.201-77 General applicability.

The provisions of this subpart are applicable to 1977 and later model year automobiles.

§ 600.202-77 Definitions.

The definitions in § 600.002-77 apply to this subpart.

§ 600.203-77 Abbreviations.

The abbreviations in § 600.003-77 apply to this subpart.

§ 600.204-77 Section numbering, construction.

The section numbering system set forth in § 600.004-77 applies to this subpart.

§ 600.205-77 Record keeping.

The record keeping requirements set forth in § 600.005-77 apply to this subpart.

§ 600.206-77 Calculation and use of fuel economy values for a vehicle configuration.

(a) Fuel economy values determined for each vehicle and as approved in § 600.008-77 (b) or (f) are used to determine city, highway, and combined fuel economy values for each vehicle configuration (as determined by the Administrator) for which data are available.

(1) If only one city fuel economy and one highway fuel economy value exist for a vehicle configuration, those values, rounded to the nearest tenth of a mile per gallon, comprise the city fuel economy value and highway fuel economy value for that configuration.

(2) If more than one city fuel economy value and one highway fuel economy value exist for a vehicle configuration, all values for that vehicle configuration are harmonically averaged and rounded to the nearest tenth of a mile per gallon for the city fuel economy values, and harmonically averaged and rounded to the nearest tenth of a mile per gallon for the highway fuel economy values, in order to determine a city and a highway fuel economy value for that configuration.

(3) The combined fuel economy value for a vehicle configuration is calculated by harmonically averaging the city and highway fuel economy values, as determined in § 600.206-77(a) (1) and (2), weighted 0.55 and 0.45, respectively, and rounding to a tenth of mile per gallon. A sample of this calculation appears in Appendix II.

(b) The city, highway, and combined fuel economy values determined for the vehicle configuration according to paragraph (a) and rounded to the nearest whole mile per gallon comprise the fuel economy values that appear on specific labels as described in § 600.309-77.

(c) The annual fuel cost estimate for operating an automobile included in a vehicle configuration will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage and the combined fuel economy determined in (a) (3).

(1) The annual fuel cost estimate for a vehicle configuration is computed by multiplying

(i) Fuel cost per gallon (as obtained by the Administrator from the FEA Administrator), expressed in dollars to the nearest 0.01 dollar, by

(ii) Average annual mileage (as obtained by the Administrator from the Secretary), expressed in miles per year to the nearest mile per year, by

(iii) The inverse of: the combined fuel economy value for a vehicle configuration, expressed in miles per gallon to the nearest 0.1 mile per gallon.

(2) The product computed in (c) (1) and rounded to the nearest dollar per year will comprise the annual fuel cost

estimate that appears on specific labels for that vehicle configuration.

§ 600.207-77 Calculation and use of fuel economy values for a model type.

(a) Fuel economy values for a base level are calculated from vehicle configuration fuel economy values as determined in § 600.206-77(a) for low altitude tests.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate full economy values for each base level for vehicles intended for sale in California and for each base level for vehicles intended for sale in the rest of the states.

(2) The manufacturer shall supply model year sales projections for each vehicle configuration within each car line to the Administrator.

(i) Sales projections must be supplied separately for each vehicle configuration intended for sale in California and each configuration intended for sale in the rest of the states if required by the Administrator under paragraph (a) (1).

(ii) The sales projections must be updated as of the date a manufacturer requests that fuel economy calculations for a model type be made by the Administrator.

(iii) The requirements of this section may be satisfied by providing an amended application for certification, as described in § 86.007-21.

(3) Vehicle configuration fuel economy values, as determined in § 600.207-77(a), are grouped according to base level, as defined in § 600.002-77(b) (23).

(i) If only one vehicle configuration within a base level has been tested, the fuel economy value from that vehicle configuration constitutes the fuel economy for that base level.

(ii) If more than one vehicle configuration within a base level have been tested, the vehicle configuration fuel economy values are harmonically averaged in proportion to the respective projected sales percent (rounded to the nearest 0.01 percent) of each vehicle configuration and the resultant fuel economy value rounded to the nearest tenth of a mile per gallon.

(iii) If the Administrator has not accepted test data for at least one vehicle configuration within each base level, the manufacturer shall submit (on or before the date the manufacturer requests the Administrator to calculate the respective general label values), data as specified for approval in § 600.006-77. The fuel economy data submitted shall be for the vehicle configuration with the largest projected sales within the respective base level.

(4) The procedure specified in § 600.207-77(a) will be repeated for each base level, thus establishing city, highway, and combined fuel economy values for each base level.

(b) For each model type, as determined by the Administrator, a city, highway,

and combined fuel economy value will be calculated by using the projected sales and fuel economy values for each base level within the model type.

(1) If the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will calculate fuel economy values for each model type separately for vehicles intended for sale in California and for those intended for sale in the rest of the states.

(2) The sales fraction for each base level is calculated by dividing the projected sales of the base level within the model type by the projected sales of the model type and rounding the quotient to the nearest 0.01 percent.

(3) The city fuel economy values for the model type are determined by dividing one by a sum of terms, each of which corresponds to a base level and which is a fraction determined by dividing

(i) The sales fraction of the base level, by

(ii) The city fuel economy value for the respective base level.

(4) The procedure specified in subparagraph (3) is repeated in an analogous manner to determine the highway and combined fuel economy values for the model type.

(c) The city, highway, and combined fuel economy values as calculated in § 600.207-77(b) and rounded to the nearest whole mile per gallon are the fuel economy values used on general labels for that model type.

(d) The annual fuel cost estimate for operating an automobile included in a model type will be computed by the Administrator by using values for the fuel cost per gallon and average annual mileage, predetermined by the Administrator, and the combined fuel economy determined in (b).

(1) The annual fuel cost estimate for a model type is computed by multiplying

(i) Fuel cost per gallon expressed in dollars to the nearest 0.01 dollar, by

(ii) Average annual mileage, expressed in miles per year to the nearest mile per year, by

(iii) The inverse of the combined fuel economy value for a model type, expressed in miles per gallon to the nearest 0.01 mile per gallon.

(2) The product computed in (d) (1) and rounded to the nearest dollar per year will comprise the annual fuel cost estimate that appears on general labels for that model type.

§ 600.208-77 Sample calculation.

An example of the calculation required in this subpart appears in Appendix III to this Part 600.

Subpart D—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Labeling

§ 600.301-77 General applicability.

The provisions of this subpart are applicable to 1977 and later model year automobiles.



## § 600.302-77 Definitions.

The definitions in § 600.002-77 apply to this subpart.

## § 600.303-77 Abbreviations.

The abbreviations in § 600.003-77 apply to this subpart.

## § 600.304-77 Section numbering, construction.

The section numbering procedure set forth in § 600.004-77 applies to this subpart.

## § 600.305-77 Record keeping.

The record keeping requirements set forth in § 600.005-77 apply to this subpart.

## § 600.306-77 Labeling requirements.

(a) Each manufacturer shall affix or cause to be affixed and each dealer shall maintain or cause to be maintained on each automobile a general or specific fuel economy label, approved by the Administrator, that includes fuel economy information, annual fuel cost estimate, and the range of fuel economy of comparable automobiles.

(1) Each manufacturer shall affix or cause to be affixed a general label as described in § 600.308-77.

(2) At the option of the manufacturer, the requirements of this paragraph may be satisfied by labeling an automobile with a specific label, as described in § 600.309-77 in place of the general label. If the manufacturer elects to use a specific label within a model type (as defined in § 600.001(a)(19)), he shall have approved specific labels affixed concomitantly on all automobiles within this model type, except as permitted under § 600.310-77.

(b) The fuel economy label must be readily visible from the exterior of the automobile and remain affixed until the time the automobile is delivered to the actual custody and possession of the ultimate purchaser.

(1) The fuel economy label must be located on the rear-most window of the driver's side of the vehicle. If the rear-most window on the driver's side is not large enough to contain both the Automobile Information Disclosure Act label and the fuel economy label, the manufacturer shall have the fuel economy label affixed on the rear-most window of the passenger's side of the vehicle.

(2) The fuel economy label information may be included with the Automobile Information Disclosure Act label if the prominence and legibility of the fuel economy label is maintained. For this purpose, all fuel economy label information must be placed on a separate section of the label and may not be included as part of the Automobile Information Disclosure Act label information.

(3) The manufacturer shall have the fuel economy label affixed in a manner so that appearance and legibility are maintained until after the vehicle is delivered to the ultimate purchaser.

## § 600.307-77 Format of labels.

The fuel economy label must:

(a) Be rectangular in shape and large enough to allow inclusion of all required information;

(b) Be printed in a color which contrasts with the paper color and in a type size that is easily readable;

(c) Contain a reproduction of the EPA and FEA logo;

(d) Contain a statement that the vehicle fuel economy estimates included are based on the results of tests conducted or certified by the U.S. Environmental Protection Agency;

(e) Describe the labeled vehicle to the exact detail as specified in § 600.308-77 or § 600.309-77, as applicable;

(f) Contain that vehicle's fuel economy estimates as calculated in § 600.206-77 or § 600.207-77, as applicable, and as approved by the Administrator, to represent a city fuel economy, a highway fuel economy, and a combined fuel economy value;

(g) Contain a range of fuel economy estimates and class identification for similar vehicles whether or not manufactured by that vehicle's manufacturer except as provided in § 600.315-77(b)(1). This range is determined according to § 600.311-77 and supplied to the manufacturer by the Administrator;

(h) Contain the estimated annual fuel cost for the operation of that vehicle based on calculations described in § 600.206-77 or § 600.207-77, as applicable;

(i) State that these fuel economy estimates and the estimated annual fuel cost are based on tests of vehicles equipped with frequently purchased optional equipment;

(j) State that the actual fuel economy of this vehicle will vary depending on the type of driving the customer does, the customer's driving habits, vehicle maintenance, optional equipment installed and used, and road and weather conditions; and

(k) State that for the purposes of comparing fuel economies of vehicles of that model year and to learn how the tests were conducted, the booklet described in Subpart E for that model year is available free upon request from the dealer.

Sample fuel economy label formats and language that would be approved are included in Appendix IV.

## § 600.308-77 General label contents.

The general fuel economy label must contain the following:

(a) The information and statements as described in § 600.307-77 (a) through (k).

(b) A description of the applicable vehicle specifying:

(1) Vehicle car line,

(2) Number of engine cylinders,

(3) Engine displacement, in cubic inches, cubic centimeters, or liters, whichever is consistent with the customary description of that engine,

(4) Fuel metering system, including number of carburetor barrels, if applicable,

(5) Transmission class,

(6) Catalyst usage, if so equipped,

(7) Other engine or vehicle parameters, if approved by the Administrator, and

(8) California emission control system usage, if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(c) General label fuel economy values and estimated fuel cost as calculated according to § 600.207-77.

(d) The estimated range of fuel economy of comparable automobiles and effective date except as provided in § 600.315-77(b)(1). This range is determined by the Administrator according to § 600.311-77 for each class of vehicles as described in § 600.316-77.

## § 600.309-77 Specific label contents.

The specific fuel economy label must contain the following:

(a) The information and statements as described in § 600.307-77 (a) through (k);

(b) A statement that the fuel economy estimates are from tests of this specific vehicle configuration and might not be in the booklet described in Subpart E;

(c) A description of the applicable vehicle specifying:

(1) Car line,

(2) Engine displacement,

(3) Number of cylinders,

(4) Transmission class and number of forward speeds,

(5) Fuel metering system, including number of carburetor barrels, if applicable,

(6) Catalyst usage, if so equipped,

(7) Other engine or vehicle parameters, if approved by the Administrator,

(8) Test (inertia) weight,

(9) Axle ratio, and

(10) California emission control system usage, if the Administrator determines that automobiles intended for sale in the State of California are likely to exhibit significant differences in fuel economy from those intended for sale in other states.

(d) Specific label fuel economy values and estimated fuel cost for that vehicle as determined according to § 600.206-77.

(e) The estimated range of fuel economy of comparable automobiles and effective date of the range except as provided in § 600.315-77(b)(1). This range is determined by the Administrator according to § 600.311-77 for each class of vehicles as described in § 600.316-77.

## § 600.310-77 Labeling of high altitude vehicles.

(a) The Administrator may approve, at the request of the manufacturer, specific labels for high altitude vehicles according to § 600.309-77.

(b) A high altitude vehicle may be labeled with an approved general or specific label by a manufacturer without regard to type of label, general or specific, used at low altitude for that model type of vehicle configuration.

## § 600.311-77 Range of fuel economy for comparable automobiles.

(a) The Administrator will determine the range of fuel economy values for each class of comparable automobiles.

(1) The range of fuel economy values within a class is computed from the maximum combined fuel economy value and minimum combined fuel economy value for all general label combined fuel economy values within the class, as determined in § 600.207-77(b) regardless of manufacturer.

(2) If the Administrator determines that automobiles intended for sale in California are likely to exhibit significant differences in fuel economy from those intended for sale in other states, he will compute separate ranges of fuel economy values for each class of automobiles for California and for the other states.

(3) For high altitude vehicles determined under § 600.310-77, both general and specific labels will contain the range of comparable fuel economy computed in § 600.311-77(a).

(4) The range of comparable fuel economy values for a class of automobiles is derived from the latest available data approved by the Administrator for that class of automobiles.

(b) The manufacturer shall include the range of fuel economy determined by the Administrator in (a) on each label affixed to an automobile within that class except as provided in § 600.315-77.

## § 600.312-77 Approval of labels.

All fuel economy values, fuel cost estimates, label formats, and other information pertaining to the fuel economy label must be approved by the Administrator before a label is affixed to the vehicle.

(a) If the manufacturer intends to use specific labels, both a specific label format and a general label format must be approved prior to use of the specific label. The manufacturer shall submit for approval by the Administrator each typical label format exemplifying the intended representation of all information required on the fuel economy label as well as the size or color of print, and paper, and spacing and location of all printed information. After approval by the Administrator, the manufacturer may not change the label except as required for proper vehicle description, fuel economy values, and estimated annual fuel costs. Where the fuel economy label is incorporated with the Automobile Information Disclosure Act label, the above requirements pertain to that section of the label reserved for fuel economy labeling.

(b) All vehicle description, fuel economy values and annual fuel cost estimates intended for use on general and specific labels must be approved in advance by the Administrator. Fuel economy values are computed according to Subpart C from approved vehicle fuel economy results as determined under § 600.008-77.

## § 600.313-77 Timetable for data and information submittal and review.

(a) The Administrator will notify the manufacturer of the classification of each of the manufacturer's car lines after the manufacturer makes a request for such determination.

(b) Each fuel economy label format which the manufacturer intends to use must be approved by the Administrator before the manufacturer requests the Administrator to determine fuel economy values for use on that type of label. For example, a California general label format must be approved by the Administrator before the manufacturer requests California general label fuel economy values.

(c) If a manufacturer requests and submits sufficient information, the Administrator will determine, according to Subpart C, general label or specific label fuel economy values based upon information submitted by the manufacturer.

(1) As of the public introduction date of a vehicle configuration included in a model type, a manufacturer must have requested general label fuel economy values for that model type and submitted sufficient information to determine these general label fuel economy values.

(2) As of the date of the request, the manufacturer may not submit additional information pertaining to this request except as required by the Administrator.

(3) After receipt of a manufacturer's request for computation of label values, the Administrator will review according to § 600.008-77 the fuel economy submission received from the manufacturer, and notify the manufacturer of approval or request further data, information, or vehicles in accordance with the approval procedure specified in Subpart A.

(4) After receipt of a manufacturer's data, information, or vehicles in response to subparagraph (3), the Administrator will conduct any testing and complete data review required under subparagraph (3), and notify the manufacturer of the results of this testing and review.

(5) After completion of any testing or review of the data which satisfy the requirements of subparagraph (3), the Administrator will provide the manufacturer with general label and/or specific label (as requested under this paragraph) fuel economy values, annual fuel cost estimates, and a range of fuel economy of comparable automobiles (when a range is available) as calculated from approved data. After receipt of approved fuel economy label values, the manufacturer may use these data in the labeling of his automobiles.

(6) The manufacturer should submit any request for data under this section at least 25 working days before he desires the Administrator's response. This should allow the Administrator sufficient time to conduct any additional testing required.

## § 600.314-77 Updating fuel economy, annual fuel cost, and range of fuel economy for comparable automobiles.

(a) After the Administrator approves general label fuel economy values for a model type, those values will remain in effect for that model type for the remainder of the model year.

(b) After the Administrator approves specific label fuel economy values for a vehicle configuration, those values will remain in effect for that vehicle configuration for the remainder of the model year.

(c) Estimated annual fuel cost as determined in § 600.206-77 for specific labeled automobiles and in § 600.207-77 for general labeled automobiles incorporates factors for average annual miles driven and cost per gallon of fuel.

(1) These factors are determined by the Administrator before the model year begins.

(2) These factors do not change during the model year.

(d) The Administrator will compute the range of fuel economy of comparable automobiles from the latest approved fuel economy values available at the time of label approval. Additionally, the Administrator will update the range of fuel economy of comparable automobiles for previously approved labels.

(1) The Administrator will make available an updated range of fuel economy of comparable automobiles for all approved general and specific labels in each class. The range will be made available on a date that coincides as closely as possible with the date of the general model year introduction. The Administrator will determine the general model year introduction date from the intended introduction dates reported by the various manufacturers.

(2) The Administrator will make available an updated range of fuel economy of comparable automobiles for all approved general and specific labels at any other appropriate date during the model year.

(3) The Administrator will communicate to the affected parties the dates referred to in subparagraphs (1) and (2).

## § 600.315-77 Implementation of vehicle labeling.

(a) Prior to being offered for sale each manufacturer shall cause to be affixed, and each dealer shall cause to be maintained the fuel economy information label.

(b) The manufacturer shall include the updated range of fuel economy of comparable automobiles (as described in § 600.314-77(d)) in the label of each vehicle manufactured or imported more than fifteen calendar days after the updated range is made available by the Administrator.

(1) Automobiles manufactured or imported before sixteen calendar days after the updated label range is made available under § 600.314-77(d)(1) will be labeled without a range of fuel economy



of comparable automobiles. In place of the range of fuel economy of comparable automobiles, the label will contain a statement indicating that as of the date of production or importation of this automobile, no range of fuel economy of comparable automobiles is available.

(2) Automobiles manufactured or imported more than fifteen calendar days after the updated label range is made available under § 600.314-77(d) (1) or (2) will be labeled with the latest available range of fuel economy of comparable automobiles as approved for that general or specific label.

(c) In place of general fuel economy labels, a manufacturer may, at his option, use approved specific fuel economy labels provided specific labels are used on all vehicles within a given model type as of a manufacture or importation date. The manufacturer shall, within three calendar days, initiate or discontinue as applicable, the use of specific labels on all vehicles within a model type at all manufacturing facilities or importation facilities, or both.

#### § 600.316-77 Classes of comparable vehicles.

This section is reserved for the procedures used to group individual automobiles into classes for purposes of determining a fuel economy range. The procedures will be based on comments received in response to this Notice of Proposed Rulemaking.

#### Subpart E—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Dealer Availability of Fuel Economy Information

##### § 600.401-77 General applicability.

The provisions of this subpart are applicable to 1977 and later model year automobiles.

##### § 600.402-77 Definitions.

The definitions in § 600.002-77 apply to this subpart.

##### § 600.403-77 Abbreviations.

The abbreviations in § 600.003-77 apply to this subpart.

##### § 600.404-77 Section numbering, construction.

The section numbering procedure specified in § 600.004-77 applies to this subpart.

##### § 600.405-77 Dealer requirements.

(a) Each dealer shall provide for examination by each prospective purchaser at each location where new automobiles are offered for sale a booklet containing the information specified in § 600.408-77. The dealer shall provide the booklet without charge and in sufficient quantity to be available for retention by each prospective purchaser upon his request.

(b) The dealer shall display the booklets in the same manner and in each location used to display brochures describing the automobiles offered for sale by the dealer. If no brochures describing the automobiles offered for sale by the dealer are displayed, the dealer shall prominently display the booklet. The display

shall include information that booklets are also available through the mail by writing to Fuel Economy, Pueblo, Colorado 81009.

(c) The dealer shall display the booklet applicable to each model year automobile offered for sale at the location. If, as described in § 600.407-77, a regional edition of the booklet is prepared for California automobiles:

(1) Each dealer offering for sale at a location within the State of California shall display the California regional edition of the booklet.

(2) Each dealer who offers automobiles for sale at locations outside the State of California, and expects that at least 50 percent of the automobiles eventually sold at the location during the model year will be California configurations, shall display the California regional edition of the booklet. These dealers may also display the national edition of the booklet provided both editions are displayed with equal prominence.

##### § 600.406-77 Distribution of booklet information.

(a) Each dealer will be provided with a sufficient quantity of booklets to fulfill his obligations under § 600.405-77(a) by:

(1) The U.S. Federal Energy Administration.

(2) Any other source.

(b) If the Administrator determines that automobiles intended for sale in the state of California are likely to exhibit significant differences in fuel economy from those offered for sale in other states, he will prepare a California edition of the booklet, and the Federal Energy Administration will distribute the California edition of the booklet as provided in this part.

##### § 600.407-77 Booklets displayed by dealers.

(a) Booklets displayed by dealers, in order to fulfill the obligations of § 600.405-77, if not the booklets published by the FEA Administrator, must conform to the requirements in (b) through (j) inclusive, of this section.

(b) The booklet must contain the same contents, format, and order as the booklet published by the FEA Administrator.

(c) For each model type, the city, highway, and combined fuel economy values must be in the same size type and the combined fuel economy values must be in boldface type.

(d) Each fuel economy value must be in eight point type or larger.

(e) Each manufacturer or division name must be in bold type capitals in ten point type or larger.

(f) Each column heading must be in bold type capitals. The minimum size for column headings is six point type.

(g) The text of the booklet must be in eight point type except that:

(1) Titles and paragraph headings must be in boldface, may be capitalized, and must be of the same size type or larger type than the text.

(2) Each section in the text which appears in boldface type in the booklets published by the FEA Administrator must be printed in boldface type of the

same size or larger than the type used in the text.

(h) The booklet must be printed or reproduced on 60 lb. or heavier stock paper.

(i) The booklet must be printed or reproduced on pages four by nine inches or larger.

(j) The booklet cover must be of the same general design and proportions as the cover on the booklets published by the FEA Administrator.

(k) A manufacturer's name and logo or a dealer's name and address or both may appear on the back cover of the booklet.

#### Subpart F—[Reserved]

#### Subpart G—Fuel Economy Regulations for 1977 Model Year Automobiles—Test Procedures

##### § 600.601-77 General applicability.

The provisions of this subpart are applicable to 1977 model year automobiles.

##### § 600.602-77 Definitions.

The definitions in § 600.002-77 apply to this subpart.

##### § 600.603-77 Abbreviations.

The abbreviations in § 600.003-77 apply to this subpart.

##### § 600.604-77 Section numbering, construction.

The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the model year for which a section is effective.

##### § 600.605-77 Recordkeeping.

The recordkeeping requirements set forth in § 600.005-77 apply to this subpart.

##### § 600.606-77 Equipment requirements.

The requirements for test equipment to be used for all fuel economy testing are given in §§ 86.177-16 and 86.177-17, as applicable.

##### § 600.607-77 Fuel specifications.

(a) The test fuel specifications for gasoline-fueled automobiles are given in § 86.177-6(a) (1).

(b) The test fuel specifications for diesel automobiles are given in § 86.177-6(b) (1) and (2).

##### § 600.608-77 Analytical gases.

The analytical gases for all fuel economy testing must meet the criteria specified in § 86.177-19.

##### § 600.609-77 EPA driving cycles.

(a) The driving cycle to be utilized for generation of the city fuel economy data is prescribed in § 86.177-10.

(b) The driving cycle to be utilized for generation of the highway fuel economy data is specified in this paragraph.

(1) The Highway Fuel Economy Driving Schedule is Appendix I. The driving schedule is defined by a smooth trace drawn through the specific speed versus time relationships.

(2) The speed tolerance at any given time on the dynamometer driving schedule specified in Appendix I, or as printed on a driver's aid chart approved by the

Administrator, when conducted to meet the requirements of § 600.611-77(b) is defined by upper and lower limits. The upper limit is 2 mph higher than the highest point on the trace within 1 second of the given time. The lowest limit is 2 mph lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences.

(3) A graphic representation of the range of acceptable speed tolerances is found in Appendix I to Part 86.

##### § 600.610-77 Equipment calibration.

The equipment used for fuel economy testing must be calibrated according to the provisions of § 86.177-19.

##### § 600.611-77 Test procedures.

(a) The test procedures to be followed for generation of the city fuel economy data are those prescribed in Subpart B of Part 86 as applicable. (The evaporative loss portion of the test procedure may be omitted unless specifically required by the Administrator).

(b) The test procedures to be followed for generation of the highway fuel economy data are those specified in § 600.611-77 (b) through (h) inclusive.

(1) The Highway Fuel Economy Dynamometer Procedure consists of a preconditioning highway driving sequence and a measured highway driving sequence.

(2) The highway fuel economy test is designed to simulate nonmetropolitan driving with an average speed of 48.6 mph and a maximum speed of 60 mph. The cycle is 10.2 miles long with 0.2 stops per mile and consists of warmed-up vehicle operation on a chassis dynamometer through a specified driving cycle. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis using a constant volume (variable dilution) sampler. Diesel dilute exhaust is continuously analyzed for hydrocarbons using a heated sample line and analyzer.

(3) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle must be functioning during all procedures in this subpart. The Administrator may authorize maintenance to correct component malfunction or failure.

(c) Transmissions—The provisions of §§ 86.177-12 through 86.177-14 inclusive apply for vehicle transmission operation during highway fuel economy testing under this subpart, except that overdrive units may be shifted as recommended by the manufacturers.

(d) Road Load Power and Inertia Weight Determination—Section 86.177-11 applies for determination of road load power and inertia weight for highway fuel economy testing.

(e) Vehicle Preconditioning—The Highway Fuel Economy Dynamometer Procedure is designed to be performed immediately following the Federal Emission Test Procedure, (Subpart B of Part 86). When conditions allow the tests should be scheduled in this sequence. In the event tests cannot be scheduled within three hours of the Federal Emission Test Procedure (including the one hour hot soak evaporative loss test, if applicable) the vehicle should be preconditioned as follows:

(1) If the vehicle has experienced between three (3) and twenty-four (24) hours of soak (68°-86° F) since the completion of the Federal Emission Test Procedure, the vehicle must be preconditioned by running 50 mph on the dynamometer for 5 minutes, followed by the Highway Fuel Economy Dynamometer Procedure described in paragraph (f).

(2) If the vehicle has experienced more than 24 hours of soak (68°-86° F) since the completion of the Federal Emission Test Procedure, or perhaps of storage outdoors, or in environments where soak temperature is not controlled to 68°-86° F the vehicle must be preconditioned by running one hour on the Road Preconditioning Route, (§86-8(a) (1)) and one cycle of the EPA Urban Dynamometer Driving Schedule (§86.177-10) followed by the Highway Fuel Economy Dynamometer Procedure-paragraph (f).

(f) Highway Fuel Economy Dynamometer Procedure. (1) The dynamometer procedure consists of two cycles of the Highway Fuel Economy Driving Schedule (§ 600.609-77(b)) separated by 15 seconds of idle. The first cycle of the Highway Fuel Economy Driving Schedule is driven to precondition the test vehicle and the second is driven for the fuel economy measurement.

(2) The provisions of § 86-177-11 (b), (c), (d), (e), (f), (h), and (j) apply for fuel economy testing, except that the test vehicle may be used for dynamometer horsepower adjustment, subparagraph (j).

(3) Only one exhaust sample and one background sample are collected and analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, and carbon dioxide.

(4) The fuel economy measurement cycle of the test includes two seconds of idle indexed at the beginning of the second cycle and two seconds of idle indexed at the end of the second cycle.

(g) Engine Starting and Restarting. (1) If the engine is not operating at the initiation of the highway fuel economy test (preconditioning cycle), the start-up procedure must be according to the manufacturer's recommended procedures.

(2) False starts and stalls during the preconditioning cycle must be treated as in § 86.177-15 (d) and (e). If the vehicle stalls during the measurement cycle of the highway fuel economy test, the test is voided, corrective action may be taken,

and the vehicle may be rescheduled for testing. The person taking the corrective action shall report the action so that the test records for the vehicle contain a record of the action.

(h) Dynamometer Test Run—The following steps must be taken for each test:

(1) Place the drive wheels of the vehicle on the dynamometer. The vehicle may be driven onto the dynamometer.

(2) Open the vehicle engine compartment cover and position the cooling fan(s) as required. Manufacturers may request the use of additional cooling fans for additional engine compartment or under-vehicle cooling and for controlling high tire or brake temperatures during dynamometer operation.

(3) Preparation of the Constant Volume Sampler (CVS) must be performed before the measurement highway driving cycle.

(4) Equipment preparation—The provisions of § 86.177-20(b) (3) through (6) inclusive apply for the highway fuel economy test except that only one exhaust sample collection bag and one dilution air sample collection bag need be connected to the sample collection systems.

(5) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in § 600.609-77(b).

(6) When the vehicle reaches zero speed at the end of the preconditioning cycle, the driver has 13 seconds to prepare for the emission measurement cycle of the test.

(7) Operate the vehicle over one Highway Fuel Economy Driving Schedule cycle according to the dynamometer driving schedule specified in § 600.609-77(b) while sampling the exhaust gas.

(8) Sampling must begin two seconds before beginning the first acceleration of the fuel economy measurement cycle and must end two seconds after the end of the deceleration to zero.

##### § 600.612-77 Exhaust sample analysis.

The exhaust sample analysis must be performed according to § 86.177-19(b).

##### § 600.613-77 Fuel economy calculations.

The calculations of vehicle fuel economy values require the weighted grams/mile values for HC, CO, and CO<sub>2</sub> for the city fuel economy test and the grams/mile values for HC, CO, and CO<sub>2</sub> for the highway fuel economy test. The city and highway fuel economy values must be calculated by the procedures of this section. A sample calculation appears in Appendix II.

(a) Calculate the weighted grams/mile values for the city fuel economy test for HC, CO, and CO<sub>2</sub> as specified in § 86.177-22.

(b) (1) Calculate the mass values for the highway fuel economy test for HC, CO, and CO<sub>2</sub> as specified in § 86.177-22(b).

(2) Calculate the grams/mile values for the highway fuel economy test for

V  
4  
1  
1  
0  
0  
  
M  
A  
Y  
2  
1  
  
7  
6  
  
U  
M  
I



## PROPOSED RULES

HC, CO, and CO<sub>2</sub> by dividing the mass values obtained in (b) (1) by 10,242 miles.

(c) Calculate the city fuel economy and highway fuel economy values from the grams/mile values for HC, CO, and CO<sub>2</sub>. The HC values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to the nearest 0.01 grams/mile. The CO values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to 0.1 grams/mile. The CO<sub>2</sub> values (obtained per paragraph (a) or (b) as applicable) used in each calculation in this section are rounded to the nearest gram/mile.

(d) For gasoline-fueled automobiles, calculate the fuel economy in miles per gallon of gasoline by dividing 2421 by the sum of three items:

(1) 0.866 multiplied by HC (in grams/mile as obtained in paragraph (c)),

(2) 0.429 multiplied by CO (in grams/mile as obtained in paragraph (c)), and

(3) 0.273 multiplied by CO<sub>2</sub> (in grams/mile as obtained in paragraph (c)). Round the quotient to the nearest 0.1 mile per gallon.

(e) For diesel powered automobiles, calculate the fuel economy in miles per gallon of diesel fuel by dividing 2778 by the sum of three terms:

(1) 0.866 multiplied by HC (in grams/mile as obtained in paragraph (c)),

(2) 0.429 multiplied by CO (in grams/mile as obtained in paragraph (c)), and

(3) 0.273 multiplied by CO<sub>2</sub> (in grams/mile as obtained in paragraph (c)). Round the quotient to the nearest 0.1 mile per gallon.

APRIL 22, 1974

## APPENDIX I.—HIGHWAY FUEL ECONOMY DRIVING SCHEDULE

(Speed (miles per hour) versus time (seconds))

s	mi/h	s	mi/h	s	mi/h
0	0	10	36.5	76	47.1
1	0.0	20	36.7	77	47.2
2	0.0	30	36.9	78	47.0
3	0.0	40	37.0	79	46.9
4	0.0	50	37.0	80	46.9
5	0.0	60	37.0	81	46.9
6	0.0	70	37.0	82	47.0
7	0.0	80	37.0	83	47.1
8	0.0	90	37.0	84	47.1
9	0.0	100	37.1	85	47.2
10	0.0	110	37.3	86	47.1
11	0.0	120	37.8	87	47.0
12	0.0	130	38.6	88	46.9
13	0.0	140	39.3	89	46.8
14	0.0	150	40.0	90	46.3
15	0.0	160	40.7	91	46.2
16	0.0	170	41.4	92	46.3
17	0.0	180	42.2	93	46.5
18	0.0	190	42.9	94	46.9
19	0.0	200	43.5	95	47.1
20	0.0	210	44.0	96	47.4
21	0.0	220	44.3	97	47.7
22	0.0	230	44.5	98	48.0
23	0.0	240	44.8	99	48.2
24	0.0	250	44.9	100	48.5
25	0.0	260	45.0	101	48.8
26	0.0	270	45.1	102	49.1
27	0.0	280	45.4	103	49.2
28	0.0	290	45.7	104	49.1
29	0.0	300	46.0	105	49.1
30	0.0	310	46.3	106	49.0
31	0.0	320	46.5	107	49.0
32	0.0	330	46.8	108	49.1
33	0.0	340	46.9	109	49.2
34	0.0	350	47.0	110	49.3
35	0.0	360	47.1	111	49.4
36	0.0	370	47.2	112	49.5
37	0.0	380	47.3	113	49.5

## APPENDIX I.—HIGHWAY FUEL ECONOMY DRIVING SCHEDULE—Continued

s	mi/h	s	mi/h	s	mi/h
114	49.5	219	42.7	324	48.3
115	49.4	220	43.1	325	49.0
116	49.1	221	43.2	326	49.7
117	48.9	222	43.4	327	50.3
118	48.6	223	43.9	328	51.0
119	48.4	224	44.3	329	51.7
120	48.1	225	44.7	330	52.4
121	47.7	226	45.1	331	53.1
122	47.4	227	45.4	332	53.8
123	47.3	228	45.8	333	54.5
124	47.5	229	46.5	334	55.2
125	47.8	230	46.9	335	55.8
126	47.9	231	47.2	336	56.4
127	48.0	232	47.4	337	56.9
128	47.9	233	47.3	338	57.0
129	47.9	234	47.3	339	57.1
130	47.9	235	47.2	340	57.3
131	48.0	236	47.2	341	57.6
132	48.0	237	47.2	342	57.8
133	48.0	238	47.1	343	58.0
134	47.9	239	47.0	344	58.1
135	47.3	240	47.0	345	58.1
136	46.0	241	46.9	346	58.7
137	45.3	242	46.8	347	58.8
138	44.2	243	46.0	348	58.9
139	39.5	244	47.0	349	59.0
140	39.2	245	47.2	350	59.0
141	39.0	246	47.5	351	58.9
142	39.1	247	47.8	352	58.0
143	39.1	248	48.0	353	57.9
144	39.5	249	48.0	354	57.9
145	40.1	250	48.0	355	58.2
146	41.0	251	48.0	356	58.1
147	42.0	252	48.0	357	58.1
148	43.1	253	48.1	358	57.9
149	43.7	254	48.2	359	57.6
150	44.1	255	48.2	360	57.1
151	44.3	256	48.1	361	57.2
152	44.4	257	48.6	362	57.1
153	44.6	258	48.9	363	57.0
154	44.7	259	49.1	364	57.0
155	44.9	260	49.1	365	56.9
156	45.2	261	49.1	366	56.9
157	45.7	262	49.1	367	56.9
158	45.9	263	49.1	368	57.8
159	46.3	264	49.0	369	57.6
160	46.8	265	48.9	370	57.0
161	46.9	266	48.2	371	57.0
162	47.0	267	47.7	372	57.0
163	47.1	268	47.5	373	57.0
164	47.6	269	47.2	374	57.0
165	47.9	270	46.7	375	57.0
166	48.0	271	46.2	376	57.0
167	48.0	272	46.0	377	56.9
168	48.0	273	45.8	378	56.8
169	47.8	274	45.8	379	56.7
170	47.3	275	45.4	380	56.2
171	46.7	276	45.2	381	56.0
172	46.2	277	45.0	382	56.0
173	46.0	278	44.7	383	56.0
174	45.7	279	44.5	384	56.1
175	45.5	280	44.2	385	56.1
176	45.4	281	43.5	386	56.7
177	45.3	282	42.8	387	56.5
178	45.0	283	42.0	388	57.1
179	44.0	284	41.0	389	57.3
180	43.1	285	38.6	390	57.4
181	42.2	286	37.5	391	57.4
182	41.5	287	35.8	392	57.2
183	41.5	288	34.7	393	57.0
184	42.1	289	34.0	394	56.9
185	42.9	290	32.3	395	56.6
186	43.5	291	32.5	396	56.3
187	43.9	292	31.7	397	56.1
188	43.8	293	31.6	398	56.1
189	43.3	294	29.6	399	56.7
190	43.0	295	28.8	400	57.1
191	43.1	296	28.4	401	57.5
192	43.4	297	28.6	402	57.8
193	43.9	298	28.5	403	58.0
194	44.3	299	28.4	404	58.0
195	44.6	300	33.4	405	58.0
196	44.9	301	35.6	406	58.0
197	44.8	302	37.5	407	58.0
198	44.4	303	39.1	408	58.0
199	43.9	304	40.2	409	58.0
200	43.4	305	41.1	410	57.8
201	43.2	306	41.8	411	57.7
202	43.2	307	42.4	412	57.7
203	43.1	308	42.8	413	57.8
204	43.0	309	43.3	414	57.9
205	43.0	310	43.8	415	58.0
206	43.1	311	44.3	416	58.1
207	43.4	312	44.7	417	58.4
208	43.9	313	45.0	418	58.9
209	44.0	314	45.0	419	59.1
210	43.5	315	45.4	420	59.4
211	42.6	316	45.5	421	59.8
212	41.5	317	45.8	422	59.9
213	40.7	318	46.0	423	59.9
214	40.0	319	46.1	424	59.8
215	40.0	320	46.3	425	59.8
216	40.3	321	46.8	426	59.4
217	41.0	322	47.1	427	59.2
218	42.0	323	47.7	428	59.1

## APPENDIX I.—HIGHWAY FUEL ECONOMY DRIVING SCHEDULE—Continued

s	mi/h	s	mi/h	s	mi/h
429	59.0	531	56.0	639	48.2
430	58.9	535	56.0	640	46.5
431	58.7	536	56.0	641	46.2
432	58.6	537	56.0	642	46.0
433	58.5	538	56.0	643	46.0
434	58.4	539	56.0	644	46.3
435	58.4	540	56.0	645	46.8
436	58.3	541	56.0	646	47.5
437	58.2	542	56.0	647	48.2
438	58.1	543	56.0	648	48.8
439	58.0	544	56.0	649	49.5
440	57.9	545	56.0	650	50.2
441	57.9	546	56.0	651	50.7
442	57.9	547	55.9	652	51.1
443	57.9	548	55.9	653	51.7
444	57.9	549	55.9	654	52.2
445	58.0	550	55.8	655	52.5
446	58.1	551	55.6	656	52.1
447	58.1	552	55.4	657	51.6
448	58.2	553	55.2	658	51.1
449	58.2	554	55.1	659	51.0
450	58.2	555	55.0	660	51.0
451	58.1	556	54.9	661	51.1
452	58.0	557	54.6	662	51.4
453	58.0	558	54.4	663	51.7
454	58.0	559	54.2	664	52.0
455	58.0	560	54.1	665	52.2
456	58.0	561	53.8	666	52.5
457	58.0	562	53.4	667	52.8
458	57.9	563	53.3	668	52.7
459	57.9	564	53.1	669	52.9
460	58.0	565	52.9	670	53.3
461	58.1	566	52.6	671	53.8
462	58.1	567	52.4	672	54.8
463	58.2	568	52.2	673	55.4
464	58.3	569	52.1	674	55.7
465	58.3	570	52.0	675	56.7
466	58.3	571	52.0	676	57.4
467	58.2	572	52.0	677	58.1
468	58.2	573	52.0	678	58.7
469	58.0	574	52.1	679	59.1
470	57.8	575	52.0	680	59.5
471	57.5	576	52.0	681	59.1
472	57.1	577	51.9	682	58.2
473	56.9	578	51.6	683	57.7
474	56.6	579	51.4	684	59.6
475	56.1	580	51.1	685	59.5
476	56.0	581	50.7	686	59.5
477	55.8	582	50.3	687	59.7
478	55.5	583	49.8	688	59.0
479	55.2	584	49.3	689	59.2
480	55.1	585	48.7	690	59.6
481	55.0	586	48.2	691	59.1
482	54.9	587	48.1	692	59.6
483	54.8	588	48.0	693	59.9
484	54.9	589	48.0	694	60.0
485	54.9	590	48.1	695	59.5
486	54.9	591	48.1	696	59.2
487	54.9	592	48.0	697	59.6
488	54.9	593	48.0	698	59.9
489	55.0	594	48.1	699	59.5
490	55.0	595	48.1	700	59.1
491	55.0	596	48.0	701	59.4
492	55.0	597	48.0	702	59.8
493	55.0	598	48.0	703	59.9
494	55.1	599	48.6	704	59.5
495	55.1	600	48.3	705	59.3
496	55.0	601	48.0	706	59.6
497	54.9	602	47.7	707	59.6
498	54.9	603	47.6	708	59.8
499	54.8	604	47.7	709	59.6
500	54.7	605	47.9	710	59.6
501	54.6	606	48.3	711	59.6
502	54.4	607	48.0	712	59.7
503	54.3	608	47.8	713	59.7
504	54.3	609	48.0	714	59.7
505	54.2	610	48.9	715	58.8
506	54.1	611	48.0	716	58.8
507	54.1	612	47.1	717	59.0
508	54.1	613	46.2	718	59.0
509	54.0	614	46.1	719	59.0
510	54.0	615	46.1	720	58.8
511	54.0	616	46.2	721	58.8
512	54.0	617	46.9	722	58.8
513	54.0	618	47.8	723	57.7
514	54.0	619	48.4	724	57.7
515	54.0	620	49.7	725	57.7
516	54.0	621	50.6	726	57.7
517	54.1	622	51.5	727	56.6
518	54.2	623	52.2	728	56.6
519	54.5	624	52.7	729	55.5
520	54.8	625	53.0	730	55.4
521	54.9	626	53.6	731	54.1
522	55.0	627	54.0	732	53.2
523	55.1	628	54.1	733	53.3
524	55.2	629	54.4	734	53.4
525	55.2	630	54.7	735	53.4
526	55.3	631	55.1	736	52.2
527	55.4	632	55.4	737	51.1
528	55.5	633	55.4	738	50.0
529	55.6	634	55.0	739	49.8
530	55.7	635	54.5	740	48.4
531	55.8	636	54.1	741	47.7
532	55.9	637	52.5	742	46.0
533	56.0	638	50.2	743	44.0



## PROPOSED RULES

	Miles per gal- lon
3,500 lb manual transmission	16.1
3,500 lb automatic transmission	15.9
4,000 lb automatic transmission	13.8
4,500 lb automatic transmission	13.2
5,000 lb automatic transmission	10.6

B. Since data from more than one vehicle configuration are included in the 4000-pound, manual transmission base level, this fuel economy is harmonically averaged in proportion to the percentage of total sales of all vehicle configurations tested within that base level represented by each vehicle configuration tested within that base level.

Base Level	Fuel-Economy	Fraction of total sales of configurations tested represented by configuration No. 1 sales	Configuration No. 1 fuel economy	Fraction of total sales of configurations tested represented by configuration No. 2 sales	Configuration No. 2 fuel economy	...
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Base Level: Manual, 4000 pounds	1	10000	1	15000	1	14.7 MPG
		25000	14.2	25000	1.50	

Therefore, the 4000 pound, manual transmission fuel economy is 14.7 MPG.

4000 pound/manual transmission = 14.7 MPG

Note that the car line of the test vehicle using a given engine makes no difference—only the weight and transmission do.

Step IV. For each model type offered by the manufacturer with that basic engine, determine the sales percent represented by each inertia weight/transmission class combination and the corresponding fuel economy.

Ajax:	Manual—100 pct at 3,500 lb	16.1
	Automatic—30 pct at 3,500 lb	15.9
	Automatic—70 pct at 4,000 lb	13.8
Dodo:	Manual—10 pct at 3,500 lb	16.1
	Manual—60 pct at 4,000 lb	14.7
	Automatic—30 pct at 3,500 lb	15.9
	Automatic—70 pct at 4,000 lb	13.8
Boredom III:	Manual—100 pct at 4,000 lb	14.7
	Automatic—35 pct at 4,000 lb	13.8
	Automatic—75 pct at 4,500 lb	13.2
Caster:	Automatic—20 pct at 4,500 lb	13.2
	Automatic—80 pct at 5,000 lb	10.6

Step V. Determine fuel economy for each model type (that is, car line/basic engine/transmission class combination).

$$\text{Ajax, 300-2 barrel, automatic, MPG} = \frac{1}{\left[30.00 \left(\frac{1}{15.9}\right) + 70.00 \left(\frac{1}{13.8}\right)\right] \div 100} = 14.4 \text{ MPG}$$

The percent of Ajax vehicles using the specific engine which fall in the 3500-pound automatic transmission class

Similarly,

$$\text{Ajax, 300-2 barrel, manual MPG} = 16.1 \text{ 16 MPG*}$$

$$\text{Dodo, 300-2 barrel, manual MPG} = \frac{1}{\left[40.00 \left(\frac{1}{16.1}\right) + 60.00 \left(\frac{1}{14.7}\right)\right] \div 100} = 15.2, 15 \text{ MPG*}$$

$$\text{Dodo, 300-2 barrel, automatic MPG} = \frac{1}{\left[30.00 \left(\frac{1}{15.9}\right) + 70.00 \left(\frac{1}{13.8}\right)\right] \div 100} = 14.4, 14 \text{ MPG*}$$

$$\text{Boredom III, 300-2 barrel, manual MPG} = 14.7, 15 \text{ MPG*}$$

$$\text{Boredom III, 300-2 barrel, automatic MPG} = \frac{1}{\left[25.00 \left(\frac{1}{13.8}\right) + 75.00 \left(\frac{1}{13.2}\right)\right] \div 100} = 13.3, 13 \text{ MPG*}$$

$$\text{Caster, 300-2 barrel, automatic MPG} = \frac{1}{\left[20.00 \left(\frac{1}{13.2}\right) + 80.00 \left(\frac{1}{10.6}\right)\right] \div 100} = 11.0, 11 \text{ MPG*}$$

Note that even though no Dodo was actually tested, this approach permits its fuel economy figure to be estimated, based on the inertia weight distribution of projected Dodo sales within a specific engine and transmission grouping.

\* The model type fuel economy values, rounded to the nearest mile per gallon, are the fuel economy values as used on general labels for that model year.

## PROPOSED RULES

## APPENDIX IV.—SAMPLE FUEL ECONOMY LABEL FORMATS

The following sample fuel economy labels represent formats and language which would be approved by the Administrator for various labeling schemes. Of course, the actual vehicle description, vehicle class, fuel economy values, and annual fuel costs would correspond to the appropriate information approved for the labeled vehicle. Additionally, the range of combined fuel economy, the effective date of the range, the fuel cost per gallon, and the miles driven per year would be as specified by the Administrator at the time of label approval.

## GENERAL LABEL WITH RANGE

Based on the results of tests conducted or certified by the U.S. Environmental Protection Agency, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped

10 miles per gallon for city driving  
16 miles per gallon for highway driving and  
14 miles per gallon for combined city and highway driving

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA "1977 Gas Mileage Guide for New Car Buyers."

Based on the results of tests conducted or certified by the U.S. Environmental Protection Agency, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped

10 miles per gallon for city driving  
16 miles per gallon for highway driving and  
14 miles per gallon for combined city and highway driving

As of the date this vehicle was built (or imported), a range of combined city and highway fuel economy for Class A vehicles was not available.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA "1977 Gas Mileage Guide for New Car Buyers."

Based on the results of tests conducted or certified by the U.S. Environmental Protection Agency, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, California emission control system

10 miles per gallon for city driving  
16 miles per gallon for highway driving and  
14 miles per gallon for combined city and highway driving

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA "1977 Gas Mileage Guide for New Car Buyers."

Based on the results of tests conducted or certified by the U.S. Environmental Protection Agency, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, 4,000 pounds test weight, 3.02 axle ratio

10 miles per gallon for city driving  
16 miles per gallon for highway driving and  
14 miles per gallon for combined city and highway driving

These fuel economy numbers are from tests of this vehicle configuration and may not be in the EPA/FEA Buyer's Guide.

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon. The range on this label is based upon average fuel economy results, and does not reflect the range of tests of specific vehicle configurations.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA "1977 Gas Mileage Guide for New Car Buyers".

[FR Doc.76-14856 Filed 5-20-76; 8:45 am]



# **federal register**

FRIDAY, MAY 21, 1976



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PART III:

## **DEPARTMENT OF LABOR**

**Employment Standards  
Administration**

■

**Minimum Wages for Federal  
and Federally Assisted  
Construction**

**General Wage Determination Decisions**

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**DEPARTMENT OF LABOR**  
**Employment Standards Administration**  
**MINIMUM WAGES FOR FEDERAL AND**  
**FEDERALLY ASSISTED CONSTRUCTION**  
**General Wage Determination Decisions**

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

**MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS**

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

**NEW GENERAL WAGE DETERMINATION DECISIONS**

Illinois ----- IL76-2063  
 Minnesota ----- MN76-2064  
 Washington, D.C. ----- DC76-3171

**MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS**

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama: AL75-1073 ----- Aug. 8, 1975.  
 AL76-1030 ----- Feb. 27, 1976.  
 AL76-1047 ----- Apr. 9, 1976.  
 AL76-1049 ----- Apr. 16, 1976.

Colorado: CO76-5034 ----- Do.  
 Connecticut: CT76-2042; CT76-2043 ----- Apr. 2, 1976.  
 Delaware: DE76-3092 ----- Aug. 22, 1975.  
 Georgia: GA76-1039 ----- Mar. 12, 1976.  
 Hawaii: HI76-5013 ----- Jan. 30, 1976.  
 Nevada: NV75-5005 ----- Jan. 16, 1976.  
 New Hampshire: NH75-2096; NH75-2097; NH76-2099 ----- July 18, 1975.  
 New York: NY76-3125; NY76-3126 ----- Jan. 23, 1976.  
 Texas: TX76-4033; TX76-4034; TX76-4035; TX76-4042; TX76-4047; TX76-4048; TX76-4051; TX76-4077; TX76-4078; TX76-4079; TX76-4083 ----- Feb. 13, 1976.  
 Virginia: VA75-3116; VA75-3117; VA75-3118 ----- Dec. 12, 1975.  
 West Virginia: WV75-3105 ----- Oct. 17, 1975.  
 WV75-3106 ----- Dec. 12, 1975.  
 WV75-3107 ----- Dec. 5, 1975.

**SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS**

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedes Decision numbers are in parentheses following the numbers of the decision being superseded.

Alabama: AL75-1111 (AL76-1063) ----- Nov. 28, 1975.  
 Colorado: CO76-5030 (CO76-5042); CO76-5031 (CO76-5043); CO76-5032 (CO76-5044); CO76-5033 (CO76-5045) ----- Apr. 16, 1976.  
 Florida: FL75-1090 (FL76-1064) ----- Sept. 12, 1975.  
 Iowa: IA76-4054 (IA76-4092) ----- Feb. 27, 1976.  
 Kentucky: KY75-1065 (KY76-1088) ----- June 20, 1975.  
 Louisiana: LA76-4013 (LA76-4091) ----- Jan. 30, 1976.  
 Maryland: MD76-3140 (MD76-3173) ----- Jan. 23, 1976.  
 Nevada: NV76-5002 (NV76-5046) ----- Jan. 16, 1976.  
 North Carolina: AR-4005 (NC76-1062) ----- July 5, 1974.  
 Ohio: AR-3033 (OH76-2062) ----- Aug. 23, 1974.  
 Pennsylvania: AR-3098 (PA76-3168) ----- Dec. 27, 1974.  
 PA75-3027 (PA76-3175) ----- Mar. 28, 1975.  
 PA75-3059 (PA76-3168) ----- July 3, 1975.  
 PA75-3068 (PA76-3169) ----- Aug. 22, 1976.  
 PA75-3072; PA75-3079 (PA76-3168) -----  
 Tennessee: AQ-4073 (TN76-1054) ----- Feb. 15, 1974.  
 Texas: TX76-4027 (TX76-4084); TX76-4037 (TX76-4085); TX76-4040 (TX76-4087); TX76-4041 (TX76-4086); TX76-4045 (TX76-4088); TX76-4046 (TX76-4089); TX76-4050 (TX76-4090) ----- Feb. 20, 1976.  
 Virginia: MD76-3140 (MD76-3173) ----- Jan. 23, 1976.  
 Washington, D.C.: DC76-3000 (DC76-3174) ----- Jan. 16, 1976.

Signed at Washington, D.C., this 13th day of May 1976.

RAY J. DOLAN,  
 Assistant Administrator,  
 Wage and Hour Division.

Fringe Benefits Payments	Education and/or Appr. Tr.	Vacation	Pensions	H & W	Basic Hourly Rate
ROOFERS: Composition Slate-Tile-Precast Slab SHEET METAL WORKERS SPRINKLER FITTERS					\$10.83 11.08 9.69 11.40
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL76-2063

STATE: Illinois  
 DECISION NUMBER: IL76-2063  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

Fringe Benefits Payments	Education and/or Appr. Tr.	Vacation	Pensions	H & W	Basic Hourly Rate
ASBESTOS WORKERS	.03		.62	.45	\$11.38
BOILERMAKERS			1.10	.65	10.05
BRICKLAYERS: Morgan & Scott Counties Bricklayers, Stonemasons, Plasterers, Marble-Tile & Terrazzo Workers, Cement Block Layers-Pointers-Caulkers & Cleaners			.52	.35	8.55
Carpenters & Soft Floor Layers			.52	.35	8.55
Millwrights			.25	.45	8.10
Millwrights			.25	.45	8.35
Millwrights			.25	.45	8.60
CEMENT MASONS & PLASTERERS: Morgan & Scott Counties Cement Masons			.52	.35	8.305
Cement Masons			.35	.35	9.08
Plasterers			.35	.35	8.85
ELECTRICIANS			.30	.40	9.87
ELEVATOR CONSTRUCTORS: Morgan & Scott Counties Constructors			.32	.495	9.59
Helpers		4 1/2 aabb	.32	.495	702JR
Helpers (Prob.)		4 1/2 aabb	.32	.495	507JR
GLAZIERS			.15	.25	8.80
Ironworkers			.70	.55	9.50
LABORERS: Unskilled Semi-Skilled Skilled			.30	.30	7.24
LATHERS			.30	.30	7.44
LEADWORKERS			.30	.30	7.59
PAINTERS: Brush & Roller Spray			.35	.35	9.90
PLUMBERS & PIPEFITTERS			.15	.45	8.90
			.15	.45	9.40
			.55	.35	10.91

PAID HOLIDAYS: (WHERE APPLICABLE)  
 A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:  
 a-Six Paid Holidays  
 b-Employer contributes 4% of Regular Hour Rate to Vacation Pay Credit for Employees who have worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for Employees who have worked in the business less than 5 years.  
 c-Nine Paid Holidays - A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheduled work day immediately preceding and following the holiday.







DECISION NO. HN76-2064

ROOFERS:  
Power County  
Remainder of Counties  
SHEET METAL WORKERS  
SPRINKLER FITTERS  
TRUCK DRIVERS

Welders - receive rate prescribed  
for craft performing operation  
to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.02				
8.05	.45	.20		.02
10.07	.52	.30		.08
11.23	.60	.30		
8.00				

## POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1 - Helicopter Operators (Hoisting Material)  
CLASS 2 - Truck & Crawler Cranes with 200' of Boom & over including Jib  
CLASS 3 - Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including Jib  
CLASS 4 - Traveling Tower Crane  
CLASS 5 - Master Mechanic  
CLASS 6 - Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator, (inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including Jib.  
CLASS 7 - Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Pumperete or Compressor Type Machine Operator; Fork Lift Operator  
CLASS 8 - Boom Truck Operator; Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for Elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 WH & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator  
CLASS 9 - Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to 3 cu. yd.)  
CLASS 10 - Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakeman; Pick Up Sweeper (combustion engine operated); Truck Crane Operator  
CLASS 11 - Mechanic, Space Heater (Temporary Heat) Oiler or Greaser

FOOTNOTES  
a-Employer contributes 4% B.H.R. for over 5 years service & 2% B.H.R. for 6 months to 5 years service as Vacation Pay. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.  
b- \$50.00 Per Year

## NOTICES

MMH-1-PCO-1

DECISION NO. HN76-2064

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.15	.45	.40		
11.05	.45	.40		
10.70	.45	.40		
10.60	.45	.40		
10.50	.45	.40		
10.25	.45	.40		
10.13	.45	.40		
10.05	.45	.40		
9.78	.45	.40		
9.50	.45	.40		
9.05	.45	.40		

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FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

## NEW DECISION

STATE: Washington, D. C.  
COUNTY: Washington, D. C.  
DECISION NO.: DC76-3171  
DATE: Date of Publication  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 - stories.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.50	.30	.10		
6.10				
8.50	.35	1%		
7.40				
7.66				
7.66				
4.52				
4.15				
6.42	.58			
6.10				
5.90				
6.67				
6.25				
7.04				
7.04				
4.50				

Bricklayers  
Carpenters  
Cement Finishers  
Electricians  
Ironworkers  
Structural Steel  
Ornamental  
Laborers  
Painters  
Plumbers  
Roofers  
Sheet Metal Workers  
Tile Setters  
Truck Drivers  
Power Equipment Operators:  
Backhoe  
Crane  
Roller, Asphalt  
Welder - Rate for crafts

## NOTICES

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976



## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DECISION #AL75-1073 - Mod. #3 (40 FR 33380 - August 8, 1975) Montgomery County, Alabama CHANGE: Electricians FOOTNOTE: a. 1 Paid Holiday - Christmas Day.	\$ 8.15	.40	1%	a	.5 of 1%
DECISION #AL76-1030 - Mod. #1 (41 FR 8637 - February 27, 1976) Lawrence, Limestone and Morgan Counties, Alabama CHANGE: Bricklayers, masons, stone masons, painters, cleaners & caulkers Ironworkers Ornamental, reinforcing & structural Plumbers, pipefitters, steamfitters Lawrence Co. (Eastern portion of Co., north from intersection of State Rt. 33 & Rt. 20 to Wheeler Lake including Moulton & Wren, excluding Bankhead National Park), Limestone Co. & Morgan Co.	\$ 9.10 8.405 9.45	.40 .40 .45	.35 .35 .45	.03 .10	
DECISION #AL76-1047 - Mod. #1 (41 FR 15238 - April 9, 1976) Madison County, Alabama CHANGE: Asbestos workers Ironworkers Reinforcing Structural Plumbers, pipefitters	\$ 8.61 8.405 8.405 9.45	.30 .35 .35 .45	.05 .03 .03 .10		
DECISION #AL76-1069 - Mod. #3 (41 FR 16319 - April 16, 1976) Jefferson and Shelby Counties, Alabama CHANGE: Asbestos workers Plumbers, pipefitters Terrazzo workers, tile setters Tile, marble terrazzo helpers Marble setters	\$ 9.41 10.25 8.20 5.95 8.20	.40 .40 .65 .40 .40	.05 .07		

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DECISION #C076-5034 (Cont'd) Zone 3 (30 to 40 miles from Pueblo Main P. O.) Electricians Cable Splicers Zone 4 (40 miles and over from Pueblo Main P. O.) Electricians Cable Splicers Electricians on electrical contracts less than \$20,000 in Zones 3 and 4 Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties Electricians Ironworkers Painters: Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Counties Spray Steel	\$10.90 11.92 12.03 13.05 9.65 10.07 9.75 7.38	.42 .42 .42 .42 .42 .42 .71 .30	1% 1% 1% 1% 1% 1% 1% 1%		

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DECISION #C076-5034 - Mod. #1 (41 FR 16319 - April 16, 1976) Statewide, Colorado CHANGE: Carpenters: Zone I Zone II Cement Masons: Zone I Zone II Electricians: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld and Yuma Counties Cable Splicers Alamosa, Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo and Rio Grande Counties Zone I (within 12 miles from Pueblo Main P. O.) Electricians Cable Splicers Zone II (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City) Electricians Cable Splicers	\$7.99 8.49 7.51 8.01 10.94 11.19 10.15 11.17 10.55 11.55	.68 .68 .47 .47 .70 .70 .42 .42 .42 .42	.75 .75 1.15 1.15 1% 1% 1% 1% 1% 1%	.55 .55 .30 .30 1% 1% 1% 1% 1% 1%	.06 .06 .09 .09 1% 1% 1% 1% 1% 1%

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DECISION NO. 0736-2042 Cont'd	TRUCK DRIVERS Qualifying Heavy and Highway Construction)	Fringe Benefits Payments			
		Basic Hourly Rate	15 %	Premium	Expense
	TRUCK DRIVERS:				
	Class 1: Two axle trucks; Helpers	\$7.41	a	b	c
	Class 2: Three axle trucks; Two axle ready mix	7.51	a	b	c
	Class 3: Four axle trucks; heavy duty trailer-up to 40 tons	7.61	a	b	c
	Class 4: Three axle ready-mix	7.56	a	b	c
	Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)	7.66	a	b	c
	Class 6: Heavy duty trailer-40 tons and over	7.71	a	b	c
	CLASSIFICATIONS:				
	Class 1: Two axle trucks; Helpers				
	Class 2: Three axle trucks; Two axle ready mix				
	Class 3: Four axle trucks; heavy duty trailer-up to 40 tons				
	Class 4: Three axle ready-mix				
	Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)				
	Class 6: Heavy duty trailer-40 tons and over				
	PAID HOLIDAYS:				
	A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;				
	E-Thanksgiving Day; & F-Christmas Day				
	FOOTNOTES:				
	a. \$23.60 per week for employees employed over 16 hours and \$4.42 per hour for employees employed less than 16 hours during the week				
	b. \$23.00 per week for employees employed over 16 hours and \$5.75 per hour for employees employed less than 16 hours during the week				
	c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday				

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	Basic Hourly Rates	Fringe Benefits, Payments			App. Tr.
		H & W	Pension	Vacation	
TRUCK DRIVERS (Building, Heavy, and Highway Construction)					
Class 1	\$7.41	a	b	c	
Class 2	7.51	a	b	c	
Class 3	7.61	a	b	c	
Class 4	7.56	a	b	c	
Class 5	7.66	a	b	c	
Class 6	7.71	a	b	c	
<p>CLASSIFICATIONS:</p> <p>Class 1: Two axle trucks; Helpers</p> <p>Class 2: Three axle trucks; Two axle ready mix</p> <p>Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons</p> <p>Class 4: Three axle ready mix</p> <p>Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclid's)</p> <p>Class 6: Heavy duty trailer-40 tons and over</p>					
<p>PAID HOLIDAYS:</p> <p>A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;</p> <p>E-Thanksgiving Day; &amp; F-Christmas Day</p>					
<p>FOOTNOTES:</p> <p>a. \$23.60 per week for employees employed over 16 hours and \$.42 per hour for employees employed less than 16 hours during the week</p> <p>b. \$23.00 per week for employees employed over 16 hours and \$.575 per hour for employees employed less than 16 hours during the week</p> <p>c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday</p>					

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## MODIFICATIONS P. 18

DECISION NO. NY76-3125 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION						
CLASS 1	\$7.69	.65	.60	a		
CLASS 2	7.74	.65	.60	a		
CLASS 3	7.79	.65	.60	a		
CLASS 4	7.94	.65	.60	a		
CLASS 5	8.09	.65	.60	a		
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTES: a. Paid holidays A through F, provided the employee has worked the working day before and after the holiday.						
TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:						
CLASS 1 Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material chockers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.						
CLASS 2 Tandems, batch trucks, mechanics and dispatcher.						
CLASS 3 Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.						
CLASS 4 Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (toss) carrier.						
CLASS 5 Off-highway tandem back-dump, twin engine equipment and double-lifted equipment where not self loaded.						
DECISION NO. NY76-3126 - Mod. #1 (41 FR 3636 - January 23, 1976) Westchester County, New York						
Change: Laborers: (Building) Laborers: mason, plasterers, bricklayers, tenders, concrete laborers and pipelayers Jackhammer, vibrators, power buggies, fork lifts, and all pneumatic equipment Painters: Brush Structural steel, swing stage, rolling scaffold 30' or more Spray Plumbers Sheet Metal Workers Steamfitters Tile Setters Sprinkler Fitters	\$ 7.40 7.65 8.80 10.05 9.80 9.44 10.00 9.44 8.50 11.61	.70 .70 .50 .50 .50 8% + d 10.3% 8% + d .80 .60	.70 .70 .50+ .50+ .50+ 8% 14% 8% 2.10 .90	.75 .75 .40 .40 .40 11% 9% 11% 2% 2%		
FOOTNOTES: a. Employer contributes \$7.60 per day to Security Benefit Fund, providing the employee works 34 hours or more during the working day. b. Employer contributes \$3.00 per 7 hour day to Annuity Fund.						

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## MODIFICATIONS P. 20

DECISION NO. NY76-4033 - Mod. #3 (41 FR 7019 - February 13, 1976) Bowie County, Texas	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
Change: Asbestos workers Boiler makers Bricklayers & stonemasons Sheet metal workers Power Equipment Operators: Group 1 Group 2 Group 3	\$ 9.38 9.00 8.75 8.985 7.24 8.025 8.425	.325 .50 .25 3%+.35 .40 .40 .40	.685 1.00 .25 .25 .625 .625 .625			.025 .02 .055 .10 .10 .10
DECISION NY76-4034 - Mod. #4 (41 FR 7020 - February 20, 1976) Taylor County, Texas						
Change: Asbestos workers Boiler makers Electricians Line Construction: Lineman Cable splicer Groundman (over 1 year of experience) Groundman (under 1 year of experience) Equipment operator Flat bed truck driver	9.38 9.00 8.30 8.30 8.55 6.23 4.98 6.81 5.23	.325 .50 .40 .40 .40 .40 .40 .40 .40	.685 1.00 1% 1% 1% 1% 1% 1% 1%			.025 .02 1/4% 1/4% 1/4% 1/4% 1/4% 1/4% 1/4%
DECISION NY76-4042 - Mod. #3 (41 FR 7013 - February 13, 1976) Harrison County, Texas						
Change: Asbestos workers Boiler makers Bricklayers & stonemasons Sheet metal workers Power Equipment Operators: Group 1 Group 2 Group 3	\$ 9.38 9.00 8.75 8.985 7.24 8.025 8.425	.325 .50 .25 3%+.35 .40 .40 .40	.685 1.00 .25 .25 .625 .625 .625			.025 .02 .055 .10 .10 .10
DECISION NY76-4045 - Mod. #4 (41 FR 7023 - February 13, 1976) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Change: Boiler makers	9.00	.50	1.00			.02
DECISION NY76-4046 - Mod. #4 (41 FR 7021 - February 13, 1976) Brazos County, Texas						
Change: Boiler makers Sheet metal workers	9.00 9.665	.50 .225	1.00 .475		.20	.02 .065

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MODIFICATIONS P. 23

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DECISION #A75-3117 (cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocelon	
Painters (cont'd)				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (from ground up), sandblasting	\$ 7.35			
All work over 74' from ground	7.50			
Bituminous coatings, hot creosote	8.40			
Sign painting	7.65			
(The remainder of York County):				
Brush & roller	7.60			
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (ground up), sandblasting	7.95			
All work over 74' from ground	8.10			
Bituminous coatings, hot creosote	9.00			
Sign painting	8.25			
Plasterers	9.36			.02
Plumbers & Steamfitters	8.70	.45	.40	
Roofers:				
Composition	5.70			
Helpers	3.95			
Sheet Metal Workers:				
Newport News & Hampton Cities	8.50	.45	.45	.005
York County	8.75	.45	.45	.005
Sprinkler Fitters	4.23	.60	.90	.08
Power Equipment Operators:				
Building Construction:				
Group 1	8.65	.325	.30	.05
Group 2	7.04	.325	.30	.05
Group 3	5.86	.325	.30	.05
Group 4	5.68	.325	.30	.05
Group 5	5.51	.325	.30	.05

DECISION #A75-3118 - Mod. #4  
(40 FR 58057 - December 12, 1975)  
The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocelon	
Change:				
Carpenters & Soft Floor Layers	\$ 8.00	.30		.01
Cement masons:				
Machine & scaffold men	7.30			
Electricians & Cable Splicers	7.40			
Linemen & Cable Splicers	9.00	5%	6%	1%
Millwrights	9.00	5%	6%	1%
Painters:	8.95	.30		.01
Brush & rollers	7.25	.30		
Structural steel from ground to 74'	7.75	.30		
Spray, paperhangers & glove work	7.60	.30		
Any work over 74' from ground	8.55	.30		
Bituminous coating & hot creosote	8.90	.30		
Plasterers	9.36			
Plumbers & Steamfitters	8.60	.40	.35	.06
Roofers:				
Composition	5.70			
Helpers	3.95			
Sheet Metal Workers	8.25	.45	.45	.005
Sprinkler Fitters	9.23	.60	.90	.08
Power Equipment Operators:				
Building Construction:				
Group 1	8.65	.325	.30	.05
Group 2	7.04	.325	.30	.05
Group 3	5.86	.325	.30	.05
Group 4	5.68	.325	.30	.05
Group 5	5.51	.325	.30	.05

NOTICES

NOTICES

DECISION #A75-3105 - Mod. #4  
(40 FR 48884 - October 17, 1975)  
Statewide, West Virginia

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocelon	
Change:				
Bricklayers & Stone Masons:				
Zone 9	\$ 9.44	.40		
Electricians:				
Zone 14	8.66	.30	1%	1/2 of 1%
Wiremen	9.06	.30	1%	1/2 of 1%
Cable splicers				
Line Construction:				
Zone 11	12.11	.35	1%	1/2 of 1%
Linemen, cable splicers, equipment operators	7.73	.35	1%	1/2 of 1%
Truck with winch, pole or steel handling	7.47	.35	1%	1/2 of 1%
Groundmen	9.02	.40	.50	.04
Plumbers & Pipefitters:				
Zone 3				
Add:				
Line Construction:				
Zone 14	8.66	.35	1%	1/2 of 1%
Linemen	9.06	.35	1%	1/2 of 1%
Cable splicers	7.45	.35	1%	1/2 of 1%
Equipment operators	6.06	.35	1%	1/2 of 1%
Truck with earth boring auger	4.76	.35	1%	1/2 of 1%
Truck with winch & groundmen				
Area Covered by Zone 14:				
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.				

DECISION #A75-3105 - Mod. #3  
(40 FR 58060 - December 12, 1975)  
Barbour, Boone, Brooke, Cabell, Callahan, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Roane, Taylor, Upshur, Wayne, Wetzel, West & Wood Counties, West Virginia

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocelon	
Change:				
Cement Masons & Plasterers:				
Zone 1	\$ 8.75			.01
Plasterers				
Zone 2	9.50			
Plasterers				
Glaziers:				
Zone 3	5.40	.26	.20	.60 + p
Inside	6.10	.26	.20	.60 + p
Outside				
Lathers:				
Zone 2	9.50	.10	.10	.01
Plumbers & Pipefitters:				
Zone 3	9.02	.40	.50	.04
Roofers:				
Zone 4				
Commercial:				
Roofers	9.60	.10	.10	.01
Waterproofers	9.85	.10	.10	.01
Unprotected Roofing or Re-roofing:				
Roofers	7.25	.10	.10	.01
Waterproofers	7.50	.10	.10	.01
Sprinkler Fitters	11.23	.60	.90	.08







## AL76-1063 - (Cont'd)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	5.55	.30	.35		
GROUP B	5.77	.30	.35		
GROUP C	6.05	.30	.35		
GROUP D	6.94	.30	.35		
GROUP E	7.21	.30	.35		
GROUP F	6.65	.30	.35		
GROUP G	6.41	.30	.35		
GROUP H	5.97	.30	.35		
GROUP I	6.11	.30	.35		
GROUP J	6.78	.30	.35		
GROUP K	6.14	.30	.35		
GROUP L	6.65	.30	.35		
GROUP M	6.11	.30	.35		

## GROUP A: General Building Construction Laborers

GROUP B: Mortar mixers (any method), hod carriers, paving breakers - breaking & chipping concrete (any method), air operating tools (also, or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling crososets or copperbox materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills, vibrators, concrete dump bucketman, All concrete rollers, wheel barrows, Georgia bugles, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), pipe wipers (inside and out).

GROUP C: Gunite or pressure concrete workers, nozzleman, gunman, rodman, power driven buggy mobiles, height; all work performed 40 Ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)

## GROUP D: Cofferdam or tunnel workers (underground)

## GROUP E: Blasting (powderman)

## GROUP F: Concrete sawman

## GROUP G: Form setters; roadways, runways, highways

## GROUP H: Track laborer

## GROUP I: Brick washers (laborers)

## GROUP J: Burners on dismantling (anything not to be reused)

## GROUP K: Stack laborers

## GROUP L: Stack laborers (over 40 ft.)

## GROUP M: Tank cleaners (caustic chemicals)

## NOTICES

GROUP A: HEAVY EQUIPMENT:  
Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), dragline pile driver operator, hoist operator (2 or more drums), cable ways, excavators, front end loader, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrol, pumpcrete machines, gradalls, Johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats.

GROUP B: MEDIUM EQUIPMENT:  
Dozer scraper, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well-point & dewatering systems, subgraders, finishing machines, motorized compactors, wagons and push carts, riding trenching & ditching machines

GROUP C: LIGHT EQUIPMENT:  
Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric)

GROUP D:  
Fuel truck oilers, fireman, brakeman, outboard motor boats, truck crane oilers and mechanic helpers

GROUP E:  
Oilers (crawler), deck hand

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## NOTICES

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## AL76-1063 - (Cont'd)

TRUCK DRIVERS  
Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	5.56	.35	.35		
GROUP B	6.35	.35	.35		
GROUP C	6.67	.35	.35		
GROUP D	6.94	.35	.35		
GROUP E	7.25	.35	.35		
GROUP F	7.46	.35	.35		
GROUP G	8.25	.35	.35		
GROUP H	8.97	.35	.35		

## GROUP A: Truck helpers

GROUP B: Truck helpers when unloading crososet or copperbox materials; Drive-trucks up to but not including 1½ tons; Stations wagons; Jeeps and automobiles; Truck spotters; General warehousemen

GROUP C: Mechanic helper; Filling station attendant; Tire repairman; Grease and wash truck man

## GROUP D: Drivers 1½ tons up to but not including 5 tons

## GROUP E: Receiving and issuing clerk

## GROUP F: Scalmen

GROUP G: Truck drivers on rated 5 tons or 6 yard and over, including heavy equipment such as pole trucks; Mid or corring wagons; Dumpsters; Semi-drivers; Agitators; Ross carriers; Dumpsey dumps; Euclid trucks; Fork-lift trucks in warehouse and similar equipment such as tractors; 10 wheelers; Jeeps or dump trucks or pickup trucks pulling two of four wheel trailers hauling equipment

## GROUP H: Truck &amp; automobile mechanics

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DECISION NO. C076-5042 -

LABORERS (Cont'd)  
(Building Construction)

DECISION NO. C076-5042

**AREA A (Cont'd)**  
Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville  
Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities  
Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

LABORERS (Cont'd)  
Building Construction

GROUP DESCRIPTION FOR ALL COUNTIES

- Group 1: Watchmen tending Heaters and Pumps  
Group 2: Building Construction Laborer  
Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.  
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.  
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.  
Group 4: Pipelayers on Building Construction  
Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.  
Group 6: Tender, Mason and Plaster

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DECISION NO. C076-5042

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<b>HEAVY CONSTRUCTION</b>						
<b>CARPENTERS:</b>						
*Zone I	\$7.99	.68	.75	.55		.06
*Zone II	8.49	.68	.75	.55		.06
<b>Underground Carpenters</b>						
*Zone I	8.19	.68	.75	.55		.06
*Zone II	8.69	.68	.75	.55		.06
Working on Creosoted Material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 14 HP saw at jobsite						
*Zone I	8.29	.68	.75	.55		.06
*Zone II	8.74	.68	.75	.55		.06
<b>CEMENT MASONS:</b>						
*Zone I	7.51	.47	1.15	.30		.09
*Zone II	8.01	.47	1.15	.30		.09

DECISION NO. C076 5042

	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
<b>LABORERS (Heavy Construction)</b>						
Group 1	*Zone I \$6.20	*Zone II \$6.70	.47	.52		.05
Group 2	6.30	6.80	.47	.52		.05
Group 3	6.60	7.10	.47	.52		.05
Group 4	6.75	7.25	.47	.52		.05
Group 5	6.95	7.45	.47	.52		.05
<b>LABORERS (Tunnels)</b>						
Group 1	6.20	6.70	.47	.52		.05
Group 2	7.10	7.60	.47	.52		.05
Group 3	7.20	7.70	.47	.52		.05
Group 4	7.28	7.78	.47	.52		.05
Group 5	7.35	7.85	.47	.52		.05
Group 6	7.50	8.00	.47	.52		.05
(Shafts, Raises, Missile Silos and All Underground Work other than Tunnels)						
Group 1	7.20	7.70	.47	.52		.05
Group 2	7.35	7.85	.47	.52		.05
Group 3	7.45	7.95	.47	.52		.05
Group 4	7.63	8.13	.47	.52		.05
Group 5	7.73	8.23	.47	.52		.05
Group 6	7.78	8.28	.47	.52		.05

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DECISION NO. C076-5042

DECISION NO. C076-5042

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Calissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Gurb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical Tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Calissons 8' to 12'; Cofferdams; Power operated Concrete Bugles; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Graders; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines Guniting and Shotcrete Helpers; Calissons over 12'; Scalars; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunitite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayar; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Calissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Guniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men; Internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunitite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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DECISION NO. C076-5042

LABORERS (Cont'd)

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Guniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunitite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5042

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)

Group 1  
Group 2  
Group 3  
Group 4  
Group 5  
Group 6  
(For work in Tunnels, Shafts, and Raises)

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Educational and/or Appr. T.
		H & W	Pensions	Vacation	
#Zone I	#Zone II				
\$7.15	\$7.90	.40	.69	.30	.06
7.50	8.25	.40	.69	.30	.06
7.85	8.60	.40	.69	.30	.06
8.00	8.75	.40	.69	.30	.06
8.15	8.90	.40	.69	.30	.06
8.30	9.05	.40	.69	.30	.06
7.30	8.05	.40	.69	.30	.06
7.65	8.40	.40	.69	.30	.06
7.75	8.25	.40	.69	.30	.06
8.00	8.75	.40	.69	.30	.06
8.15	8.90	.40	.69	.30	.06
8.55	9.30	.40	.69	.30	.06

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POWER EQUIPMENT OPERATORS

(Other than for work in tunnels, shafts and raises)

- Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - similar than Williams MF and similar; Helmer to Heavy Duty Machine and/or Welder; Operators of 5 or more light plants, welding machines, generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments
- Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled roller, rubber tired under 5 tons;
- Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; Colson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor, Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck
- Group 4: Cable operated crane, track mounted; cable operated power shovels, Draglines, clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 348 or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane
- Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over
- Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)

- (For work in tunnels, shafts and raises)
- Group 1: Brakeman
- Group 2: Motorman
- Group 3: Compressor (900 CFM and over) serving tunnels, shafts and raises
- Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder
- Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty;ucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator
- Group 6: Hole

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DECISION NO. C076-5042

TRUCK DRIVERS	Basic Hourly Rates	*Zone I	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
				H & W	Pensions	Vocation	
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	\$7.15	\$7.65	.45	.30	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Ware-houses; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer; Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30	.30	

DECISION NO. C076-5042

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	*Zone I	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr
				H & W	Pensions	Vocation	
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid; Electric or similar; Truck Drivers, Dumpor type Youngbuggy, Jumbo and similar type equipment	\$7.60	\$8.10	.45	.30	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Fireman	8.05	8.55	.45	.30	.30	.30	
MECHANIC	8.15	8.65	.45	.30	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Man	8.35	8.85	.45	.30	.30	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.45	8.95	.45	.30	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION						
Cable Splicer	\$11.07	.35	12			3/42
Linemans	10.38	.35	12			3/42
Linemans (Journeyman)	10.31	.35	12			3/42
Line Equipment Operator	8.77	.35	12			3/42
Line Equipment Maintenance Man	8.77	.35	12			3/42
Groundman, Experienced	7.24	.35	12			3/42
Groundman, Inexperienced	6.57	.35	12			3/42

HEAVY CONSTRUCTION  
(Carpenters, Cement Mixers, Laborers, Power Equipment Operators and Truck Drivers)

## \*Zone Descriptions

A. Counties entirely within Zone 1:  
Boulder Douglas Larimer  
Clear Creek Gilpin Morgan  
Denver Jefferson Weld

B. Counties entirely within Zone 2:  
Grand Lake Summit  
Park

C. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 1, as follows:  
All of Adams, Arapahoe, Elbert Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West

D. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 2, as follows:  
All of Adams, Arapahoe, Elbert Counties lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West

## NOTICES

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

## SUPERSEDES DECISION

STATE: Colorado COUNTY: El Paso  
DECISION NUMBER: C076-5043  
DATE: Date of Publication  
Supersedes Decision No. C076-5031 dated April 16, 1976, in 41 FR 16330  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	\$10.01	.38	1.02			.02
ROCKWORKERS	9.45	.60	1.00			.04
BRICKLAYERS; Stonemasons	9.10	.50	.60			
CARPENTERS:						
Zone 1 (0-30 miles from Post Office in Colorado Springs)	7.94	.53	.70	.50		.055
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.19	.53	.70	.50		.055
CEMENT MASONS:						
Cement Masons	7.49	.44	1.10	.60		.08
Working with composition materials and color	7.99	.44	1.10	.60		.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60		.08
DRYWALL INSTALLERS	8.54	.53	.70	.50		.055
ELECTRICIANS	10.07	.42	124.45			.015
ELEVATOR CONSTRUCTORS' HELPERS	9.81	.495	.32	3744		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROP.)	704JR	.495	.32	3744		.02
GLAZIERS	507JR					
IRONWORKERS	9.55					
LATHERS	9.75	.71	1.15			.10
MARBLE SETTERS	8.36	.50	.50			.01
MILLWRIGHTS	9.13	.53	.60	67		.055
PAINTERS:						
Brush and roller; Tapers, hand texture	7.94	.50	.20			.04
Papemangers; Steel	8.44	.50	.20			.04
Spray	8.69	.50	.20			.04
Spray Spray	9.19	.50	.20			.01
PLASTERERS	9.44	.60	.75	1.17		.08
PLUMBERS; Pipefitters	9.05	.42	.20			
ROOFERS	8.54	.374-35	1.15			.07
SHEET METAL WORKERS	10.02	.40	.25	.30		.05
SHEET FLOOR LAYERS	8.29	.40	.25			.08
SPRINKLER FITTERS	11.40	.55	.61			.04
TERRAZZO WORKERS	9.20	.55	.50			
TILE SETTERS	8.36	.50				

DECISION NO. C076-5043

FOOTNOTES:  
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.  
Six Paid Holidays: A through F.

## PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

	ZONE 1		ZONE 2		ZONE 3		Fringe Benefits Payments			
	Basic Hourly Rates		Basic Hourly Rates		Basic Hourly Rates		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction)										
Group 1	\$4.80		\$5.25		\$5.70		.47	.52		.05
Group 2	6.30		6.75		7.20		.47	.52		.05
Group 3	6.58		7.03		7.48		.47	.52		.05
Group 4	6.80		7.25		7.70		.47	.52		.05
Group 5	6.85		7.30		7.75		.47	.52		.05
Group 6	7.00		7.45		7.90		.47	.52		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs

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DECISION NO. C076-5043

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LABORERS (Cont'd)  
Building Construction

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.  
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.  
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION

CARPENTERS:  
Carpenters

Underground Carpenters

Working on Cretosoted Material, High work 40' above ground or floor on exposed scaffold or boatwains chair; Pliedrivings; Sawmen continuously assigned to 1 1/2 HP saw at jobsite

CEMENT MASONS:  
Cement Masons

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
\$7.99	.68	.75	.55	.06
8.19	.68	.75	.55	.06
8.29	.68	.75	.55	.06
7.51	.47	1.15	.30	.09

DECISION NO. C076-5043

LABORERS  
(Heavy Construction)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

(Shafts, Raises, Missile Silos and all Underground Work other than Tunnels)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
\$6.20	.47	.52		.05
6.30	.47	.52		.05
6.40	.47	.52		.05
6.50	.47	.52		.05
6.60	.47	.52		.05
6.70	.47	.52		.05
6.80	.47	.52		.05
6.90	.47	.52		.05
7.00	.47	.52		.05
7.10	.47	.52		.05
7.20	.47	.52		.05
7.30	.47	.52		.05
7.40	.47	.52		.05
7.50	.47	.52		.05
7.60	.47	.52		.05
7.70	.47	.52		.05
7.80	.47	.52		.05

DECISION NO. C076-5043

LABORERS  
(Heavy Construction)

Group 1: Minimum Labor, including Classons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tile Bars and Chairs in concrete paving; Flagmen directing traffic; Nursery Men including seedling, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Matresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 1: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Packers, Boxtenders, Asphalt Curb Machines, Potters (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, Electric Hammers; Air Tampers; Cutting Torches on demolition work; Caissons, 8' 10' 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement other than Gang saws; Timber and Chain Saws; Street Sweepermen on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Men and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air, hydraulic); Automatic Concrete Curing Machine; Jack Hammers; Vibrators; Paving Breakers; Frostproofing; Any Laborer performing bridge work over 10' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement; All ladders and safety belts used shall be of a type approved by State and Federal laws; Gunmiting and Shotcrete Helpers; Caissons over 12'; Scalets; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placement and hooking of landing mats; Bull Float (hand operated); Center Excavation Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men; Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit; Ben Stock, Siphons, drainage lines, Caulkers, Tanners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 3: Powdermen and Blasters; Gunmite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swing Stage, Life Belt or Block and Tackle as a safety requirement. All ladders and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams



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LABORERS (Tunnels)

Group 1: Outside Labor	Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or App. Tr.
			Pensions	Vacation		
Group 2: Minimum Tunnel Labor Dry Houseman						
Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whitley Pump Operators	\$7.15	.40	.69	.30		.06
Group 4: Helpers on Shotcrete, Gunmiting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders	7.50	.40	.69	.30		.06
Group 5: Cement Finisher Helper, applying of concrete processing materials	7.85	.40	.69	.30		.06
Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setter; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunmite Nozzlemen, Sand Blasters, Pump Concrete placement Men	8.00	.40	.69	.30		.06
	8.15	.40	.69	.30		.06
(SHAFTS, RAISES, MISSILE SILLDS and all UNDERGROUND WORK OTHER THAN TUNNELS)						
Group 1: Laborers, Topmen, Bottommen and Cagers	7.30	.40	.69	.30		.06
Group 2: Chucktenders, Concrete Laborers, Whitley Pump Operators	7.65	.40	.69	.30		.06
Group 3: Helpers in Shotcrete Gunmiting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing materials	7.75	.40	.69	.30		.06
Group 4: Collapsible Form Movers and Setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plant Setters; Vibrator Men, internal and external	8.00	.40	.69	.30		.06
Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunmite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Crete Placement Men	8.15	.40	.69	.30		.06
Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws	8.35	.40	.69	.30		.06

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-POWER EQUIPMENT OPERATORS  
(Other than for work in Tunnels, Shafts and Raises)

- Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to heavy duty Mechanics and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, Single unit Conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments
- Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a Spray Bar; Screening Plants, with Classifier; Self-propelled Roller, rubber-tired under 5 tons
- Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signaller; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and Service Engineer; Engineer Fireman; Grout Machine; Gunmite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; Single unit portable Crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 hp and over with or without attachments; Trenching Machine Operator; Welder; Winch on Truck
- Group 4: Cable Operated Crane, Truck mounted; Cable Operated Power Shovels, Draglines, Cramshells and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-Welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane
- Group 5: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type
- (For work in TUNNELS, SHAFTS and RAISES)
- Group 1: Brakeman
- Group 2: Motorman
- Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises
- Group 4: Air Tractors; Grout Machine; Gunmite Machine; Jumbo Form; Mechanic; Welder
- Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, under-ground; Slusher; Mine Hoist Operator
- Group 6: Mole

NOTICES

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976



## NOTICES

DECISION NO. C076-5043

DECISION NO. C076-5043

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
DUMP TRUCKS, over 16 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Jumbo Dumpor type Youngbuggy, Jumbo and similar type equipment	\$7.60	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.70	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu yds. to and including 15 cu. yds.	7.75	.45	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Titanen	8.05	.45	.30	.30	
MECHANIC	8.15	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 75 cu. yds.	8.25	.45	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.45	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	8.65	.45	.30	.30	

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Cable Splicer	\$11.07	.35	1%		3/4%
Linemans Cableman	10.38	.35	1%		3/4%
Linemans (Journeyman)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundman, Inexperienced	6.57	.35	1%		3/4%

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## SUPERSEDES DECISION

STATE: Colorado  
 COUNTY: Las Animas, Otero and Pueblo  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. C076-5044  
 Supersedes Decision No. C076-5032 dated April 16, 1976 in 41 FR 16337  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.01	.38	1.02		.02
BOILERMAKERS	9.40	.60	1.00		.04
BRICKLAYERS	9.22	.50	.60		.055
CARPENTERS	7.94	.53	.70	.50	
CEMENT MASONS	7.39	.44	1.10	.60	.08
Cement Masons Working with composition material and color	7.89	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
DRYWALL INSTALLERS	8.54	.53	.70	.50	.055
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)	10.15	.42	17+-45		1%
Electricians	11.17	.42	17+-45		1%
Cable Splicers	10.55	.42	17+-45		1%
Zone II (12-20 miles from P. O.)	11.55	.42	17+-45		1%
Electricians	10.90	.42	17+-45		1%
Cable Splicers	11.92	.42	17+-45		1%
Zone III (20-40 miles from P. O.)	12.03	.42	17+-45		1%
Electricians	13.05	.42	17+-45		1%
Cable Splicers	9.65	.42	17+-45		1%
Electrical Contractors under \$20,000 in Zones III and IV	9.81	.495	.32	37+-a	.02
ELEVATOR CONSTRUCTORS	707.1R	.495	.32	37+-a	.02
ELEVATOR CONSTRUCTORS' HELPERS	507.1R				
(PROB.)	9.55				
GLAZIERS	9.75	.71	1.15		.10
IRONWORKERS:	9.56				.01
Structural; Ornamental and Reinforcing	9.20	.55	.61		.04
LATHERS	9.13	.53	.60	.62	.055
MARBLE & TILE SETTERS, TERRAZZO WORKERS					
MILLWRIGHTS					
PAINTERS:					
Brush, roller, tapers, hand texture	6.97	.50			.04

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Steel; Paperhangers	\$7.47	.50			.04
Spray; Tapers using Automatic Tools	7.97	.50			.04
Spray Steel	8.47	.50			.04
PLASTERERS	9.44				.01
Zone I (0-15 miles from P.O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P.O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P.O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P.O.)	11.895	.60	.75		.08
ROOFERS	7.91	.42	1.10		.07
SHEET METAL WORKERS	10.02	37+-35			
SOFT FLOOR LAYERS:					
Las Animas County	8.29	.60	.75	.30	.05
Pack; County	7.00	.55	.55	.20	.05
SPRINKLER FITTERS	11.40	.60	.90		.08

## NOTICES

FOOTNOTE:  
 a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

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DECISION NO. C076-5044

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
				H & W	Pensions	Vacation	App. Tr.	
ZONE 1	ZONE 2	ZONE 3						
\$ 4.80	\$5.25	\$5.70		.47	.52			.05
6.30	6.75	7.20		.47	.52			.05
6.58	7.03	7.48		.47	.52			.05
6.80	7.25	7.70		.47	.52			.05
6.85	7.30	7.75		.47	.52			.05
7.00	7.45	7.90		.47	.52			.05

DECISION NO. C076-5044

LABORERS (Cont'd)  
Building Construction

## GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.  
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders, Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.  
Burners on Demolition and Welders, Gunmite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

## NOTICES

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## NOTICES

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DECISION NO. C076-5044

## HEAVY CONSTRUCTION

## CARPENTERS:

## \*Zone I

## \*Zone II

## Underground Carpenters

## \*Zone I

## \*Zone II

Working on Cressed Material,  
High work 40' above ground or  
floor on exposed scaffold or  
boatswains chair; Pile driving;  
Sewer continuously assigned to  
1 1/2 HP saw at jobsite

## \*Zone I

## \*Zone II

## CEMENT MASONS:

## \*Zone I

## \*Zone II

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$7.99	.68	.75	.55	.06	.06
8.49	.68	.75	.55	.06	.06
8.19	.68	.75	.55	.06	.06
8.69	.68	.75	.55	.06	.06
8.29	.68	.75	.55	.06	.06
8.74	.68	.75	.55	.06	.06
7.51	.47	1.15	.30	.09	.09
8.01	.47	1.15	.30	.09	.09

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LABORERS  
(Heavy Construction)

## Group 1

## Group 2

## Group 3

## Group 4

## Group 5

## Group 6

LABORERS  
(Tunnels)

## Group 1

## Group 2

## Group 3

## Group 4

## Group 5

## Group 6

(Shafts, Raises, Mistle  
Sills and All Underground  
Work other than Tunnels).

## Group 1

## Group 2

## Group 3

## Group 4

## Group 5

## Group 6

Basic Hourly Rates	Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
			Pensions	Vacation	Education and/or Appr. Tr.	
*Zone I	*Zone II					
\$6.20	\$6.70	.47	.52			.05
6.30	6.80	.47	.52			.05
6.60	7.10	.47	.52			.05
6.75	7.25	.47	.52			.05
6.95	7.45	.47	.52			.05
6.20	6.70	.47	.52			.05
7.10	7.60	.47	.52			.05
7.20	7.70	.47	.52			.05
7.28	7.78	.47	.52			.05
7.35	7.85	.47	.52			.05
7.50	8.00	.47	.52			.05
7.20	7.70	.47	.52			.05
7.35	7.85	.47	.52			.05
7.45	7.95	.47	.52			.05
7.63	8.13	.47	.52			.05
7.73	8.23	.47	.52			.05
7.78	8.28	.47	.52			.05

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LABORERS

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagmen directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical Tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tensioning; Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transfer Concrete Conveyor Operator; Mechanical Grouters; Jack Hammer; Vibrators; Hydraulic; Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Guniting and Shotcrete Helpers; Caissons over 12'; Scaffolds; Timbermen, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Dangle Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

NOTICES

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunitite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Retaining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stummen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whitley Pump Operators

Group 4: Helpers on Shotcrete, Guniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunitite Nozzlemen, Sand Blasters, Pump Concrete Placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whitley Pump Operators

NOTICES

DECISION NO. C076-5044

LABORERS (Cont'd)

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Guniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunitite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C076-5044

POWER EQUIPMENT OPERATORS  
(Other than for work in Tunnels, Shafts and Raises)

	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education Allowance
	Zone I	Zone II				
Group 1	\$7.15	\$8.90	.40	.69	.30	.06
Group 2	7.50	8.25	.40	.69	.30	.06
Group 3	7.85	8.60	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.30	9.05	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.30	8.05	.40	.69	.30	.06
Group 2	7.65	8.40	.40	.69	.30	.06
Group 3	7.75	8.25	.40	.69	.30	.06
Group 4	8.00	8.75	.40	.69	.30	.06
Group 5	8.15	8.90	.40	.69	.30	.06
Group 6	8.55	9.30	.40	.69	.30	.06



## POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operator of all types of light plants, hoisting machines, conveyors, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; calson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

## NOTICES

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POWER EQUIPMENT OPERATORS (Cont'd)  
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

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DECISION NO. C076-5044

## TRUCK DRIVERS

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Basic Hourly Rates
		H & W	Pensions	Vacation		
*Zone I	*Zone II					
\$7.15	\$7.65	.45	.30	.30		
PICKUPS; Helpers; Scalmen; Checkers; Spotters; Dumpmen						
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers						
7.25	7.75	.45	.30	.30		
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus						
7.35	7.85	.45	.30	.30		
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle						
7.40	7.90	.45	.30	.30		
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease						
7.45	7.95	.45	.30	.30		
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination						
7.50	8.00	.45	.30	.30		
MULTI-PURPOSE TRUCK; Speciality and Hoisting						
7.55	8.05	.45	.30	.30		

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## TRUCK DRIVERS (Cont'd)

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Basic Hourly Rates
		H & W	Pensions	Vacation		
*Zone I	*Zone II					
\$7.60	\$8.10	.45	.30	.30		
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumpster type Youngbuggy, Jumbo and similar type equipment						
7.70	8.20	.45	.30	.30		
TRUCK DRIVER, Snow Plow						
7.75	8.25	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.						
7.85	8.35	.45	.30	.30		
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.						
8.00	8.50	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 15 cu. yds.						
8.05	8.55	.45	.30	.30		
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tiresman						
8.15	8.65	.45	.30	.30		
MECHANIC						
8.25	8.75	.45	.30	.30		
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.						
8.35	8.85	.45	.30	.30		
HEAVY DUTY DIESEL Mechanics, Body Men, Welders or Combination Men						
8.45	8.95	.45	.30	.30		
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.						
8.65	9.15	.45	.30	.30		
DUMP TRUCKS, over 104 cu. yds.						

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976



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DECISION NO. C076-5044

DECISION NO. C076-5044

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION						
Cable Splicer	\$11.07	.35	1%			3/4%
Lineman Cableman	10.38	.35	1%			3/4%
Lineman (Journeyman)	10.31	.35	1%			3/4%
Line Equipment Operator	8.77	.35	1%			3/4%
Line Equipment Maintenance Man	8.77	.35	1%			3/4%
Groundman, Experienced	7.24	.35	1%			3/4%
Groundman, Inexperienced	6.57	.35	1%			3/4%

Heavy Construction  
(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

\*Zone Descriptions:

- A. Counties entirely within Zone 1:  
Otero
- B. Portions of Las Animas County which is included within Zone 1, as follows:  
All of Las Animas County lying west of the Township line between R59W and R60W of the 7th Guide Meridian West.
- C. Legal description of the portions of Las Animas County which is included within Zone 2, as follows:  
All of Las Animas County lying East of the Township line between R59W and R60W of the 7th Guide Meridian West.

NOTICES

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

SUPERSEDES DECISION

STATE: Colorado  
COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin  
DATE: Date of Publication  
DECISION NUMBER: C076-5045  
Supersedes Decision No. C076-5033 dated April 16, 1976, in 41 FR 16345  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	\$10.01	.38	1.02			.02
BOILERMAKERS	9.45	.60	1.00			
BRICKLAYERS: Stonemasons: Pitkin County	9.25	.50	.60	.25		.05
Remaining Counties	8.50	.45	.60	.25		.05
CARPENTERS: P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose						
Zone I (0-30 miles from nearest basing point)	7.94	.53	.70	.50		.055
Zone II (30-60 miles from nearest basing point)	8.19	.53	.70	.50		.055
Zone III (60 miles and over from nearest basing point)	8.44	.53	.70	.50		.055
CEMENT MASONS: Cement Masons Working with composition materials and color	7.74	.44	1.10	.60		.08
Working on scaffold, swing stage or temporary platform over 25 feet	8.24	.44	1.10	.60		.08
DRY WALL INSTALLERS	7.99	.44	1.10	.60		.08
ELECTRICIANS: Electricians Electric Splicers	8.54	.53	.70	.50		.055
ELEVATOR CONSTRUCTORS: ELEVATOR CONSTRUCTORS' HELPERS (BROB.)	9.80	.42	1%			5/10%
ELEVATOR CONSTRUCTORS' HELPERS (BROB.)	10.85	.42	1%	37-a		5/10%
GLAZIERS	9.91	.495	.32	37-a		.02
IRONWORKERS: Structural; Ornamental and Reinforcing	507JR					
LATHERS	9.75	.71	1.15			.10
MARBLE AND TILE SETTERS, TERRAZZO WORKERS	9.44					.01
MILLWRIGHTS	9.20	.55	.61			.04
	9.13	.53	.60	6%		.055

DECISION NO. C076-5045

	Basic Hourly Rates	H & W	Fringe Benefits Payments		Education and/or Appr. Tr.
			Pensions	Vacation	
PAINTERS: Brush and Roller Drywall Finisher; Paperhangers	\$9.31	.50	.60		.05
Spray; Swing stage	9.51	.50	.60		.05
PLUMBERS	9.79	.50	.60		.05
ROOFERS	8.75	.60	.30	1.50	.10
SHEET METAL WORKERS	7.91	.42	.10		
SOFT FLOOR LAYERS	10.02	37-a .35	1.15		.07
SPRINKLER FITTERS	8.29	.40	.75	.30	.05
	11.40	.60	.90		.08
FOOTNOTE: a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.					
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					

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LABORERS (Building Construction)	ZONE 1*		ZONE 2*		ZONE 3*		Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Garfield and Pitkin Counties										
Group 1	\$4.80	\$5.25	\$5.70	\$6.15	\$6.60	\$7.05	.47	.52	.52	.05
Group 2	6.20	6.65	7.10	7.55	8.00	8.45	.47	.52	.52	.05
Group 3	6.48	6.93	7.38	7.83	8.28	8.73	.47	.52	.52	.05
Group 4	6.68	7.13	7.58	8.03	8.48	8.93	.47	.52	.52	.05
Group 5	6.52	6.97	7.42	7.87	8.32	8.77	.47	.52	.52	.05
Group 6	7.00	7.45	7.90	8.35	8.80	9.25	.47	.52	.52	.05

- \*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs, and Rifle.
- \*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.
- \*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

Delta, Gunnison, Mesa and Montrose Counties

	ZONE 1**		ZONE 2**		ZONE 3**		Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	\$4.60	5.25	5.79	6.44	7.09	7.74	.47	.52	.52	.05
Group 2	6.30	6.75	7.20	7.65	8.10	8.55	.47	.52	.52	.05
Group 3	6.58	7.03	7.48	7.93	8.38	8.83	.47	.52	.52	.05
Group 4	6.80	7.25	7.70	8.15	8.60	9.05	.47	.52	.52	.05
Group 5	6.85	7.30	7.75	8.20	8.65	9.10	.47	.52	.52	.05
Group 6	7.00	7.45	7.90	8.35	8.80	9.25	.47	.52	.52	.05

- \*\*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.
- \*\*ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.
- \*\*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

NOTICES

DECISION NO. C076-5045

LABORERS (Cont'd)  
Building Construction

GROUP DESCRIPTION FOR ALL COUNTIES

- Group 1: Watchmen tending Heaters and Pumps
- Group 2: Building Construction Laborer
- Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.  
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.  
Burners on Demolition and Welders, Gunmite Nozzlemen and Sandblasters.
- Group 4: Pipelayers on Building Construction
- Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.
- Group 6: Tender, Mason and Plaster

DECISION NO. C076-5045

HEAVY CONSTRUCTION CARPENTERS: Carpenters *Zone I *Zone II Underground Carpenters *Zone I *Zone II Working on Crossed Material, High work 40' above ground or floor on exposed scaffold or bottoms chair; Piledriving; Sawmen continuously assigned to 14 HP saw at jobsite *Zone I *Zone II CEMENT MASONS: *Zone I *Zone II	Basic Hourly Rates		Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	H & W	Pensions	Vacation	
*Zone I	\$7.99	.68	.75	.55	.06	.06	
*Zone II	8.49	.68	.75	.55	.06	.06	
*Zone I	8.19	.68	.75	.55	.06	.06	
*Zone II	8.69	.68	.75	.55	.06	.06	
*Zone I	8.29	.68	.75	.55	.06	.06	
*Zone II	8.74	.68	.75	.55	.06	.06	
*Zone I	7.51	.47	1.15	.30	.09	.09	
*Zone II	8.01	.47	1.15	.30	.09	.09	

DECISION NO. C076-5045

LABORERS (Heavy Construction) Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 LABORERS (Tunnels) Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 (Shafts, Raises, Missile Silos and All Underground Work other than Tunnels) Group 1 Group 2 Group 3 Group 4 Group 5 Group 6	Basic Hourly Rates		Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	H & W	Pensions	Vacation	
*Zone I	\$6.20	\$6.70	.47	.52	.05	.05	
*Zone II	6.30	6.80	.47	.52	.05	.05	
*Zone I	6.60	7.10	.47	.52	.05	.05	
*Zone II	6.75	7.25	.47	.52	.05	.05	
*Zone I	6.95	7.45	.47	.52	.05	.05	
*Zone II	7.20	7.70	.47	.52	.05	.05	
*Zone I	7.10	7.60	.47	.52	.05	.05	
*Zone II	7.20	7.70	.47	.52	.05	.05	
*Zone I	7.28	7.78	.47	.52	.05	.05	
*Zone II	7.35	7.85	.47	.52	.05	.05	
*Zone I	7.50	8.00	.47	.52	.05	.05	
*Zone II	7.20	7.70	.47	.52	.05	.05	
*Zone I	7.35	7.85	.47	.52	.05	.05	
*Zone II	7.45	7.95	.47	.52	.05	.05	
*Zone I	7.63	8.13	.47	.52	.05	.05	
*Zone II	7.73	8.23	.47	.52	.05	.05	
*Zone I	7.78	8.28	.47	.52	.05	.05	
*Zone II	7.78	8.28	.47	.52	.05	.05	

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LABORERS  
(Heavy Construction)

Group 1: Minimum Labor, including Calissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tia Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical Tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Calissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laus; Gunitting and Shotcrete Helpers; Calissons over 12'; Scaletts; Timbermen, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men; Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage line, Caulkers, Yarners, Fine Graders, air, gas, electric, and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operative tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out

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LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunitte Nozzlemen; Shotcrete Operator; Pipe layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-bloom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Calissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laus; Plugs and Calleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunitting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner plate Setters, Vibrator Men; Internal and External; Unloading, stopping and starting of Motor Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (Underground); Shotcrete Operator; Gunitte Nozzlemen, Sand Blasters, Pump Concrete Placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunitting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers, applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, Internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (Underground); Gunitte Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laus

DECISION NO. C076-5045

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments		
			H & W	Pensions	Vacation Education and/or Appr. 1
Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 (for work in Tunnels, Shafts, and Raises)	#Zone I	#Zone II			
	\$7.15	\$8.90	.40	.69	.30
	7.50	8.25	.40	.69	.30
	7.85	8.60	.40	.69	.30
	8.00	8.75	.40	.69	.30
	8.15	8.90	.40	.69	.30
Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 (for work in Tunnels, Shafts, and Raises)	8.30	9.05	.40	.69	.30
	7.30	8.05	.40	.69	.30
	7.65	8.40	.40	.69	.30
	7.75	8.25	.40	.69	.30
	8.00	8.75	.40	.69	.30
	8.15	8.90	.40	.69	.30
Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 (for work in Tunnels, Shafts, and Raises)	8.55	9.30	.40	.69	.30
	7.30	8.05	.40	.69	.30
	7.65	8.40	.40	.69	.30
	7.75	8.25	.40	.69	.30
	8.00	8.75	.40	.69	.30
	8.15	8.90	.40	.69	.30

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POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Group 1: All Operators; Machine Operators; Drills; Brakeman; Drill Operator - smaller than Williams MF and similar; helper to heavy duty machine and/or welder; operators of 5 or more light plants; welding machines; generators; single unit conveyor; pumps; vacuum well point system; tractor, under 70 hp with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled roller; Rubber tired under 5 tons; Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; engine drill; Williams MF, similar and larger; C.H.L. and similar; Concrete Paving Plants; Concrete finish machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, Diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders; Equipment lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; Single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 hp and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable operated crane, track mounted; cable operated power shovels, Draglines, clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Bine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

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DECISION NO. C076-5045

Group 1: All Operators; Machine Operators; Drills; Brakeman; Drill Operator - smaller than Williams MF and similar; helper to heavy duty machine and/or welder; operators of 5 or more light plants; welding machines; generators; single unit conveyor; pumps; vacuum well point system; tractor, under 70 hp with or without attachments

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Bucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

DECISION NO. C076-5045

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. I
			H & W	Pensions	Vacation		
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	\$7.15	\$7.65	.45	.30	.30		
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single-axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30		
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30		
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30		
PORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30		
DISTRIBUTOR TRUCK DRIVER; Cement Mixer; Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30		
MULTI-PURPOSE TRUCK; Speciality and hoisting	7.55	8.05	.45	.30	.30		

DECISION NO. C076-5045

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. I
			H & W	Pensions	Vacation		
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy; Low Boy; Floats; semi; Cab operated Distributor Truck Drivers; semi; Liquid and Bulk Tankers; Euclid; Electric or similar; Truck Drivers, Dumpor type Youngbuggy, Jumbo and similar type equipment	\$7.60	\$8.10	.45	.30	.30		
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30		
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30		
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	8.55	.45	.30	.30		
MECHANIC	8.15	8.65	.45	.30	.30		
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30		
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	8.85	.45	.30	.30		
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.45	8.95	.45	.30	.30		
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30		

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DECISION NO. C076-5045

DECISION NO. C076-5045

## NOTICES

HEAVY CONSTRUCTION  
(Carpenters, Cement Masons, Laborers, Power Equipment Operators and Truck Drivers)

## \*Zone Descriptions

- A. Counties entirely within Zone 1:  
Delta Garfield Mesa
- B. Counties entirely within Zone 2:  
Gunnison Pitkin
- C. Legal description of the portion of Montrose County which is included within Zone 1, as follows:  
All of Montrose County lying north of the North Line of Ouray County and said North Line extended West to the Township line between R1W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian
- D. Legal description of the portion of Montrose County which is included within Zone 2, as follows:  
All of Montrose County except that part lying north of the North Line of Ouray County and said North Line extended West of said Township line between R1W and R12W, said point being East of said Township line of the New Mexico Principal Meridian

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION				
Cable Splicer	\$11.07	.35	1%	3/4%
Lineman Cableman	10.38	.35	1%	3/4%
Lineman (Journeyman)	10.31	.35	1%	3/4%
Line Equipment Operator	8.77	.35	1%	3/4%
Line Equipment Maintenance Man	8.77	.35	1%	3/4%
Groundman, Experienced	7.24	.35	1%	3/4%
Groundman, Inexperienced	6.57	.35	1%	3/4%

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

## NOTICES

## SUPERSEDES DECISION

STATE: Florida  
DECISION NUMBER: FL76-1064  
COUNTY: Dade  
DATE: Date of Publication  
Supersedes Decision No. 1, FL75-1090 dated September 12, 1975, in 40 FR 42491  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Asbestos workers	11.20	.45	.65	.04
Boilermakers	8.20	.60	.90	.02
Bricklayers	9.70	.60	.54	.04
Bricklayers and Stonemasons	9.70	.60	.54	.04
Cement masons	9.70	.60	.54	.04
Marble masons	9.70	.60	.54	.04
Plasterers	9.70	.60	.54	.04
Terrazzo workers and Tile setters	9.70	.50	.39	.04
Carpenters	8.70	.70	.55	.02
Carpenters and Soft floor layers	8.70	.70	.55	.02
Millwrights	8.70	.70	.55	.02
Electricians	11.25	.45	.35	.02
Cable splicers	11.25	.45	.35	.02
Elevator Constructors	10.35	.45	.35	.02
Elevator Constructors' helpers	7.00	.45	.35	.02
Elevator Constructors' helpers (Prob.)	5.00	.45	.35	.02
Glaziers	9.50	.75	.58	.08
Ironworkers	9.75	.75	.58	.08
Structural & Ornamental Reinforcing	9.75	.75	.58	.08
Laborers	6.62	.55	.30	.06
Air tool operator, pipelayers	6.62	.55	.30	.06
Laborers (Common)	6.62	.55	.30	.06
Masons	6.62	.55	.30	.06
Masons tenders, Mortar mixers	6.62	.55	.30	.06
Plasterers' tenders	6.62	.55	.30	.06
Lathers	9.20	.35	.10	.06
Line Construction: Linemen	9.75	.45	.35	.02
Cable splicers	10.35	.45	.35	.02
Groundmen	4.00	.45	.35	.02
Painters	8.80	.55	.50	.02
Bricklayers	9.20	.55	.50	.02
Scarfolding work	9.20	.55	.50	.02
Spray & paperhangers	9.05	.55	.50	.02
Extension ladders & erected scaffold over 20'	9.05	.55	.50	.02
Structural steel	9.05	.55	.50	.02

FL76-1064 - (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Painters (Cont'd):				
Drywall taper mechanical	.55	.50		.02
Plumbers	.55	.50		.02
Refrigeration and air conditioning mechanic	.92	.75+.30		.07
Roofers:	.83	1.00		.09
Roofers, damp and waterproofers	.83	.35		.02
Sheet metal workers	.93	.73		.02 + .02
Sprinkler fitters	.50	.80		.10
Steamfitters	.83	1.00		.09
Welders & riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidental.				

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1476-4054 (cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP A	9.50	.50	.45			.05
GROUP B	8.66	.50	.45			.05
GROUP C	8.01	.50	.45			.05
GROUP D	7.46	.50	.45			.05
GROUP E	6.46	.50	.45			.05

GROUP A: Field shop mechanic, cranes, derricks, hoist (2 or more drum), field batch plant operator, inside elevator operator (when transferred from 2-drum hoist).

GROUP B: Draglines, backhoes, gradalls, finisher grader, inside elevator operator, 1 drum hoist, fork lift, hoplo machine, more than one pump or combination of other equip., up to 54 firemen, pump (3" or larger).

GROUP C: Bulldozers, distributors, scrapers, motor graders, trenching machine, front end loaders, air compressor (above 125 cfm), welding machine, winch truck.

GROUP D: Rollers, finishing machines, tractors, oilers & drivers, mixers.

GROUP E: Oiler on crawler cranes, drivers.

SUPERSEDES DECISION

STATE: Iowa COUNTY: Black Hawk (City of Waterloo and adjoining municipalities)  
DECISION NO.: 1476-4092 - DATE: Date of publication  
Supersedes Decision No. 1476-4054, dated February 27, 1976, in 41FR 8668  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION	\$ 9.75	.30	.50			.10
ASBESTOS WORKERS	9.45	.70	1.00			.02
ROILERMAKERS	9.79	.38	.50			
BRICKLAYERS & STONEMASONS						
CARPENTERS:	8.08	.38	1.00			
Millerwrights	8.48	.38	1.00			
CEMENT MASONS	8.00	.38	.81			
ELECTRICIANS:						
Cable splicers	9.68	.30	12			12
ELEVATOR CONSTRUCTORS	10.28	.30	12			12
ELEVATOR CONSTRUCTORS' HELPERS	9.535	.495	.32	42%a		.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.495	.32	42%a		.02
IRONWORKERS	50%JR					
LABORERS:	10.00					
GROUP 1 - Common laborers; Carpentry, helpers; Moving; Wrecking & demolition	6.60	.38	.10			
GROUP 2 - Mason tenders; Rod carriers; Machine and air tool operators	6.70	.38	.10			
GROUP 3 - Powderman	6.85	.38	.10			
LATHES	7.24	.31				
LINE CONSTRUCTION:						
GROUP 1 - Cable splicers; Line-man; Welder; Technicians; All rig setting assembled "in" fixtures and steel transmission structures	8.75	.35	12	b		12%
GROUP 2 - Groundman; Truck drive (without winch); Experienced (not less than 6 months)	5.69	.35	12	b		12%
GROUP 3 - Groundman; Truck drive (with winch)	5.86	.35	12	b		12%
GROUP 4 - Blaster; Special equipment operations (hole digging machines, all tractions, transmission line pole hauling & setting equipment other than assembled "in" fixtures)						
GROUP 5 - Groundman-let 6 mos.	7.00	.35	12	b		12%
	4.81	.35	12	b		12%

DECISION NO. 1476-4092

BUILDING, WATER TREATMENT PLANTS & SEWAGE DISPOSAL PLANTS CONSTRUCTION

PAINTERS:  
Brush, roller  
Spray  
PLASTERERS  
PLUMBERS & STEAMFITTERS  
ROOFERS  
SHEET METAL WORKERS  
SOFT FLOOR LAYERS  
SPRINKLER FITTERS  
TILE SETTERS  
TRUCK DRIVERS:  
Up to 6 tons  
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:  
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years service as vacation pay credit. Six Paid Holidays A thru F  
b. Seven paid holidays - A thru G

PAID HOLIDAYS  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving







STATE: Kentucky  
COUNTY: McCracken  
DECISION NUMBER: KY76-1058  
DATE: Date of Publication  
Superseded Decision No.: KY75-1065 dated June 20, 1975 in 10 FR-26201  
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers	9.35	.35	.30			.02
Boilermakers - Blacksmiths	10.05	.60	1.00			
Bricklayers	7.65					
Carpenters	8.10	.35	.25			.05
Millwrights and pildrivermen	8.35	.35	.25			.03
Cement masons working on swinging scaffold up to 50'	7.35	.50	.30			.03
Electricians	7.60	.50	.30			$\frac{1}{2}$ of 1%
Electricians	9.40	.40	1%			$\frac{1}{2}$ of 1%
Cable splicers	9.65	.40	1%			
Elevator Constructors:						
Elevator Constructors' helpers	10.29	.495	.32	$\frac{1}{4}$ atb		.02
Elevator Constructors' helpers (prob).	7.20	.495	.32	$\frac{1}{4}$ atb		.02
Glaziers	5.145	.26	.20			.01
Ironworkers, structural, ornamental and reinforcing	7.445					
Labors:	9.10	.45	.65			.02
Unskilled	5.60	.35				
Hod carriers, mason & finishers' tenders, mortar mixers, jack hammers, vibrator, wagon pullers, core drill, test drill and all power driven tools used by laborers (operator), all men in tunnel and crib ditch work, riprap, rock setters, and hand-lers, asphalt riders, tampers, and smotherers, pipelayers, powdermen, tar kettlemen, grout pumpmen, deck hand, dumpmen, log turner, swamping and all straight cable hooking, pipe coupling and wrapping	5.80	.35	.35			.01
Lathers	7.16	.30	.20			.01
Leadburners	8.25					
Line Construction:						
Linemen	9.45	.35	1%			$\frac{1}{2}$ of 1%
Operator, truck with winch	9.45	.35	1%			$\frac{1}{2}$ of 1%
Groundmen	7.72	.35				$\frac{1}{2}$ of 1%

KY76-1058 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Marble masons	7.65					
Painters: Commercial	6.70	.25				
Brush	7.60	.25				
Sandblasting	7.60	.25				
Painters: Industrial	8.25	.25				
Brush	8.80	.25				
Spray	8.80	.25				
Sandblasting	8.01	.75				.01
Plumbers and Steamfitters	10.20	.45	.50			.08
Roofers	7.50	.10	.50			.03
Sheet metal workers	11.36	.60+d	.60			.07+.02
Soft floor layers	7.50	.35	.25			.05
Sprinkler fitters	11.40	.60	.90			.08
Stone masons	7.65					
Terrazzo workers	7.65					
Tile setters	7.65					

FOOTNOTES:

- a. Six paid holidays: A through F.
- b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years.
- c. Holidays: A through F plus Washington's Birthday and Good Friday, Christmas Eve providing employee has worked 15 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.
- d. Employer contributes % of gross income to Stabilization Agreement of Sheet Metal Industry Fund.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

KY76-1058 - (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS A	9.20	.30	.30			.05
CLASS B	7.05	.30	.30			.05
CLASS C	6.48	.30	.30			.05

CLASS A:  
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, lift, forklift, (regardless of lift height), all types of boom cats, core drill, hopco, tow or push boat, concrete paver, Grapple, hoist, hyster, pumcrete, rock carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, McCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gullies, sub-grader

CLASS B:  
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexplane, fireman, boom type camping machine, truck crane oiler, greaser on grease, utilities servicing heavy equipment, switchman or brakeman, mechanic helper, Miller oiler, self-propelled compactor, tractor and end loader, elevator (regardless of construction when used for backhoe, high lift and end loader), hoisting engine (one drum or back hoist), soil points, hoisting any building material), hoisting engine (one drum or back hoist), soil points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:  
Bituminous distributor, cement gun, conveyor, mud jack joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

KY76-1058 - (Cont'd)

TRUCK DRIVERS - BUILDING

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Truck drivers up to, but not including 5 tons, such as station wagon, autos, pick-up trucks, motorcycles, bicycles, dump trucks, flat beds and stake bodies	7.25					
Truck drivers on 5 tons and over, including special equipment such as Euclide, winch trucks, dumpster dumpers, crawler-type trucks, ambulances, buses, tandem dump trucks	7.40		a			
Truck drivers on all ready-mix truck	7.40		a			
Tractor trailer drivers and similar equipment such as low boys, distributor trucks, water tank trucks, fork lifts, truck mechanics	7.40		a			
Greasers tire changers, materials checkers and general warehouse	7.35		a			
Footnote: A. Employer contributes \$22.00 per week to Pension Fund per employee.						

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## NOTICES

DECISION NO. LA76-4091

STATE: Louisiana

PARISH: Statewide

DECISION NO. LA76-4091 - DATE: Date of Publication  
 Superseding Decision No. LA76-4013, dated January 30, 1976, in 41 FR 4760.  
 DESCRIPTION OF WORK: Building Construction in all Parishes, Residential  
 Construction in Bossier, Caddo & Calcasieu Parishes and Construction of  
 Highway, Road, Street, and Parking Areas in all Parishes except St. Mary  
 (except those not with building contracts).

ASBESTOS WORKERS	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or App. Tr.
ZONE 1	\$ 9.595	.425	.70	.04
ZONE 2	9.38	.325	.685	.025
ZONE 3	8.40	.45	1.00	.05
ZONE 4	7.78	.30		

## AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes  
 ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes  
 ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes  
 ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

ROOFERS	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or App. Tr.
ZONE 1	\$ 9.00	.50	1.00	.02
ZONE 2	8.24	.20	.25	.06
ZONE 3	7.66	.53	.30	.02
ZONE 4	9.45	.48	.30	.035
ZONE 5	8.25	.25	.20	
ZONE 6	7.66	.53	.45	
ZONE 7	8.25	.40	.30	
ZONE 8	8.25	.40	.30	
ZONE 9	8.45		.25	
ZONE 10	9.20			

## BRICKLAYERS &amp; STONEMASTERS

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes  
 ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes  
 ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes  
 ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

## AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes  
 ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes  
 ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes  
 ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

CARPENTERS	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or App. Tr.
ZONE 1	\$ 7.64	.30	.28	.05
ZONE 2	8.395	.35	.30	.04
ZONE 3	8.10	.20	.30	.04
ZONE 4	8.20	.35	.30	.04
ZONE 5	9.27	.35	.30	.04
ZONE 6	9.205	.35	.30	.04
ZONE 7	7.60	.30	.25	.03
ZONE 8	8.40	.30	.25	.03
ZONE 9	7.40	.35	.20	.05
ZONE 10	7.25	.35	.20	.05

## AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes  
 ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

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## AREA COVERED BY CARPENTERS ZONES (CONT'D)

ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes  
 ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes  
 ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 3) & Terrebonne Parishes  
 ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes  
 ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 9 - Natchitoches & Sabine Parishes  
 ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

CEMENT MASONS (BUILDING CONSTRUCTION)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or App. Tr.
ZONE 1	\$ 7.11			
ZONE 2	8.20			
ZONE 3	7.75	.30	.50	.05
ZONE 4	9.065	.35	.30	.04
ZONE 5	7.35			
ZONE 6	6.00			
ZONE 7	7.30	.30	.25	
ZONE 8	7.17		.30	
ZONE 9	6.50			

## AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes  
 ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson & Vernon Parishes  
 ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes  
 ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (the lower half) & Terrebonne Parishes  
 ZONE 5 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes  
 ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes  
 ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 9 - Natchitoches & Sabine Parishes

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## CEMENT MASONS (HIGHWAY CONSTRUCTION)

CEMENT MASONS (HIGHWAY CONSTRUCTION)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or App. Tr.
ZONE 1	\$ 7.25			
ZONE 2	8.195			
ZONE 3	6.45	.30		
ZONE 4	6.60			
ZONE 5	7.40			
ZONE 6	6.30			
ZONE 7	7.75	.30	.50	.05
ZONE 8	6.30			
ZONE 9	5.72			

## AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes  
 ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes  
 ZONE 3 - Bossier & Caddo Parishes  
 ZONE 4 - Calcasieu & Cameron Parishes  
 ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin & Vermilion Parishes  
 ZONE 6 - Allen, Assumption, Avoyelles, Beauregard, Iberville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Tammany, Tangipahoa, Terrebonne, Vermilion & West Baton Rouge Parishes  
 ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 8 - Natchitoches & Sabine Parishes

ELECTRICIANS	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or App. Tr.
Electricians	\$ 9.90	.35	12+40	3/10%
ZONE 1	8.75		1%	
ZONE 2	9.75		1%	
ZONE 3	11.25	.35	12+20	1/10%
ZONE 4	10.05	.35	1%	.03
ZONE 5	10.30	.30	12+30	1/2%
ZONE 6	9.05	.45	1%	1%
ZONE 7	9.40	.60	1%	1/2%
ZONE 8	9.25		.30	



	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
<u>ELEVATOR CONSTRUCTORS</u>						
ZONE 1						
Elevator constructors' helpers	\$ 9.285	.495	.32	47%a+b	.02	
Elevator constructors' helpers	707JR	.495	.32	47%a+b	.02	
Elevator constructors' helpers (prob.)	507JR					
ZONE 2						
Elevator constructors' helpers	8.05	.495	.32	47%a+b	.02	
Elevator constructors' helpers	707JR	.495	.32	47%a+b	.02	
Elevator constructors' helpers (prob.)	507JR					

AREA COVERED BY GLAZIUS ZONTS

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron,  
Jefferson Davis & Vermilion Parishes

ZONE 2 - Ascension (north & west of Highway 22), Assumption (north of Grand  
Rapids), East Baton Rouge, East Feliciana, Iberville, Livingston (north of line  
of Highway 22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway 51),  
West Baton Rouge & east Feliciana Parishes

ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand  
Rapids), Jefferson, Lafayette, Livingston (east & south of Highway 22), Orleans  
Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St.  
Mary (Bourbon City Area), St. Tammany, Tangipahoa (east of Highway 51), Terre-  
bonne & Washington Parishes

ZONE 4 - Acadia, Barataria, Lakeview, St. Landry, St. Martin, St. Mary (except  
Bourbon City Area) & Vermilion Parishes

ZONE 5 - Bienville, Bossier, Cadeo, Calhoun, DeCade, Hachitcheba (to the  
city of Vachitcheba), Red River, Sabine & Webster Parishes

ZONE 6 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison  
Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half)

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Har-denton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avovelles, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Feliciana, Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avovelles & Evangeline, southwest along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (south of a line drawn from Natchez, Mississippi southerly to the city of Kolin, from there northerly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 3 - All of Bossier, Caddo, DeSoto, East River & Webster Parishes; parts of Blumville, Claiborne, Natchitoches & Tensas Parishes (west of a line drawn directly north from the Arkansas-Louisiana border through the cities of Arcadia & Clouterville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Boerne to the Texas-Louisiana border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, More-bounds, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Allen-ville, Claiborne, Natchitoches & Tensas Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia-Cloutier-ville); Parts of Madison Parish (except the cities of Bound, Delta & adjacent areas); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (north of a line drawn from Natchez, Mississippi southerly to the city of Kolin, from there northerly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

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ZONE 1	Jefferson & Orleans Parishes
ZONE 2	Piquemines, St. Bernard & St. Charles Parishes
ZONE 3	East Baton Rouge Parish
ZONE 4	Calcasieu Parish
ZONE 5	Rossier & Cadeo Parishes
ZONE 6	Lafayette, Ouachita & Rapides Parishes
ZONE 7	Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8	Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafayette, Lasalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vermilion, West Carroll, West Feliciana & Winn Parishes



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LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Range Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>ZONE 1</b>					
GROUP 1 - Building laborers	\$ 3.90	.10			
GROUP 2 - Mason mixers; plaster mixers; mechanical tool operators; sandblasters; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipe-line laborers, wrappers and dopers	4.05	.10			
GROUP 3	4.15	.10			
<b>ZONE 2</b>					
GROUP 1	5.07	.15	.10		.05
GROUP 2	5.27	.15	.10		.05
<b>ZONE 3</b>					
GROUP 1	6.53	.15	.10		.05
GROUP 2	6.63	.15	.10		.05
GROUP 3	6.68	.15	.10		.05
GROUP 4	7.09	.15	.10		.05
GROUP 5	7.05	.15	.10		.05
GROUP 6	6.79	.15	.10		.05
GROUP 7	6.58	.15	.10		.05
<b>ZONE 4</b>					
GROUP 1	5.73	.15	.10		.05
GROUP 2	5.83	.15	.10		.05
GROUP 3	5.86	.15	.10		.05
<b>ZONE 5</b>					
GROUP 1	5.33	.15	.10		.05
GROUP 2	5.43	.15	.10		.05
GROUP 3	5.46	.15	.10		.05
<b>ZONE 6</b>					
GROUP 1	6.74	.15	.20		.05
GROUP 2	6.84	.15	.20		.05
GROUP 3	6.99	.15	.20		.05
GROUP 4	6.89	.15	.20		.05
GROUP 5	6.99	.15	.20		.05

## NOTICES

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LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Range Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>ZONE 7</b>					
GROUP 1	\$ 6.475	.15	.20		.05
GROUP 2	6.575	.15	.20		.05
GROUP 3	6.625	.15	.20		.05
<b>ZONE 8</b>					
GROUP 1	4.80	.15	.10		.05
GROUP 2	5.00	.15	.10		.05
GROUP 3	5.05	.15	.10		.05
GROUP 4	5.10	.15	.10		.05
GROUP 5	5.45	.15	.10		.05
<b>ZONE 9</b>					
GROUP 1	5.40	.15	.10		.05
GROUP 2	5.50	.15	.10		.05
GROUP 3	5.55	.15	.10		.05
GROUP 4	5.60	.15	.10		.05
<b>ZONE 10</b>					
GROUP 1	5.17	.15	.10		.05
GROUP 2	5.27	.15	.10		.05
GROUP 3	5.42	.15	.10		.05

## CLASSIFICATION DEFINITIONS

**LABORERS - ZONE 1**  
 GROUP 1 - Building and labor construction  
 GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wrappers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers  
 GROUP 3 - Gunite tool operators

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**LABORERS - ZONE 2**  
 GROUP 1 - Building laborers; rotary drill laborers; foundation drill crewmen  
 GROUP 2 - Mason mixers; plaster mixers; mechanical tool operators; sandblasters; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipe-line laborers, wrappers and dopers  
 GROUP 3 - Mortar mixers and jackhammer operators  
 GROUP 4 - Blasters  
 GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker  
 GROUP 6 - Tipping joints, laying pipe and tile from pumpcrete  
 GROUP 7 - Interior of closed tanks and vessels manually

**LABORERS - ZONE 3**  
 GROUP 1 - Building and general laborers; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners  
 GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks and vessels power equipment  
 GROUP 3 - Mortar mixers and jackhammer operators  
 GROUP 4 - Blasters  
 GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker  
 GROUP 6 - Tipping joints, laying pipe and tile from pumpcrete  
 GROUP 7 - Interior of closed tanks and vessels manually

**LABORERS - ZONE 4 & 5**  
 GROUP 1 - Building and general laborers; carpenter tenders  
 GROUP 2 - Power tool operators (hammer men, tapper, vibrators, power buggies, concrete chipper or cutters, chain saw operators, etc.); pipelayers (non-metallic)  
 GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hot carrier tender; mortar mixers & cement mixers (wet or dry)  
 GROUP 4 - Building laborers  
 GROUP 5 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewer (bottom men), caulkers, tenders, joint wrappers, hot pot, grade carriers, layers and ditchers 4 feet and over, and blaster (nozzlemen) and pot tenders, laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers  
 GROUP 6 - Gunite tool operators  
 GROUP 7 - Bricklayers tenders and mason tenders  
 GROUP 8 - Bricklayers using prime mover to serve a bricklayer; mortar mixers

**LABORERS - ZONE 6**  
 GROUP 1 - Common laborers  
 GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibrators  
 GROUP 3 - Mortar mixers

**LABORERS - ZONE 7**  
 GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); plasterers' tenders; stone mason helpers; concrete workers; scaffold builders  
 GROUP 2 - Air tool operators (jackhammer, vibrator, and tapper), sewer pipe joiners and setters; concrete cutters; hot carriers; concrete materials handler; acid worker; mason tenders (cement); mortar mixer (wet or dry); motorized buggy operator; water proofers (mastic); form setters (steel paving forms)  
 GROUP 3 - Chain saw operator  
 GROUP 4 - Asphalt raker, tapper, smoother and shovelers; sewer pipe layers; blaster helpers  
 GROUP 5 - Powdermen

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**LABORERS - ZONE 9**  
 GROUP 1 - Building laborers  
 GROUP 2 - Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers  
 GROUP 3 - Mortar mixers  
 GROUP 4 - Air jack operators, vibrator operators; sewer pipe layers, sewer pipe wipers

**LABORERS - ZONE 10**  
 GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenter, plasterers); stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artificial stone; building scaffolds; shoring  
 GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); sewer pipe layers; mortar mixers (hand or machine); gunite operator  
 GROUP 3 - Pipe dopers & burners

## AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

**ZONE 1** - St. Tammany (as far south as Bayou LaCambre and east to the Mississippi State Line at Pearl River), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U.S. Highway 51, then running south paralleling Highway 51 at a 23 mile distance to Lake Pontchartrain) & Washington Parish  
**ZONE 2** - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes  
**ZONE 3** - Allen, Assumption, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
**ZONE 4** - All, Assumption, East Baton Rouge, Feliciana, Iberville, Pointe Coupee, West and East Feliciana Parishes  
**ZONE 5** - St. John the Baptist Parish (north of a line drawn from the corner of the town of St. James in St. James Parish to the northern limit of the town of Napoleonville, in Assumption Parish, then directly east to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lusher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)  
**ZONE 6** - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes  
**ZONE 7** - Jefferson (except Grand Isle), Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist (on the east bank of the Mississippi River and as far as the Sycamore Inn at Lusher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou LaCambre, east to the Mississippi State Line at Pearl River)  
**ZONE 8** - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes  
**ZONE 9** - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Union Parishes  
**ZONE 10** - Bienville, Bossier, Caddo, Calcasieu, DeSoto, Red River, Sabine & Webster Parishes  
**ZONE 11** - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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AREA COVERED BY NILLRIGHTS ZONTS (CONT'D)

ZONT. 5 -	Avoyelles,	Grant,	Lasalle,	&	Papineau	Parishes
ZONT. 6 -	Bienville,	Boissier,	Cadno,	Clathorne,	DeSoto,	Red River & Webster

Parishes

ZONE 7 - Natchitoches & Sabine Parishes

Zone 8 - Calumet, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Natchitoches, Ouachita, Richland, Tensas, Union, West Carroll

Parishes

ZONE 7 - Natchitoches & Sabine Parishes

Zone 8 - Calumet, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Natchitoches, Ouachita, Richland, Tensas, Union, West Carroll

State Line to the western boundary of (Imp: Pacific Part: n) & Washington Part: n	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Appr. Tr.

## PAINTERS

ZONE 1	
GROUP 1 - Brush, wood or wall, rollers	\$ 8.61
GROUP 2 - Brush on steel, buffer on wood or wall	8.535
GROUP 3 - Paperhanging, taping & floating	8.61
GROUP 4 - Spray, wood & wall	8.755
GROUP 5 - Steeplejack, sand-blasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel	8.895

ZONE 2  
GROUP 1 - Brush: taping: float:

ing & texture	6.45	.10
GROUP 2 - Industrial & steel	7.12	.10
GROUP 3 - All spray painting; roller operator & using of mitts; All power tools for cleaning & preparing surfaces for painting; All work on		

stacks, sleepers, rag poles  
& all towers & tanks over 50

fect; All work off using stage, bosun chair and spiders, all work with creosote material or any similar material as service cement paint	6.70	.10
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**GROUP 2 - Structural steel**  
 painters of new buildings under construction; the following overall of 30 feet: tanks air conditioning, towers, smokestacks, sprinkler systems, valves & structural steel in old buildings; spray painters swing stage painters

**GROUP 3 - Industrial**

Zone	Tr.	Appr.
ZONE 7		
GROUP 1 - Painters, tape & float		
GROUP 2 - Stairs, window Jacks & structural steel		8.25
GROUP 3 - Stairs, window Jacks & structural steel over 75 feet		8.50
GROUP 4 - Sandblasting, spray		8.75
		8.85

**ZONE 4**

<b>GROUP 1</b>	- Brush
<b>GROUP 2</b>	- Industrial & steel
<b>GROUP 3</b>	- Hand tools or automatic tools to finish gypsum board; spray; sandblasting - 25¢ per hour above rate for

AREA COVERED BY PAINTING ZONES	
Jack work GROUP 3 - Structural steel, brush	7.55
	7.05

ZONE 5

GROUP 1 - Commercial brush;  
Sheetrock finishe  
GROUP 2 - Industrial brush  
hands

GROUP 3 - All spray painting,  
waterblasting, sandblasting  
GROUP 4 - All paperhangers  
GROUP 5 - All power operated  
tools, buffers, etc.; all  
roller operators - 25¢ per  
hour above scale

ZONE 1 - Allen (except northeast corner), Bearrocks, Calcasieu, Cameron,  
Jefferson Davis & Vernon Parishes  
ZONE 2 - Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway 31), West Baton Rouge & West Feliciana Parishes  
ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Calcasieu, Livingston (east & south of Highway 22), Jefferson, Orleans & Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. John the Evangelist (Bayou City Area), St. James (southern portion) & Terrebonne Parishes  
ZONE 4 - Acadia, Bogalusa, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Bogalusa City Area) & Vermilion Parishes  
ZONE 5 - St. James (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes  
ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, Iberville, Natchitoches (south half), Rapides, St. Landry (north half) & Vermilion (south half) Parishes  
ZONE 7 - Allenville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Tangipahoa Parishes  
ZONE 8 - Calcasieu, Comstock, East Carroll, Termini, Jackson, Lincoln, Madison, Orleans, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

GROUP 1 - Painters, paperhanger, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls

GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work

GROUP 3 - All industrial work including sandblasting or power tools of any kind

Winn (north half) Parishes  
ZONES 7 - Bienville, Bossier, Sabine, Winn, Caddo, Claiborne, Neshoto, Natchitoches (to city  
of Natchitoches), Red River, Sabine, Webster, Parishes  
ZONES 8 - Calhoun, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison,  
Morehouse, Natchitoches, Orleans, St. Landry, St. Martin, St. Tammany, Tensas, Union, West Carroll & Winn (north half)  
Parishes.



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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Vocation Appr. Tr.
PLUMBER & PIPEFITTERS				
ZONE 1	\$ 8.40	.35	.30	
ZONE 2	8.00	.20	.30	.04
ZONE 3	9.67	.35	.30	.04
ZONE 4	8.395	.35	.28	.05
ZONE 5	7.90			
ZONE 6	8.25	.30	.25	.03
ZONE 7	7.90			
ZONE 8	7.75	.35	.20	.05
ZONE 9	8.445	.30		

## AREA COVERED BY PLUMBERS &amp; PIPEFITTERS ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State line to the western boundary of Tangipahoa Parish) & Washington Parishes  
 ZONE 2 - Allenton (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes  
 ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (north of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes  
 ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 5 - Avovelles, Grant, Iberville, Lincoln, Madison, Natchitoches & Rapides Parishes  
 ZONE 6 - Calumet, Iberville, Rapides, St. Landry, St. Martin, St. Mary & Webster Parishes  
 ZONE 7 - Natchitoches & Sabine Parishes  
 ZONE 8 - Grand Isle, St. Landry, St. Martin, St. Mary & Webster Parishes  
 ZONE 9 - Acadia, Assumption, Iberville, Lincoln, Madison, Natchitoches, Orleans, Plaquemine, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes

## NOTICES

## AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes  
 ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes  
 ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes  
 ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Parish line on the west along U.S. Highway 19) through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State line) & Terrebonne Parishes  
 ZONE 6 - Avovelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes  
 ZONE 7 - Iberville, Rapides, St. Landry, St. Martin, St. Mary & Webster Parishes  
 ZONE 8 - Calumet, Iberville, Rapides, St. Landry, St. Martin, St. Mary & Webster Parishes  
 ZONE 9 - Acadia, Assumption, Iberville, Lincoln, Madison, Natchitoches, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Parish line on the west along U.S. Highway 19) through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State line) & Terrebonne Parishes

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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Vocation Appr. Tr.
PLASTERERS				
ZONE 1	\$ 7.70			.01
ZONE 2	6.90			.01
ZONE 3	8.77			.01
ZONE 4	7.65	.30	.20	.03
ZONE 5	7.05			.01
ZONE 6	6.00			.01
ZONE 7	8.75		.50	
ZONE 8	8.45		.25	
ZONE 9	8.25		.30	

## AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes  
 ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes  
 ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes  
 ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Parish line on the west along U.S. Highway 19) through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State line) & Terrebonne Parishes  
 ZONE 6 - Avovelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes  
 ZONE 7 - Iberville, Rapides, St. Landry, St. Martin, St. Mary & Webster Parishes  
 ZONE 8 - Calumet, Iberville, Rapides, St. Landry, St. Martin, St. Mary & Webster Parishes  
 ZONE 9 - Acadia, Assumption, Iberville, Lincoln, Madison, Natchitoches, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Parish line on the west along U.S. Highway 19) through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State line) & Terrebonne Parishes

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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Vocation Appr. Tr.
PLUMBERS & PIPEFITTERS				
ZONE 1	\$10.30	.45	.75	.06
ZONE 2	9.60	.54	.725	.06
ZONE 3	8.20	.40	.35	.10
ZONE 4	8.29	.35	.55	.02
ZONE 5	8.54		.30	.09
ZONE 6	9.88	.42	.47	.08

## AREA COVERED BY PLUMBERS &amp; PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemine, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes  
 ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (east 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except north-west corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes  
 ZONE 3 - Allen (northeast corner), Avovelles, Evangeline (except southwest corner), Grant, Natchitoches (south of Highway 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Acadia through Bellwood), Rapides, Vernon (north-east of Highway 10) & Vermilion Parishes (south of a line drawn from Natchitoches through Winnfield to Standard); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and west of a line drawn from that junction to the meeting place of the Concordia-West Feliciana Parish line)  
 ZONE 4 - All of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 & east of a line drawn south from that junction to the meeting place of the Concordia-West Feliciana Parish line); Part of Vermilion Parish (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson & north of a line drawn east from Winnfield to Standard)  
 ZONE 5 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Acadia through Bellwood & north of Highway 111 between Acadia & Haddens); Part of Vermilion Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)  
 ZONE 6 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northeast corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway 31), St. Mary (western tip), Vermilion & Vernon (south of Highway 111 & southwest of Highway 10) Parishes

## NOTICES

DECISION NO. 1A76-4091

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Vocation Appr. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)				
GROUP 1	\$ 6.11	.25	.48	.05
GROUP 2	6.39	.25	.48	.05
GROUP 3	6.66	.25	.48	.05
GROUP 4	6.73	.25	.48	.05
GROUP 5	7.01	.25	.48	.05
GROUP 6	8.22	.25	.48	.05
ZONES 3 & 4				
GROUP 1	6.44	.25	.15	.05
GROUP 2	6.72	.25	.15	.05
GROUP 3	7.01	.25	.15	.05
GROUP 4	7.06	.25	.15	.05
GROUP 5	7.34	.25	.15	.05
GROUP 6	8.55	.25	.15	.05
ZONE 5				
GROUP 1	6.335	.25	.48	.05
GROUP 2	6.075	.25	.48	.05
GROUP 3	5.905	.25	.48	.05
GROUP 4	6.565	.25	.48	.05
GROUP 5	8.495	.25	.48	.05
GROUP 6	6.895	.25	.48	.05
GROUP 7	7.65	.25	.48	.05

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	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rate	H & W	Pensions	Vacation	
ZONE 6					
GROUP 1	\$ 6.43	.25	.30		.05
GROUP 2	6.02	.25	.30		.05
GROUP 3	5.85	.25	.30		.05
GROUP 4	6.25	.25	.30		.05
GROUP 5	6.82	.25	.30		.05
GROUP 6	7.21	.25	.30		.05
GROUP 7	8.55	.25	.30		.05
GROUP 8	8.80	.25	.30		.05
GROUP 9	9.05	.25	.30		.05
GROUP 10	9.30	.25	.30		.05
ZONE 7					
GROUP 1	9.61	.25	.48		.05
GROUP 2	9.86	.25	.48		.05
GROUP 3	7.02	.25	.48		.05
GROUP 4	7.40	.25	.48		.05
GROUP 5	7.99	.25	.48		.05
GROUP 6	9.36	.25	.48		.05

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale operator; Oilier-driver on Motor Crane; Hatch Plant Operator

GROUP 2 - Pumps under 3 inch suction; Mechanic Helper

GROUP 3 - Oilier

GROUP 4 - Scaleman

GROUP 5 - Combination Oilier-Compressor; Combination Oilier-Mixer; Asphalt Spreader; Hackhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on construction other than buildings; Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer Plant Operator; Central Mix; Motor Patrols; Derricks; Ditching or Pump Crane, 6" and over discharge; Push Cat; Road Pavers; Dredges; Fork Lifts (other than farm type) outside warehouses (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (plant mix asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Winch Trucks; Winch Cuts (Cat D-4 and over); Winch Trucks with A-Frame (5 tons and over); Work Boats requiring licensed operator

GROUP 6 - Rush Hog; Compressor; Concrete Pumps, under 6" discharge; Concrete Saw; Kolum Huff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machines; Farm-type tractors (when used to pull discs, grass cutters, etc.); Test Pump, Internal, combustion engine powered; Ditching or Trenching Machines (non-riding type); Water Blast Pumps; Hoist, 1 drum under 4 stories on buildings; Hoist, 1 drum (40 feet or under on structures other than buildings)

GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buckles; Winch Truck with A-Frame (under 5 tons); Work Boat, not requiring licensed operator; Finishing Machines

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4

GROUP 1 - Oilier

GROUP 2 - Mechanic helper

GROUP 3 - Oilier-driver

GROUP 4 - Scaleman

GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent 6 under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Mixer Surface); Dowel Bar Machine; Farm-type tractor (with all attachments except backhoe); Pileman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 4 drum or less than 4 stories; Kolum Huff Machine; Pull Cat; Pump (3 and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buckles; Sweepers (except 6" roads (motorized)); Winch Truck, A-Frame (other than handling steel or pipe)

GROUP 6 - Asphalt Spreader; Hackhoe, bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines (except lines); Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more; Hoist, 1 drum (40 feet or under on structures other than buildings); Hoist, 2 drums and over; Hydraulic; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Paver; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cuts; Shovels; Tractorvators; Welder, Journeyman; Well Point System; Winch Cuts (hoisting); Winch Truck, A-Frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pump, 3 inch suction or more

GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper

GROUP 3 - Oilier

GROUP 4 - Hatch Plant Operator

GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist, 1 drum, less than 4 stories; Concrete Mixer under 16s; Oilier Driver; Pump Crane; Street and Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-Hole Digger; Tractor operated Bush Hog and similar grass or brush cutting equipment

GROUP 6 - A-Frame Truck; Bulldozer, under 6; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Tractorvator, Scoopmobile and similar front-end loading equipment with Scoopmobile or Bucket under one (1) cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist, 1 drum, 4 stories or over

GROUP 7 - Backhoe; Cableway; Concrete Mixer, 16s & up; Crane; Derrick; Dragline; Dredge; Equipment Maintenance Mechanic; Hoist, 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on Asphalt or Brick (5 tons & over); Shovel; Sideboom Cat; Bulldozer, 6 and over; Motor Patrol; Scraper; Hydraulic Crane; Hydro-Lift Truck; Yard Crane; Cherry Picker, etc.; Foundation Boring and Reaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Tractorvator and similar front-end loading equipment with scoop or bucket of one (1) cubic yard or more capacity; Tug Boat Operator; Turnpull; Euclid, D4-10 and other similar self-loading earth moving equipment; Concrete Pump (not Pump Crane)

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 8 - Crane Operator, 65 tons & over; Crane Operator, Room 100 feet & over; Piledriver Operator, Leads 100 feet & over

GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Room 150 feet & over; Piledriver Operator, Leads 150 feet & over

GROUP 10 - Crane Operator, Room 25 feet & over; Piledriver Operator, Leads over 250 feet

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic

GROUP 2 - Master Mechanic

GROUP 3 - Oilier

GROUP 4 - Batch Plant Operator; Mechanic Helpers; Oilers (Drivers)

GROUP 5 - A-Frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineer; Asphalt Finisher, Scraped Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Pitch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pup Mill Operators; Pull Tractors; Pump, Pump Crane; Rubber Tired Front End Loader, with or without attachments, 1 cu. yd. or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cuts; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6

GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clam Shells; Deck Winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoists, 2 drums or more; Hydro cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without attachments, 1 cu. yd. capacity or more; Scrapers; Shovels; Hackhoes (all types); Sideboom Cuts; Stabilizers, 3 drums or more; Tractorvators; Trenching Machines; Unit Operator; Welder, Journeyman; Well Point Systems (gas, diesel, electric, etc.); Concrete Pump/Room Combinations

AREA COVERED BY POWER EQUIPMENT OPERATIONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Blenville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Bossier, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Berwick-St. Landry parishes border)

ZONE 4 - Calcasieu, Calumet, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tangipahoa, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Bossier, Calcasieu, Calumet, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Assumption, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lusher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lusher to the east side of the city of Hammond, to the Louisiana-Mississippi border)







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## AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson Davis, Orleans, Plaquemine, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes  
 ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern portion), St. Mary (northeast of the Atchafalaya River) & St. Tammany Parishes  
 ZONE 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes  
 ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes  
 ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 7 - Natchitoches & Sabine Parishes  
 ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Education Appr. Tr.
SPRINKLER FITTERS	\$10.10	.60	.90	.08
TERRAZZO WORKERS				
ZONE 1	8.40	.25	.30	.02
ZONE 2	9.45	.48		
ZONE 3	7.25		.25	
ZONE 4	7.62			
ZONE 5	7.25			
ZONE 6	9.10			

## AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes  
 ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes  
 ZONE 3 - Iberia, Lafourche, St. Martin & St. Mary Parishes  
 ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Education Appr. Tr.
SHEET METAL WORKERS				
ZONE 1	\$ 9.09	.40	.15	.10
ZONE 2	9.31	37%-.40	.60	.14
ZONE 3	8.25	.20	.50	.12
ZONE 4	8.45	37%-.40	.25	.07

## AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish  
 ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes  
 ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Police Comm. St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes  
 ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Richland, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Education Appr. Tr.
SOFT FLOOR LAYERS				
ZONE 1	\$ 8.395	.35	.28	.05
ZONE 2	9.37	.35	.30	.04
ZONE 3	9.235	.35	.30	.04
ZONE 4	8.10	.35	.30	
ZONE 5	7.40		.25	
ZONE 6	8.00	.30	.25	.03
ZONE 7	7.40		.20	.05
ZONE 8	7.25	.35		

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	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Education Appr. Tr.
TERRAZZO WORKERS' HELPERS				
ZONE 1	\$ 6.25	.25	.10	.05
ZONE 2	5.27	.15		
ZONE 3	3.50			

## AREA COVERED BY TERRAZZO WORKERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemine, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes  
 ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes  
 ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Webster & Winn Parishes

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or Education Appr. Tr.
TITLE SETTERS				
ZONE 1	\$ 8.40	.25	.25	.02
ZONE 2	7.35	.43		
ZONE 3	8.25		.25	
ZONE 4	7.42	.30		
ZONE 5	7.25			
ZONE 6	9.10			

## AREA COVERED BY TITLE SETTERS' ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemine, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes  
 ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes  
 ZONE 3 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes  
 ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes  
 ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes  
 ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes



ZONE	GROUP	Fringe Benefits Payments			
		Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
ZONE 3					
	GROUP 1	\$ 5.47			
	GROUP 2	5.55			
	GROUP 3	5.60			
	GROUP 4	5.75			
	GROUP 5	6.10			
	GROUP 6	6.45			
	GROUP 7				

CLASSIFICATION DEFINITIONS

- TRUCK DRIVERS - ZONE 1**
- GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
- GROUP 2 - Stake bodies (all sizes)
- GROUP 3 - Trucks trailer & dumps over 8 yds.
- GROUP 4 - Mixers on trucks up to and including 3 yds.
- GROUP 5 - Mixers on trucks over 3 yds.
- GROUP 6 - Winch trucks
- GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
- GROUP 8 - Trucks - dump
- GROUP 9 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.
- TRUCK DRIVERS - ZONE 2**
- GROUP 1 - Teamster, pick-up drivers
- GROUP 2 - Stake bodies (all sizes)
- GROUP 3 - Truck & trailer; dump
- GROUP 4 - Mixers on trucks, up to and including 3 yds.
- GROUP 5 - Mixers over 3 yds.
- GROUP 6 - Winch trucks
- GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
- GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.
- TRUCK DRIVERS - ZONE 3**
- GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers
- GROUP 2 - Stake bodies; flat beds (all sizes)
- GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
- GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
- GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors and wobble wheels
- GROUP 6 - Euclids, loadboys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over 3 yds., fuel truck
- GROUP 7 - Fork lift

NOTICES

AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes

ZONE 3 - Bienville, Bossier, Caddo, Calcasieu, DeSoto, Red River & Webster Parishes

TRUCK DRIVERS (HIGHWAY CONSTRUCTION)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
GROUP 1				
ZONE 1	\$ 5.49			
ZONE 2	5.49			
ZONE 3	5.26			
ZONE 4	5.90			
ZONE 5	4.45			
ZONE 6	4.35			
ZONE 7	4.25			
GROUP 2				
ZONE 1	5.61			
ZONE 2	5.61			
ZONE 3	5.35			
ZONE 4	6.02			
ZONE 5	4.56			
ZONE 6	4.46			
ZONE 7	4.36			
GROUP 3				
ZONE 1	5.66			
ZONE 2	5.66			
ZONE 3	5.55			
ZONE 4	6.07			
ZONE 5	4.61			
ZONE 6	4.51			
ZONE 7	4.41			

ZONE	GROUP	Fringe Benefits Payments			
		Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
ZONE 1		\$ 5.73			
ZONE 2		5.73			
ZONE 3		5.73			
ZONE 4		6.14			
ZONE 5		4.67			
ZONE 6		4.57			
ZONE 7		4.47			
GROUP 5					
ZONE 1		5.89			
ZONE 2		5.89			
ZONE 3		6.09			
ZONE 4		6.31			
ZONE 5		4.83			
ZONE 6		4.73			
ZONE 7		4.63			

CLASSIFICATION DEFINITIONS

- GROUP 1 - One ton and under; Warehouseman, material checker, receiving clerk, spotter and dumper
- GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks); truck mechanic helper
- GROUP 3 - Single axle dump trucks, single axle water trucks
- GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailers and truck mechanics
- GROUP 5 - Special equipment, euclids and five axle moving equipment
- AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES**
- ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
- ZONE 2 - East Baton Rouge Parish
- ZONE 3 - Bossier & Caddo Parishes
- ZONE 4 - Calcasieu Parish
- ZONE 5 - Lafayette, Ouachita & Rapides Parishes
- ZONE 6 - Acadia, Assumption, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Mary, St. Tammany, Vermilion, Washington, West River & West Baton Rouge Parishes
- ZONE 7 - Allen, Assumption, Avoyelles, Bossier, Calcasieu, Calumet, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafayette, Lasalle, Lincoln, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Sabine, St. Helena, St. Martin (south of Iberia Parish), Tensas, Terrebonne, Union, Vermilion, West Carroll, West Feliciana & Winn Parishes
- WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

NOTICES

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SUPERSEDED DECISION  
STATE: Maryland & Virginia  
COUNTIES: Montgomery and Prince Georges  
Counties, Maryland; Arlington  
and Fairfax Counties, the city  
of Alexandria and  
Dulles International Airport  
Virginia

MD76-3173 Cont'd.

DECISION NO. 148-76-3173  
SuperseDED Decision No. MD76-3140, dated January 23, 1976, in 41 FR 3603  
DESCRIPTION OF WORK: Building Construction (excluding all residential projects.)

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 10.21	.60		.03
BOILERMAKERS - BLACKSMITHS	9.40	.90		.02
BRICKLAYERS	9.85	.60		.10
CARPENTERS	10.00	.53		.07
CEMENT MASONS	9.65	.45		.11
Cementing machine	9.90	.45		.11
DIVERS	18.125	.50		.07
DIVER TENDER	10.75	.49		.07
ELECTRICIANS	10.50	.65	1% + .80	.10
ELEVATOR CONSTRUCTORS' HELPERS	9.775	.445	3%+ab	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	6.84	.445	3%+ab	.02
GLAZIERS	4.89	.56		.05
IRONWORKERS:	9.78			
Structural, ornamental and chain link fence	10.40	.87	.80	.05
Reinforcing	10.55	.55	.85	.03
LABORERS (EXCLUDING WMATA RAPID RAIL TRANSIT SYSTEM)	7.71	.35		.05
Common laborers, landclearers	8.21	.35		.05
Acetylene burners used on wrecking				
Air tool op., scaffold builders, paving breakers, towmasters, men and scotcretes	7.86	.35		.05
Pipelayers	7.86	.35		.05
Plasterers' tenders	7.03	.32		.05
Plumbers' laborers	6.93	.30		.05
Powdermen	8.885	.35		.05
Powersaw, well points	7.96	.35		.05
LATHERS	8.73	.50		.01
LEADBURNERS	9.25	.35		.05
CARPET LAYERS	6.70	.30		.05

BUILDING CONSTRUCTION (INCLUDING WMATA)

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION:				
Linemen, cable splicers, equipment operators	\$11.61	.35	1%	1/2 of 1%
Truck with winch, truck pole or steel handling	7.23	.35	1%	1/2 of 1%
Groundmen (0 to 1 year)	5.81	.35	1%	1/2 of 1%
Groundmen (1 to 2 years)	6.72	.35	1%	1/2 of 1%
Groundmen (over 2 years)	6.97	.35	1%	1/2 of 1%
MARBLE SETTERS	10.80	.45	.30	.05
MARBLE SETTERS' HELPERS	7.35	.65	.53	.07
MILLWRIGHTS	10.46			
PAINTERS:				
Brush, spray, paperhangers, tapers	10.04	.51	.38	.06
Steel, sandblasting, swing stage, power brushing	10.54	.51	.38	.06
FILEDRIVERS	10.21	.65	.53	.07
PLASTERERS	9.80	.45	.25	.06
PLUMBERS	10.08	.73	.70	.23
ROOFERS:				
Composition	9.01	.47	.30	
Slate, tile, mopmen, water-proofers, sprayers, sprandel and ironite	9.57	.47	.30	
HELPER	6.43	.47	.30	
SHEET METAL WORKERS	10.06	.74	.84	.12
SOFT FLOOR LAYERS	10.00	.65	.53	.07
SPRINKLER FITTERS	11.45	.80	.90	.08
and air conditioning mechanic	10.20	.65	.75	.14
STONE MASONS	10.80	.45	.30	.05
STONE CUTTERS:				
Fitters and trimmers	10.80	.18	.20	
Ornamental carvers	9.49	.18	.20	
Figure carvers	10.11			

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MD76-3173 Cont'd.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- a. Holidays: A through F.  
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.  
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).  
f. Employer contributes \$8.00 per week when employee has worked 90 days, and works 3 days in any work week.  
g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).  
h. Holidays: A-D-E-F and Veteran's Day.  
j. One week's paid vacation providing the employee has worked 3 years and a minimum of 1450 hours during any calendar year.

MD76-3173 Cont'd.

BUILDING CONSTRUCTION (INCLUDING WMATA)

Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION:				
Linemen, cable splicers, equipment operators	\$11.61	.35	1%	1/2 of 1%
Truck with winch, truck pole or steel handling	7.23	.35	1%	1/2 of 1%
Groundmen (0 to 1 year)	5.81	.35	1%	1/2 of 1%
Groundmen (1 to 2 years)	6.72	.35	1%	1/2 of 1%
Groundmen (over 2 years)	6.97	.35	1%	1/2 of 1%
MARBLE SETTERS	10.80	.45	.30	.05
MARBLE SETTERS' HELPERS	7.35	.65	.53	.07
MILLWRIGHTS	10.46			
PAINTERS:				
Brush, spray, paperhangers, tapers	9.84	.71	.69	.06
Steel, sandblasting, swing stage, power brushing	10.34	.71	.69	.06
FILEDRIVERS	10.21	.65	.53	.07
PLASTERERS	9.80	.45	.25	.06
PLUMBERS	10.08	.73	.70	.23
ROOFERS:				
Composition	9.01	.47	.30	
Slate, tile, mopmen, water-proofers, sprayers, sprandel and ironite	9.57	.47	.30	
HELPER	6.43	.47	.30	
SHEET METAL WORKERS	10.06	.74	.84	.12
SOFT FLOOR LAYERS	10.00	.65	.53	.07
SPRINKLER FITTERS	11.45	.80	.90	.08
and air conditioning mechanic	10.20	.65	.75	.14
STONE MASONS	10.80	.45	.30	.05
STONE CUTTERS:				
Fitters and trimmers	10.80	.18	.20	
Ornamental carvers	9.49	.18	.20	
Figure carvers	10.11			

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM  
ONLY

Laborers:	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
GROUP I	\$ 7.71	.35	.40	.05
GROUP II	7.86	.35	.40	.05
GROUP III	7.91	.35	.40	.05
GROUP IV	7.96	.35	.40	.05
GROUP V	8.16	.35	.40	.05
GROUP VI	8.36	.35	.40	.05
GROUP VII	8.485	.35	.40	.05
GROUP VIII	8.935	.35	.40	.05

## CLASSIFICATIONS

**LABORERS:**  
**GROUP I** - Car loader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, driller helper, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborer, railroad track laborer, riptap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucket and filler, truck loader, water boys, tool room men  
**GROUP II** - Combined air and water nozzleman, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spilar, pulley, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, tomsters, scooters, buggymobiles and similar equipment), tamper or rammer operator, prestite scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblaster or gunnite tailhouse man, scaffold erector (steel or wood), vibrator operator (up to 4'), asphalt cutter, mortar men, shorer and laggers, creosote material handler, corrosive enamel or equal, paving breaker and jackhammer operators  
**GROUP III** - Multi-section pipe layer, non-metallic clay and concrete pipe layer (including caulker, collarman, joiner, rigger and jacker) thermite welder and corrugated metal culvert pipe layer  
**GROUP IV** - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installers, air-trac operator  
**GROUP V** - Asphalt screeder, big drills, cut of the hole drills (1 1/2 piston or larger) down the hole drills (3 1/2" piston or larger), gunnite or sandblaster nozzleman, asphalt taker, asphalt tamper, form setter, demolition torch operator, shotcrete nozzleman and potman  
**GROUP VI** - Powderman, marker form setters  
**GROUP VII** - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder, hastings block or similar type)

## TUNNELS, RAISES AND SHAFTS - FREE AIR

**GROUP I**  
 Brakeman, bull gang, dumper, trackman, concrete man  
**GROUP II**  
 Chuck tender, powderman in prime house, form setters and movers, nippers, cableman, hoistman, groutman, bell or signalman, top or bottom vibrator operator, caulkers' helpers  
**GROUP III**  
 Miner, rodmn, re-bar underground, concrete or gunnite nozzleman, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman.  
**GROUP IV**  
 Trucking machine operator (air)

## CLASSIFICATIONS

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
GROUP I	\$7.985	.35	.40	.05
GROUP II	8.285	.35	.40	.05
GROUP III	8.935	.35	.40	.05
GROUP IV	9.185	.35	.40	.05

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM  
ONLY

## NOTICES

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM  
ONLY

COMPRESSED AIR RATES		Fringe Benefits Payments			
Gauge Pressure Pounds	Work Period Hours	Rates Paid Daily	H & W	Pensions	Education and/or Appr. Tr.
1-14	7	\$ 81.22	a	b	c
14-18	6	84.56	a	b	c
18-22	5-1/2	87.89	a	b	c
22-26	5	91.24	a	b	c
26-32	4	94.57	a	b	c
32-38	3	97.92	a	b	c
38-44	2-1/2	101.25	a	b	c

Footnotes:  
 a. The employer pays \$2.80 to health and welfare per day.  
 b. The employer pays \$3.70 to Pension per day.  
 c. The employer pay \$.40 to training fund per day.

## (INCLUDING DATA - RAPID RAIL TRANSIT SYSTEM)

Power Equipment Operators:	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Education and/or Appr. Tr.
GROUP 1	\$10.45	.50	.55	.12
GROUP 2	10.20	.50	.55	.12
GROUP 3	9.82	.50	.55	.12
GROUP 4	10.05	.50	.55	.12
GROUP 5	9.87	.50	.55	.12
GROUP 6	9.80	.50	.55	.12
GROUP 7	9.79	.50	.55	.12
GROUP 8	9.62	.50	.55	.12
GROUP 9	9.40	.50	.55	.12
GROUP 10	9.60	.50	.55	.12
GROUP 11	8.74	.50	.55	.12

## CLASSIFICATIONS

## POWER EQUIPMENT OPERATORS

GROUP 1 - 35 ton cranes and above, tower and climbing cranes  
 GROUP 2 - Backhoes, boom cets, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds. struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.), boom trucks, rollers, shield, tunnel mining machines, loaders used as muckers in tunnels, mining, gradalls, shotcrete machine and grout pumps with discharge of two inches 1. D. or more, drill rigs  
 GROUP 3 - Mechanic, mechanic welder, welders  
 GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractor, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)  
 GROUP 5 - Air compressors (on steel)  
 GROUP 6 - Front end loaders (hi-lift), fork lifts  
 GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines  
 GROUP 8 - Air compressors (except on steel), concrete mixers, mechanic and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points  
 GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders  
 GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders  
 GROUP 11 - Firemen

## NOTICES

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976







DECISION NO. NV76-5046

DECISION NO. NV76-5046

	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation		H & W	Pensions	Vacation
SHEET METAL WORKERS: (Cont'd) Remaining Counties and North half of Nye County	.94	1.80	.05+.02	9.90	.36	.95	\$1.00	\$7.23	.36	.95	\$1.00
SOFT FLOOR LAYERS: Clark, Esmeralda, Lincoln and Nye Counties	.40	.20	2.4%	11.72	.36	.95	1.00	7.28	.36	.95	1.00
Remaining Counties including Lake Tahoe Area	.70	.90	.08	10.05	.36	.95	1.00	7.31	.36	.95	1.00
SPRINKLER FITTERS: Clark, Esmeralda, Lincoln and South half of Nye County	.60	.50	.06	14.80	.36	.95	1.00	7.33	.36	.95	1.00
Remaining Counties and north of Nye County	.45	.45	.01	10.87	.36	.95	1.00	7.35	.36	.95	1.00
Zone A (0-15 miles from Court House in Reno)	.45	.45	.01	10.75	.36	.95	1.00	7.36	.36	.95	1.00
Zone B (15-35 miles from Court House in Reno)	.45	.45	.01	11.25	.36	.95	1.00	7.38	.36	.95	1.00
Zone C (35-75 miles from Court House in Reno)	.45	.45	.01	11.65	.36	.95	1.00	7.41	.36	.95	1.00
TERRAZZO AND TILE HELPERS: Clark, Esmeralda, Lincoln and South half of Nye County	.45	.45	.01	9.10	.36	.95	1.00	7.42	.36	.95	1.00
FOOTNOTE: a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid holidays: A through F.											
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Thanksgiving Day.											
LABORERS (Clark, Esmeralda, Lincoln and Nye Counties)											
Group 1:	.95	1.75	.30	9.02	.95	1.75	.30	9.02	.95	1.75	.30
Group 2:	.95	1.75	.30	9.29	.95	1.75	.30	9.29	.95	1.75	.30
Group 3:	.95	1.75	.30	9.56	.95	1.75	.30	9.56	.95	1.75	.30
Group 4:	.95	1.75	.30	9.69	.95	1.75	.30	9.69	.95	1.75	.30
Group 5:	.95	1.75	.30	9.90	.95	1.75	.30	9.90	.95	1.75	.30
Group 6:	.95	1.75	.30	10.00	.95	1.75	.30	10.00	.95	1.75	.30
Group 7:	.95	1.75	.30	10.12	.95	1.75	.30	10.12	.95	1.75	.30
Group 8:	.95	1.75	.30	10.28	.95	1.75	.30	10.28	.95	1.75	.30
Group 9:	.95	1.75	.30	10.40	.95	1.75	.30	10.40	.95	1.75	.30
POWER EQUIPMENT OPERATORS (Except Pile-driving and Steel Erection) (Clark, Esmeralda, Lincoln and Nye Counties)											
Group 1:	.95	1.75	.30	9.02	.95	1.75	.30	9.02	.95	1.75	.30
Group 2:	.95	1.75	.30	9.29	.95	1.75	.30	9.29	.95	1.75	.30
Group 3:	.95	1.75	.30	9.56	.95	1.75	.30	9.56	.95	1.75	.30
Group 4:	.95	1.75	.30	9.69	.95	1.75	.30	9.69	.95	1.75	.30
Group 5:	.95	1.75	.30	9.90	.95	1.75	.30	9.90	.95	1.75	.30
Group 6:	.95	1.75	.30	10.00	.95	1.75	.30	10.00	.95	1.75	.30
Group 7:	.95	1.75	.30	10.12	.95	1.75	.30	10.12	.95	1.75	.30
Group 8:	.95	1.75	.30	10.28	.95	1.75	.30	10.28	.95	1.75	.30
Group 9:	.95	1.75	.30	10.40	.95	1.75	.30	10.40	.95	1.75	.30

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## NOTICES

## NOTICES

DECISION NO. NV76-5046

DECISION NO. NV76-5046

	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation		H & W	Pensions	Vacation
TRUCK DRIVERS (Clark, Esmeralda, Lincoln; and Nye County South of Hwy. #6)											
GROUP 1:	.35	.50		8.00	.35	.50		8.00	.35	.50	
GROUP 2:	.35	.50		8.11	.35	.50		8.11	.35	.50	
GROUP 3:	.35	.50		8.16	.35	.50		8.16	.35	.50	
GROUP 4:	.35	.50		8.22	.35	.50		8.22	.35	.50	
GROUP 5:	.35	.50		8.50	.35	.50		8.50	.35	.50	
GROUP 6:	.35	.50		9.00	.35	.50		9.00	.35	.50	

## LABORERS

(Clark, Esmeralda, Lincoln and Nye Counties)

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt  
Holes; Dumping; Gas and Oil Pipeline Laborers; Demolition Laborers; General  
or Construction Laborers; Spotter; Window Cleaner

Group 2: Gutting Torch Op. (Demolition); Tarman and Motorman.

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar  
type heavy construction; Landscape Gardener and Nursery-Man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and  
Installer (lead man); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious membrane and Oilier of all materials; Making  
and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster  
(pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggy-Mobile Man; Cement Dumper (on  
1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Op.;  
Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipe-  
line Wrapper Pot Tender and Form Man; Tree Climber, faller, chain saw operator;  
Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric,  
and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and  
underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

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TUNNEL LABORERS  
(Statewide except Clark,  
Esmeralda and Lincoln Cos., &  
the S 1/2 of Nye County)TRUCK DRIVERS  
(Remaining Counties)DUMP (Single or multiple units in-  
cluding semi, double and transfer  
spreader; Hammer and Bull count)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
8.50	.50	.65		.10
8.60	.50	.65		.10
8.75	.50	.65		.10
8.80	.50	.65		.10
9.10	.50	.65		.10
9.35	.50	.65		.10
9.65	.50	.65		.10

SHAPER; Bull Gang, Muckers,  
Trackmen; Dumpmen; Concrete  
Crew - includes rodding and  
spreading; Grout Crew Incl.  
Headerman and Potman; Reboundmen  
NIPPER; Chuck Tenders and Cable  
Tenders; Powderman - Primer  
House; Steel Form Raisers and  
Setters; Vibrators, Pavement  
Breakers

GROUT GUNMEN; Jetgunmen; Gunmen

MINERS-Tunnel, Incl. Top and  
Bottom Man on Shaft and Raise  
Work; Timbermen, Retimberman -  
Wood or Steel or substitute  
materials therefor; Blasters,  
Drillers, Powdermen - in heading;  
Cherry Pickerman - where car is  
lifted; Nozzlemen on slick line;  
Sand Blaster - Potman (work  
assignment interchangeable)SHAFT WORK & RAISE (below actual  
or excavated ground level);  
Diamond Driller; Gunnite Nozzle-  
men; Rodmen, Groundmen

SHIFTERS

SHAFT WORK &amp; Raise-Shifters

## NOTICES

Basic Hourly Rates	AREA I	Basic Hourly Rates	AREA II	Fringe Benefits Payments		
				H & W	Pensions	Vacation
\$ 8.65	8.65	\$ 9.60	9.60	.51	.65	.05
8.65	8.65	9.80	9.80	.51	.65	.05
8.65	8.65	10.00	10.00	.51	.65	.05
9.00	9.00	10.15	10.15	.51	.65	.05
9.25	9.25	10.40	10.40	.51	.65	.05
9.40	9.40	10.55	10.55	.51	.65	.05
9.55	9.55	10.70	10.70	.51	.65	.05
9.70	9.70	10.85	10.85	.51	.65	.05
8.85	8.85	10.00	10.00	.51	.65	.05
8.95	8.95	10.10	10.10	.51	.65	.05
9.15	9.15	10.30	10.30	.51	.65	.05
8.65	8.65	9.80	9.80	.51	.65	.05
8.85	8.85	10.00	10.00	.51	.65	.05

TRANSIT MIX:  
Under 8 yards  
8 yards and including 12 yards  
Over 12 yardsWATER TRUCKS and Jetting Trucks:  
Up to 2,500 gallons  
2,500 gallons and overDN 20's and 21's and other similar  
cat type, Terra Gobre, Leblouneau  
Fulls, Tournierocket, Euclid and  
similar type equipment when pulling  
Aqua/Pak; Water tank trailers, fuel  
and/or grease tank, or other misc.  
trailers (except as defined under  
dump trucks)FLATBACK; Industrial lift with mech-  
anical tailgate:  
Single unit 2 axle  
Single unit 3 axle

## NOTICES

TRUCK DRIVERS (Cont'd)  
(Remaining Counties)BUS AND MANHAUL DRIVERS, Single unit  
Pickup:  
Up to 18,000 pounds  
18,000 pounds and overWINCH TRUCKS, A-FRAME:  
Under 18,000 pounds  
18,000 pounds and overHEAVY DUTY TRANSPORT (Highbed);  
Heavy duty transport (gooseneck  
loaded); Tiltbed or flatbed or  
flatbedBOOTMAN, Combination; Bootman and  
road rollerROAD OIL TRUCKS OR BOOTMEN; Fuel  
driver; Fuel man and fuel island  
menHELICOPTER PILOT (When transporting  
men or material)

LIFT JITNEYS AND FORK LIFTS

WAREHOUSEMAN SPOTTERS; Teamsters

TIRE REPAIRMAN

TRUCK REPAIRMAN

Basic Hourly Rates	AREA I	Basic Hourly Rates	AREA II	Fringe Benefits Payments		
				H & W	Pensions	Vacation
\$ 8.50	8.50	\$ 9.65	9.65	.51	.65	.05
8.60	8.60	9.75	9.75	.51	.65	.05
8.60	8.60	9.75	9.75	.51	.65	.05
8.70	8.70	9.85	9.85	.51	.65	.05
9.00	9.00	10.15	10.15	.51	.65	.05
8.90	8.90	10.05	10.05	.51	.65	.05
8.60	8.60	9.75	9.75	.51	.65	.05
9.60	9.60	10.55	10.55	.51	.65	.05
8.70	8.70	9.85	9.85	.51	.65	.05
8.55	8.55	9.70	9.70	.51	.65	.05
8.85	8.85	10.00	10.00	.51	.65	.05
9.15	9.15	10.30	10.30	.51	.65	.05

LABORERS  
(Remaining Counties)

Basic Hourly Rates	H & W	Pensions	Vacation	Fringe Benefits Payments	
				Education and/or App. Tr.	
\$ 8.50	.50	.65		.10	
8.60	.50	.65		.10	
8.75	.50	.65		.10	
8.80	.50	.65		.10	
9.10	.50	.65		.10	
9.15	.50	.65		.10	
9.65	.50	.65		.10	
10.86	.50	.65		.10	

GROUP 1 :  
GROUP 2 :  
GROUP 3 :  
GROUP 4 :  
GROUP 5 :  
GROUP 6-A :  
GROUP 6-B :  
GROUP 6-C :







POWER EQUIPMENT OPERATORS (Cont'd)  
(Except Piledriving and Steel Erection)  
(Remaining Counties)

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic  
cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds.  
up to and including 12 cu. yds.); Multi-engine earthmoving equipment  
(up to and including 75 cu. yds.); "struck" M.R.C.; Power shovels, clam-  
shells, draglines, Backhoes, Grade-allis (over 1 yd. and up to and  
including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple  
propulsion power units); Single engine rubber tired earth-moving  
machine (with tandem scraper); Slip form paver (concrete or asphalt);  
Tandem cats and scrapers; Tower crane mobile; Universal Liebherr and  
Tower cranes (and similar types); Wheel excavator (up to and including  
750 cu. yds. per hour); Whirley cranes (over 25 tons)

GROUP 11-A: Band Wagons (in conjunction with wheel excavators); Loader  
(over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu.  
yds. "struck" M.R.C.); Operator of helicopter (when used in construc-  
tion work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote  
controlled earth moving equipment; Wheel excavator (over 750 cu. yds.  
per hour)

NEVADA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS  
(Remaining Counties)

AREA 2: All areas not included within Area 1 as defined below.  
AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo  
Baseline and Meridian at the California-Nevada border;  
Thence Easterly to the N.E. corner of township 22N, range 22E;  
Thence Southerly to the N.E. corner of township 20N, range 22E;  
Thence Southerly to the N.W. corner of township 20N, range 26E;  
Thence Northerly to the N.W. corner of township 22N, range 29E;  
Thence Northerly to the N.W. corner of township 22N, range 29E;  
Thence Northerly to the N.W. corner of township 30N, range 29E;  
Thence Easterly to the N.E. corner of township 30N, range 33E;  
Thence Southerly to the S.E. corner of township 24N, range 33E;  
Thence Southerly to the S.E. corner of township 24N, range 31E;  
Thence Southerly to the S.E. corner of township 16N, range 31E;  
Thence Southerly to the S.E. corner of township 16N, range 30E;  
Thence Southerly to the S.E. corner of township 15N, range 30E;  
Thence Southerly to the S.E. corner of township 15N, range 27E;  
Thence Southerly to the S.E. corner of township 14N, range 27E;  
Thence Southerly to the S.E. corner of township 13N, range 23E;  
Thence Southerly to the S.E. corner of township 13N, range 22E;  
Thence Southerly to the N.E. corner of township 10N, range 22E;  
Thence Southerly to the N.E. corner of township 10N, range 23E;  
Thence Southerly along the Easterly line of range 23E to the  
intersection of the California-Nevada border;  
Thence North-Westerly, then Northerly following the California-  
Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the  
following line:

Commencing at the S.W. corner of township 37N, range 52E;  
Thence Easterly to the S.E. corner of township 37N, range 52E;  
Thence Northerly to the N.E. corner of township 37N, range 58E;  
Thence Easterly to the N.W. corner of township 37N, range 58E;  
Thence Southerly to the S.W. corner of township 37N, range 58E;  
Thence Easterly to the S.E. corner of township 37N, range 58E;  
Thence Southerly to the N.W. corner of township 31N, range 58E;  
Thence Southerly to the N.W. corner of township 31N, range 58E;  
Thence Southerly to the S.W. corner of township 31N, range 58E;  
Thence Northerly to the N.E. corner of township 31N, range 52E;  
Thence Northerly to the S.E. corner of township 32N, range 51E;  
Thence Northerly to the point of beginning.

SUPERSEDES DECISION

STATE: North Carolina  
DECISION NO.: NV76-1062  
SUPERSEDES DECISION NO.: AR-4005 dated July-5, 1974 in 50 FR-24775.  
DESCRIPTION OF WORK: Building construction (excluding single family homes  
and garden type apartments up to and including 4 stories).

COUNTY: Buncombe

DATE: Date of Publication  
in 50 FR-24775.

	Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	5.13	.30	.50		.01
Boilermakers	6.25				
Bricklayers	5.75				
Carpenters	4.75				
Cement masons	3.75	.25	%	.19	1/2 of %
Electricians	6.00	.45	.29	.19	.02
Elevator Constructors	6.655	.445			
Elevator Constructors' helpers	4.66				
Glaziers	3.81				
Ironworkers, structural, ornamental & reinforcing	4.69				
Laborers:					
Asphalt raker	3.05				
Air tool op. (jackhammer, vib.)	3.48				
Mason tenders	3.75				
Mortar mixers	3.05				
Lathers	6.95				
Painters, brush	4.00				
Plasterers	5.95				
Plumbers & pipefitters	5.38				
Roofers	4.00				
Sheet metal workers	5.61				
Soft floor layers	4.50				
Sprinkler fitter	6.20				
Tile setters	3.55				
Truck drivers	3.15				
Welders - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Air compressors	3.38				
Backhoe	4.53				
Bulldozers	3.70				
Crane, derrick, draglines	5.00				
Distributors	3.55				
Loader, front end	3.95				
Motor grader	3.65				
Paver operator	4.05				
Rollers	3.55				
Scrapers & pan	3.71				
Shovels	4.75				
Tractors	4.25				



## SUPERSEDEDAS DECISION

STATE: Ohio COUNTY: Butler  
 DECISION NO.: OH76-2062 DATE: Date of Publication  
 Supersedes Decision No. AR-3033, dated August 23, 1974 in 39 FR 30774  
 DESCRIPTION OF WORK: Building Construction, (excluding single family  
 homes and garden type apartments up to and including 4 stories)

DECISION NO. OH76-2062

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<b>BUILDING CONSTRUCTION</b>					
ASBESTOS WORKERS, Middletown & vicinity	\$10.67	.37	.60		.01
Balance of County	10.76	.60	.85		.02
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS	10.435	.45	.35	.45	.01
CARPENTERS	10.55	.45	.55		.025
CEMENT MASONS (Bldg. Const.)	10.395	.45	.60		.12
ELECTRICIANS	10.90	.30	.50+1/2		1/Hof1/2
Cable Splicers	11.40	.30	.50+1/2		1/Hof1/2
ELEVATOR CONSTRUCTORS	10.635	.495	.32	4+1/2a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.44	.495	.32	4+1/2a+b	.02
(PROB.)	5.32				
GLAZIERS	10.10		.35		.005
Hamilton & vicinity	9.48		.50		.01
Middletown & vicinity					
IRONWORKERS, Structural, orna- mental and reinforcing:					
Middletown & Northeastern part of County	10.11	.65	.90		.02
Oxford, Hamilton & Balance of County):					
Structural & Ornamental	10.545	.65	.70		.03
Reinforcing	9.895	.65	1.30		.02
LABORERS (Building Construction)	8.14	.55	.40		.05
Common laborers					
Asphalt makers, hand air tamper					
chisel, vibrator power	8.24	.55	.40		.05
tamper operator					
Gumite operators, sandblaster,	8.49	.55	.40		.05
concrete pumps & hose men	8.47	.55	.40		.05
Mason tenders, mortar mixers &	10.29	.45	.20	.45	.01
scaffold builders	9.885		.35		
LATHERS	9.235				
MARBLE SETTERS	10.44	.40	.85		.10
MARBLE SETTERS HELPERS					
MILLWRIGHTS					

Welders - receive rate prescribed  
 for craft performing operation  
 to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)  
 A-New Year's Day; B-Memorial Day; C-Independence Day;  
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- 6 paid holidays; A through F
- Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

DECISION NO. OH76-2062

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	\$10.46	.46	.80		.11
GROUP B	10.30	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum) mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, mucking machines, Kolman type loaders (dirt lo-ang), lead greaseman, mucking machines power grader power scoops, power scrapers, push cat

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (Building material), generators, gumite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firman (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 4" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repaiaman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fire), powered boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

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STATE: Pennsylvania  
SUPERSEDES DECISION

COUNTIES: Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango  
DECISION NO.: PA76-3168  
DATE: Date of Publication  
SUPERSEDES DECISION NO.: PA75-1072, dated August 22, 1975, in 40 FR 36940, PA75-3059, dated July 3, 1975, in 40 FR 28361, PA75-3093, dated September 27, 1975, in 40 FR 36965

39 FR 44929; PA75-3079, dated August 22, 1975, in 40 FR 36965  
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS						
ZONE 1	\$10.51	.60	.70			.02
ZONE 2	10.28	.30	.30			

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson  
ZONE 2 - Crawford and Venango

HOTELMAKERS						
ZONE 1	9.815	7.5%	7%			.01
ZONE 2	10.88	.50	.85			.01

AREA COVERED BY HOTELMAKERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Venango  
ZONE 2 - Crawford

BRICKLAYERS & STONEMASONS						
ZONE 1	9.30	.45	.70			.03
ZONE 2	9.65	.45	.45			
ZONE 3	9.78	.30	.40			
ZONE 4	10.10	.50	.50			

AREA COVERED BY BRICKLAYERS & STONEMASONS ZONES

ZONE 1 - Bedford, Cambria  
ZONE 2 - Clarion, Clearfield, Jefferson, Venango  
ZONE 3 - Crawford  
ZONE 4 - Cameron

## NOTICES

DECISION NO. PA76-3168	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CARPENTERS & SOFT FLOOR LAYERS						
ZONE 1	\$ 8.65	5%	8%	6%		.40 of 1%
ZONE 2	9.70					
ZONE 3	8.85	.35	.20			

AREA COVERED BY CARPENTERS & SOFT FLOOR LAYERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Remainder of Crawford County  
ZONE 2 - Titusville in Crawford County  
ZONE 3 - Venango County

CEMENT MASONS						
ZONE 1	9.35	6%	16%			
ZONE 2	8.65	12%	6%			
ZONE 3	9.78	.30	.40			
ZONE 4	9.65	.45	.45			

AREA COVERED BY CEMENT MASONS

ZONE 1 - Clearfield, Jefferson  
ZONE 2 - Bedford, Cameron  
ZONE 3 - Crawford  
ZONE 4 - Clarion & Venango

ELECTRICIANS						
ZONE 1	10.60	.35	14.20	.60		.05
ZONE 2	9.25					1% of 1%
ZONE 3	11.05	.40	1%			.02
ZONE 4	9.10	.27	.09			

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DECISION NO. PA76-3168

AREA COVERED ELECTRICIANS ZONES

ZONE 1 - Bedford, Cambria, Clearfield, Clarion & Jefferson  
ZONE 2 - Cameron  
ZONE 3 - Crawford  
ZONE 4 - Venango

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GLAZIERS						
ZONE 1	\$ 7.89	.35	.44	.33		.01
ZONE 2	9.41	.30	.20			

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allegheny County  
ZONE 2 - Crawford & Venango County

IRONWORKERS						
ZONE 1	9.545	.785	.905			.03
ZONE 2	9.34	.50	.60			.10
ZONE 3	10.00	.78	.69			.04
ZONE 4	9.77	.40	.85			.04
ZONE 5	9.53	.70	.81			

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Cambria & Clarion  
ZONE 2 - Bedford County  
ZONE 3 - Crawford County  
ZONE 4 - Venango County  
ZONE 5 - Cameron, Clearfield & Jefferson

## NOTICES

DECISION NO. PA76-3168	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS						
ZONE 1	\$ 7.40	.40	.50			
CLASS I	7.525	.40	.50			
CLASS II	7.70	.40	.50			
CLASS III	7.70	.40	.50			
CLASS IV	7.90	.40	.50			
CLASS V	7.95	.40	.50			
CLASS VI						
ZONE 2						
CLASS I	7.15	.40	.50			
CLASS II	7.30	.40	.50			
CLASS III	7.75	.40	.50			
CLASS IV	7.50	.40	.50			
CLASS V	7.70	.40	.50			
CLASS VI	7.225	.40	.50			
CLASS VII	7.40	.40	.50			
CLASS VIII	7.65	.40	.50			
CLASS IX	7.40	.40	.50			
ZONE 3						
CLASS I	7.42	.40	.50			1%
CLASS II	7.67	.40	.50			1%
CLASS III	8.22	.40	.50			1%
ZONE 4						
CLASS I	7.72	.40	.50			
CLASS II	7.92	.40	.50			
CLASS III	8.17	.40	.50			
CLASS IV	8.37	.40	.50			
CLASS V	8.02	.40	.50			
CLASS VI	8.43	.40	.50			
CLASS VII	8.02	.40	.50			
CLASS VIII	8.27	.40	.50			
CLASS IX	8.27	.40	.50			

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DECISION NO.	PA76-3168	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS						
ZONE 1		\$ 9.97	.50	.20		.01
ZONE 2		8.97	.45	.35		.01
ZONE 3		8.53	.45	1.10		.01

## AREA COVERED BY LATHERS ZONES

ZONE 1 - Clearfield & Jefferson Counties  
 ZONE 2 - Bedford & Cameron Counties  
 ZONE 3 - Clarion County

LEAD BURNERS	9.25	.35	a			.01
LINE CONSTRUCTION						
ZONE 1	11.32	.30	1a			3/8a
CLASS I	6.79	.30	1a			3/8a
CLASS II	7.92	.30	1a			3/8a
CLASS III						
ZONE 2	10.00	.20	1a			3/8a
CLASS I	7.10	.20	1a			3/8a
CLASS II						
CLASS III	6.80	.20	1a			3/8a

## LINE CONSTRUCTIONS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield & Jefferson Counties

CLASS I - Lineman

CLASS II - Groundman

CLASS III - Winch truck operator

ZONE 2 - Cameron, Crawford & Venango Counties

CLASS I - Linemen dynamite man, heavy equipment operator

CLASS II - Winch truck operator

CLASS III - Groundman

## NOTICES

## LANDSCAPE LABORERS DEFINITION AND AREA COVERED

ZONE 1 - Clarion, Crawford, Jefferson & Venango Counties

CLASS I - Landscape laborer

CLASS II - Skilled landscape laborers

CLASS III - Landscape tractor operator

ZONE 2 - Cambria, Clearfield and Bedford Counties

CLASS I - Landscape laborer

CLASS II - Skilled landscape laborers

CLASS III - Landscape tractor operator

ZONE 3 - Cameron County

CLASS I - Wrecking laborer

CLASS II - Low burner

CLASS III - Jack hammer op.

CLASS IV - High burner

CLASS V - High burner op.

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DECISION NO.	PA76-3168	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS						
ZONE 1		\$ 9.30	.40	.70		.03
ZONE 2		9.78	.30	.40		
ZONE 3		9.65	.45	.45		
ZONE 4		9.24	.45	.75		

## AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Bedford, Cambria & Clarion Counties

ZONE 2 - Crawford County

ZONE 3 - Venango County

ZONE 4 - Jefferson County

MARBLE SETTERS HELPERS:  
 Counties covered Bedford,  
 Cambria, Clarion and Jefferson

MILLWRIGHTS	7.95	.10				
	8.79	5a	3a + .25	.19a		1a

DECISION NO.	PA76-3168	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:						
ZONE 1						
Commercial		\$ 8.09	.65	.45		.12
Brush & Roller		8.59	.65	.45		.12
Spray						
Industrial		8.94	.65	.45		.12
Brush		10.15	.65	.45		.12
Spray		9.95	.65	.45		.12
Roller						
ZONE 2		6.75			b	
Brush		7.25			b	
Spray						
ZONE 3						
Commercial		8.40	.45	.60		
Brush & Roller		9.40	.45	.60		
Spray						
Industrial		8.90	.45	.60		
Brush & Roller		8.90	.45	.60		
Spray						

AREA COVERED BY PAINTERS ZONES  
 ZONE 1 - Bedford, Cambria counties, Beaver, Ringgold, Porter Tps. in Jefferson County  
 ZONE 2 - Brockway Twp., in Jefferson County  
 ZONE 3 - Cameron, Clarion, Clearfield, Crawford, Venango Counties, remainder in Jefferson County

PILEDRIEVERMEN	10.07	5a	8a			50 of 1a
PLASTERERS						
ZONE 1	9.78	.30	.40			
ZONE 2	9.65	.45	.45			
ZONE 3	9.39	.39	.70			.01
ZONE 4	8.50					

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## NOTICES

DECISION NO.	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Training
		H & W	Pensions	Vacation	Disability	
SHEET METAL WORKERS						
ZONE 1	\$ 9.58	.75	.80			.055
ZONE 2	9.76	.95	.50			.01
ZONE 3	9.76	.62	1.50			.06

ZONE 1 - Crawford, Venango Counties  
ZONE 2 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson

DECISION NO. PA76-3158

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS 5 - Compressor - 65 cu. ft. or under (regardless of power used), conveyor jack (1) unit (regardless of power used), heaters - up to and including 6, one motor hydraulic (single type) power driven, ladavator, mixer mortar (10 cu. ft. or under), mulching machine, pin mill (powered), pulverizer, pump - 1 1/2 discharge or less, seeding machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS 6 - Brake man, deck hand, helicopter signman, oilerm mechanical helper

CLASS 6-A - Crane truck oiler and fireman

CLASS 6-B - Oiler truck crane 50 ton or over, mechanic helper

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
ROOFERS	\$ 8.84	.30	.30		
ZONE 1	9.76	.62	1.50		
ZONE 2					.06

AREA COVERED BY ROOFERS ZONES

## NOTICES

DECISION NO.	FR76-3168	(CONT'D)	Basic Monthly Rents	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education Appr. Tr.
TRUCK DRIVERS							
ZONE 3							
CLASS VIII			\$ 7.70	.20	.20		
CLASS IX			7.80	.20	.20		
CLASS X			7.45	.20	.20		
CLASS XI			7.70	.20	.20		
ZONE 4							
CLASS I			5.75	£	9	h	

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DECISION NO. PA76-3168

DECISION NO. PA76-3168

TRUCK DRIVERS' CLASSIFICATION DEFINITION AND AREA COVERED (cont'd)

ZONE 3 (Cont'd)

CLASS IX - Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)

CLASS X - A-Frame and Winch Trucks (when used for hauling material on bed of truck)

CLASS XI - Distributor Truck (Oil, Tar, Asphalt, etc.)

ZONE 4

CLASS I - Truck Drivers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

NOTICES

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

b. Paid Holidays: Labor Day, provided the employee has worked six calendar months and appears on the payroll during the pay period in which the holiday occur.

c. \$59.90 per month

d. \$14.00 per week

e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

f. Employer contributes \$69.94 per month to a Health and Welfare Fund.

g. Employer contributes \$14.00 per week.

h. One(1) week vacation after one year's work; two(2) week vacation after five(5) years of service.

NOTICES

SUPPLEMENTAL DECISION

STATE: Pennsylvania  
COUNTIES: Bucks, Chester, Delaware, Montgomery and Philadelphia  
DECISION NO.: PA76-3169  
DATE: Date of Publication  
Supersedes Decision No. PA75-3088, dated August 22, 1975, in 40 FR 36992.  
DESCRIPTION OF WORK: Heavy and Highway Construction and Tunnel.

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$10.22	1.88	1.30	a	.12
8.20	.95	.65		
8.00	.95	.65		
7.90	.95	.65		
8.05	.95	.65		
7.80	.95	.65		
8.45	.95	.65		
8.30	.95	.65		
8.15	.95	.65		
8.30	.95	.65		
8.20	.95	.65		
7.90	.95	.65		
6.60	.95	.65		
7.10	.95	.65	b	
7.10	.95	.65	b	
7.10	.95	.65	b	

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$18.29	.10	.10		
46.86	.10	.10		
44.74	.10	.10		
44.74	.10	.10		
52.83	.10	.10		
4.05	.10	.10		
46.86	.10	.10		
44.75	.10	.10		
44.74	.10	.10		
42.64	.10	.10		
WORKING HOURS PER DAY				
6 hours				
4 "				
3 "				
2 "				
1 1/2 "				
1 "				
15 pounds and up to 26 pounds				
26 " " " " " " " "				
33 " " " " " " " "				
38 " " " " " " " "				
43 " " " " " " " "				
48 " " " " " " " "				
50 " " " " " " " "				
LINE CONSTRUCTION:				
Journeyman	.30	.115		.043
Foreman	.30	.115		.043
Cable Puller	.30	.115		.043
Pole Erector	.30	.115		.043
Auger	.30	.115		.043
Operator	.30	.115		.043
Pipe Threader	.30	.115		.043
Operator	.30	.115		.043
Winch Truck Operator	.30	.115		.043
Experienced	.30	.080		.032

DECISION NO. PA76-3169

51-PA-2-3-B

51-PA-2-3-B







## DECISION NO. PA76-3169

## HEAVY &amp; HIGHWAY TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$ 7.52	.5675	.55	a&b	
CLASS 2	7.62	.5675	.55	a&b	
CLASS 3	7.82	.5675	.55	a&b	

## FOOTNOTES:

- a. Employee will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation.
- b. Paid Holidays: Memorial Day, Independence Day, Labor Day and Veterans Day and five (5) personal holidays provided such employee work the scheduled work days before and after said holiday, and employee gives employer one (1) week's notice requesting a personal holiday. The eligibility for personal holidays will be as follows: Employee will earn one (1) personal holiday every two (2) months up to a maximum of five (5) personal holidays per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all personal holidays.

## CLASSIFICATIONS

## HEAVY &amp; HIGHWAY TRUCK DRIVERS

CLASS 1: Helpers, Stake Body Truck (single axle, Dumpster

CLASS 2: Dump Trucks, Tandem &amp; Batch Trucks, Sem-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for Transportation, Stake Body Truck (Tandem)

CLASS 3: Euclid Type, Off-Highway Equipment or Belly Dump Trucks and Double Hitched Equipment, Saddle (Ross) Carrier, Low-Red Trailers

## SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Cumberland, Dauphin,

Decision No: PA76-3175-

Perry, Junete, New Cumberland

Supersedes Decision No. PA75-3027

Depot in York County

dated March 28, 1975, in 40 FR 14258.

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

DECISION NO. PA76-3175

## BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	\$9.31	.52	.50		.01
Bollermakers	11.05	.65	1.00		.01
Bricklayers & block layers	9.60	.60	.48		
Carpenters	9.50	.35	.40		.03
Cement masons	9.535	.35	.40		
Electricians	9.76	.45	1.24.31	47+b+c	1/2 of 1%
Elevator constructors' helpers	9.855	.495	.32	47+b+c	.02
Elevator constructors' helpers (prob.)	6.90	.495	.32		.02
Glaziers	4.93		.30		.01
Ironworkers, structural	8.09	.79	1.11		.03
Ironworkers, ornamental	9.98	.79	1.11		.03
Ironworkers, reinforcing	9.98	.79	1.11		.03
Laborers:					
Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow-pipe and vacuum cleaners	7.45	.25	.30		
Phelayers, power-buggy, precast slab placers and signal men	7.30	.25	.30		
Unskilled labor					
Plaster and cement mason tenders, machine mixers, plaster pump and scaffold builders (excluding masonry scaffolding) for casual workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny.	7.77	.25	.30		
Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment	8.12	.25	.30		

Laborers: (CONT)

Nursery workers, window washers, floor scrubbers and watchmen

Lathers

Lead burners

Marble setters

Millwrights

Line Construction:

Linenmen

Groundmen

Cable splicers

Winch truck operator

Painters:

Brush

Structural steel

Spray

Tanks, bridges, stacks

Piledrivermen

Plasterers

Plumbers

Roofers:

Composition

Sheet metal workers

Soft floor layers

Sprinkler fitters

Steam fitters

Stone masons

Terrazzo Workers & Tile Setters

Truck Drivers:

Truck drivers, building

Pick-ups, dump, service trucks, flat trucks, to and including Z highway license plates

Transit Mix, winch trucks, tractor all types euclid, ross lumber and over Z plates, ross Welders - Receive rate prescribed for craft performing operation to which welding is incidental

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
6.95	.25	.30		
8.71	.25	.25		.01
9.25	.35	.35	a	.01
9.425	.50	.375		
10.61	.35	.40		.03
10.13	.30	1%		3/8 of 1%
6.08	.30	1%		3/8 of 1%
10.13	.30	1%		3/8 of 1%
7.09	.30	1%		3/8 of 1%
8.23	.26	.24		
8.68	.26	.24		
8.98	.26	.24		
9.48	.26	.24		
10.42	1.30	1.30	f	.12
8.75	.25	.25		.01
10.15	.30	.30		.12
9.31	.25	.30		.01
9.76	.35	.50		.03
8.63	.35	.40		.08
11.61	.60	.90		.12
10.15	.60	.90		
9.60	.60	.48		
8.375				
7.12	d	e		
7.37	d	e		



Paid Holidays: (where applicable):  
New Year's Day; B-Remorial Day; C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day.

- Eight paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days prior to the holiday, and is available for work the days preceding and the holiday.
- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Six paid holidays: A through F
- \$45.03 per month for employees who has worked sixty hours or more during the month.
- \$29.33 per month for employees who has worked sixty hours or more during the month.
- Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

DECISION NO. PA76-3175

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POWER EQUIPMENT OPERATORS	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pension	Vacation
GROUP 1	\$11.60	5.5%	9.5%	a
GROUP 2	11.31	5.5%	9.5%	a
GROUP 3	10.44	5.5%	9.5%	a
GROUP 4	9.67	5.5%	9.5%	a
GROUP 5	9.20	5.5%	9.5%	a
GROUP 6	8.29	5.5%	9.5%	a
GROUP 7	11.85	5.5%	9.5%	a
GROUP 7-A	12.10	5.5%	9.5%	a
GROUP 7-B	12.34	5.5%	9.5%	a

NOTICES

- GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above
- GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 24E and over all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 cu. yd. and over, tandem scrapers, pipelin type backhoes, boat Cap-tains, batch plant operators (concrete) drills, self-contained rotary drills, fork lift, 20 ft lift and over machine to the above
- CLASS 3: Conveyors, building hoists (single drum) scrapers and turnapulle, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-1/2 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above
- GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above
- GROUP 5: Fireman, grease truck
- GROUP 6: Oilers and deck hands (personnel boats), core driller helper
- GROUP 7: All machines with booms (including jib, masts, leads, etc.):  
100 ft and over
- GROUP 7A: 150 ft. and over
- GROUP 7B: 200 ft. and over
- FOOTNOTE:  
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

NOTICES



## SUPERSEDEAS DECISION

STATE: Tennessee  
 COUNTY: Dyer & Gibson  
 DECISION NUMBER: TW76-1051  
 DATE: Date of Publication  
 Supersedeas Decision No.: KQ-4073 dated February 15, 1974 in 39 FR-5947  
 DESCRIPTION OF WORK: Multi-unit construction (excluding single family homes and garden type apartments), to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation and/or App. Tr.
Asbestos workers	\$7.775	.35	.25	
Air Conditioning & Htg. Mechanic	5.00			
Bricklayers	6.00			
Carpenters	4.25			
Cement Masons	4.58			
Electricians	4.19			
Glaziers	4.00			
Ironworkers:				
Structural, Ornamental	7.75	.30	.35	.125
Laborers	2.50			
Mason tenders	3.10			
Mortar mixers	3.10			
Plasterers' Tenders	3.25			
Painters, brush	4.19			
Plasterers	5.25			
Plumbers	4.50			
Roofers	4.57			
Sheet Metal Workers	4.50			
Soft floor layers	6.30			
Tile Setters	6.15			
Truck Drivers	2.50			
Power Equipment Operators:				
Backhoe	4.91			
Bulldozers	4.16			
Grader	4.35			
Roller	3.79			
Tractor	4.00			
Cranes, derricks, draglines	4.38			

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## SUPERSEDEAS DECISION

STATE: Texas  
 COUNTY: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DATE: Date of Publication  
 Supersedeas Decision No.: TW76-4084  
 DATE: February 13, 1976, in 41 FR 7028.  
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation and/or App. Tr.
ASBESTOS WORKERS	\$ 9.50	.35	.30	.02
BOLTPMAKERS	9.00	.50	1.00	.02
BRICKLAYERS & STONEMASONS	8.95		.30	
CARPENTERS:				
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:	8.85			
Miller County:	9.20			
ZONE 2 - Childress County:	8.30	.30	.40	.07
Cotton County:	9.19	.30	.40	.07
CEMENT MASONS:				
Cement mason	7.80			
Machine operators	8.05			
ELECTRICIANS:				
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:	8.98	.40	1%	1 1/2%
Electricians	9.68	.40	1%	1 1/2%
Cable splicers	9.25	.20	1%	1 1/4%
Electricians	9.50	.20	1%	1 1/4%
Cable splicers	4.06	.175	.20	2 1/4-4b
ELEVATOR CONSTRUCTORS' HELPERS	707JR	.175	.20	2 1/4-4b
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	507JR			

## DECISION NO. TW76-4084

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation and/or App. Tr.
GLAZIERS	\$ 6.45	.55	.70	.10
IRONWORKERS	8.55			
LABORERS:				
GROUP 1 - Construction laborers, including excavation laborers, concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.71	.34	.15	
GROUP 2 - Air tool operator (jackhammer, tapper, brush hammer, chipping hammer, air or electric), steel blaster, power buggy man and blaster, power & clay pipe layer (concrete & clay pipe), all non-metallic pipe & pipe wrappers; mortar mixers, mason tenders; plasterer tenders, cement finisher tenders, tacher tenders, asphalt takers, tamper, well drillers, bell hole men, dumpers, spotters	4.86	.34	.15	.01
LATHERS	8.55			
LINE CONSTRUCTION:				
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:	8.98	.40	1%	1 1/2%
Linemen	9.68	.40	1%	1 1/2%
Cable splicer	5.89	.40	1%	1 1/2%
Groundman, more than 1 year experience	5.15	.40	1%	1 1/2%
Groundman, less than 1 year experience	6.83	.40	1%	1 1/2%
Operator-hole digger, line truck	5.15	.40	1%	1 1/2%
Flat bed truck driver				

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DECISION NO. TX76-4084

DECISION NO. TX76-4084

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D): ZONE 2 - Childress County: Lineman; Operator Cable splicer Groundman, 1st 6 months Groundman, 2nd 6 months Groundman, 1 year & over WABBLE MASONS (EXTERIOR) WABBLE MASONS (INTERIOR) PAINTERS: GROUP 1 - Brush & roller; paper-hangers; perfa-tapers GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft. GROUP 3 - Spray painters & sand-blasters GROUP 4 - Perfa-tapo machine operator PLASTERERS PLUMBERS & PIPEFITTERS: ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger ZONE 2 - shall extend a distance of 75 road miles beyond the outer perimeter of Zone 1 ZONE 3 - shall apply to all areas not within Zone 1 or 2 ROOFERS SHEET METAL WORKERS SPRINKLER FITTERS TERRAZZO WORKERS TILE SETTERS	\$10.26 11.29 6.16 6.67 7.18 8.95 4.60 7.70 7.82 8.45 7.95 8.55 8.18 8.43 4.50 9.15 10.90 4.60 4.60		1% 1% 1% 1% 1% .30 .30 .30 .30 .30 .30 .30 .35 .35 .35 .35 .35 .35 .60	1/2% 1/2% 1/2% 1/2% 1/2% .01					

TRUCK DRIVERS:  
1/2 ton to 3 tons  
3 to 5 tons  
5 tons and over  
Ready mix concrete to 3 yds.  
Ready mix concrete over 3 yds.  
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:  
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate  
b - Paid Holidays A thru P

PAID HOLIDAYS:  
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; P-Christmas Day

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## NOTICES

DECISION NO. TX76-4084

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS GROUP 1 GROUP 2 GROUP 3	\$ 8.10 7.60 6.40	.30 .30 .30	.50 .50 .50	.10 .10 .10

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade Grader, self-propelled; Glean Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines & Light Plants (7 to 12 machines); Harrows, power operated (all types); Draglines; Elevating Graders, self-propelled; Hoists, 2 drum or more; Locomotives; Mixers; Sawing Mixers, all types; File Drives; Scrapers; Bulldozers; Side Boom; Cherry Pickers - 12 1/2 ton & over; Shovel; Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated tractor (Loader, 1 yd. & over) with Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated (3 to 6 machines); Cherry Pickers - under 12 1/2 tons; Pitch Witch - 130 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Rollers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader and Payloads; Blade Grader, towed; Elevators, Building; Fork Lifts; Hoists, single drum; Line hoisting (1 tigger); Mixers less than 15 cu. ft.; Rollers; Screening plants; Crushing Plants; Tractors - Wheel type except when hauling material; All other equipment of similar nature coming within the Light Equipment Classification, when power operated

GROUP 3 - Otter-Fireman-Greasers

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## NOTICES

DECISION NO. TX76-4085

STATE: Texas  
COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise  
DATE: Date of Publication  
SUPERSEDES DECISION NO. TX76-4085  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport. (See current salary & highway benefit wage survey publication for Paving & Utilities Incidental to Building Construction).

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.38 9.00 6.80	.325 .50	.685 1.00		.025 .02
8.88	.45	.50		.04
8.625 9.025 9.125	.30 .30 .30	.30 .30 .30		.005 .005 .005
9.01 9.135 9.64	.30 .30 .30	.30 .30 .30		.03 .03 .02
6.16				
8.745 8.435	.25 .55	.45 .45		.01
9.85 10.10	.40 .40	1% 1%		7/10% 7/10%

ELECTRICIANS (CONT'D):  
ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties;  
AREA A - All work performed in Dallas & Grayson Counties;  
AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas;  
AREA C - All work performed outside of Area A & Area B;  
ELECTRICIANS  
Cable splicers  
ELEVATOR CONSTRUCTORS' HELPERS  
ELEVATOR CONSTRUCTORS' HELPERS (FROM)  
GLAZIERS:  
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties  
IRONWORKERS:  
LABORERS:  
ZONE 1 - Grayson County:  
GROUP 1 - Unskilled laborers (jackhammer, vibrator), mason tenders & mortar mixers, pipe layers  
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:  
GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.48 10.43	.4% .4%	5% 5%		7/10% 7/10%
9.73 10.70	.4% .4%	5% 5%		7/10% 7/10%
9.98 10.98 7.02JR	.4% .4% .495	5% 5% .32	4%+4% 4%+4%	7/10% 7/10% .02
50%JR				
8.44 8.29	.25 .55	.40 .70		.025 .06
6.02	.275	.30		
6.27	.275	.30		
6.02 6.17 6.27 6.42	.275 .275 .275 .275	.30 .30 .30 .30		.02 .02 .02 .02

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DECISION NO. TX76-4085

## LABORERS CLASSIFICATION ON DEFINITIONS

GROUP 1 - All hand digging, dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage piles; slip form jacks, scaffold builders, checking materials and tools in and out of receiving lots and sheds; tool house men; landscaper; asphalt ironer and raker; waterproofing tender; spotter; concrete pumpcrete pipe (handling and laying); carpenter tender  
GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches men; concrete grademan; power buggy operator; wagon drill operator; well driller, drilling rig tender; cement finisher tender; metal pan and steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buglies previously used by laborers, scale men on batch plants  
GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe dopping, treecing and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pumpcrete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand and dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers  
GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man and terrazzo grinder

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.78				.04

LATIERS

## NOTICES

DECISION NO. TX76-4085

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.26 11.29 6.16 6.67 7.18		1% 1% 1% 1% 1%		1/2% 1/2% 1/2% 1/2% 1/2%
7.90 8.30 6.90				
8.525	.35	.40		.04
8.775 8.65	.35 .35	.40 .40		.04 .04
8.90	.35	.40		.04
9.095 9.345 9.095 10.345		.20 .20 .20 .20		.02 .02 .02 .02

LINE CONSTRUCTION:  
Linenmen; Linemen operators  
Cable splicers  
Groundman, 1st 6 months  
Groundman, 2nd 6 months  
Groundman, 1 year & over  
MARBLE SETTERS:  
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.  
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.  
MARBLE SETTERS' HELPERS:  
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties  
PAINTERS:  
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:  
GROUP 1 - Brush  
GROUP 2 - All wall covering work: paper, fabric, sheet-  
ing, flexwood, etc.  
GROUP 3 - Ames tools operator  
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting & window jacks, fire escapes  
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:  
GROUP 1  
GROUP 2  
GROUP 3  
GROUP 4

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NOTICES

STATE: Texas  
COUNTIES: Galveston & Harris  
DECISION NO.: TX76-4086  
DATE: Date of Publication  
SUPERSEDES Decision No. TX76-4041, dated February 13, 1976, in 41 FR 7037.  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.95	.70	.70		.06
9.00	.50	1.00		.02
10.13	.38	.50		.05
9.65	.50	.50		.05
10.01	.50	.50		.05
9.65	.50	.50		.05
9.25	.69	.42		.05
9.75	.69	.42		.04
10.05	.40	3%		.06
10.09	.40	12+40		.02
8.60	.495	.32	4%+4b	.02
702JR	.495	.32	4%+4b	.01
502JR	.50	.425		.075
9.07	.55	.85		.02
9.63	.28	.40		.02
6.93	.28	.40		.02
GROUP 1 - Common (jackhammer-vibrator); Mason tenders; Pipelayers (concrete clay); Sandblasters; Power buggy operator				
GROUP 2 - Lather tenders; Mortar mixers; Plaster tenders & hod carriers				
GROUP 3 - Wall drillers				
GROUP 4 - Wall drillers				
GROUP 5 - Blaster, powderman				
GROUP 6 - Blaster, powderman				
LATHERS (Harris County only)				
LINE CONSTRUCTION: Lineman & cable splicer				
Groundmen				
Groundman (lat year)				

MARBLE MASONS: - Harris County  
Galveston County  
MARBLE MASONS' HELPERS  
PAINTERS: - Harris County  
Galveston County  
GROUP 1 - All brush painting, hand rolling and all other work other than that below  
GROUP 2 - All pneumatic and electric tools and steam cleaning  
GROUP 3 - All tape and float on drywall  
GROUP 4 - All paper and vinyl hanging  
GROUP 5 - All spray painting, sandblasting & waterblasting  
GROUP 6 - Steeple jack work, hot materials  
Remainder of Harris County:  
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools  
GROUP 2 - All spray painting, sandblasting, waterblasting  
GROUP 3 - Tape, float & drywall  
GROUP 4 - Steeple jack work, hot materials  
Galveston County:  
GROUP 1 - Painters on new work  
GROUP 2 - Painters on existing stage work or using materials injurious to the skin  
GROUP 3 - Painters on rework & repair  
PIPEFITTERS: Harris County and that part of Galveston County west of the Trinity River

NOTICES

DECISION NO. TX76-4086

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.38	.375	.40		.03
9.81	.375	.40		.03
9.00	.42	.30		.02
9.92	.40	.60		.10
9.38	.375	.40		.03
9.81	.375	.40		.03
8.14	.20	.25	.25	.03
7.42	.20	.25	.25	.03
5.27	.20	.25	.25	.03
9.665	.225	.475	.20	.045
8.75	.15	.25		.10
8.42	.25	.20		.09
10.90	.60	.90		.08
PIPEFITTERS (CONT'D): That part of Galveston County east of the Trinity River: Commercial work up to \$50,000 Commercial work \$50,000 & over PLASTERERS PLUMBERS Harris County Galveston County Commercial work up to \$50,000 Commercial work \$50,000 & over ROOFERS Roofers Rettlemen Helpmen SHIELD METAL WORKERS: Harris County Galveston County SOFT FLOOR LAYERS SPRINKLER FITTERS TERRAZZO WORKERS: Harris County Galveston County TERRAZZO WORKERS' HELPERS: Harris County TERRAZZO floor machinemen TERRAZZO base machinemen TILE SETTERS: Harris County Galveston County TILE SETTERS' HELPERS TRUCK DRIVERS: GROUP 1 - Under 1½ tons; wash, grease, tireman, fuel pump operator when used on construction jobs GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds. GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats				

DECISION NO. TX76-4086

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.61				
8.10				
9.16				
TRUCK DRIVERS (CONT'D): GROUP 4 - Euclids (not self-loading) GROUP 5 - Warehousemen GROUP 6 - Material checkers; pick-up drivers WELDERS - receive rate prescribed for craft performing operation to which welding is incidental POORNOSES: a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate b - Paid Holidays A thru P PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day				



DECISION NO. TX76-4086

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vocation	
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 9.87	.35	.65		.06
GROUP 2	8.38	.35	.65		.06
GROUP 3	7.84	.35	.65		.06
GROUP 4	7.66	.35	.65		.06

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Giam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Piling; Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machine (all sizes); Grapple; High-Lift; Foundation Horing Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumperete Machine Operator; Turntable; DA-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Grunher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Wall Point Pump; Concrete Patch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated.

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsoneter; Truck Tractor Driver; Gasoline of diesel Driven Welding Machines (on 3 or more, up to 6 inches); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Pann Tractor with attachments; A Light Equipment Operator may run 1 or 2 LOS cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated.

GROUP 3 - Fireman

GROUP 4 - Other

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## SUPERSEDES DECISION

STATE: Texas  
 DECISION NO.: TX76-4087  
 COUNTY: El Paso  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. TX76-4042, dated February 13, 1976, in 41 FR 7076  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving incidental to Building Construction).

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vocation	
ASBESTOS WORKERS	\$ 7.61	.50	1.02 (a)		.03
ROILERMAKERS	9.00	.50	1.00		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	7.25	.48	.20		.05
CARPENTERS	7.09	.55			.02
Millwrights	7.50	.55			.02
Stationary radial arm power saw operator	7.23	.55			.02
Floor Layers	7.09	.55			.02
CEMENT MASONS	6.01	.48			.03
DRYMALL:					
GROUP 1 - Tapers	6.33	.30	.10		.02
GROUP 2 - Ames tools	6.55	.30	.10		.02
GROUP 3 - Texture spray	7.03	.30	.10		.02
ELECTRICIANS:					
Cable applicators	8.75	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	9.00	.25	1%		1/2%
ELEVATOR CONSTRUCTORS' HELPERS	7.51	.495	.32	47-48%	.02
ELEVATOR CONSTRUCTORS' HELPERS (POB.)	7.07	.495	.32	47-48%	.02
GLAZIERS	502JR				
IRONWORKERS	6.24	.30	.10		.02
LABORERS:	7.65	.55	.80		.10
GROUP 1 - Tondaman or blastore	5.46	.38	.35		.02
GROUP 2 - Outside wagon drill;					
GROUP 3 - Cement floor or gutite;	5.21	.38	.35		.02
GROUP 4 - Cement floor or gutite;					
GROUP 5 - Cement floor or gutite;					
GROUP 6 - Pipelayer, main sewer	4.96	.38	.35		.02
GROUP 7 - Jackhammer operator,	4.84	.38	.35		.02
GROUP 8 - Asphalt maker; Kettlemen; as-					
phalt or pot man	4.71	.38	.35		.02
GROUP 9 - Common	4.56	.38	.35		.02
LATHERS	7.75				.01

DECISION NO. TX76-4087

	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vocation	
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	\$ 8.75	.25	1%		1/2%
Cable applicators	9.00	.25	1%		1/2%
Groundman	752JR	.25	1%		1/2%
Groundman (less than 6 months)	502JR	.25	1%		1/2%
PAINTERS:	6.98		.20		.04
GROUP 1 - Brush & roller, paper-hanger; tapers	6.43	.30			.02
GROUP 2 - Steel after erection, steam cleaning, power driven tools	6.84	.30			.02
GROUP 3 - Spray, sandblasting, waterblasting & sawing stage, striping machine	7.135	.30			.02
GROUP 4 - Ames tools	6.65	.30			.02
PLASTERERS	7.27	.48			.01
ROOFERS & STEAMPITTERS	8.21	.41	.35		.05
ROOFERS:					
Roofers; Waterproofers; Pipe-wrapers	5.60				
SHEET METAL WORKERS	8.465	37-45	.30		.025
SOFT FLOOR LAYERS	6.18	.30	.30		.02
SPRINKLER FITTERS	10.38	.60	.30		.08
TERMAZZO WORKERS' HELPERS	6.58		.20		.04
TILE SETTERS	4.30		.20		.02
TILE SETTERS' HELPERS	6.40		.20		.02
TRUCK DRIVERS:	4.50		.20		.04
GROUP 1 - Up to and including 2 tons					
GROUP 2 - Flat bed dump trucks, mechanically	3.50	.26			
GROUP 3 - Tank trucks, up to 2500 gallons	3.60	.26			
	3.50	.26			

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 3.60	.26			
3.75	.26			

TRUCK DRIVERS (CONT'D):  
 GROUP 4 - Standard dump trucks, up to and including 4 cu. yds.  
 GROUP 5 - Dump trucks, over 4 cu. yds.; Trucks over 4 tons including transit mix, all semitruck, etc.; Lowboy  
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:  
 a - Includes \$0.07 contribution to Occupational Health Fund  
 b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate  
 c - Paid Holidays A thru P

PAID HOLIDAYS  
 A-New Year's Day; B-Memorial Day  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

## NOTICES

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screenshotman, Pneumatic roller towed by farm-type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments  
 GROUP 2 - Air Compressors, Power Plants, pumps and welding machines; Concrete mixers, under 1 yd. & concrete batch plants, under 1 yd., grinders & pumpcrete machines, mechanical bull floats, spreading & finishing machines, Screening Plants, Drilling machines, Diamond, rotary, core & cable drilling; Well under 6". Holates, scoops, A-frame Air tugger; Hydraulic, Hydrocrane, winch truck, loaders; Elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; Forklift & lumber stacker on construction job site. Motor man & Industrial Locomotive. Tractors under 35 HP with attachments  
 GROUP 3 - Concrete mixers 1 yd. & over and batch plants 1 yd. & over, single drum paving machines, Crushing plant, Drilling Machine, 6" & over; Front end loaders, 7 yds. & over; Paving Asphalt plants, boiler or rock heater, distributor, lay down machine, pug mill, breakdown & tandem rollers, Steam Engineer, Trenching Machines, Patrol, rough, not required to blue top or finish  
 GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, D10, D120, D121, D122, Elevating Grader; Euclid, Highland, Scrapper, Tractor, Turnapull, Turnarocker & Tractors 35 HP & up & farm type tractors with backhoe & shovel type attachments  
 GROUP 5 - Concrete paving machines, double drum, Caterpillar, Hyatt, Cherry Pickers, Attachments cranes, side & swing boom tractors; Mechanic, Welder, Patrol, Finish; Grease Truck Operator (Head Oiler), Building Hoist, 1 drum, Concrete Pump (Shrinkle Type Trailer Mounted)  
 GROUP 6 - Shovel, Backhoe, clam & dragline 3/4 yds. & under; Cranes 25 tons & under; Building Hoist, 2 drums & up. Concrete pump (Shrinkle Type Truck Mounted)  
 GROUP 7 - Guy & stiff leg derrick, Piledrivers; Crawler on skid rig, Shovel, Backhoe, clam & dragline over 3/4 yds.; Crane over 25 tons. Pecco type cranes  
 GROUP 8 - Refrigeration, slusher, Junko form operators  
 GROUP 9 - Mucking machines  
 GROUP 10 - Mine hoists

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## NOTICES

## SUPERSEDED DECISION

STATE: Texas  
 COUNTY: Jefferson & Orange  
 DATE: Date of Publication  
 DECISION NO.: TX76-4088  
 SUPERSEDES Decision No. TX76-4045, dated February 20, 1976, in 41 FR 7914.  
 DESCRIPTION OF WORK: Building (Including Residential) Construction

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.95	.20	.70		.06
9.595	.425	.70		.04
9.00	.50	1.00		.02
10.18	.275	.30		.04
9.685		.30		.05
7.45		.30		
8.605		.30		
9.30		.30		
10.20	.40	14+285	47+4b	.06
8.60	.495	.32	47+4b	.02
7.07JR	.495	.32		.02
5.07JR	.55	.85		.10
9.10				
5.69	.28	.30		.02
5.74	.28	.30		.02
5.79	.28	.30		.02
5.89	.28	.30		.02
5.94	.28	.30		.02

ASBESTOS WORKERS:  
 Jefferson County  
 Orange County  
 BOILERMAKERS  
 BRICKLAYERS & STONEMASONS  
 CARPENTERS:  
 Carpenters:  
 Commercial  
 Residential construction of not more than two units and condominium townhouses of not more than 6 units, excluding all apartment construction and multiple buildings for rental purposes  
 Millwrights  
 Piledrivers  
 CEMENT MASONS  
 ELECTRICIANS  
 ELEVATOR CONSTRUCTORS  
 ELEVATOR CONSTRUCTORS' HELPERS  
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)  
 IRONWORKERS  
 LABORERS:  
 GROUP 1 - Common laborer; asphalt ironer & raker; sand blaster, exclusive of preparation for painters; dumper, spotter & wagon drill; powderman-blaster; well driller  
 GROUP 2 - Carpenter tender  
 GROUP 3 - Cement mason tender; air tool operator (jackhammer vibrator)  
 GROUP 4 - Plaster & lather tender; pipelayers, non-metallic pipe, including handling & laying pumpcrete pipe  
 GROUP 5 - Mortar mixers, hod carriers & mason tender

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 6.065	.28	.30		.02
9.385	.30			.01
10.485	.40	1%		1 1/2%
7.65	.40	1%		1 1/2%
9.40				
9.25				
9.45				
9.30				
9.90				
9.77				
9.725				
9.51				
10.15				
9.51				
10.65				
10.04				
8.225				
7.975				
8.475				
8.225				

LABORERS (CONT'D):  
 GROUP 5 - Machine man & nozzle-man for gunnicking 1 1/4" & over  
 LATHERS  
 LINEN CONSTRUCTION:  
 Linen  
 Groundmen  
 PAINTERS:  
 Southern half of Jefferson County and all of Orange County:  
 GROUP 1 - Brush, wood & wall, paperhanger and glazier:  
 Commercial  
 Residential  
 GROUP 2 - Brush, steel:  
 Commercial  
 Residential  
 GROUP 3 - Spray:  
 Commercial  
 Residential  
 GROUP 4 - Sandblaster, power cleaning; All time spent rigging:  
 Commercial  
 Residential  
 GROUP 5 - Brush, hot paint or creosote:  
 Commercial  
 Residential  
 GROUP 6 - Spray, hot paint or creosote:  
 Commercial  
 Residential  
 Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications  
 Northern half of Jefferson County:  
 GROUP 1 - Brush and Glaziers:  
 Commercial  
 Residential  
 GROUP 2 - Canvas & paperhangers:  
 Commercial  
 Residential

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DECISION NO. TX76-4088

PAINTERS (CONT'D): Northern half of Jefferson County (Cont'd): GROUP 1 - Brush, Stencil GROUP 2 - Spray GROUP 3 - Commercial GROUP 4 - Residential PIPEFITTERS PLASTERERS PLUMBERS ROOFERS: Roofermen Helpers SHEET METAL WORKERS SPRINKLER FITTERS TILE SETTERS TRUCK DRIVERS: GROUP 1 - Under 1½ ton and wash grease, tireman, fuel pump operators when used on construction GROUP 2 - 1½ tons thru 2½ tons, dump truck less than 7 yds., town driver GROUP 3 - Over 2½ tons, farm tractor (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts GROUP 4 - Euclids (not self-loading) GROUP 5 - Warehousemen - material checker WELDERS - receive rate prescribed for craft performing operation to which welding is incidental: FOOTNOTES: a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate b - Paid Holidays A thru P PAID HOLIDAYS A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day <th>Basic Hourly Rates</th> <th colspan="3">Fringe Benefits Payments</th> <th>Education and/or Appr. Tr.</th>	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
	\$ 8.40				
	8.65				.08
	8.40				.02
	9.86	.35	.72		.03
	9.00	.42	.30		
	9.79				
	8.14	.20	.25	.25	.03
	7.42	.20	.25	.25	.03
	5.27	.70	.25	.25	.03
	9.01	.40	.15		.10
	10.90	.60	.90		.08
	8.60	.275	.30		.04
	4.40				
	4.69				
	4.85				
	4.95				
	4.965				

## NOTICES

DECISION NO. TX76-4088

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$10.035				
GROUP 2	8.50		.25		.03
GROUP 3	7.88		.25		.03
GROUP 4	7.69		.25		.03

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader; Self-propelled; Bull Cram; Back Filler; Derrick - Power Operated; all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated; all types; Elevating Grader; Self-propelled; Hoist - motor driven, two drums or more; Paving Mixer; all sizes; Pile-drivers; Crane; Mixer, 14 cu. ft. or more; Trench Machine; all sizes; Grapple; High-Lift; Foundation Roring Machine; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Mill Operator; Water Well; Dm-10 Euclid; Tournapulla; Asphalt Plants; Crushing Machine and Batch-plant; Scoopmobiles; Fingerlift Operator; Elevator when used to haul men or material on construction work; Well Point Systems & operation of a dewatering device

GROUP 2 - Air Compressor; Blade Grader; Towed; Flex Plane; Tom Grader; Mixer; less than 14 cu. ft.; Pump, Blower; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Other

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## NOTICES

## SUPERSEDED DECISION

STATE: Texas  
COUNTIES: Kleberg & Nueces  
DATE: Date of Publication  
DECISION NO.: TX76-4089  
Superseded Decision No. TX76-4046, dated February 20, 1976, in 41 FR 7916.  
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 8.44	.25	.50		.02
BOLTMEN	9.00	.50	1.00		.04
BRICKLAYERS	7.91	.23	.30		
CARPENTERS:					
Carpentermen	7.09	.27	.30		.03
Helpers	8.05				1%
CEMENT MIXERS	7.65				
ELECTRICIANS:					
Electricians	9.40	.40	1%		1 1/2%
Cable splicers	9.525	.40	1%		1 1/2%
GLAZIERS (excluding Kleberg Co.)	5.24	.55	.60		.04
IRONWORKERS	6.64				
LABORERS:					
GROUP 1 - General laborer (any work not specifically defined herein)	4.35	.28	.10		
GROUP 2 - Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding water proofers, cement finishers; Power tool operators - includes paving buiter, jackhammer, chipping gun, air tamper, barter tamper, electric vibrator, air or gasoline driven vibrator or drills, pump pumps and any and all power driven equipment operated by laborers	4.55	.28	.10		
GROUP 3 - Pipe wrappers & dopers	4.70	.28	.10		
GROUP 4 - Gunite nozzlemen; Powderman or blaster	4.80	.28	.10	1.00	.01
LATERS	7.75	.39	.20		
LINE CONSTRUCTION:					
Linemen	9.40	.40	1%		1 1/2%
Cable splicer	9.525	.40	1%		1 1/2%
Groundman (1st year)	4.70	.40	1%		1 1/2%
Groundman	5.23	.40			

DECISION NO. TX76-4089

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
MARBLE SETTERS:	\$ 7.28		.15		.02
MARBLE SETTERS' HELPERS	4.87				
PAINTERS:					
Brush	6.83	.25	.25		2/10%
Spray	7.43	.25	.25		2/10%
Sign	7.04	.25	.25		.01
PLASTERERS	8.65	.25	.25		.035
PLUMBERS & STEAMFITTERS	8.25				
ROOFERS:					
Roofermen; Kettlemen; Water-proofers; Deckmen	5.925	.20	.20		.01
SHEET METAL WORKERS	7.67	.23	.25		.03
SOFT FLOOR LAYERS	7.04	.27	.30		.08
SPRINKLER FITTERS	10.90	.60	.15		.02
TERRAZZO WORKERS	7.28				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	7.28				
TILE SETTERS' HELPERS	4.87		.15		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION NO. TX76-4089

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
GROUP 1	\$ 6.65	.18			
GROUP 2	5.025	.18	.45		
GROUP 3	5.225	.18	.45		
GROUP 4	5.575	.18	.45		

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Air Compressor over 125 CPH, gasoline or diesel powered; Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or vertical); Bull Dozer; Cableway; Crane (all types); Crane, tower operated (all types); Crusher; Derrick, power operated (all types); Dragline; Elevating Grader; Elevator, outside the building; Euclid, and all other machines; Forklift (on construction except in warehouses); Grapple; Hoist; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (concrete); Mixer (concrete); Pile Driver; Pumps (2 over 3 inches; Pump-crate Machine); Push Out or Pull Out; Roller (pneumatic, flatwheel); Scraper (all types); Show (power); Scoopmobile; Trench Machine, Tugboat (on construction); Wheel loader and similar machines; Welding Machines (7 to 13) other than electric; Hydraulic; Winch Truck; Mechanic; Lubrication Engineer (required on grease racks and service trucks); All other equipment of similar nature coming within the Equipment Class when power operated.

GROUP 2 - Air Compressor (1 or 2) 125 CPH or less, gasoline or diesel powered; Blade Grader (loaded); Conveyor; Elevator, inside the building, permanent type; Fireman (required); Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 16 ft.); Pile Driver; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches under; Roller (tread); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Hager Drill; Holding Machines (3 to 6) other than electric; All other equipment of similar nature coming within the Light Equipment Class when power operated.

GROUP 3 - Oilers, 1st year

GROUP 4 - Oilers, 2d year

## NOTICES

FEDERAL REGISTER, VOL. 41, NO. 100—FRIDAY, MAY 21, 1976

## SUPERSEDED DECISION

STATE: Texas COUNTY: Travis  
 DECISION NO.: TX76-4090 DATE: Date of Publication  
 Supersedes Decision No. TX76-4050, dated February 20, 1976, in AL PR 7922.  
 DESCRIPTION OF WORK: Building Construction (excluding single family home and room type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.23	.42	.60		.08
ROILERMAKERS	9.00	.50	1.00		.04
BRICKLAYERS & STONEMASONS	8.58	.40	.30		
CARPENTERS:					
Millwrights	8.86	.38	.40		.04
Cement Masons	9.11	.38	.40		.04
Electricians & Cable Splicers	9.80	.40	.20		.04
ELEVATOR CONSTRUCTORS	8.79	.495	.32	.8%	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.07	.495	.32	.8%	.02
ELWATER CONSTRUCTORS' HELPERS (FACB.)	50.78				
GLAZIERS	7.06	.55	.20		.01
IRONWORKERS	8.85		.60		.12
LABORERS:					
GROUP 1 - General laborer and plaster hols man	5.105	.275	.30		.02
GROUP 2 - Mason tender; Pipe-layer (concrete & clay); Cement finisher tender; Scaffold builder; Gunite & cement work mixer & power tool operator					
GROUP 3 - Plaster tender; Rod carrier; Mortar mixer; Lather tender; Water or damp plasterer	5.43	.275	.30		.02
GROUP 4 - Gunite over 14" thick; Rosalman; Machine operator; Powderman & blaster	5.505	.275	.30		.02
LATHERS	9.325				.01
LINE CONSTRUCTION:					
Livemen	9.40	.40	.12		1/2%
Groundmen (1st year)	5.17	.40	.12		1/2%
MARBLE SETTERS	7.45	.40	.12		1/2%
MARBLE SETTERS' HELPERS	4.87				

DECISION NO. TX76-4090

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PAINTERS:					
GROUP 1 - Brush; Taping & floating of sheetrock	\$ 7.25				
GROUP 2 - Paperhangers; Chipper burner, torch; Skeleton steel-work erected	7.50				
GROUP 3 - Spray; Steam cleaning equipment	7.75				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25¢ per hour above all base rates					
PLASTERERS	9.00	.25	.10		.01
PLASTERERS & STEAMFITTERS	8.90	.30	.30		.05
ROOFERS:					
Roofers	5.23				.01
Kettlemen	5.06				.01
SHEET METAL WORKERS	9.08	.37+.30	.50		.07
SOFT FLOOR LAYERS	8.42	.35	.20		.09
SPRINKLER FITTERS	10.90	.60	.90		.08
TERRAZZO WORKERS	7.45				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	7.45				
TILE SETTERS' HELPERS	4.87				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate					
b - Paid Holidays A thru F					
PAID HOLIDAYS					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

## NOTICES

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DECISION NO. TX76-4090

POWER EQUIPMENT OPERATORS

	Fringe Benefits Payments			
	Basic Health / Rates	H & W	Pensions	Vacation Education and/or Appr. Tr.
GROUP 1	\$ 8.63		\$40	
GROUP 2	7.56		\$40	
GROUP 3	6.34		\$40	
GROUP 4	6.23		\$40	

## POLYMER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

**GROUP 1** - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Chain Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer (all types) of Cat Tractors; Cable-Hay; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hot Bit, Motor Driven; Motor Drums or mops; High Mobile; High-Lift & loaders, over 10/3 cu. ft.; Hydraulic Excavator (all sizes); Locomotive; Mixer, 14 cu. ft. or over; Motor Grader (all sizes); Scrapper; Trenching Machine (all sizes); Gradall; pneumatic Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete machine; Welding Machine; Rock Grubber, Operated on Job; Welding Installations; Glass Shell Operator; Rock Crusher; Well Points, including installations 6 to 12, Two 125 cu. ft. compressors; Wall Plates; Form Grader; Mixer, less than 14 cu. ft.; Pulameter; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 24 in. or larger; Pneumatic Roller; High-Lift & Loader, 1/3 cu. yd. or less; Forklift, attachments operating on a 125 cu. ft. compressor, anytime there are two or more shall be employed. One 125 cu. ft. air compressor and one welding machine or requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a lift equipment operator.

**GROUP 2** - Firemen  
**GROUP 3** - Firemen  
**GROUP 4** - Oiler

**SUPERSEDES DECISION**

STATE: Washington, D. C.  
DECISION NO.: DC76-3114  
Superstate Declaration No. DC76-3000, dated January 15, 1976, in 41 FR 7620.  
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments, up to and including 4 stories), Heavy Construction (including Washington Metropolitan Area Transit Authority - Rapid Rail-Transit System), Demolition and Sewer and Water Lines.

BUILDING AND HEAVY CONSTRUCTION (INCLUDING WHARY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$ 10.21	.49	.60		.03
BOILERMAKERS - BLACKSMITHS	9.40	.60	.90		.02
BROCKLAYERS	9.85	.60	.60		.10
CARPENTERS	10.00	.65	.53		.07
CEMENT MASONS					
Cement masons	9.65	.485	.45		.11
Grinding machine	9.90	.485	.45		.11
DIVERS	18.125	.50	.49		.07
DIVER TENDER	10.75	.50	.49		.07
ELECTRICIANS	10.50	.65	1% + .80		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS				3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	6.84	.445	.29		
GLAZIERS					
IRONWORKERS:	4.89	.56	.45		.05
Structural, ornamental and chain link fence	9.78				
Reinforcing	10.40	.87	.80		.05
LABORERS (EXCLUDING WHARY RAPID RAIL TRANSIT SYSTEM)	10.55	.55	.85		.03
Common laborers, landscapers					
Acetylene burners used on wrecking	7.71	.35	.40		.05
Air tool op., scaffold builders, paving breakers, tomasters, buggy mobiles, spaders, mortar men and scooters	8.21	.35	.40		.05
Pipelayers	7.86	.35	.40		.05
Plasterers' tenders	7.03	.32	.35		.05
Plumbers' laborers	6.93	.30	.40		.05
Powdermen	8.685	.35	.40		.05
Powersaw, well points	7.96	.35	.40		.05
LATHERS	8.73	.50	.50		.025
LEADBURERS	9.25	.35		c	.01
CARPET LAYERS	6.70	.30			.05

## BUILDING AND HEAVY CONSTRUCTION

CONFIDENTIAL  
(INCLUDING DATA)

CONT'D. (INCLUDING WATA)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen, cable splicers, equipment operators	\$11.61	.35	1%		1/2 of 1%
Truck with winch, truck pole or steel handling	7.23	.35	1%		1/2 of 1%
Groundmen (0 to 1 year)	5.81	.35	1%		1/2 of 1%
Groundmen (1 to 2 years)	6.72	.35	1%		1/2 of 1%
Groundmen (over 2 years)	6.97	.35	1%		1/2 of 1%
MARBLE SETTERS	10.80	.45	.30		.05
MARBLE SETTERS' HELPERS	7.35		.53		
MILLWRIGHTS	10.46	.65			.07
PAINTERS:					
Brush, spray, paperhangers, tapers	10.04	.51	.38		.06
Steel, sandblasting, swing stage, power brushing	10.54	.51	.38		.06
PILEDRIVERS	10.21	.65	.53		.07
PLASTERERS	9.80	.45			.06
PLUMBERS	10.08	.73	.70		.23
ROOFERS:					
Composition	9.01	.47	.30		
Slates, tile, women, water- proofers, prayers, sprandral and ironite	9.57	.47	.30		
Helpers	6.43	.47	.30		
SHEET METAL WORKERS	10.06	.74	.84		.12
SOFT FLOOR LAYERS	10.00	.65	.53		.07
SPRINGFLOR FITTERS	11.45	.60	.90		.08
STEAMFITTERS, Refrigeration and air conditioning mechanic	10.20	.65	.75		.14
STONE MASONS	10.80	.45	.30		.05
STONE CUTTERS:					
Piccers and trimmers	10.80	.18	.20		
Ornamental carvers	9.49	.18	.20	h	
Figure carvers	10.11	.18	.20	h	



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PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day;  
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

## FOOTNOTES:

- a. Holidays: A through F.
- b. Employer contributes 42 basic hourly rate for 5 years of service or 22 basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).
- f. Employer contributes \$8.00 per week when employee has worked 90 days, and works 3 days in any work week.
- g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).
- h. Holidays: A-D-G-F and Veteran's Day.
- j. One week's paid vacation providing the employee has worked 3 years and a minimum of 1450 hours during any calendar year.

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BUILDING AND HEAVY CONSTRUCTION CONT'D. (INCLUDING WATA)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation Education and/or Appr. Tr.
LINE CONSTRUCTION:				
Linenmen, cable splicers, equipment operators	\$11.61	.35	.12	1/2 of 12
Truck with winch, truck pole or steel handling	7.23	.35	.12	1/2 of 12
Groundmen (0 to 1 year)	5.81	.35	.12	1/2 of 12
Groundmen (1 to 2 years)	6.77	.35	.12	1/2 of 12
Groundmen (over 2 years)	6.97	.35	.12	.05
MARBLE SETTERS	10.80	.45	.50	
MARBLE SETTERS' HELPERS	7.35	.65	.53	.07
MILLWRIGHTS	10.46			
PAINTERS:				
Brush, spray, paperhangers, tapers	9.84	.71	.69	.06
Steel, sandblasting, swing stage, power brushing	10.34	.71	.69	.06
PILEDRIVERS	10.21	.65	.53	.07
PLASTERERS	9.80	.45	.25	.06
PLUMBERS	10.08	.73	.70	.23
ROOFERS:				
Composition	9.01	.47	.30	
Slate, tile, mopmen, water- proofers, spraymen, sprandrel and ironite				
Helpers	9.57	.47	.30	
SHEET METAL WORKERS	6.43	.47	.30	
SOFT FLOOR LAYERS	10.06	.74	.84	.12
SPRINKLER FITTERS	10.00	.65	.53	.07
STEAMFITTERS, Refrigeration and air conditioning mechanic	11.45	.60	.90	.08
STONE MASONS	10.20	.65	.75	.14
STONE CUTTERS:	10.80	.45	.30	.05
Pitters and trimmers	10.80	.18	.20	
Ornamental carvers	9.49	.18	.20	h
Figure carvers	10.11	.18	.20	h

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM  
ONLY

## Laborers:

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$ 7.71	.35	.40		.05
7.86	.35	.40		.05
7.91	.35	.40		.05
7.96	.35	.40		.05
8.16	.35	.40		.05
8.36	.35	.40		.05
8.485	.35	.40		.05
8.935	.35	.40		.05

## CLASSIFICATIONS

LABORERS:

GROUP I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, drillier helper, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber buckler and faller, truck loader, water boys, tool room man

GROUP II - Combined air and water nozzleman, cement handler, dope pot firman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spikes, pulley, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scooters, buggies, automobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailpiece man, scaffold erector (steel or wood), vibrator operator (up to 4'), asphalt cutter, mortar men, shorer and lagger, concrete material handler, corrosive enamel or equal, paving breaker and jackhammer operators

GROUP III - Multi-section pipe layer, non-metallic clay and concrete pipe layer (including caulker, collarman, joiner, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installer, air-trac operator

GROUP V - Asphalt screeder, big drills, cut of the hole drills (1 1/2 piston or larger) down the hole drills (3 1/2" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper, form setter, demolition torch operator, shotcrete nozzleman and porman

GROUP VI - Powderman, master form setter

GROUP VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; Hastings block or similar type)

GROUP VIII - Miners

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM  
ONLY

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$7.985	.35	.40		.05
8.285	.35	.40		.05
8.935	.35	.40		.05
9.185	.35	.40		.05

## CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS - FREE AIR

GROUP I - Brakeman, bull gang, dumper, trackman, concrete man

GROUP II - Chuck tender, powderman in prime house, form setters and movers, nipplers, cableman, bosemen, groutman, bell or signalman, cop or bottom vibrator operator, caulkers' helpers

GROUP III - Miners, rodmen, re-bar underground, concrete or gunnite nozzleman, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman

GROUP IV - Bucking machine operator (str)

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY - RAPID RAIL TRANSIT SYSTEM  
ONLY

Gauge Pressure Pounds	Work Period Hours	Basic Daily Rate	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
1-14	7	\$ 81.22	a	b		
14-18	6	84.56	a	b		
18-22	5-1/2	87.89	a	b		
22-26	5	91.24	a	b		
26-32	4	94.57	a	b		
32-38	3	97.92	a	b		
38-44	2-1/2	101.25	a	b		

## Footnotes:

- a. The employer pays \$2.80 to health and welfare per day.  
b. The employer pays \$3.20 to Pension per day.  
c. The employer pay \$.40 to training fund per day.

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(INCLUDING WATA - RAPID RAIL TRANSIT SYSTEM)

HOLDING & HEAVY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:	10.45		.55		.12
GROUP 1	10.20	.50	.55		.12
GROUP 2	9.82	.50	.55		.12
GROUP 3	10.05	.50	.55		.12
GROUP 4	9.87	.50	.55		.12
GROUP 5	9.80	.50	.55		.12
GROUP 6	9.79	.50	.55		.12
GROUP 7	9.62	.50	.55		.12
GROUP 8	9.40	.50	.55		.12
GROUP 9	9.60	.50	.55		.12
GROUP 10	8.74	.50	.55		.12
GROUP 11		.50	.55		.12

## CLASSIFICATIONS

## POWER EQUIPMENT OPERATORS

GROUP 1 - 35 ton cranes and above, tower and climbing cranes

GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piling machines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds. struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.), boom trucks, moles, shields, tunnel mining machines, loaders used as muckers in tunnels mining, gradalls, shotcrete machine and grout pumps with discharge of two inches 1. D. or more, drill rigs

GROUP 3 - Mechanic, mechanic welder, welders

GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)

GROUP 5 - Air compressors (on steel)

GROUP 6 - Front end loaders (hi-lift), fork lifts

GROUP 7 - Rollers (skeleton), trenching machines, tug boats, well drilling machines

GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points

GROUP 9 - Rollers, asphalt spreaders, ball float finishing machines, concrete spreaders, concrete finishing machines, fine graders

GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders

GROUP 11 - Firemen

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(EXCLUDING WATA - RAPID RAIL TRANSIT SYSTEM)

DEMOLITION	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers	\$5.62	.28	.25		
Burners	6.12	.28	.25		.03
Power Equipment Operators:					.03
Crane	9.605	.50	.55		.12
Loaders	9.295	.50	.55		.12
Truck Drivers	4.00				

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(EXCLUDING WATA - RAPID RAIL TRANSIT SYSTEM)

5-D. C. 3- W

PAVING AND INCLINICAL GRADING	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Shoveler	\$6.45	.22	.30		
Asphalt Raker	6.65	.22	.30		
Asphalt Tamper	6.55	.22	.30		
Bricklayers	9.85	.60	.60		.10
Carpenters	9.55	.50	.49		.07
Cement Masons	6.90	.22	.30		
Concrete Saw Operator	6.65	.22	.30		
Concrete Shoveler	6.55	.22	.30		
Form Setter	6.90	.22	.30		
Laborers:					
Jackhammer	6.40	.22	.30		
Hand Burner Operator	6.60	.22	.30		
Concrete Spread Operator:	6.55	.22	.30		
Finishing Machine, Roller					
(rough), Compressor, Rubber-tired					
Loader (1-1/4 cu. yds., or less),	6.65	.22	.30		
Asphalt Plant Mixer					
Loader Operator Tracks (2-1/4 cu.					
Yds., or less), Burner Planer,					
Bulldozer, Mechanic or Welder,					
Rubber Tired Loader (over 1-1/4 cu.	6.85	.22	.30		
Yds.)					
Asphalt Spreader, Hydraulic Back-					
hoe (1/4 cu. yd., or less), Asphalt					
Plant Engineer, Asphalt Roller					
Operator, Concrete Breaker	6.90	.22	.30		
(machine)					
Crane Operator, Concrete Paving					
Operator	7.05	.22	.30		
Shovel Operator	7.15	.22	.30		
Gradall Operator (1-1/4 cu. yds. or					
less), Motor Grader, Loader					
Operator Tracks (over 2-1/4 cu. yds.)	7.80	.22	.30		
G-1000 Gradall Operator (over 1 1/2					
cu. yds.)					
Power Broom, Oiler	8.05	.22	.30		
Sand Setter	6.55	.22	.30		
Truck Drivers:					
Truck Drivers (standard)	6.40	.22	.30		
Tandem	6.52	.22	.30		
Tractor trailer (capable of moving					
heavy equipment)	6.90	.22	.30		

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(EXCLUDING WATA - RAPID RAIL TRANSIT SYSTEM)

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(EXCLUDING WATA - RAPID RAIL TRANSIT SYSTEM)

SEWER AND WATER LINES	Fringe Benefits Payments				Basic Hourly Rates	SEWER AND WATER LINES CONT'D.	Fringe Benefits Payments				Basic Hourly Rates	SEWER AND WATER LINES CONT'D.	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.			H & W	Pensions	Vacation	Education and/or Appr. Tr.			H & W	Pensions	Vacation	Education and/or Appr. Tr.	
BRICKLAYERS	\$ 9.85	.60		.10		COMPRESSED AIR: (All rates per day)											
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CEMENT MASONS	9.65	.685	.45	.11		From 1 to 14											
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Chuck tender, powder in prime						derricks, dragline, tunnel											
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Miners, rodman, re-bar under-	6.715	.28	.25	.03		Trenching machines (above 8'											
ground, concrete or gunite						3")											
nozzlemen, powermen,						Backhoes (hydraulic, under 4											
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wood or steel including						Trenching machines (up to 8'											
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DC/6-3174 Cont'd.  
(EXCLUDING WATA - RAPID RAIL TRANSIT SYSTEM)

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Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
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Euelids	3.10	.12	c			
FOOTNOTES:						
a. Employer contributes \$2.24 per day to Health and Welfare.						
b. Employer contributes \$2.00 per day to Pension.						
c. \$4.00 per week when employee has worked 90 days and more three days in any work week.						

[FR Doc. 76-14633 Filed 6-20-76; 8:45 am]

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Just Released

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*[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]*

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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# presidential documents

## Title 3—The President

Memorandum of February 3, 1976

**Finding and Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended—Portugal**

[Presidential Determination No. 76-7]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, February 3, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Portugal for the sale, under Title I of the Act, of 50 thousand metric tons of rice is in the national interest of the United States.

This Determination shall be published in the FEDERAL REGISTER.

*Gerald R. Ford*

STATEMENT OF REASONS THAT A SALE TO PORTUGAL UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to current Portuguese food import needs, it is proposed to export to that country 50 thousand metric tons of rice financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480).

The United States has consistently supported the efforts of the moderate Pinheiro Azevedo government to restore political stability to Portugal. Beset with enormous economic problems, exacerbated by the influx of more than 300,000 refugees, Portugal needs urgent economic assistance. Concessional sales of agricultural commodities to Portugal will constitute a tangible demonstration of our willingness to help provide this assistance.

Portuguese nationalized firms exported to Cuba in 1975, and it is likely they will do so again this year. Therefore, in order to enter into an agreement with the Government of Portugal for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94-161, the President is authorized to waive this prohibition "if he determines that such a waiver is in the national interest."

The considerations noted above make the proposed sale important to the national interest of the United States.

[FR Doc.76-15225 Filed 5-20-76;3:51 pm]

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Memorandum of February 17, 1976

**Finding and Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended—Morocco**

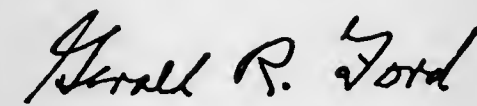
[Presidential Determination No. 76-8]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, February 17, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Morocco for the sale, under Title I of the Act, of 100 thousand metric tons of wheat/wheat flour (wheat grain equivalent) is in the national interest of the United States.



STATEMENT OF REASONS THAT A SALE TO MOROCCO UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to current Moroccan needs, it is proposed to export to that country 100 thousand metric tons of wheat/wheat flour (wheat grain equivalent) financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480).

The United States and Morocco have traditionally enjoyed cordial relations. The strategic importance of Morocco is evident from its geographical position at the entrance to the Mediterranean along the Atlantic. The Government of Morocco is stable and moderate and in international fora exercises a positive influence on other non-aligned Arab and African states. This year Morocco has a much larger than usual food import requirement due to a severe drought which adversely affected domestic grain production. A concessional wheat sale will help Morocco cover its grain shortfall without excessively overburdening its foreign exchange reserves and will demonstrate U.S. support for this moderate and friendly country.

Foreign trade statistics indicate Morocco is exporting substantial quantities of phosphate to Cuba through a state-owned corporation. Therefore, in order to enter into an agreement with the Government of Morocco for such a sale under Title I, it is necessary that the President find and determine that such sale would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94-161, the President is authorized to waive this prohibition "if he determines that such a waiver is in the national interest."

The considerations noted above make the proposed sale important to the national interest of the United States.

[FR Doc.76-15226 Filed 5-20-76;3:52 pm]

Memorandum of March 2, 1976

**Determination Under Section 103(d)(3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as Amended—Egypt**

[Presidential Determination No. 76-9]

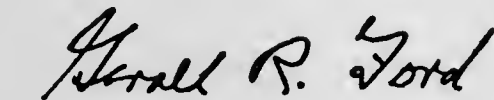
Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, March 2, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Determine, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act, of 500,000 metric tons of wheat/wheat flour (wheat grain equivalent) is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of 500,000 metric tons wheat/wheat flour is in the national interest of the United States.



STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

In response to current Egyptian needs, it is proposed to export to that country 500,000 metric tons of wheat/wheat flour (wheat grain equivalent) under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480). Added to a previous allocation, the total amount of wheat/wheat flour (wheat grain equivalent) provided to Egypt under Title I in FY-1976 will be one million metric tons. This amount is based on Egypt's needs for not more than one fiscal year.

Egypt continues to be central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In order to enter into an agreement with the Government of Egypt for such sales under Title I, it is necessary that the President determine that such sales would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ship or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). Egyptian governmental entities maintain trade with Cuba. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94-161, the President is authorized to waive this prohibition if he determines that such a waiver is in the national interest. Section 103(d)(4) specifically prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interest of the United States.

The considerations noted above make the proposed sales important to the national interest of the United States.

[FR Doc.76-15227 Filed 5-20-76;3:52 pm]

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Memorandum of April 27, 1976

**Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Portugal**

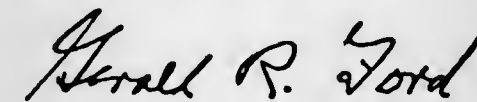
[Presidential Determination No. 76-13]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, April 27, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that for Portugal the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to \$5 million of agricultural commodities under Title I, is in the national interest of the United States.



STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to current Portuguese import needs, it is proposed to export to that country an additional five million dollars of agricultural commodities bringing the total assistance provided in fiscal year 1976 under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480) to \$20 million.

The United States has consistently supported the efforts of the moderate Pinheiro Azevedo government to restore political stability to Portugal. Beset with enormous economic problems, exacerbated by the influx of thousands of refugees, Portugal needs urgent economic assistance. Concessional sales of agricultural commodities to Portugal constitute a tangible demonstration of our willingness to help provide this assistance.

Portuguese nationalized firms exported to Cuba in 1975, and it is likely they will do so again this year. Therefore, in order to enter into an agreement with the Government of Portugal for such a sale under Title I, it is necessary that the President determine that such sales to Portugal would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94-161, the President is authorized to waive this prohibition "if he determines that such a waiver is in the national interest."

The considerations noted above make the proposed sale of agricultural commodities to Portugal and the necessary waiver important to the national interest of the United States.

[FR Doc.76-15228 Filed 5-20-76;3:53 pm]

Memorandum of May 10, 1976

**Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Bangladesh**

[Presidential Determination No. 76-14]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, May 10, 1976.

Pursuant to the authority vested in me by Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby determine that the waiver of the exclusion of the Government of Bangladesh from the definition of "friendly country" for the purpose of agricultural commodity sales to it under Title I of the Act is in the national interest of the United States and I do hereby waive such exclusion.



STATEMENT OF REASONS THAT A WAIVER FOR BANGLADESH UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to Bangladesh needs, the United States is providing agricultural commodities under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480). Current Title I allocations for Bangladesh for FY 1976 include 550,000 metric tons of wheat, 240,000 metric tons of rice, and 40,000 metric tons of edible oil.

Bangladesh is one of the world's poorest and least developed countries. Since Bangladesh's independence, the United States has joined other donor countries in helping Bangladesh deal with its development problems, particularly in promoting social and economic progress for all Bengalees. The Bengalee foodgrain import requirement has averaged about 2 million tons per year, and food has constituted a significant element of the Aid Group's assistance. In the short term, food assistance is necessary in order to reduce malnutrition and starvation and to contribute toward economic development. The food assistance donors are working with the Bangladesh Government in directing food assistance to uses that foster development as well as meeting essential requirements. In particular, programs are being carried out in which food assistance would 1) support increased domestic agricultural production and 2) contribute to the building of an adequate national food reserve system.

Bangladesh has meager financial resources. Jute exports are its major foreign exchange earner. The Government is seeking new and larger outlets for jute and may renew its exports to Cuba, a substantial potential market for jute exports. Restrictions in Section 103(d)(3) of PL 480, would bar Title I food assistance for Bangladesh should it again begin exporting goods to Cuba, unless such restrictions are waived by the President. This Section of Public Law 480 prohibits, inter alia, the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of Public Law 94-161, the President is authorized to waive this prohibition if he determines that such a waiver is in the national interest.

In light of the above considerations it is in the national interest not to exclude Bangladesh from concessional sales under PL 480.

[FR Doc.76-15229 Filed 5-20-76;3:53 pm]

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Memorandum of May 10, 1976

**Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Syria**

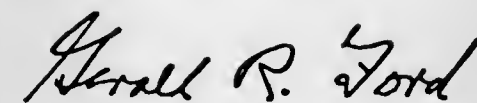
[Presidential Determination No. 76-15]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,  
Washington, May 10, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that for Syria the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to \$4.3 million of agricultural commodities within the previously approved program of \$19.2 million, is in the national interest of the United States and I do hereby waive such exclusion.



STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

Syria is a key to our efforts to achieve a just and lasting peace in the Middle East. Our success will depend in part on Syrian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Concessional sales of agricultural commodities to Syria constitute a tangible demonstration of our intended role in that regard.

Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. Syria has been trading with Cuba in recent years. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94-161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sales of agricultural commodities to Syria and the necessary waiver important to the national interest of the United States.

[FR Doc.76-15230 Filed 5-20-76;3:54 pm]

## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 7—Agriculture

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Navel Orange Regulation 380, Amendment 1]

**PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

## Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 14-20, 1976. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 901), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 380 (41 F.R. 19647). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5

U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) of § 907.680 (Navel Orange Regulation 380 (41 F.R. 19647)) are hereby amended to read as follows: "(i) District 1: 1,200,000 cartons;"

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 19, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and  
Vegetable Division, Agricultural  
Marketing Service.

[FR Doc.76-15064 Filed 5-21-76;8:45 am]

[Plum Regulation 12]

**PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA**

## Regulation by Grades and Sizes

This regulation, effective during the period June 1 through July 20, 1976, requires that California plums grade U.S. No. 1 grade except that additional tolerances for defects not considered serious, including healed cracks, and gum spots, are permitted for specified varieties. It also establishes minimum size requirements for certain specified varieties in terms of the maximum permissible number of plums in an eight-pound sample. This action is necessary to assure that the plums shipped will be of suitable quality and size in the interest of consumers and producers.

*Findings.* (1) Pursuant to the amended marketing agreement and Order No. 917, as amended (7 CFR Part 917; 41 F.R. 17528), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that regulation of shipments of plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of the current and prospective market conditions for California plums. The committee estimates that 9,317,000

packages of plums will be available for shipment in the 1976 season compared to actual shipment of 8,800,000 packages last season. Industry reports indicate that 1976 shipments of fresh California peaches will total 9,655,000 packages, 657,000 packages more than last year. California nectarine shipments during 1976 are estimated at 9,957,000 packages, 362,000 packages more than last year. Such peaches and nectarines provide strong competition to California fresh plums. The grade and size requirements hereinafter set forth are necessary to prevent the handling of California plums of a lower grade or smaller size than specified herein for such plums so as to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1976. A reasonable determination as to the supply of, and the demand for, such plums, which are currently regulated pursuant to Plum Regulation 11 (40 F.R. 22534, 28601) must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until April 30, 1976, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on May 3, 1976; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments during the period hereinafter specified in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such



provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

#### § 917.441 Plum Regulation 12.

Order. (a) During the period June 1, 1976, through July 20, 1976, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period June 1, 1976, through July 20, 1976, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Angeleno, Andy's Pride, Bee Gee, Casselman, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, and Swail Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums unless such plums grade U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period June 1, 1976, through July 20, 1976, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

Col. A.—Variety:	Col. B.— Plums per sample
Ace	55
Amazon	64
Andy's Pride	69
Angeleno	67
Autumn Rosa	72
Beauty	91
Bee Gee	65
Burmosa	60
Casselman	63
Duarte	62
El Dorado	68
Elephant Heart	53
Emily	59
Empress	57
Frisar	56
Frontier	61
Grand Rosa	54
July Santa Rosa	69
Kelsey	47
Laroda	58
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swail Rosa)	64

## RULES AND REGULATIONS

Col. A.—Variety:	Col. B.— Plums per sample
Late Tragedy	93
Linda Rosa	63
Mariposa	61
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut.	91
Red Rosa	64
Redroy	58
Rosa Grande	63
Roysum	80
Santa Rosa	69
Simka, Arrosa, New Yorker	48
Standard	83
Tragedy	114
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520-1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, May 18, 1976, to become effective June 1, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-15066 Filed 5-21-76; 8:45 am]

[Avocado Reg. 24]

### PART 944—FRUITS; IMPORT REGULATIONS Avocados

Avocado Regulation 24 prescribes during the period May 31, 1976, through April 30, 1977, the same grade requirement for imported avocados as that applicable, pursuant to Order No. 915 (7 CFR Part 915), to avocados grown in South Florida. The maturity regulation applies the same minimum size or weight requirements to imported avocados of the Pollock, Catalina, and Trapp varieties as are applicable to Florida avocados of the same varieties. All other imported avocados are required to meet minimum size or weight requirements comparable to those for similar types grown in Florida as variations in characteristics make application of identical requirements impractical. This import regulation is effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On April 27, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 F.R. 17558) inviting written comments for consideration in connection with a proposed regulation which would establish requirements for importation of avocados into the United States, during the period May 31, 1976, through April 30, 1977, pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). None were received.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such requirements mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 18, which becomes effective May 31, 1976; (c) such domestic and import regulations should become effective at as near the same time as is reasonably practicable; (d) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade, size, and maturity restrictions that are the same as or are comparable to those to be in effect pursuant to the said amended marketing order shall apply to avocados to be imported.

#### § 944.16 Avocado Regulation 24.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 31, 1976, through April 30, 1977, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 5, 1976; (ii) from July 5, 1976, through July 18, 1976, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 3/8 inches in diameter; and (iii) from July 19, 1976, through August 1, 1976, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 3/8 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 13, 1976; (ii) from September 13, 1976, through September 19, 1976, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 20, 1976, through October 3, 1976, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 16, 1976; (ii) from August 16, 1976, through August 29, 1976, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 3/8 inches in diameter; and (iii) from August 30, 1976, through September 12, 1976, unless the individual

fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 3/8 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 5, 1976; (ii) from July 5, 1976, through August 1, 1976, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from August 2, 1976, through September 5, 1976, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 6, 1976, through October 3, 1976, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 20, 1976; (ii) from September 20, 1976, through October 17, 1976, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 18, 1976, through December 19, 1976, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Port	Office	Advance notice (days)
All Texas points.	Leo M. Danbo, 506 South Nelrask Ave., San Juan, Tex. 75558, phone 512-767-4001.	1
	or Charles E. Parragon, 724 East Overland, El Paso, Tex. 79001, phone 915-543-7723.	1
All New York points.	Carmine J. Cavallo, Room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7668 and 991-7669.	1
	or Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206, phone 716-824-1585.	1
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85021, phone 602-287-2402.	1
All Florida points.	Lloyd W. Booney, 330 Northwest 12th Ave., room 530, Miami, Fla. 33136, phone 305-324-0118.	1
	or Ceel Brantley, 550 3d St., NW, Winter Haven, Fla. 33880, phone 813-294-3511.	1
	or Johnnie L. Corbett, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32205, phone 904-354-5983.	1
All California points.	Daniel P. Thompson, 784 508th Central Ave., room 268, Los Angeles, Calif. 90021, phone 213-622-8756.	3
All Louisiana points.	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70112, phone 504-589-6741 and 589-6742.	1
All other points.	M. A. Castille, F. & V. Division, AMS-USA, Washington, D.C. 20550, phone 202-447-6870.	3

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

- (1) The date and place of inspection;
- (2) The name of the shipper or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in South Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050-51.3069). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 20, 1976, to become effective May 31, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-15246 Filed 5-21-76; 8:45 am]



# CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

## SUBCHAPTER Q—ADMINISTRATION

### PART 2012—AUDITS AND INVESTIGATIONS

#### Subpart A—Audits

There is hereby established under Chapter XVIII, Title 7, a new Subchapter Q—"Administration, Part 2012, Audits and Investigations," Subparts A through D, in the Code of Federal Regulations. Subpart A, "Audits," (§§ 2012.1-2012.50) of this new Part outlines the procedure to use in handling and reports prepared and distributed by the Office of Audit on activities within Farmers Home Administration.

In as much as the Subpart involves internal operations of the Agency and is Administrative in nature, public notice and procedure thereon is unnecessary.

Accordingly, new Subpart A of new 7 CFR Part 2012 is set forth below:

#### Subpart A—Audits

- Sec.  
2012.1 Purpose  
2012.2 Policy  
2012.3 Scope  
2012.4 Frequency of audits  
2012.5 Distribution of report  
2012.6 Action on report  
2012.7 Restriction on distribution of report  
2012.8 Retention of report  
2012.9 General Accounting Office (GAO) audits  
2012.10-2012.50 [Reserved]

**AUTHORITY:** 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301 Sec. 10 P.L. 93-357, 88 Stat. 392 delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

#### § 2012.1 Purpose.

This Instruction outlines the procedure to use in handling audit reports, prepared and distributed by the Office of Audit (OA), on the activities within the Farmers Home Administration (FmHA).

#### § 2012.2 Policy.

FmHA employees will ask for official identification from OA auditors before releasing information to them. FmHA employees will cooperate fully with OA by making available pertinent information, including files, records, and correspondence. Similar cooperation will be extended to authorized representatives of other Federal audit agencies.

#### § 2012.3 Scope.

(a) OA has authority to inquire into all program and administrative activities of the Department of Agriculture. All organizational units, programs, and operations are subject to audit at any time. An audit is designed to:

(1) Ascertain whether policy, plans, systems, and procedures are adequate, conform to applicable laws and regula-

tions, and whether these laws and regulations are complied with;

(2) Provide objective reviews of all departmental operations for effectiveness;

(3) Determine reliability and usefulness of records, data, and reports;

(4) Determine whether resources are managed and used in an economical and efficient manner; and

(5) Ascertain whether financial operations are properly conducted, and financial reports are accurate.

(b) Audit findings will not normally be the basis for formal adverse action (Fiscal charges and disciplinary, civil, or criminal actions) against parties involved. Irregularities involving such adverse actions will be handled as investigations. See FmHA 2012-B (FmHA Instruction 052.1), FmHA 2012-C (FmHA Instruction 052.2), and FmHA Instruction 2012-D (FmHA Instruction 052.3).

#### § 2012.4 Frequency of audits.

OA prepares an annual program showing audits planned for the following fiscal year. This program includes both audits considered necessary by OA and audits requested by agency officials.

(a) The FmHA Liaison Officer will send audit plans for each State to the State Director as soon as they are received from OA.

(b) A State Director may request a special audit at any time a justifiable need arises, or request changes in OA audit plans because of emergency or other special circumstances. Such requests should be made directly to the appropriate Regional Director, OA, with a copy to the FmHA Liaison Officer, National Office.

#### § 2012.5 Distribution of report.

(a) OA will distribute two copies of each audit report, including the transmittal memorandum, to the appropriate agency official (action addressee) responsible for taking action on reported matters (e.g., State Director or Director, Finance Office).

(b) The Regional Director, OA, will distribute one copy of each audit report to the National Office, Attention: Director, Program Evaluation Staff. If an audit report is identified as "Significant" on Form OA 7600-2, "Significant Audit Disclosure" and contains recommendations for the Administrator or for the State Director, or for both, the Regional Director, OA, will distribute two copies to the Director, Program Evaluation Staff.

#### § 2012.6 Action on report.

(a) *Immediate reply to report.* On receipt of an audit report, the State Director or Director, Finance Office, will take any necessary corrective action. In addition, the State Director will see that the problems disclosed in each audit are not occurring in other County Offices under his jurisdiction.

(1) If an audit report from the Regional Director contains recommendations for the Administrator or (2) for the State Director, and is addressed to the Director, Program Evaluation Staff, a reply to the audit report with two copies will be sent for review to the National Office, Attention: Director, Program Evaluation Staff. This reply should be sent to arrive in the National Office within 50 days after the report is issued.

(2) If the audit report transmittal memorandum is addressed to the State Director, a reply with one copy will be sent to the Regional Director, OA, and one copy will be sent to the National Office, Attention: Director, Program Evaluation Staff. This reply should be sent to arrive in the National Office within 60 days after the report is issued.

(3) Correspondence about reports and action taken will:

(i) Refer to the report number;  
(ii) Be marked, "For Official Use Only;"

(iii) Show the distribution of copies; and

(iv) Respond to the audit recommendations.

(4) The reply should indicate each item on which final action has been completed. For each item where action cannot be taken, the reply should state:

(i) Action taken to date;  
(ii) Additional action planned;  
(iii) Anticipated date for final action; and

(iv) Brief reason why final action cannot be completed until anticipated date.

(5) If there are significant audit disclosures, as indicated on Form OA 7600-2, the Director, Program Evaluation Staff, will notify the State Director or Director, Finance Office, of the issues involved. A reply with two copies stating the corrective action taken or planned will be sent to the National Office, Attention: Director, Program Evaluation Staff.

(6) All questions about or disagreements with the audit recommendations or any part of the audit that cannot be resolved between the action addressee and OA will be directed to the National Office, Attention: Director, Program Evaluation Staff.

(b) *Subsequent action.* The State Director or Director, Finance Office, will make subsequent progress reports at 60-day intervals or until final action on all items is completed.

(c) *No action required.* If the audit indicates no findings or recommendations, the Regional OA transmittal memorandum will state that no response is required from FmHA.

#### § 2012.7 Restriction on distribution of report.

(a) All OA audit reports are marked "For Official Use Only—Indefinite Retention" (1 AR Chapter 9, Section 4).

These reports are for official purposes only, and may not be released outside the agency. However, if required by law, directive, regulation, or applicable rule of practice in Federal or State Court, a determination of whether OA reports may be released outside the Federal Government may be made by OA or by the Office of the General Counsel (OGC) in its disposition of a case.

(b) Any requests for or questions about the release of an OA audit report or information in these reports will be directed to the National Office, Attention: Director, Program Evaluation Staff, for referral to OA.

(c) All correspondence to the National Office about audit reports will be addressed to the Director, Program Evaluation Staff. The correspondence will be forwarded in separate, sealed envelopes marked "For Official Use—Audit Report" in the lower left corner.

#### § 2012.8 Retention of report.

(a) A copy of the complete audit report, with all related correspondence to the Regional OA or the National Office, will be kept in the office audited for 5 years, as specified in FmHA 2033-A, (FmHA Instruction 151.1).

(b) Reports and related material with restrictive markings should be kept in locked cabinets or other locked repository when not in use.

#### § 2012.9 General Accounting Office (GAO) Audits.

GAO conducts audits and investigations independent of OA. State Directors will keep the National Office informed regarding GAO audits, investigations, and surveys within their States and will forward copies of all correspondence with GAO to the National Office, Attention: Director, Program Evaluation Staff.

#### §§ 2012.10-2012.50 [Reserved]

**Effective date.** This addition is effective on May 24, 1976.

Dated: May 12, 1976.

FRANK B. ELLIOTT,  
Administrator,  
Farmers Home Administration.  
[FR Doc. 76-15062 Filed 5-21-76; 8:45 am]

## Title 10—Energy

### CHAPTER I—NUCLEAR REGULATORY COMMISSION

#### PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

#### PART 70—SPECIAL NUCLEAR MATERIAL

##### Preservation of Records; Correction

In FR Doc. 76-12851, appearing at page 18300 in the issue for Monday, May 3, 1976, make the following changes:

A. On page 18303, in the first column, the amendment of paragraph (p) of § 50.54, is corrected to read as follows:

15. Paragraph (p) of § 50.54 is amended by revising the last sentence to read as follows:

§ 50.54 Conditions of licenses.

(p) . . . The licensee shall maintain records of changes to the plan made without prior Commission approval for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix D of Part 20 of this chapter, a report containing a description of each change within two months after the change is made.

B. On page 18303, in the middle column, the amendment of paragraphs (c) and (e) of § 70.32 is corrected to read as follows:

19. Section 70.32 is amended by revising the prefatory language of the last sentence of paragraph (c) and revising the last sentence of paragraph (e) to read as follows:

§ 70.32 Conditions of licenses.

(c) . . . The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval, for a period of five years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within:

(e) . . . The licensee shall maintain records of changes to the plan made without prior Commission approval, for a period of two years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within two months after the change is made.

Dated at Bethesda, Maryland this 17th day of May 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.  
[FR Doc. 15163 Filed 5-21-76; 8:45 am]

## CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1976-1]

### ALLOCATIONS WITH RESPECT TO NEWLY CONSTRUCTED OR PURCHASED REFINERIES UNDER CRUDE OIL BUY/SELL PROGRAM

#### FEA Ruling

**Facts.** Refiner A (a refiner-buyer, as defined in 10 CFR 211.62) owned a refinery which became operational on September 1, 1974. Since a significant portion of the construction of the refinery had been completed prior to May 1, 1974, for purposes of receiving allocations of crude oil under the crude oil buy/sell program set forth in 10 CFR 211.65 (the "buy/sell program"), FEA determined that Refiner A's refinery qualified as "new refining capacity." Refiner A was therefore entitled to purchase crude oil under the buy/sell program for that refinery commencing with the September through November 1974 allocation quarter. On January 1, 1975, Refiner A sold the refinery to Refiner B, also a refiner-buyer, which thereafter continued to operate the refinery.

**Issue.** How is Refiner B's purchase opportunity under 10 CFR 211.65 calculated with respect to the refinery purchased by it from Refiner A?

**Ruling.** Refiner A's crude oil allocation for the refinery, which was based on the qualification on that refinery as "new refining capacity" as to Refiner A, is not carried over as to Refiner B upon its purchase of the refinery. Crude oil allocations under the buy/sell program would be made to Refiner B for the acquired refinery on the basis of the criteria for "future refining capacity" in accordance with the provisions of § 211.65(b).

FEA's buy/sell program was established in its present form effective June 1, 1974 to correct the imbalances in access to crude oil supplies which exist between major integrated refiners, on the one hand, and small and independent refiners, on the other.

Under the program, each small and independent refiner as defined in 10 CFR 211.62 (a "refiner-buyer") is generally entitled to purchase from one or more of the 15 largest integrated domestic refiners ("refiner-sellers") in each three-month allocation quarter an amount of crude oil equal to one-quarter of its crude oil runs to stills in 1972 less the volume of its runs to stills in the period February through April 1974, subject to certain adjustments.

For purposes of these calculations a refiner-buyer's 1972 refining capacity is termed "refining capacity," which is defined in § 211.62 to mean:

. . . for each refinery, the capacity reported to the Bureau of Mines as of January 1, 1973. . . .



In addition to an allocation entitlement based on 1972 crude oil runs, which would be directly related to the particular firm's 1972 refining capacity, the regulations provide for an increase in allocations to refiner-buyers to take into account expansion of refining facilities after 1972. Post-1972 refining capacity, the construction of which was substantially completed by May 1, 1974 ("new refining capacity"), is distinguished in the regulations from other more recently constructed refining capacity ("future refining capacity").

Section 211.62 provides that:

"New refining capacity" means, for each refiner, the sum of the capacity of its refineries not included within the definition of refining capacity and operated continuously in the normal course of such refiner's business, a significant portion of the construction of which has been completed prior to May 1, 1974 \* \* \*.

In accordance with § 211.65(a)(5), a refiner-buyer whose post-1972 refining capacity qualifies as new refining capacity is automatically entitled to an increase in its purchase opportunity under the buy-sell program by an amount necessary to permit that refiner-buyer to operate such new refining capacity at its 1972 supply-to-capacity ratio, giving effect to supplies available for such new refining capacity in excess of supplies included in that refiner-buyer's February through April, 1974 crude runs.

Future refining capacity is defined in § 211.62 as follows:

Future refining capacity means, for each refiner, the sum of the capacity of its refineries not included within the definitions of refining capacity and new refining capacity \* \* \*.

Under § 211.65(b), allocations for future refining capacity are to be specified by FEA upon consideration of the following factors:

- (i) The source and volume of anticipated crude oil supplies for such future refining capacity;
- (ii) The efforts made by that refiner-buyer to obtain or locate crude oil supplies for such future refining capacity;
- (iii) The projected ability of all refiner-sellers to obtain supplies of crude oil for their refinery capacity;
- (iv) The economic feasibility of operating such future refining capacity absent any allocations;
- (v) The extent to which such future refining capacity is designed to implement the national policies relating to protection of the environment; and
- (vi) The extent to which such future refining capacity incorporates high conversion facilities and the patterns of product yield conform to the anticipated national requirements for refinery products.

A detailed discussion of these criteria appears in the Appendix hereto, together with a description of FEA's current application thereof.

As set forth in the Appendix, it is the clear intent that the criteria governing allocations for further refining capacity be applied to prevent uneconomic new entrants into the refining industry from automatically receiving crude oil allocations, which allocations would tend to

reduce incentives for these firms to arrange for their own crude supplies. The regulatory distinction between allocations for new refining capacity and future refining capacity is designed primarily to avoid encouragement of firms to construct inefficient refineries for the sole purpose of receiving government-directed allocations.

The regulations thus limit automatic allocations for post-1972 refining capacity to new refining capacity, or capacity a significant portion of the construction of which was completed by May 1, 1974. FEA's rationale in this regard was that such capacity would have been planned and the necessary financial commitments therefor made by late 1973, with no knowledge of or intent to rely on a continuing government allocation program. Therefore, new refining capacity as so defined would in most cases be economically viable absent federal allocation programs, and allocations are made on the same basis as for 1972 capacity.

However, with respect to all other post-1972 refining capacity, i.e. future refining capacity, application of the factors set forth in § 211.65(b)(1) provides for allocations under the program only to firms that demonstrate an economically viable venture, which is generally evidenced by arrangements made by the particular firm for crude oil supplies and by the sophistication of its refinery.

In applying the policy considerations upon which the allocations under the buy/sell program are based for post-1972 capacity, it is clear that the criteria set forth in § 211.65(b)(1) should be equally as applicable to purchased refineries as to newly constructed refineries. A firm that decides to enter the refining industry, or to increase its refining capacity, has essentially two means of accomplishing this purpose. It may either construct a new facility (or an addition to one of its current facilities), or alternatively it may purchase an existing refinery owned by another firm. No public interest would be served if FEA were to encourage new entrants into the refining industry to purchase existing refinery capacity which is not economically viable by automatically granting crude oil allocations, while denying such allocations to newly constructed refinery capacity which is not economically viable. In fact, in order to best serve the needs of the nation, FEA should positively encourage the construction of new, technically sophisticated refineries which have made arrangements for crude oil supplies, rather than encourage the sale of less sophisticated refineries with no assured source of crude oil supplies. Thus, the criteria set forth in § 211.65(b)(1) which are used to evaluate the economic viability of future refining capacity are as germane to purchased refineries as to newly constructed refineries.

Finally, the implication of the defined terms "refining capacity" and "new refining capacity" is that the firm that had actually reported the capacity to the Bureau of Mines or that had completed a significant portion of the construction thereof prior to May 1, 1974 is

the firm as to which these respective classifications should apply, as opposed to a subsequent purchaser of the refinery in question. This analysis is consistent with the other provisions of § 211.65 fixing refiner-buyers' purchase opportunities, since the latter are generally determined by a particular refiner's 1972 and 1974 crude run levels, which in turn relate to the refinery capacity operated by that refiner in those periods. Therefore, the clear intent of the regulations is that the classification of a particular refinery under the buy/sell program as refining capacity or new refining capacity requires that the firm receiving the benefits of such a classification must have reported the capacity to the Bureau of Mines as of January 1, 1973 or have completed a significant portion of the construction thereof prior to May 1, 1974.

In summary, allocations under the buy/sell program pursuant to § 211.65 do not attach to particular refineries but rather to the firm that owned the refinery in the relevant period specified in the regulations. Thus, the purchase of a refinery on January 1, 1975 would not effect the transfer to the purchasing firm of any of the allocation rights under the buy/sell program attributable to the firm that previously owned that refinery. The allocation amount for the firm that has purchased the refinery would be fixed under the criteria for future refining capacity in § 211.65(b). This result would be the same if the refinery were purchased from a refiner-seller, where there would be no allocation rights attributable to the refinery.

DAVID G. WILSON,  
Acting General Counsel.

MAY 19, 1976.

#### APPENDIX—EVALUATION OF APPLICATIONS FOR FUTURE REFINING CAPACITY ALLOCATIONS UNDER 10 C.F.R. 211.65(b)

##### I. Introduction

The Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended, provides that the Federal Energy Administration ("FEA"), when developing regulations governing the allocation of crude oil and refined petroleum products, may take into consideration (1) market entry by independent and small refiners during or subsequent to calendar year 1972, and (2) expansion or reduction of refining facilities of such refiners during or subsequent to calendar year 1972 (EPAA § 4(c)(4)(B)).

Pursuant to this statutory authority, the FEA promulgated paragraph (b) of 10 C.F.R. § 211.65 (the Mandatory Crude Oil Allocation Program or "Buy/Sell Program"), in order to evaluate applications for an allocation of crude oil submitted by operators of newly developed or expanded refining capacity scheduled to be completed and to become operational subsequent to May 1, 1974. This capacity has been defined in the regulations as "future refining capacity" (10 C.F.R. § 211.62).

Under § 211.65(b), FEA is committed to fostering future refining capacity. This does not mean, however, that any future refining capacity is automatically eligible for allocations. Quite the contrary, FEA is prepared to provide buy/sell allotments only in those circumstances in which an applicant for an allocation satisfies the criteria enumerated in § 211.65(b)(1) concerning, inter alia, the crude oil supply arrangements and the eco-

nomie viability and operating flexibility of any future refining facilities. These criteria are designed in large part to encourage the construction of independent, viable refining facilities by granting these facilities allocations to supplement their own supply arrangements. FEA does not intend to foster (through the automatic award of allocations) the construction of future refining capacity which would not remain viable after the FEA's allocation and price regulations terminate.

Moreover, FEA does not intend to grant allocations for the operation of future refining capacity in cases where supplies of suitable crude oil are otherwise available, albeit at a price higher than that required to be charged for crude oil purchased under the Buy/Sell Program. The Buy/Sell Program is designed to correct supply imbalances between the major integrated refiners on the one hand and small and independent refiners on the other. Although the Buy/Sell Program was initially also relied upon to effectuate some degree of cost equalization, this subsidiary purpose is no longer essential, since cost equalization is now achieved to a considerable degree under the FEA's Crude Oil Entitlements Program in 10 C.F.R. § 211.67. Accordingly, FEA currently views the Buy/Sell Program, including allocations for future refining capacity, solely as a means of providing crude oil to small and independent refiners for supply purposes in appropriate circumstances.

Section 211.65(b)(1) sets forth six factors which FEA must consider when establishing an allocation level for future refining capacity under the Buy/Sell Program. In order for the FEA to ensure equitable and consistent treatment for all applications made pursuant to 10 C.F.R. § 211.65(b), a method of weighting these six factors has been developed. The FEA recognizes that information required for its consideration of these six factors may, in some cases, be overlapping and that conditions such as crude oil availability, local marketing conditions and independent, economic viability may vary considerably with each application. Consequently a range of points has been incorporated for each factor in recognition of the relative uniqueness of each case.

A total of one hundred points has been distributed among the factors to be considered under § 211.65(b)(1). For reasons explained within, the third and fifth factors have not been assigned any points, and, of the remaining four factors, not all have been assigned the same range of points. Points have been distributed among these factors on the basis of their relative importance to the underlying purposes of the Buy/Sell Program and the FEA's policies pertaining to the operation of future refining capacity.

The FEA is making its method of weighting the six factors available to the public in the interest of the fullest possible disclosure of the administrative decision-making processes and in compliance with 5 U.S.C. § 552(a)(2) (the Freedom of Information Act). Accordingly, set forth below is a discussion of each of the six factors listed in § 211.65(b)(1) of the regulations and the manner in which they will be evaluated and applied by FEA in determining allocation entitlements for future refining capacity:

##### II. Evaluation of the Factors in Section 211.65(b)(1)

(i) The source and volume of anticipated crude oil supplies for such future refining capacity.

The quantity of crude oil which has been secured by the refiner outside the Buy/Sell Program for the operation of future refin-

ing capacity is of prime importance in FEA's consideration of an allocation entitlement because it is convincing evidence that such future capacity represents an economically viable enterprise capable of functioning in the future without government assistance. The FEA's concern is that a refiner should have secured an adequate source of crude oil prior to making such additional capacity operational. The crude oil allocation program is not designed to become a sole source of supply for a refiner, except perhaps in circumstances where, due to a government program (such as the crude oil supplier/purchaser freeze in 10 C.F.R. § 211.63), a refiner is unable to obtain supplies that would otherwise have been available.

This factor is assigned a range of zero (0) to thirty (30) points. This is slightly greater than the range of points assigned to any of the other factors, principally because the FEA believes that securing an adequate supply of crude oil prior to operating future refining capacity is consistent with traditional industry practice and is the most convincing indication that such capacity represents a viable enterprise which will be capable of operating without government assistance after the FEA's allocation and price programs terminate. A refiner with future refining capacity will be assigned points as a function of the volume of anticipated crude oil supplies (other than under the Buy/Sell Program) available to the applicant for such future refining capacity.

(ii) The efforts made by that refiner/buyer to obtain or locate crude oil supplies for such future refining capacity.

To be considered for inclusion in the program each refiner is expected to exert the utmost effort to assure itself of a supply of crude oil for its future refining capacity. FEA, therefore, requires documentation setting forth in detail the efforts of the refiner to secure crude oil supplies on its own initiative and the net results of such efforts. It is recognized that, in some instances, through no lack of planning and effort on the part of the refiner, non-allocation crude oil of suitable grade and quality may not be available for practicable delivery to the refinery. Proof of the refiner's diligent efforts to locate crude oil and evidence of the difficulties encountered, however, are necessary before FEA will award any points for such efforts.

This factor is assigned a range of zero (0) points to twenty-five (25) points. A refiner with future refining capacity will be assigned points proportional to the efforts which it has made to obtain or locate crude oil supplies for such future refining capacity.

(iii) The projected ability of all refiner/sellers to obtain supplies of crude oil for their refinery capacity.

Under a situation of limited crude oil supplies this factor would be quite important because it relates to sharing crude oil supplies among existing facilities and additional ones to be constructed or under construction. However, in the aggregate, there is currently no shortage of crude oil available to refiner-sellers. Consequently, at the present time this factor is assigned zero (0) points.

(iv) The economic feasibility of operating such future refining capacity absent any allocation.

This factor is similar to factor (i) above in that it is intended to provide for an allocation of crude oil to a refiner which can demonstrate that it has an economically viable venture but, through no fault of its own, finds itself without a sufficient supply of crude oil to operate such future refining capacity. Here, however, FEA is concerned not with the availability of crude oil supplies absent government allocations but with the economic viability of the future re-

fining capacity, i.e., the ability of the refiner to operate such future capacity and to market its products without having to rely on the FEA's allocation and price programs. In this regard, it is important to emphasize that the Buy/Sell Program is concerned with ensuring that refiner-buyers receive adequate supplies of crude oil to operate their refineries. It is not FEA's intention, however, to substitute allocations under the program for supplies that could be obtained in the market at a higher price. FEA's Entitlements Program was implemented to reduce refiners' crude oil cost disparities to a competitive range, a function not currently within the scope of the Buy/Sell Program. Thus, an applicant under § 211.65(b)(1) must be able to demonstrate that its future refining capacity could be operated economically without allocations under the Buy/Sell Program, assuming that it had access to an adequate supply of suitable crude oil at market prices.

This factor is assigned (0) points to twenty-five (25) points. Points will be assigned in proportion to the applicant's ability to demonstrate that its future refining capacity would be economically feasible absent any allocations.

(v) The extent to which such future refining capacity is designed to implement the national policies relating to the protection of the environment.

The environmental impact of future refining capacity must be taken into account. While environmental matters are principally the responsibility of other federal and state regulatory agencies, the FEA believes it has an obligation to require each refiner to show evidence of compliance with applicable environmental regulations. It is highly improbable that new or expanded refining capacity could reach an operational stage without federal and state environmental regulatory bodies having first reviewed its impact on the environment and required the refiner to comply with applicable federal and state environmental regulations. Therefore, FEA merely requires a refiner to submit evidence of its ability to comply with such environmental regulations. This factor is not weighted, but rather is considered in order to insure compliance with such environmental requirements. It is therefore assigned zero (0) points.

(vi) The extent to which such future refining capacity incorporates high conversion facilities and the patterns of product yield conform to the anticipated national requirements for refinery products.

It is expected that a future refining facility will be sufficiently sophisticated to produce refined products of the type and quality required in the relevant marketing area. For instance, a simple topping plant located in a rural area and producing significant volumes of residual fuel oil is unlikely to meet local product needs. Gasoline production must be of sufficient quality (octane) to operate today's internal combustion engines. Home heating and residual fuel oils must have a sulfur content low enough to meet air pollution requirements. Consideration must also be given to the capability of the future refining capacity to process crude oils of varying gravities and sulfur contents.

This criterion is assigned zero (0) points to twenty (20) points. This is slightly less than the range of points assigned to other factors, principally because operating flexibility is not as indicative of the future refining capacity's ability to be self-sustaining absent government support, which is the FEA's primary concern in encouraging operation of such capacity pursuant to § 211.65(b). However, operating flexibility is still an important consideration because the FEA does not want the Buy/Sell Program to be



used to encourage the operation of unnecessary or outmoded refining capacity when the same resources could be used to operate more modern facilities capable of meeting current product demands. Points for this factor will be assigned to a refiner in proportion to its ability to refine a variety of crude oils and to produce finished products suitable for use in its relevant market area.

### III. Calculation of Allocation Level

Pursuant to the foregoing analysis, the FEA assigns each application for an allocation for future refining capacity a value that is equal to the sum of the points assigned for each factor evaluated. One hundred points is the maximum value that can be awarded. This value is expressed as a percentage (e.g., 65 points=65%).

Section 211.55(b) (2) requires the FEA to "endeavor to assure supplies to future refining capacity to enable such capacity to operate at the national supply to capacity ratio." However, as indicated above, the Buy/Sell Program is not intended to become a sole source of supply for a refiner but is intended only as a supplement to supplies which the refiner has been able to procure on its own. Therefore, except in the rare circumstance where a refiner can demonstrate that, irrespective of price, it has no other possible supply of crude oil available to it, FEA does not anticipate awarding an allocation equal to the national supply to capacity ratio.

In order to determine the appropriate volume of crude oil to be allocated to the future refinery capacity under consideration, in a manner consistent with § 211.55(b) (2), the following calculation is made:

1. The national supply to capacity ratio for 1972 (0.8725) is multiplied by the increment of future refining capacity (in barrels per calendar day).
2. This product is then multiplied by the number of days in an average calendar quarter (91.25).
3. From this result is subtracted the refiner's available crude oil for the future refining capacity. (Available crude oil is that which is obtained from outside the allocation program.)
4. The result obtained from the previous calculation is then multiplied by the composite point award (expressed as a percentage) that has been assigned after consideration of the refiner's application.

This calculation results in a volume of allocated crude oil to which a refiner becomes entitled for an allocation period, pursuant to § 211.55(b).

[FR Doc. 76-15057 Filed 5-19-76; 12:54 pm]

### Title 12—Banks and Banking CHAPTER V—FEDERAL HOME LOAN BANK BOARD SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 76-345]

### PART 545—OPERATIONS

Amendment Relating to Payments to  
Third Parties

#### SUMMARY

MAY 14, 1976.

The following summary of the amendment adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Previous Regulation*—Restricted third party payment powers of Federal

association accountholders by requiring them to present a payment order or authorization to the association for payment to a third party.

II. *Present Amendment*—Permits Federal association accountholders to authorize payment from their accounts to third parties based on orders processed through automated clearing houses.

The Federal Home Loan Bank Board, by Resolution No. 76-142, dated February 25, 1976, proposed to amend § 545.4-1 of the Rules and Regulations of the Federal Savings and Loan System (12 CFR 545.4-1) to enable Federal associations to offer their accountholders a broadened range of third party payment services. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on March 2, 1976 (41 F.R. 8980), with an invitation to interested persons to submit written comments by April 2, 1976. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend § 545.4-1 as proposed.

Accordingly, the Board hereby amends § 545.4-1(a) (2) to read as set forth below effective June 25, 1976.

§ 545.4-1. Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

#### (a) Withdrawals and transfers.

(2) *Restrictions.* An account holder shall not have a right to transmit or deliver any such order or authorization to a third party to whom a withdrawal is to be paid or transferred, and a Federal association shall not accept any such order or authorization which is received by it from or through such a third party except for orders or authorizations processed through an automated clearing house.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,  
Secretary.

[FR Doc. 76-15112 Filed 5-21-76; 8:45 am]

### Title 14—Aeronautics and Space CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-17-AD; Amdt. 39-2616]

### PART 39—AIRWORTHINESS DIRECTIVES

Beech Models B19, C23 and B24R  
Airplanes

There has been a report of an unscheduled wing flap retraction during approach for landing on a Beech Model C23 airplane. This condition was caused by failure of rivets attaching the cable block to the flap torque tube. Since this condition is likely to exist or develop in other airplanes of the same type design an Airworthiness Directive (AD) is being issued, applicable to Beech Models B19, C23 and B24R airplanes, which will

require the installation of screws and nuts in place of rivets at those points where the flap cable block attaches to the flap torque tube.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models B19 (Serial Numbers MB-732 through MB-788), C23 (Serial Numbers M-1000 thru M-1769) and B24R (Serial Numbers MC-305 thru MC-398) airplanes equipped with mechanical flaps.

Compliance: Required as indicated, unless already accomplished.

To prevent unscheduled retraction of wing flaps, within the next 60 hours' time in service after the effective date of this AD, accomplish the following:

A. Pursuant to the procedures and instructions outlined in Beechcraft Service Instructions No. 0831-161 or later approved revisions:

(1) Using a flashlight and mirror, visually inspect the inside of the flap torque tube to determine if Beech P/N 169-524024-0 flap cable block is attached to the torque tube with rivets or with screws and nuts.

(2) If the flap cable block is attached to the torque tube with the screws and nuts identified in Paragraph (3) below, no further action is required.

(3) If the flap cable block is attached to the torque tube with rivets, drill out the three rivets (one at a time in accordance with the aforementioned service instructions) and replace with three each MS24694S58 screws, AN960-10 washers and MS21042L3 locknuts or Beech P/N 130909N29 locknuts.

B. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 28, 1976.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on May 13, 1976.

C. R. MELUGIN, Jr.,  
Director, Central Region.

[FR Doc. 76-14990 Filed 5-21-76; 8:45 am]

[Docket No. 76-CE-16-AD; Amdt. 39-2617]

### PART 39—AIRWORTHINESS DIRECTIVES

Beech 88, 90, 100 and 200 Series Airplanes

There have been reports of cabin doors opening in flight on Beech Model 90 airplanes. These incidents are attributable to improper closing of the door prior to flight or attempts to obtain satisfactory door latching during flight following a cabin door warning light indication. Such a condition, if not corrected, could result in cabin decompression and exposure of the occupants to unnecessary hazards. The manufacturer has issued

Beechcraft Service Instructions 0818-016, 0016-105 Revision 1, and 0043-104 recommending modifications and rigging checks of the door latching mechanism and warning system for proper operation, installation of improved cabin door instructions and appropriate flight manual revisions. The manufacturer has advised that parts needed to modify the door latching mechanism will not be available until after September 15, 1976. Accordingly, until the modification has been accomplished the agency believes that repetitive inspections of the door latching mechanism and warning system rigging are required to assure continued door latching integrity. Since the condition described herein is likely to exist or develop on airplanes of the same type design an Airworthiness Directive (AD) is being issued, applicable to Beech Model 88, 90, 100 and 200 series airplanes, making compliance with the aforementioned service instructions mandatory, and in addition requiring repetitive inspections of the door for proper operation and rigging until the door latching mechanism and warning system have been modified.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 is amended by adding the following new AD.

BEECH. Applies to Models 65-88 (Serial Numbers LP-1 thru LP-47 except LP-27 and LP-29), 65-90, 65-A90, B90 and C90 (Serial Numbers LJ-1 thru LJ-676), E90 (Serial Numbers LW-1 thru LW-163), 100 and A100 (Serial Numbers B-1 thru B-225) and 200 (Serial Numbers BB-2 thru BB-111) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude opening of the cabin door in flight, accomplish the following:

I. Within 50 hours' time in service after the effective date of this AD, and within each 50 hours' time in service thereafter, check the cabin door for proper operation and rigging in accordance with the applicable Beech Shop/Maintenance Manual. When all the items specified in Paragraph II have been complied with the requirements of this paragraph (I) are no longer applicable.

II. Within 50 hours' time in service after September 15, 1976, perform the following:

A. On Models 65-88 (Serial Numbers LP-1 thru LP-47 except LP-27 and LP-29) and 65-90, 65-A90, B90 (Serial Numbers LJ-1 thru LJ-361) airplanes, modify the cabin door installation in accordance with Beechcraft Service Instructions 0043-104 or 0016-105, Rev. I, or later approved revisions, as applicable.

B. On Models 65-88 (Serial Numbers LP-1 through LP-47 except LP-27 and LP-29), 65-90, 65-A90, B90 and C90 (Serial Numbers LJ-1 thru LJ-676), E90 (Serial Numbers LW-1 thru LW-163), 100 and A100 (Serial Numbers B-1 thru B-225), and 200 (Serial Numbers BB-2 thru BB-111) airplanes, perform

the following in accordance with Beechcraft Service Instruction 0818-016 or later approved revisions:

1. Install Beech P/N 101-420124-3 and/or 101-420124-1 decal on the existing cabin door instruction plate and operate the cabin door accordingly.
2. Check cabin door latching mechanism and warning system for proper operation and

rigging and rerig, if required, as instructed in the appropriate Beech Shop/Maintenance Manual.

C. On the airplane models and serial numbers listed below add the indicated part number FAA-approved Airplane Flight Manual Supplement/Revision to the existing airplane pilot's operating manual or FAA-approved airplane flight manual:

- | Models   |                         |
|--|-------------------------|
| (1) 65-88, 65-90, 65-A90, B90 and C90 (S/N LJ-502 through LJ-624) and 100 (S/N B-2 through B-89 and B-93). | (1) P/N 131344          |
| (2) C90 (S/N LJ-626 through LJ-676).....   | (2) P/N 100-590010-53A6 |
| (3) E90 (S/N LW-1 through LW-163).....   | (3) P/N 90-590012-3A6   |
| (4) A100 (S/N B-1, B90 through B-92, B-94 through B-226).  | (4) P/N 100-590032-1A6  |
| (5) 200 (S/N BB-2 through BB-111).....   | (5) P/N 101-590010-3A4  |

III. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 28, 1976.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on May 13, 1976.

C. R. MELUGIN, Jr.,  
Director, Central Region.

[FR Doc. 76-14991 Filed 5-21-76; 8:45 am]

[Docket No. 76-SO-46; Amdt. 39-2615]

### PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series Airplanes

Amendment 39-2601, AD 76-09-11 requires an inspection and, if necessary, replacement before further flight of the crank arm or servo valve assembly on the rudder, aileron and elevator control booster units. After issuing amendment 39-2601, the agency determined that some of the acceptable replacement cranks carry an identification mark not listed in the Lockheed Alert Service Bulletin A382-27-17.

Since this amendment provides an alternate means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2601, AD 76-09-11 is further amended as follows:

The Lockheed Alert Service Bulletin stated that acceptable replacement cranks were identified with a "V" index mark. However, some of the replacement cranks are being made from a different material than those identified with a "V" index mark. These new cranks are identified with a straight line index mark and either of the cranks identified with a "V" or a straight line index mark are acceptable.

Beech Part Number (P/N) of FAA-Approved Airplane Flight Manual Supplement Revision dated November 14, 1975, or Subsequent

- | (1) P/N 131344          |  |
|-------------------------|--|
| (2) P/N 100-590010-53A6 |  |
| (3) P/N 90-590012-3A6   |  |
| (4) P/N 100-590032-1A6  |  |
| (5) P/N 101-590010-3A4  |  |

The amendment becomes effective immediately.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

Issued in East Point, Georgia, on May 13, 1976.

PHILLIP M. SWATEK,  
Director,  
Southern Region, ASO-1.

[FR Doc. 76-14994 Filed 5-21-76; 8:45 am]

[Airworthiness Docket No. 76-CE-1-AD, Amdt. 2608]

### PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 and 400 Series Airplanes

#### Correction

In FR Doc. 76-14091 appearing on page 20159 in the FEDERAL REGISTER of Monday, May 17, 1976, the headings should appear as set forth above.

[Docket No. 15709; Amdt. 39-2614]

### PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model  
DH-104 Airplanes

#### Correction

In FR Doc. 76-14093, appearing on page 20160 in the FEDERAL REGISTER of Monday, May 17, 1976, the third line of the second column should read: "ston in accordance with FAR 43.13, and re-".

[Docket No. 15716; Amdt. 39-2619]

### PART 39—AIRWORTHINESS DIRECTIVES

Morane Saulnier (Socata) Model MS880B, MS892A-150, MS892E-150, MS893 A and E, and MS894 A and E Airplanes

There have been reports of wear occurring in the cowl locks and of improper latching of the cowl locks on certain Morane Saulnier (Socata) MS series



airplanes that have resulted in loss of engine cowling and which could have resulted in loss of control of an airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which specifies procedures for cowl latching and requires repetitive inspections, replacement of Dialatch locks, reinforcement of cowl pin brackets, and installation of a cowl stop on certain Morane Saulnier (Socata) MS series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 60, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MORANE SAULNIER (Socata). Applies to Model MS880B, MS892 A-150 and E-150, MS893 A and E, and MS894 A and E airplanes, serial numbers 831 and above, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent the possible loss of an engine cowl due to improper latching of locks and cowl lock wear, accomplish the following:

(a) For airplanes incorporating Socata-type engine cowl locks, within the next 10 hours time in service after the effective date of this AD, either incorporate the following cowl locking procedures in the Airplane Flight Manual immediately following Section 4.3.1, Step 3; or if an Airplane Flight Manual is not available, install a placard adjacent to one of the engine cowl locks which contains the following cowl locking procedures:

"Cowl Locking Procedures. (1) Raise latch locking lever to maximum travel to allow cowl upper catch to engage lower cowl catch. (2) Press latch locking lever to full down position until distinct snap is heard indicating completed locking. (3) Check the locking mechanism by pulling the lock latching lever with a force sufficient to overcome the weight of the lever and low friction forces."

(b) For airplanes incorporating Socata-type engine cowl locks, within the next 25 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours time in service from the last inspection—

(1) Visually inspect the engine lower cowl metal centering tabs and the upper cowl metal centering pins, for wear of the metal tab receiving holes and wear of the centering pins to assure proper mating of the upper and lower cowl. Replace the metal centering tabs and cowl centering pins, found to be worn; and

(2) Inspect the engine cowl locking mechanism and if deterioration in locking push force is evident as demonstrated by a lack of snap action on the latch locking lever, adjust the Socata type engine cowl lock by removing the cotter pin in the upper catch, threading the latch trunnion into the

upper catch a distance of one or more turns, and reinserting the cotter pin in accordance with the procedure described in paragraphs 1.2 and 3.1 of Socata Service Bulletin No. 107 Gr. 71-06, dated November 1972, or an FAA-approved equivalent.

(c) For MS880B airplanes, serial numbers 831 through 1604, equipped with Dialatch engine cowl locks—

(1) Within the next 50 hours time in service after the effective date of this AD, accomplish the following in accordance with Socata Service Bulletin No. 77/2, Gr. 71-03, dated May 1973, or an FAA-approved equivalent:

(i) Replace the Dialatch cowl locks with Socata-type engine cowl locks.

(ii) Install reinforcing angle plates on the engine cowl centering pin brackets.

(iii) Install engine cowl stops;

(2) Within the next 50 hours time in service after the effective date of this AD, revise the Airplane Flight Manual, or install a placard, as specified in paragraph (a) of this AD; and

(3) Within the next 100 hours time in service after the installation of the Socata type engine cowl lock in accordance with paragraph (c)(1)(i) of this AD and thereafter at intervals not to exceed 100 hours time in service from the last inspection, visually inspect the engine lower cowl metal centering tabs and the upper cowl metal centering pins, for wear of the metal tab receiving holes and wear of the centering pins to assure proper mating of the upper and lower cowl. Replace the metal centering tabs and cowl centering pins found to be worn.

This amendment becomes effective on June 7, 1976.

Issued in Washington, D.C., on May 18, 1976.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc.76-14995 Filed 5-21-76; 8:45 am]

[Airspace Docket No. 76-EA-20]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On page 12902 of the FEDERAL REGISTER for March 29, 1976, the Federal Aviation Administration published a proposed rule which would alter the Galeton, Pa., Transition Area (41 F.R. 499).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT July 1, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 3, 1976.

L. J. CARDINALI,  
Acting Director, Eastern Region.

§ 71.181 [Amended]

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by

adding the following to the description of the Galeton, Pa. transition area: "; within 3.5 miles each side of the Slate Run, Pa. VORTAC 037° radial, extending from the 7-mile radius area to the Slate Run, Pa. VORTAC."

[FR Doc.76-14988 Filed 5-21-76; 8:45 am]

[Docket No. 75-EA-84; Amdt. 39-2598]

# **PART 39—AIRWORTHINESS DIRECTIVE** **Revocation of Airworthiness Directive**

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revoke Docket No. 75-EA-84; Amendment 39-2598, Airworthiness Directive 76-09-09. This docket was inadvertently processed as an adopted rule instead of a notice of proposed rule making.

In consideration of the foregoing, AD 76-09-09 is herewith revoked.

Issued in Jamaica, N.Y., on May 12, 1976.

L. J. CARDINALI,  
Acting Director, Eastern Region.

[FR Doc.76-14886 Filed 5-21-76; 8:45 am]

[Airspace Docket No. 76-CE-5]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTE, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Kennett, Missouri, transition area.

The name of the Blytheville Air Force Base VOR, Blytheville, Arkansas, referenced in the Kennett, Missouri, transition area description, has been changed to Gosnell VOR. Accordingly, alteration of the Kennett Missouri, transition area is necessary to reflect this name change. Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In Section 71.181 (41 F.R. 440), the following transition area is amended to read:

## **KENNETT, MISSOURI**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kennett Memorial Airport (latitude 36°13'50" N, longitude 90°02'05" W); and within 2 miles each side of the 346° radial of the Gosnell VOR extending from the 5-mile radius area to 18½ miles north of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on April 29, 1976.

C. R. MELUGIN, Jr.,  
Director, Central Region.

[FR Doc.76-14880 Filed 5-21-76; 8:45 am]

[Airspace Docket No. 76-EA-8]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

On page 12903 of the FEDERAL REGISTER for March 29, 1976, the Federal Aviation Administration published a proposed rule which would designate the Grove City, Pa., Transition Area over Grove City Airport, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT July 23, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 6, 1976.

DUANE W. FREER,  
Director, Eastern Region.

1. Amend Section 71.181 of Part 71, Federal Aviation Regulations so as to add the Grove City, Pennsylvania 700 foot floor transition area as follows:

## **GROVE CITY, PENNSYLVANIA**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°08'42" N, 80°09'54" W, of Grove City Airport, Grove City, Pennsylvania, and within 2 miles each side of the Ellwood City, Pennsylvania VORTAC 004° radial, extending from the 5-mile radius area to 18.5 miles north of the VORTAC.

[FR Doc.76-14883 Filed 5-21-76; 8:45 am]

[Airspace Docket No. 76-EA-4]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

On page 13951 of the FEDERAL REGISTER for April 1, 1976, the Federal Aviation Administration published a proposed rule which would designate a Point Pleasant, W. Va., Transition Area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT July 15, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on May 7, 1976.

L. J. CARDINALI,  
Acting Director, Eastern Region.

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by designating a Point Pleasant, W. Va. transition area as follows:

## **POINT PLEASANT, W. VA.**

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 38°54'53" N, 82°06'53" W, of Mason County Airport, Point Pleasant, W. Va., excluding the portion that coincides with the Gallipolis, Ohio transition area.

[FR Doc.76-14884 Filed 5-21-76; 8:45 am]

[Airspace Docket No. 75-SW-76]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Crownpoint, N. Mex., transition area.

On November 20, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 54007) stating the Federal Aviation Administration proposed to designate the Crownpoint, N. Mex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

In § 71.181 (41 F.R. 440), the following transition area is added:

## **CROWNPOINT, N. MEX.**

That airspace extending upward from 11,500 feet MSL within an area bounded on the north by a line beginning at latitude 35°56'20" N, longitude 108°30'00" W, thence to latitude 36°11'00" N, longitude 107°45'30" W; bounded on the east by the west boundary of V-187; bounded on the south by the north boundary of V-62; and bounded on the west by the east boundary of V-421; excluding the portion which coincides with the Gallup, N. Mex., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on May 11, 1976.

ALBERT H. THURBURN,  
Acting Director,  
Southwest Region.

[FR Doc.76-14885 Filed 5-21-76; 8:45 am]

[Airspace Docket No. 76-AL-2]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Bryant AAF Control Zone**

On February 27, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 9370) stating that the Federal Aviation Administration proposed to amend the Bryant AAF control zone to provide that the effective times of the control zone could be changed by issuance of a Notice to Airmen.

Interested persons were offered an opportunity to participate in the proposed

rulemaking through the submission of comments. The one public comment received was favorable. Therefore, in consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 F.R. 355) the Anchorage, Alaska (Bryant AAF) control zone is amended to read "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the United States Government Flight Information Publication Supplement Alaska."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Anchorage, Alaska, on May 12, 1976.

RICHARD L. FAIOR,  
Acting Director, Alaskan Region.

[FR Doc.76-14989 Filed 5-21-76; 8:45 am]

## **Title 17—Commodity and Securities Exchanges**

### **CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

[Release Nos. 34-12437, 1A-515]

# **PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS**

## **Delegating Authority To Grant Extensions**

The Securities and Exchange Commission announced the amendment of Article 30-10 [17 CFR 200.30-10] of the Commission's Statement of Organization, Conduct and Ethics; and Information and Requests, to delegate to the Chief Administrative Law Judge, until the Commission orders otherwise, the additional authority and function of granting extensions of time pursuant to Sections 15(b)(1)(B), 15B(a)(2)(B), and 19(a)(1)(B) of the Securities Exchange Act of 1934 and Section 203(c)(2)(B) of the Investment Advisers Act of 1940, to be performed by him or by such administrative law judge or administrative law judges as he may designate to act in his absence, or as otherwise designated by the Chairman of the Commission in the absence of the Chief Administrative Law Judge. The text of Article 30-10(a), as amended by the addition of new paragraph § 200.30-10(a)(8), which is effective immediately, reads as follows:

§ 200.30-10 Delegation of authority to Chief Administrative Law Judge.

(a) . . .

(8) Pursuant to Sections 15(b)(1)(B), 15B(a)(2)(B), and 19(a)(1)(B) of the Securities Exchange Act of 1934 and Section 203(c)(2)(B) of the Investment Advisers Act of 1940 to grant extensions of

<sup>1</sup>Since Article 30-10 involves a rate of agency organization, practice or procedure within the meaning of 5 U.S.C. § 553(b)(3)(A), notice and public procedure are not required.



time for conclusion of proceedings instituted to determine whether applications for registration as a broker or dealer, municipal securities dealer, national securities exchange, registered securities association, or registered clearing agency, or as an investment adviser should be denied.

(Secs. 78d-1 and 78d-2 of Title 15 of the United States Code, 78 Stat. 394, as amended, secs. 25(1) and 25(2), 89 Stat. 163).

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 12, 1976.

[FR Doc.76-15058 Filed 5-21-76;8:45 am]

(Release Nos. 33-4705, 34-12434, 35-19525, 39-434, 40-9287, 41-514)

#### PART 201—RULES OF PRACTICE

##### Service of Pleadings

The Securities and Exchange Commission has amended Rule 23(b) [17 CFR 201.23(b)] of its Rules of Practice regarding service of pleadings, other than moving papers, to become effective immediately. This amendment deletes from Rule 23(b) the provision requiring service of pleadings to be made by airmail on persons located more than 500 miles from the point of mailing. The text of Rule 23(b) of the Commission's Rules of Practice, § 201.23(b) is amended, to read as follows:

§ 201.23 Service of pleadings, etc., other than moving papers.

(b) *How service made.* Service of such documents shall be made by personal service on, or by mail addressed to, the party or his attorney or other agent for service. Where the document being served is printed, 2 copies shall be served on each party or his attorney or other agent for service. Service shall be deemed made at the time of personal service or of deposit in the mails properly addressed and post-paid. Where a party makes service by mail any specific limitation on the time within which the person on whom such mail service has been made may respond thereto shall be increased by 2 days.

(Sec. 19, 48 Stat. 85, sec. 23, 48 Stat. 901, as amended, sec. 20, 49 Stat. 839, sec. 319, 53 Stat. 1173, sec. 38, 211, 54 Stat. 841, 855, (16 U.S.C. 77a, 77b, 79c, 77sec, 80a-37, 80b-11)).

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 12, 1976.

[FR Doc.76-15069 Filed 5-21-76;8:45 am]

\* Since Rule 23(b) is a procedural rule, the amendment of this rule is exempt from the publication of notice provisions of 5 U.S.C. § 553(b).

[Release No. 35-19392; File No. 87-553]

#### PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

##### Clarification of Distinction Between Insurance Companies and Investment Bankers; Correction

In FR Doc. 76-5721, appearing at page 8767 in the FEDERAL REGISTER of March 1, 1976, the text at the top of the middle column on page 8768 in § 250.70(c) (4) (ii) should read "other types of corporate securities, or (iii) \* \* \*". The deleted sentence reading "Investment banker" shall include a corporation a majority of whose stock having the unrestricted right to vote for the election of directors is owned by an investment banker" should be inserted at the end of § 250.70(c) (4) the paragraph beginning "As used in this subparagraph (c) (4), \* \* \*".

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 17, 1976.

[FR Doc.76-15057 Filed 5-21-76;8:45 am]

#### Title 18—Conservation of Power and Water Resources

##### CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-12]

#### PART 1—RULES OF PRACTICE AND PROCEDURE

##### PART 2—GENERAL POLICY AND INTERPRETATIONS

###### Date for Filing Comments

In the matter of public suggestions, comments and proposals concerning prospective regulatory policy issues and problems.

Notice setting date for filing comments pursuant to Order No. 547.

MAY 17, 1976.

On April 1, 1976, the Commission issued Order No. 547 (41 FR 15003) prescribing a new Section 2.1a of the Commission's general policy and interpretations and adding a new Section 1.7(e) of the Commission's rules of practice and procedure to encourage the submission by the public of suggestions, comments or proposals relating to substantial issues or problems which will face the Commission in future months.

The order contemplates that suggestions, comments or proposals may be submitted by the public at any time. Initially, the Commission wishes to consider any such suggestions as a group and to this end it would be useful if a deadline were established for the filing of such comments. In the future the Commission may consider public suggestions on an ad hoc basis or may again choose to consider them in groups and establish further deadlines. The establishment of a deadline in no way affects the right of a person to file suggestions at any time.

Notice is hereby given that any public suggestions, comments or proposals to be

considered by the Commission, initially, pursuant to Order No. 547, shall be filed on or before July 1, 1976. All such filings shall comply with the requirements set forth in Order No. 547.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15079 Filed 5-21-76;8:45 am]

#### Title 19—Customs Duties

##### CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-142]

#### PART 1—GENERAL PROVISIONS

##### Ports of Entry—Customs Regulations Amendment

On March 1, 1976, a notice of a proposal to extend the port limits of Charleston, South Carolina, in the Charleston, South Carolina, Customs district (Region IV) was published in the FEDERAL REGISTER (41 FR 8800). No comments were received regarding the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 10 (40 FR 2216), the port limits of Charleston, South Carolina, in the Charleston, South Carolina, Customs district (Region IV), are extended to include all the territory within the following boundaries:

From that point on the Atlantic Coast on Sullivan's Island, South Carolina, where Station 22½ Street, if extended, would intersect the Atlantic Ocean, northwest on Station 22½ Street, which becomes State Highway 703, to U.S. Route 17, then north on U.S. Route 17 to State Highway 41, then northwest on State Highway 41 to State Highway 33, then west on State Highway 33 to State Highway 98, then northwest on State Highway 98 to French Quarter Creek, then northwest along French Quarter Creek to the East Branch of the Cooper River, then west along the East Branch of the Cooper River until it becomes the West Branch of the Cooper River, then northwest along the West Branch of the Cooper River to the Seaboard Coast Line Railroad right-of-way, then southwest on the Seaboard Coast Line Railroad right-of-way to State Highway 9, then northwest on State Highway 9 to U.S. Route 17A, then west on U.S. Route 17A to Interstate Route 28, then northwest on Interstate Route 28 to State Highway 16, then southwest on State Highway 16 to State Highway 22, then west and south on State Highway 22 to State Highway 642, then southeast on State Highway 642 to State Highway 165, then south on State Highway 165 to State Highway 81, then southeast on State Highway 81 to State Highway 171, then south on State

Highway 171 to that point on Folly Island, South Carolina, where State Highway 171, if extended, would intersect the Atlantic Ocean, and from that point northeast along a line drawn to that point on Sullivan's Island, South Carolina, where Station 22½ Street, if extended, would intersect the Atlantic Ocean.

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by deleting the language "(including territory described in T.D. 53994)." which appears after "Charleston" in the column headed "Ports of entry" in the Charleston, South Carolina, Customs district (Region IV) and adding in lieu thereof the language "(including the territory described in T.D. 76-142)."

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date: This amendment shall become effective June 23, 1976.

Dated: May 14, 1976.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

[FR Doc.76-15088 Filed 5-21-76;8:45 am]

[T.D. 76-144]

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

##### Amendment of Instruments of International Traffic

On August 4, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 32751), which proposed to amend paragraph (d) of section 10.41a of the Customs Regulations (19 CFR 10.41a(d)) to provide that containers of United States origin, which have not been increased in value or improved in condition by any process of manufacture or other means while abroad and which are released upon arrival in the United States as instruments of international traffic, are not subject to entry and the payment of duty if they are thereafter withdrawn from use in international traffic for use in local traffic within the United States.

Under section 10.41a(d), if an instrument of international traffic of United States or foreign origin is diverted to point-to-point local traffic in the United States or is otherwise withdrawn in the United States from use as an instrument of international traffic, it becomes subject to entry and the payment of applicable duty. It has been determined that the provisions of section 10.41a(d) are unduly restrictive insofar as they subject United States containers released as instruments of international traffic to the same limitations on use in United States local traffic that apply to foreign containers so released. The amendments to section 10.41a will necessarily require an amendment of the Bond for the Control of Certain Instruments of International Traffic, Customs Form 7687, to provide that containers of United States origin are not subject to

entry and the payment of duty if they are withdrawn from use in international traffic after release under section 10.41a.

Interested persons were given 30 days from the date of publication of the notice to submit data, views or arguments with respect to the proposed amendment. After consideration of the comments received, it has been determined that the proposed amendment should be adopted as set forth in the notice of proposed rulemaking.

Accordingly, the proposed amendment is adopted as set forth below.

Effective date: This amendment shall become effective June 23, 1976.

VERNON D. ACREE,  
Commissioner of Customs.

Approved: May 18, 1976.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

Paragraph (d) of section 10.41a is amended to read as follows:

§ 10.41a Lift vans, cargo vans, shipping tanks, skids, pallets, and similar instruments of international traffic; repair components.

(d) If an instrument of foreign origin, or of United States origin which has been increased in value or improved in condition by a process of manufacture or other means while abroad, is released under this section and is subsequently diverted to point-to-point local traffic within the United States, or is otherwise withdrawn in the United States from its use as an instrument of international traffic, it becomes subject to entry and the payment of any applicable duties. An instrument of United States origin which has not been increased in value or improved in condition by a process of manufacture or other means while abroad and which is released under this section shall not be subject to entry or the payment of duty if it is so diverted or otherwise withdrawn.

(R.S. 251, as amended, sec. 624, 48 Stat. 759, 77A Stat. 14 (19 U.S.C. 60, 1202 (General Headnote 11, Tariff Schedules of the United States), 1624).)

[FR Doc.76-15069 Filed 5-21-76;8:45 am]

[T.D. 76-143]

#### PART 153—ANTIDUMPING

##### Tuners (of the Type Used in Consumer Electronic Products) From Japan

On November 12, 1975, there was published in the FEDERAL REGISTER (40 FR 52747), a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to tuners (of the type used in consumer electronic products) from Japan produced and sold for export to the United States by Tokyo Shibaura Electric Co., Ltd.

Reasons for the tentative determination were published in the above-mentioned notice, and interested persons were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that for the reasons stated in the above-mentioned notice, tuners (of the type used in consumer electronic products) from Japan are no longer being, nor are likely to be, sold in the United States at less than fair value by Tokyo Shibaura Electric Co., Ltd., and the above-mentioned finding of dumping is hereby modified to exclude tuners (of the type used in consumer electronic products) from Japan produced and sold by Tokyo Shibaura Electric Co., Ltd.

Accordingly, § 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended to show the exclusion from the finding of dumping of tuners (of the type used in consumer electronic products) from Japan produced and sold by Tokyo Shibaura Electric Co., Ltd.

Merchandise	Country	T.D.	Modified by—
Tuners (of the type used in consumer electronic products), except: (i) those produced and sold by Matsushita Electric Industrial Co., Ltd.; Matsushita Trading Co., Ltd.; (ii) those produced and sold by Victor Co. of Japan, Ltd.; and (iii) those produced and sold by Tokyo Shibaura Electric Co., Ltd.	Japan.....	76-257	76-80

This determination is published pursuant to § 153.41(d), Customs Regulations (19 CFR 153.41(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

MAY 18, 1976.

[FR Doc.76-15042 Filed 5-21-76;8:45 am]

#### Title 20—Employees' Benefits

##### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulation No. 4]

#### PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

##### Retirement Test Monthly Exempt Amount

On September 17, 1975, there was published in the FEDERAL REGISTER (40 FR 42884) a revision to § 404.430 which relates to the method for determining an individual's excess earnings for years ending after December 1972. However, it has been brought to our attention that the wording of paragraph (a) of this section may be subject to misinterpretation. As it is currently stated, the regulation could be read to limit an individual's total exempt amount for a taxable year to one-half of his total earnings in

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excess of the monthly exempt amount multiplied by the number of months the worker's earnings exceeded the monthly exempt amount rather than the number of months in the taxable year.

The beneficiary's excess earnings on account of work directly affect the amount deducted from the monthly benefit amount. The method of determining the individual's excess earnings on account of work is prescribed in Section 203(f)(3) of the Social Security Act, as amended. The proposed amendment clarifies the existing regulation, which reflects this provision of the Act, to avoid a possible misunderstanding as to how the amount of a beneficiary's excess earnings in a given taxable year is figured. The Secretary thus finds that publication with Notice of Proposed Rule Making, as well as publication at least 30 days prior to the effective date, is unnecessary.

Although the Notice of Proposed Rule Making is being dispensed with for the above reasons, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of the Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, S.W., Washington, D.C. 20201, until June 23, 1976.

(Sections 203, 204, and 1102 of the Social Security Act; 49 Stat. 623, as amended, 49 Stat. 624, as amended, 49 Stat. 647, as amended; 42 U.S.C. 403, 405, 1302.)

Effective date: These regulations shall be effective May 24, 1976.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802, Social Security—Disability Insurance; 13.803, Social Security—Retirement Insurance; 13.805, Social Security—Survivors Insurance.)

Dated: April 16, 1976.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: May 18, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Section 404.430 is amended by revising the material in paragraph (a) preceding paragraph (a) (1) to read as follows:

§ 404.430 Excess earnings; defined for taxable years ending after December 1972.

(a) Method of determining excess earnings for years ending after December 1972. For taxable years ending after December 1972, an individual's excess earnings for a taxable year are 50 percent of his earnings (as described in

§ 404.429) for such year which are in excess of the product obtained by multiplying the number of months in such taxable year by the following applicable monthly exempt amount:

[FR Doc. 76-15060 Filed 5-21-76; 8:45 am]

#### Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### PART 510—NEW ANIMAL DRUGS

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

##### Tylosin

The Food and Drug Administration has evaluated a supplemental new animal drug application (91-465V) filed by the Eugene Ingmand Co., Box 22, Red Oak, IA 51566, proposing revised labeling for the safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective May 24, 1976.

The Commissioner of Food and Drugs is amending §§ 510.600 and 558.625 (21 CFR 510.600 and 558.625) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor, alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

(c) . . . . .  
(1) . . . . .

Firm name and address: . . . . . Drug listing No. . . . .

The Eugene Ingmand Co., Box 22, Red Oak, Iowa 51566 . . . . . 021533

(2) . . . . .

Drug listing No. . . . . Firm name and address . . . . .

021533 . . . . . The Eugene Ingmand Co., Box 22, Red Oak, Iowa 51566.

2. In Part 558, § 558.625 is amended by adding paragraph (b)(49) to read as follows:

#### § 558.625 Tylosin.

(b) . . . . .  
(49) To 021533: 10 grams per pound; paragraph (f)(1)(vi)(a) of this section.

Effective date: This regulation shall be effective May 24, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: May 17, 1976.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc. 76-14992 Filed 5-21-76; 8:45 am]

[FRL 547-5; FAPSH5086/T14]

#### PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

##### O-Ethyl S,S-diphenyl Phosphorodithioate

On September 9, 1975 the Environmental Protection Agency (EPA) announced (40 FR 41774) that in response to a petition (FAP 5H5086) filed by the Chemagro Agricultural Div., Mobay Chemical Co., PO Box 4913, Kansas City MO 64120, 21 CFR 561 was amended to permit the experimental use of the fungicide O-ethyl S,S-diphenyl phosphorodithioate on growing rice with a tolerance of 0.3 part per million (ppm) for residues of the fungicide in rice hulls in accordance with an experimental use permit that was issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Chemagro Agricultural Div. has requested a one-year extension of this tolerance both to permit continued testing to obtain additional data and to permit the marketing of rice hulls treated in accordance with the experimental use permit which is to be extended concurrently under FIFRA.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the fungicide may be safely used in accordance with the provisions of the experimental use permit issued under FIFRA. It has been further determined that since residues of the fungicide may result in rice hulls from the agricultural uses provided for by the experimental use permit, the one-year extension of the food additive regulation, 21 CFR 561.231, requested by the petitioner should include a tolerance limitation.

Accordingly, a food additive regulation is established as set forth below. Any person adversely affected by this regulation may, on or before June 23, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in triplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are

supported by grounds legally sufficient to justify the relief sought.

(Sec. 409(c)(1) and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 345(c)(1) and (4)).)

Effective on May 24, 1976, § 561.231 is revised as set forth below.

Dated: May 17, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Section 561.231 is revised to read as follows:

§ 561.231 O-ethyl S,S-diphenyl phosphorodithioate.

(a) A tolerance of 0.3 part per million is established for residues of the fungicide O-ethyl S,S-diphenyl phosphorodithioate in rice hulls resulting from application of the fungicide to growing rice. Such residues may be present therein only as a result of application of the fungicide in accordance with the provisions of an experimental use permit that expires May 13, 1977.

(b) Residues in rice hulls not in excess of 0.3 part per million resulting from use as described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered to be actionable if the fungicide is legally applied during the term of and in accordance with the provisions of the experimental use permit and feed additive tolerance.

(c) Chemagro Agricultural Div., Mobay Chemical Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 76-14987 Filed 5-21-76; 8:45 am]

#### Title 24—Housing and Urban Development CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-1187]

#### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

##### Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.)

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

#### § 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Kansas	Butler	El Dorado, city of	Apr. 21, 1972, emergency; May 3, 1976, regular; July 5, 1976, suspended.	May 10, 1974	200989A
Missouri	Gasconade	Hermann, city of	Aug. 13, 1971, emergency; Dec. 31, 1971, suspended; Apr. 24, 1974, reinstated; Mar. 5, 1976, regular; June 30, 1976, suspended.	May 3, 1974	230141A
Do.	St. Louis	Ladue, city of	Oct. 22, 1971, emergency; Mar. 10, 1976, regular; Sept. 12, 1976, suspended.	Mar. 15, 1974	240863B

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: May 18, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.  
[FR Doc. 76-15124 Filed 5-21-76; 8:45 am]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

[Docket No. FI-1188]

#### Changes Made in Determinations of the Township of Clark, New Jersey, Base Flood Elevations

On January 8, 1976, at 41 FR 1475, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Township of Clark, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Township of Clark. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the Na-

tional Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345290B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or

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## RULES AND REGULATIONS

technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Bernard G. Yarusavage  
315 Westfield Avenue  
Clark, New Jersey 07066

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Township of Clark, New Jersey Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Township of Clark, New Jersey map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: May 4, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-15090 Filed 5-21-76; 8:45 am]

[Docket No. FI-825]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Groves, Texas

On January 7, 1976, at 41 FR 1278, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the City of Groves, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of November 28, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485475 D and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out

the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Groves Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Groves map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: May 11, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-15125 Filed 5-21-76; 8:45 am]

[Docket No. FI-831]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the Town of Griffing Park, Texas

On January 7, 1976, at 41 FR 1278, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Town of Griffing Park, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of November 28, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485474 C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Griffing Park Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Griffing Park map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: May 11, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-15088 Filed 5-21-76; 8:45 am]

[Docket No. FI-829]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the Town of Lakeview, Texas

On January 7, 1976, at 41 FR 1278, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Town of Lakeview, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of November 28, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485485 C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Lakeview Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Lakeview map.

## RULES AND REGULATIONS

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: May 11, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-15089 Filed 5-21-76; 8:45 am]

[Docket No. FI-1189]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Lenoir City, Tennessee, Base Flood Elevations

On January 8, 1976, at 41 FR 1476, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Lenoir City, Tennessee.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Lenoir City. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128; and 24 CFR Part 1916.

For rating purposes, the new community number is 475438A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Joe D. Grayson, P.O. Box 445, Lenoir City, Tennessee 37771.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Lenoir City Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Lenoir City, Tennessee map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: May 11, 1976.

H. B. CLARK,  
Acting Federal  
Insurance Administrator.

[FR Doc.76-15091 Filed 5-21-76; 8:45 am]

[Docket No. FI-828]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Nederland, Texas

On January 7, 1976, at 41 FR 1279; the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Nederland, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of November 28, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485492 C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Nederland Flood Insurance Rate Map make it administratively infeasible to publish in

this notice all of the base flood elevation changes contained on the Nederland map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: May 4, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-15126 Filed 5-21-76; 8:45 am]

[Docket No. FI-826]

#### PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Pepin County, Wisconsin

On January 7, 1976, at 41 FR 1280, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Pepin County, Wisconsin. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of January 2, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 555570 C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Pepin County Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Pepin County map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's dele-



gation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: May 4, 1976.

H. B. CLARK,  
Acting Federal Insurance  
Administrator.

[FR Doc.76-15127 Filed 5-21-76;8:45 am]

Title 38—Pensions, Bonuses, and  
Veterans' Relief

CHAPTER I—VETERANS  
ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION  
AND EDUCATION

Subpart D—Administration of Educational  
Benefits; 38 U.S.C. Chapters 34, 35 and  
36

AUTHORITY TO BAR ADVANCE PAYMENTS

On page 7790 of the FEDERAL REGISTER of February 20, 1975, there was published a notice of proposed regulatory development to amend § 21.4136 to provide Directors of regional offices and VA centers with discretionary authority to bar advance payments at schools which are unable to comply with the legal requirements for delivery of the checks and certification of the enrollment or which cannot provide security for checks until delivery is made.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date: This VA Regulation is effective May 18, 1976.

Approved: May 18, 1976.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,  
Deputy Administrator.

In § 21.4136, paragraph (j)(2) (introductory portion preceding subdivision (4)) is revised to read as follows:

§ 21.4136 Rates, educational assistance allowance; 38 U.S.C. Ch. 34.

(j) Advance payment.

(2) Payment. Upon receipt of an application and if there is no evidence in the veteran's, serviceman's, or servicewoman's file showing that he or she is not eligible for such an advance the check for the allowance, made payable to the veteran, serviceman or servicewoman shall be mailed to the institution for delivery to the veteran, serviceman or servicewoman upon registration. No delivery by the institution shall be made more than 30 days in advance of commencement of his or her program. If delivery is not made within 30 days after commencement of the program, the institution shall return the check to the Veterans Administration. The director of the regional office or VA center of jurisdiction may direct that advance pay-

ments shall not be made to veterans and other eligible persons if the institution demonstrates an inability to comply with these requirements, if the institution fails to adequately provide for the safekeeping of the checks prior to delivery to the student or return to the Veterans Administration, or if he or she determines, based upon compelling evidence, that the institution demonstrates its inability to discharge its responsibilities under the advanced payment program.

[FR Doc.76-15073 Filed 5-21-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCY

[PP6E1710/R83 FRL 544-5]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

Correction

In FR Doc. 76-14349 appearing at page 20408 in the issue for Tuesday, May 18, 1976, the following correction should be made. On page 20408, in the third column, the second full paragraph, the deadline for the receipt of comments, which reads "May 18, 1976" should read "June 17, 1976".

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP6E1681/R05; FRL 547-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Methyl-4-chlorophenoxyacetic Acid

On March 1, 1976, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 8798) to amend 40 CFR 180.339 to include tolerances for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid in or on the raw agricultural commodities sorghum grain at 0.1 part per million (ppm) and sorghum fodder and forage at 20 ppm resulting from application of the herbicide in its acid form or in its sodium salt, amine salt, or ester formulations. This notice of proposed rulemaking was published in response to a pesticide petition (PP 6E1681) submitted to the Agency by Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick NJ 08903, on behalf of the IR-4 Technical Committee and the State Agricultural Experiment Stations of Texas and Nebraska. No comments or requests for referral to an advisory committee were received in regard to this notice of proposed rulemaking.

Effective May 24, 1976, therefore, 40 CFR 180.339 is amended as proposed, with editorial corrections as noted. These tolerances will protect the public health.

Any person adversely affected by this regulation may, on or before June 23, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 24, 1976, 40 CFR 180.339 is amended as set forth below.

Dated: May 18, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart C, § 180.339 is amended by adding tolerances for the raw agricultural commodities sorghum fodder, forage, and grain, by editorially restructuring the section into an alphabetized columnar format, and by inserting the negligible residue abbreviation (N) in lieu of the footnotes used in the notice of proposed rulemaking, to read as follows:

§ 180.339 2-methyl-4-chlorophenoxyacetic acid: tolerances for residues.

(a) Tolerances are established for residues of the herbicide 2-methyl-4-chlorophenoxyacetic acid from application of the herbicide in the acid form or in the form of its sodium, ethanolamine, diethanolamine, triethanolamine, isopropanolamine, diisopropanolamine, triisopropanolamine, or dimethylamine salts or its isooctyl or butoxyethyl esters in or on raw agricultural commodities as follows:

Commodity:	Parts per million
Barley, forage.....	20
Barley, grain.....	0.1 (N)
Barley, straw.....	2
Flax, straw.....	2
Flaxseed.....	0.1 (N)
Grasses, pasture.....	300
Grasses, rangeland.....	300
Grass, hay.....	20
Oats, forage.....	20
Oats, grain.....	0.1 (N)
Oats, straw.....	2
Peas.....	0.1 (N)
Peavines.....	0.1 (N)
Peavines, hay.....	0.1 (N)
Rice, grain.....	0.1 (N)
Rice, straw.....	2
Rye, forage.....	20
Rye, grain.....	0.1 (N)
Rye, straw.....	2
Sorghum, fodder.....	20
Sorghum, forage.....	20
Sorghum, grain.....	0.1
Wheat, forage.....	20
Wheat, grain.....	0.1 (N)
Wheat, straw.....	2

(b) Tolerances are established for combined negligible residues (N) of the herbicide 2-methyl-4-chlorophenoxyacetic acid and its metabolite 2-methyl-4-chlorophenol in or on the following raw agricultural commodities:

Commodity:	Parts per million
Cattle, fat.....	0.1 (N)
Cattle, mby.....	0.1 (N)
Cattle, meat.....	0.1 (N)
Goats, fat.....	0.1 (N)
Goats, mby.....	0.1 (N)
Goats, meat.....	0.1 (N)
Hogs, fat.....	0.1 (N)
Hogs, mby.....	0.1 (N)
Hogs, meat.....	0.1 (N)
Horses, fat.....	0.1 (N)
Horses, mby.....	0.1 (N)
Horses, meat.....	0.1 (N)
Milk.....	0.1 (N)
Sheep, fat.....	0.1 (N)
Sheep, mby.....	0.1 (N)
Sheep, meat.....	0.1 (N)

[FR Doc.76-14983 Filed 5-21-76;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES  
AND STANDARDS

[FRL 546-8]

PART 440—ORE MINING AND DRESSING  
POINT SOURCE CATEGORY

Notice of Suspension

On November 6, 1975, notice was given that effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available as set forth in interim final form were promulgated by the Environmental Protection Agency (EPA). The regulation established Part 440—ore mining and dressing point source category and is applicable to existing sources for the iron ore subcategory (Subpart A), the base and precious metals subcategory (Subpart B), the bauxite subcategory (Subpart C), the ferroalloy ores subcategory (Subpart D), the uranium, radium and vanadium ore subcategory (Subpart E), the mercury ore subcategory (Subpart F), and the titanium ore subcategory (Subpart G) of the ore mining and dressing point source category pursuant to sections 301, 304 (b) (c), of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1311, 1314 (b), and (c), 86 Stat. 816 et seq.; P.L. 92-500) (the Act).

When 40 CFR 440 was promulgated in interim final form, comments on 40 CFR 440 and comments on the development document supporting the regulation were solicited.

A number of comments were received related to the adequacy of the data relied upon by the Agency as a basis for promulgating the base and precious metals subcategory (Subpart B), that portion of the ferroalloy ores subcategory (Subpart D) which is applicable to the quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques, and the uranium, radium and vanadium subcategory (Subpart E). Additional data has been

supplied and additional data is to be made available to the Agency relative to these portions of the regulation.

In that serious questions have been raised concerning the adequacy of the data base used to support portions of this regulation, the Agency is reevaluating the technical and economic basis for these portions of the ore mining and dressing point source category. This need for reevaluation prompts the Agency to suspend the effectiveness of these portions of the regulation while these portions of the regulation are being reviewed by the Agency.

Interested persons are encouraged to submit written comments on the base and precious metals subcategory (Subpart B), that portion of the ferroalloy ores subcategory (Subpart D) which is applicable to the quantity of pollutants or pollutant properties discharged from mills processing ferroalloy ores by leaching techniques (either acid or alkaline) and associated chemical beneficiation techniques and the uranium, radium and vanadium subcategory (Subpart E). Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. All comments received before July 15, 1976, will be considered and included in the administrative record. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in EPA's Advance Notice Concerning Public Review Procedures published on August 6, 1973 (38 FR 21202).

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street, SW, Washington, D.C. 20460.

In consideration of the foregoing discussion, 40 CFR 440.22, 40 CFR 440.42(a) (5) and 40 CFR 440.52 are suspended until November 1, 1976. Prior to November 1, 1976, the Agency anticipates that these sections will be revised or amended.

Dated: May 17, 1976.

RUSSELL E. TRAIN,  
Administrator.

[FR Doc.76-14982 Filed 5-21-76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 160e—CONSUMERS' EDUCATION PROGRAM

Grants and Contracts

Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 26, 1975 (40 FR 54805-54811) setting forth proposed regulations pursuant to Section 811 of the Elementary and Secondary Education Act, as amended by Pub. L. 93-380, 20 U.S.C. 887d.

The proposed regulations set forth rules and criteria governing grant and

contract awards by the Commissioner of Education to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies, organizations and institutions for projects designed to provide consumers' education to the public.

A. Summary of comments on the proposed regulation: changes in the regulation. Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed rules. Pursuant to this invitation, the following comments were submitted to the Commissioner of Education regarding the proposed regulation. After consideration of each comment, a response is set forth stating the change which has been made, or the reasons why no change is deemed necessary. General responses precede those related to specific sections. The comments are arranged in order of the sections of the final regulation except where a general response was required.

GENERAL

1. Comment. One commenter suggested that provisions for direct awards by the Commissioner to local agencies and institutions were not conducive to the coordination of Federal, State, and local efforts in education and suggested that the Commissioner consider funding the program through the States.

Response. No change has been made in the regulation. The Commissioner of Education is committed to the proper and efficient administration of Federal aid to education programs on a State-administered basis when authorized by law. In this program, the statute provides for direct grants and contracts to eligible applicants, including State educational agencies. No provision is made for a State-administered plan. The requirement in section 811(b)(1)(C) of the Act and § 160e.7 of the regulation that local educational agencies submit applications to State educational agencies for review provides an opportunity for the State educational agency to note possible duplication of effort and make recommendations conducive to coordination within the State. Though the State educational agency is not given authority under the statute to approve or disapprove local educational agency applications, the State recommendations will be carefully considered by the Commissioner in reviewing applications against the evaluation criteria in this regulation.

2. Comment. One commenter suggested amendments to sections 160e.1, 160e.4, 160e.5, 160e.6, 160e.9, 160e.10, 160e.11, 160e.12, 160e.13, and 160e.14 designed to make express reference to consumers' education activities for adults as authorized activities, to include such adult education in the priority funding areas, and to make projects more responsive to the needs of adults.

Response. The concerns of the commenter that the regulation make specific reference to the eligibility of adult education activities in consumers' education are well-taken, and amendments have been made to this end in sections 160e.1

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(b)(2), 160e.4(a)(2), and 160e.10(a)(1). In addition, in accordance with the commenter's suggestions, § 160e.14(b) has been amended to indicate that the Commissioner's review of funded curricula and materials will be to ensure that they are non-discriminatory on the basis of age as well as race and sex. Adult education activities have not been added as a distinct priority area for funding since consumers' education for adults would certainly be a prominent aspect of any community consumers' education program, which receives priority consideration for grants as model projects under § 160e.4(c)(2)(i) or as the recipient of pre-service or in-service training under § 160e.4(c)(2)(ii). In addition, under § 160e.4(c)(2)(iii) priority is accorded to projects to develop programs, curricula, or materials designed to provide consumers' education to older persons (as well as to other groups of persons with special educational needs in the area of consumers' education). Other specific references to adults suggested by the commenter would not have involved any substantive change and would have required the addition of unnecessary detail to the regulation. Therefore, they were not added to the regulation.

3. *Comment.* One commenter suggested a number of amendments to sections 160e.3(d), 160e.4(a)(3), 160e.4(c)(2)(ii), 160e.13, and 160e.16(b) to highlight the eligibility of teacher trainers and counselors to participate as training recipients in pre-service and in-service training activities, and to include such persons in the priority funding area involving pre-service and in-service training.

*Response.* No change has been made in the regulation. Teacher trainers and counselors are eligible recipients of training under each of the subject provisions, which include as eligible recipients "teachers and other educational personnel" (among others). However, they would come within the priority funding area only if they were working at the elementary or secondary school levels or in community consumers' education programs.

#### § 160e.2 Definitions.

4. *Comment.* A commenter suggested that the term "consumers' education" be defined.

*Response.* No change has been made in the regulation. "Consumers' Education" already is effectively defined in § 160e.3(a)-(d) of the regulation.

#### § 160e.3 Nature of Consumers' Education.

5. *Comment.* One commenter stated that § 160e.3 does not adequately recognize the long-standing work of home economics in consumers' education.

*Response.* No change has been made in the regulation. This section lists examples of subject matter suitable for consideration under the Consumers' Education Program. The regulation has not enumerated specific disciplines related to consumers' education out of the Office of Education's concern not to create the inference that certain disciplines are favored.

6. *Comment.* A commenter expressed the view that the reference to programs with an interdisciplinary approach in § 160e.3(b) was too general. This commenter felt that the regulation did not encourage correlated and coordinated comprehensive models. The commenter specifically suggested that elementary, secondary, and adult programs should be coordinated to provide knowledge and skills which are ongoing and progressive.

*Response.* No change has been made in the regulation. The regulation provides that projects "may involve interdisciplinary educational approaches" in order to clarify that a program of consumers' education need not be limited within a specific subject matter or discipline. Attention to consumers' education cutting across age and grade levels is given in that part of the regulation authorizing and giving priority to community consumers' education programs designed to serve all age groups in a community. Apart from the community projects, the regulation does not impose requirements related to the development of comprehensive projects involving multi-level education. Program funds are too limited to support comprehensive institutional programs, and the regulation permits projects focusing on very specific or limited model programs or products which can be developed with limited funds and which will then be available for replication by others.

7. *Comment.* One commenter suggested that it be made clear that the concept of "preparing consumers for participation in the marketplace" encompassed education for consumption of public utility services such as electricity, gas, telephone service, or water. The same comment recommended that the regulation expressly include education for consumers with respect to governmental regulatory processes and the operation of public utilities.

*Response.* The Commissioner agrees with this comment and has accordingly amended § 160e.3.

#### § 160e.4 Types of projects; funding priorities.

8. *Comment.* One commenter expressed hope that activities supported under the program would include areas related to outdoor recreation such as the purchase of recreation subdivision properties, backpacking equipment, bicycles, motorcycles, campers, snowmobiles, and skiing equipment.

*Response.* No change has been made in the regulation. Consumers' education can include education with respect to major purchases (§ 160e.3(c)(5)), which might include purchases in the area of outdoor recreation, and purchases in outdoor recreation might therefore constitute part of the subject matter of a consumers' education program. However, an express reference to outdoor recreation in the regulation would be overly specific. If added, it would warrant the addition of countless other specific areas of purchases and might mislead applicants into focusing projects on the provision of consumers' information in specific areas rather than on consumers' education as defined in § 160e.3.

9. *Comment.* One commenter expressed the viewpoint that there is a need for further research (for example, into how economic insights may be effectively communicated) before substantial development is undertaken in the area of consumers' education. The comment articulated a hope that projects which embedded research into them would be funded.

*Response.* Research projects per se are authorized by both the statute and regulation. The regulation emphasizes research not in terms of the funding of specific research projects, but rather by the nature of the program strategy with its heavy emphasis on development and validation of exemplary materials and programs. Research components in the sense of evaluation of materials and programs are required in every grant project. In addition, in response to the comment, the regulation has been amended to clarify that research components are allowable under all of the grant areas (§ 160e.4(d)). The Consumers' Education Resource Centers described in § 160e.11 will be, in part, research operations designed to make existing research more available than it is presently.

The regulation thus reflects the importance of research connected with efforts in consumers' education but has not eliminated projects which include only an evaluation research component or projects which have not been designed by researchers.

10. *Comment.* A commenter asked what choices are available under contracts "to prepare and distribute consumers' education materials by mass media" under § 160e.4(c)(1)(i) and whether it would be possible for a local educational agency to contract with its own television station for this purpose.

*Response.* No change has been made in the regulation. A request for proposal (RFP) for a contract is solicited by the Office of Education through the Commerce Business Daily, published by the Department of Commerce. RFPs are targeted toward meeting specific goals that the Office of Education determines are necessary or desirable. An RFP includes pre-determined objectives and specifications which the prospective contractor is expected to meet. The contract is awarded to the contractor who designs the best project for meeting the stated objectives of the Office of Education. For this program, RFPs have not yet been issued. Activities described under § 160e.4(a)(6) related to the use of mass media for the preparation and distribution of consumers' education materials may also be included in grant applications, wherein applicants have considerable flexibility in describing project objectives and goals and how they will be carried out. Grant applications are of course subject to a competitive review in accordance with the evaluation criteria and priority areas specified in the regulation. Award recipients may carry out projects through their own staffs, and with the assistance of other organizations through service contracts, subject to the provisions of § 100a.30 of this Chapter.

11. *Comment.* A commenter asked whether a K-12 program may be conceptualized across the board under any of the three priorities listed in § 160e.4(c)(2).

*Response.* A program addressed to grade levels K-12 might fit within the paragraphs dealing with training (for example, if the project were to train personnel involved at the K-12 grade levels) (§ 160e.4(c)(2)(i)) and programs, curricula, and materials for special groups (§ 160e.4(c)(2)(iii)). However, a K-12 program would not meet the requirements for a model community education project (§ 160e.4(c)(2)(i)) which must have the potential for serving all age groups in the community served.

12. *Comment.* One commenter questioned whether local educational agencies are eligible to submit applications in the priority area of § 160e.4(c)(2)(i).

*Response.* Under § 160e.6, a local educational agency can submit an application for any activity described in the regulation, including all of the priority areas described in § 160e.4(c), except with regard to demonstration or pilot projects at the higher education level, where awards may be made only to institutions of higher education.

13. *Comment.* One commenter urged that activities carried on by alternative educational programs, such as day care centers and after-school programs be considered a priority. It was noted that such settings "are often better able to design programs to foster consumer education because of their non-traditional orientation."

*Response.* No change has been made in the regulation. The regulation is not designed to emphasize one type of eligible applicant over another. Priorities are framed in terms of types of project activities and the target populations addressed by those activities, and not in terms of eligible applicants. Both the priorities and the criteria are designed to insure that the most worthwhile and best designed project activities are funded. Non-traditional agencies and institutions can compete for funding on the same basis as their traditional counterparts.

14. *Comment.* A commenter suggested that in § 160e.4(c) a paragraph be added giving priority to applications approved by the State agency as described in § 160e.7 and which give proof of being part of a coordinated, statewide effort.

*Response.* No change has been made in the regulation. While it is hoped that many projects will be part of such coordinated efforts, it is believed that the suggestion might penalize high quality products or programs developed at a specific site which have the greatest promise of contributing to the statutory purpose. The focus of the regulation is on projects which develop model programs and products worthy of replication which can have a substantial national impact (§ 160e.3(f)). Given this approach and the limited program funds, it was felt that the suggested priority would not be appropriate. The opportunity for State review of local educational

agency applications will create one vehicle for State coordination.

15. *Comment.* A commenter inquired whether, under § 160e.4(c)(2)(i), a model community program could be carried out via television, with daytime viewing for elementary and secondary students and evening viewing (in two languages) for the rest of the community.

*Response.* A program of this type could qualify for funding if it otherwise meets the requirements of § 160e.12 and if it comports with the nature of consumers' education as imparting skills, attitudes, and understandings necessary for rational consumer decision-making and not merely consumer information.

16. *Comment.* Two commenters suggested the addition of pre-school and early primary school children to the list of groups with special needs which are accorded priority status under § 160e.4(c)(2)(iii). One identified the 2-5 age group as forming a major market for the toys and games industries, and the second cited the 5-9 age group as being especially accepting of television commercials and influencing numerous purchases.

*Response.* No change has been made in the regulation. The needs of pre-school and early primary children can be effectively addressed in community consumers' education programs, which ought to provide consumers' education activities for the children themselves and for their parents. In addition, priority is given to training for educational and noneducational personnel serving at the elementary school level or in community programs.

#### § 160e.6 Eligible applicants.

17. *Comment.* Three comments questioned whether schools operated by the Bureau of Indian Affairs (BIA) or by nonprofit organizations of Indian tribes would be eligible to apply for awards under the Consumers' Education Program.

*Response.* The authorizing statute for the Consumers' Education Program, section 811 of the Elementary and Secondary Education Act (ESEA), authorizes awards to institutions of higher education, State and local educational agencies (SEAs and LEAs), and other public and private agencies, organizations, and institutions (including libraries). In section 811(b)(1)(B)(iii), the statute provides that funds "shall be available for such activities as—in the case of grants to State and local educational agencies and institutions of higher education, for the support of education programs at the elementary and secondary and higher education levels."

Schools operated by the BIA would not be eligible for awards under this language because the Commissioner does not understand the term, "public agency" to encompass agencies of the Federal Government. Separate Federal appropriations are made for educational programs at BIA schools, and where Congress has intended to include such schools as eligible under categorical grant programs, it has done so by express reference to BIA schools in the statute.

On the other hand, schools operated by nonprofit organizations of Indian tribes are eligible under this language to receive grant awards under the program, except with regard to (1) projects which support education programs at the elementary and secondary level, with respect to which the statute would appear to limit eligibility to LEAs and SEAs and (2) projects which support education programs at the higher education level, with respect to which the statute would appear to limit eligibility to institutions of higher education.

The terms "local educational agency" and "State educational agency" are defined for purposes of the Consumers' Education Program in section 801 of the ESEA (20 U.S.C. 881 (f), (k)). In other programs authorizing awards to "local educational agencies" and "State educational agencies," including Title VII of the ESEA, Congress has expressly designated BIA and Indian-controlled schools as eligible where it intended them to be included. This indicates that Congress does not understand the terms "local educational agency" or "State educational agency" without more specific language to include BIA or Indian-controlled schools. Therefore, the statutory language in section 811 of the Elementary and Secondary Education Act which appears to limit eligibility for projects supporting education programs at the elementary and secondary levels to LEAs and SEAs would exclude BIA and Indian-controlled schools from eligibility for such projects.

On the other hand, it should be emphasized that Indian-controlled schools are eligible for all other projects authorized by the statute and regulation, including the priority activities of community consumers' education programs (which may include activities for elementary and secondary level students), in-service training and pre-service training for educational and non-educational personnel at the elementary and secondary school levels and in community consumers' education programs, curricular or materials development for Indians, and the development of non-elementary or secondary school programs for Indians.

It should also be noted that the regulation establishes an overall priority for grant applications to develop programs, curricula, or materials designed to provide consumers' education to Indians (and/or to other groups of persons with special educational needs in the area of consumers' education).

18. *Comment.* A commenter asked whether postsecondary vocational technical schools were eligible for funding under the proposed rules.

*Response.* A public or private nonprofit postsecondary vocational technical school would generally qualify for grant awards. Such a school would qualify for grants for demonstration or pilot programs at the higher education level if it satisfied the definition of an "institutions of higher education" contained in



Section 801(e) of the Elementary and Secondary Education Act, 20 U.S.C. 881 (e). A postsecondary vocational school may qualify for a contract award under § 160e.4(c)(1) as either a non-profit or profit-making enterprise.

19. *Comment.* One commenter urged that commercial firms in the field of education, such as educational publishers, be added to the eligibility list.

*Response.* No change has been made in the regulation. The legislation upon which this regulation is based does not authorize grants to commercial firms. However, the Commissioner may award procurement contracts to profit making enterprises, as reflected in § 160e.4(c)(1).

§ 160e.7 *State review of local educational agency applications.*

20. *Comment.* A commenter suggested amending § 160e.7 to require the Commissioner to notify State educational agencies of proposals which have been funded within their respective States.

*Response.* No change has been made in the regulation. The Commissioner does intend to provide the subject notification to the State educational agencies, but does not believe that a regulation provision on this would be appropriate.

21. *Comment.* A commenter suggested that § 160e.7(b), which states that a local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission to the Commissioner, be amended to provide for submission to the State educational agency 15 days prior to submission to the Commissioner. The purpose is to provide the State educational agency more time for review.

*Response.* No change has been made in the regulation. There is no requirement that State educational agencies submit their recommendations on applications by the same closing date for applicants to submit their applications to the Commissioner. If a separate cut-off date is established for State comments to be received by the Commissioner, it will afford the State educational agencies sufficient time for review and comment on the applications.

22. *Comment.* One commenter expressed concern with regard to § 160e.7(d)(1) and (2) which encourage State educational agencies to solicit views from diverse community groups in the area proposed to be served by the local educational agency submitting an application for review. The commenter found this to be impractical.

*Response.* Section 160e.7(d) has been deleted in accordance with the comment.

23. *Comment.* One commenter had difficulty distinguishing between § 160e.9(a)(1)(i) and § 160e.9(a)(1)(ii) of the general evaluation criteria.

*Response.* Section 160e.9(a)(1)(i) addresses the experience of personnel conducting the program, (i.e., the project director and staff) while § 160e.9(a)(1)(ii) is concerned with the experience and qualifications of the institution or organization proposing to implement the specific types of activities being proposed.

24. *Comment.* One commenter felt that the evaluation criteria in the proposed regulation, in § 160e.9(a)(1)(ii), gave too little weight to the extent and quality of the applicant's experience in consumers' education. The commenter urged that existing organizations with a history of consumer education activities be given preference.

*Response.* No change has been made in the regulation. Substantial weight (30 points) is given to the aggregate personnel and institutional experience and capacity of the applicant agency in § 160e.9(a)(1). These are appropriate indicators, among others, of the chances for funding the best quality projects. At the same time, it must be emphasized that the Consumers' Education Program is not intended to provide institutional support solely for ongoing agencies and established organizations, and it would not be appropriate to confer any additional, specific preference for existing organizations with a history of consumers' education experience.

§§ 160e.11, 12, and 13.

25. *Comment.* Two commenters recommended deletion of the requirements in §§ 160e.11(b)(2), 160e.12(f)(2), and 160e.13(d)(3), respectively that applicants commit themselves to continuation of activities supported under a grant after the expiration of Federal funding.

*Response.* In accordance with the comments, the requirements that activities funded under this program be continued after the expiration of Federal funding are eliminated. While it is hoped that activities can be continued for the communities originally served, the Commissioner agrees that a required commitment is inappropriate.

§ 160e.14 *Review of curricula and materials.*

26. *Comment.* One commenter recommended an amendment to § 160e.14 to require the Commissioner to act within 60 days on requests for review and approval of curricula or materials prior to their dissemination.

*Response.* The Commissioner intends to review and act upon such requests as expeditiously as possible but believes that a regulation provision on this would be inappropriate.

B. *Adoption of Regulation.* Accordingly, Part 160e of Title 45 of the Code of Federal Regulations is adopted to read as set forth below.

C. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the *FEDERAL REGISTER*. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.564, Consumers' Education Program.)

Dated: April 15, 1976.

WILLIAM F. PIERCE,  
Acting U.S. Commissioner  
of Education.

Approved: May 18, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

Sec.	Purpose and scope.
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AUTHORITY: Sec. 811, the Elementary and Secondary Education Act of 1965, as enacted by section 505 of the Education Amendments of 1972, Pub. L. 92-318, and as amended (20 U.S.C. 887d).

#### § 160e.1 Purpose and scope.

(a) *Scope.* The regulations in this part govern projects awarded with funds appropriated pursuant to section 811 of the Elementary and Secondary Education Act of 1965, as amended, or with funds made available for purposes of the consumers' education program, as provided in section 811 of the Elementary and Secondary Education Act, as amended, pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(20 U.S.C. 887d, 1861)

(b) *Purpose.* The purpose of this part is to award grants and contracts for activities designed to support:

(1) The development, demonstration, evaluation, and dissemination of new and improved curricula in consumers' education;

(2) The initiation and expansion of consumers' education programs at the elementary, secondary, community, adult, and higher education levels;

(3) The training of teachers, other educational and public service personnel, community and labor leaders and employees, and government employees at the Federal, State and local levels in consumers' education; and

(4) Activities designed to provide consumers' education to the general public.

(20 U.S.C. 887d note)

(c) *Other pertinent regulations.*—(1) *Grant awards.* Grant awards under the part are subject to applicable provisions contained in:

(i) Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), contained in Parts 100, 100a of this chapter and

(ii) Part 160 of this chapter relating to the Special Projects Act.

(2) *Contract awards.* Contract awards under this part are subject to applicable provisions contained in:

(i) 41 CFR Chapters 1 and 3 and (ii) Part 160 of this chapter relating to the Special Projects Act.

(20 U.S.C. 887d)

#### § 160e.2 Definitions.

As used in this part:

"Act" means section 811 of the Elementary and Secondary Education Act of 1965, as enacted by section 505 of the Education Amendments of 1972, Pub. L. 92-318, and as amended.

"Community consumer education program" means a program designed to provide consumers' education to the general public in one or more communities, as described in § 160e.12.

"Long-term training" means training for individual participants lasting one academic year or more.

"Short-term training" means training for individual participants lasting less than an academic year.

(20 U.S.C. 887d)

#### § 160e.3 Nature of consumers' education.

Consumers' education programs, curricula, or materials funded under this part:

(a) Must be designed to prepare consumers for participation in the marketplace (including their relationship to governmental regulatory processes and to public utilities) by imparting the understandings, attitudes, and skills which will enable persons to make rational and intelligent consumer decisions in the light of their personal values, their recognition of marketplace alternatives, and social, economic, and ecological considerations;

(20 U.S.C. 887d note)

(b) Must be problem- and issue-oriented and may involve interdisciplinary educational approaches;

(20 U.S.C. 887d (b)(1)(B)(1))

(c) May include, but need not be limited to, education in one or more of the following areas:

(1) Basic economics of the marketplace;

(2) Legal rights, redress, and consumer laws;

(3) Financial management and credit;

(4) Energy consumption and conservation, and public utilities;

(5) Major purchases (such as food, auto, insurance, medicine, housing);

(6) Special problems such as advertising and product safety;

(7) Federal assistance and services such as Medicare, social security, and Medicaid;

(8) Consumer representation; and

(9) Governmental regulatory processes in relationship to individuals and businesses.

(S. Rep. No. 346, 92d Cong. 1st Sess. 114 (1971); S. Rep. No. 763, 93d Cong. 2nd Sess. 77 (1974))

(d) Must be designed to prepare consumers for participation in the marketplace, rather than to prepare persons for employment in areas such as are described in paragraph (c) of this section; except that consumers' education programs or curricula may be designed to train teachers, other educational and public service personnel, community and labor leaders and employees, and government employees to plan, organize, implement consumers' education programs or to teach in subject matter areas associated with consumers' education;

(4) Projects designed to demonstrate, test, and evaluate the effectiveness of activities described in paragraphs (a) (1) through (3) of this section, whether or not these activities are assisted under this part;

(5) The dissemination of information and the provision of developmental and technical assistance to agencies and organizations planning, developing, and carrying out consumers' education programs; and

(6) The preparation and distribution of consumers' education materials by mass media.

(20 U.S.C. 887d(b)(1)(B), 787d note)

(e) Must provide for inclusion of bilingual educational activities and materials when the target population to be served directly by the project or to be benefited by the approaches or products developed by the project include a substantial number of persons whose dominant language is other than English; and

(20 U.S.C. 887d(b)(1)(B))

(f) (1) (i) Must contribute to capacity-building in the area of consumers' education by producing exemplary results and/or products to be utilized by organizations, agencies, and individuals other than the award recipient, and thereby to have a substantial national impact in providing consumers' education to the public; and

(ii) Must not be designed to benefit only particular organizations, agencies, or individuals.

(2) Compliance with the requirements of paragraph (f) (1) of this section must be reflected in the application or proposal:

(i) In the stated objectives and outcomes,

(ii) By the attention to planning, quality controls, and evaluation; and

(iii) By the emphasis on dissemination and utilization procedures.

(3) The cost to organizations, agencies, and individuals other than the award recipient of obtaining and using products developed under projects supported under this part may not be on a scale which would inhibit extensive utilization and replication of the products.

(20 U.S.C. 887d(b)(1)(C)(ii))

#### § 160e.4 Types of projects; funding priorities.

(a) The Commissioner will consider making grant and contract awards under this part to support research, demonstrations, and pilot projects designed to provide consumers' education to the public, including such activities as:

(1) Research, testing, and dissemination with respect to curricula and materials in consumers' education;

(2) The establishment of new, or the expansion of existing, pilot or demonstration consumers' education programs

in elementary and secondary schools, institutions of higher education, adult education centers, or in community programs potentially serving persons of all ages within the community;

(3) Short-term pre-service and in-service training programs designed to prepare teachers, other educational and public service personnel, community and labor leaders and employees, and government employees to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education;

(4) Projects designed to demonstrate, test, and evaluate the effectiveness of activities described in paragraphs (a) (1) through (3) of this section, whether or not these activities are assisted under this part;

(5) The dissemination of information and the provision of developmental and technical assistance to agencies and organizations planning, developing, and carrying out consumers' education programs; and

(6) The preparation and distribution of consumers' education materials by mass media.

(20 U.S.C. 887d(b)(1)(B), 787d note)

(b) Long-term training and fellowship programs will not be funded pursuant to this part.

(c) In implementing activities authorized by the Act and described in paragraph (a) of this section, the Commissioner will:

(1) Solicit proposals for, and make awards of, procurement contracts;

(i) To prepare and distribute consumers' education materials by mass media;

(ii) To identify, evaluate, and disseminate effective consumers' education programs, curricula, and materials on the community, elementary, secondary, or higher education levels, as described in § 160e.10;

(iii) To establish and maintain resource centers in consumers' education which would collect, assess, and provide information on consumers' education research and activities and provide technical assistance to agencies, institutions, and groups interested in establishing, expanding, or improving program activities in consumers' education, as described in § 160e.11; and

(iv) In any other areas of consumers' education where the Commissioner determines that specific procurements would further the purposes of the Act, as described in § 160e.1(b).

(2) Accord priority to grant applications to:

(i) Develop and carry out model community education projects in consumers' education which have the potential for providing consumers' education to all age groups in a community or communities, as described in § 160e.12;

(ii) Provide short-term pre-service or in-service training for teachers and other educational and non-educational personnel at the elementary and secondary school levels and in community con-



sumers' education programs to prepare them to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education, as described in § 160e.13; or

(iii) Develop programs, curricula, or materials designed to provide consumers' education to groups of persons with special educational needs in the area of consumers' education, including older persons, Indians, persons of low-income families, and persons of limited English-speaking ability. Grant applications within one of the priority areas described in paragraph (a) (2) (i) and (ii) of this section will be given special priority if they are also designed to provide consumers' education to groups with special educational needs in the area of consumers' education.

(d) Any project described in this section may include a research component as necessary.

(20 U.S.C. 887d, 887d, note)

#### § 160e.5 Duration of projects.

(a) While grant applications may be filed proposing multiyear projects, it is expected that a substantial proportion of projects funded by the Commissioner in any fiscal year will have a project duration of only one year.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(d) Continuation awards may be made to projects described in paragraph (c) of this section subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards; and

(2) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and applicable regulations;

(ii) The project's effectiveness to date;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of the Government.

(20 U.S.C. 1221e-3 (a) (1), 887d)

#### § 160e.6 Eligible applicants.

Institutions of higher education, State and local educational agencies, and other public and private agencies, organizations, and institutions (including libraries) are eligible to receive grant and con-

tract awards pursuant to this part, except that:

(a) No grant may be made other than to a non-profit agency, organization, or institution;

(b) Grants for demonstration or pilot programs at the elementary and secondary levels may be made only to State educational agencies and local educational agencies; and

(c) Grants for demonstration or pilot programs at the higher education level may be made only to institutions of higher education.

(20 U.S.C. 887d(b) (1) (A), 887d(b) (1) (B) (iii))

#### § 160e.7 State review of local educational agency applications.

(a) The Commissioner will not approve an application submitted by a local educational agency under this part unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and make recommendations on the application.

(b) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) The Commissioner may establish a cut-off for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified shall be deemed a waiver of the State educational agency's opportunity to comment.

(20 U.S.C. 887d(b) (1) (C))

#### § 160e.8 Application and proposal requirements.

(a) *Submission.* A grant or a contract under this part will be awarded only upon a grant application (in accordance with § 100a.40 of this chapter) or a contract proposal submitted to the Commissioner.

(b) *Acceptable applications or proposals.* (1) (i) Grant applications will be accepted for review only if they are filed in response to a notice of closing date published in the FEDERAL REGISTER in accordance with § 100a.15 of this chapter concerning application submissions to the Commissioner.

(ii) Contract proposals will be accepted for review only if they are filed in response to a solicitation of proposals in accordance with the provisions of 41 CFR Chapters 1 and 3.

(2) An eligible applicant must file a single and separate application or proposal for each subparagraph of § 160e.4 (c) under which it seeks an award.

(3) Applicants are encouraged not to submit lengthy appendices or exhibits with their application or proposal.

(c) *Requirements.* An application or proposal under this part must:

(1) *Nature and purpose.* Provide sufficient information to satisfy the Commissioner that the proposed project holds promise of making a substantial contri-

bution to the purpose of providing consumers' education to the public and will comply with the provisions of § 160e.3;

(2) *Applicant qualifications.* Contain sufficient information about the applicant to enable the Commissioner to determine its qualifications for receiving an award, including information about:

(i) The applicant's experience in the area of consumers' education and the specific types of activities to be carried out under the proposed project (such as teacher training, materials development, and other activities);

(ii) The proposed staff, including their education, training, awards, publications, and experience in consumers' education and in the specific types of activities under the proposed project, and existing or planned commitments to other projects; and

(iii) Available facilities and other resources for the project;

(3) *Need and impact.* (i) Identify the need to be addressed by the proposed project and supply relevant documentation of that need. Where a general area of need has been set forth in this part or in contract specifications, the application or proposal must go beyond a general exposition of need to identify and document specific areas of need which the proposed project would address;

(ii) Specify the nature of the output, product, or final results of the proposed project;

(iii) Document how the project will contribute to capacity-building in the area of consumers' education as described in § 160e.3(f) including a description of likely users of the results, processes, and products of the project, and rough projections of the financial cost to others of implementing or using the products; and

(iv) Describe validation, dissemination, and utilization procedures to be used in the proposed project;

(4) *Plan of operation.* (i) Provide that all activities and services for which an award is sought will be administered by, or under the supervision of, the applicant;

(ii) Describe:

(A) Project objectives which state specific outcomes for the project;

(B) A project evaluation design which includes both product and process analysis to measure the extent to which the objectives are accomplished by the project;

(C) A budget, including that portion of the project to be contributed by the applicant; and

(D) A management design which:

(1) Includes objectives, operational activities, schedules, resources, products, and references to the evaluation design;

(2) Provides for the necessary fiscal control and fund accounting procedures to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part; and

(3) Provides for making an annual report and such other reports, in a form and containing such information, as the Commissioner may reasonably require and for keeping records, and affording

access thereto as the Commissioner may find necessary to assure the correctness and verification of these reports; and

(iii) The evaluation and management designs need not be capable of being implemented instantly, but must be sufficiently described to indicate the approach, status of planning, methodology, extent of experience in the development and use of these designs, and need for procuring outside expertise;

(5) *Supplementary nature of projects.* Set forth policies and procedures which assure that Federal funds made available under this part for any fiscal year will be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of these Federal funds, be made available by the applicant for the purposes described in this part and in no case supplant these funds; and

(6) *Additional information.* Applications or proposals must include other information responsive to applicable criteria and other provisions set forth in §§ 160e.9 through 160e.13, as applicable or to the specific criteria and other provisions contained in specifications for contract proposals.

(20 U.S.C. 887d(b) (1) (C), 887d(c))

#### § 160e.9 General evaluation criteria for awards.

(a) *Applicable criteria.* All applications for grants and proposals for contracts which meet the requirements in § 160e.8 will be evaluated on the basis of the following criteria, weighted according to the indicated points (maximum of 110 points):

(1) *Applicant qualifications.* (30 points) (i) The qualifications of the project director and staff, including demonstrated experience of high quality in the area of consumers' education and in the specific types of activities to be carried out under the project as evidenced in the application (10 points);

(ii) The extent and quality of the applicant's experience in the area of consumers' education and in the specific types of activities to be carried out under the project as evidenced in the application (10 points); and

(iii) The extent to which the applicant has the capability to conduct the proposed project, including necessary facilities and resources as evidenced in the application (10 points);

(2) *Need and impact.* (40 points) (i) The proposed project is likely to make a substantial qualitative contribution toward attaining the provision of consumers' education for the public and, to this end, clearly identifies the need to be addressed and specifies the substantive nature of the output, product, or final results of the proposed project (10 points);

(ii) The intended results of the proposed project can be used by others, and thus the application specifies well-designed validation, dissemination, and utilization procedures (10 points);

(iii) The project focuses on learning processes, as well as substantive content, with attention to such program aspects as student motivation, sequential lessons, and learning problems (10 points); and

(iv) The project involves new or improved techniques and materials which are sufficiently exemplary to be replicated by others (10 points).

(3) *Plan of operation.* (40 points) (i) The application sharply defines and clearly states objectives for the proposed project which can be achieved by the proposed procedures and can be assessed upon attainment (10 points);

(ii) The application ensures adequate evaluation of the activities through the description of a project evaluation design which would include both process and product analysis and would describe an eventual evaluation report to include sufficient data, information, and direction to permit and encourage replication (10 points);

(iii) The quality of the proposed management design that includes objectives, operational activities, schedules (including the amount of time to be spent on the project by the named proposed staff members), resources, products, and references to the project evaluation design (10 points); and

(iv) The application presents a budget that is reasonable in relation to anticipated results and reflects the management design (10 points).

(b) *General provisions criteria.* Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications or proposals submitted under this part.

(20 U.S.C. 887d(b), 887d note)

#### § 160e.10 Program, curriculum, and materials assessment.

(a) *Nature of projects.* Procurement contracts under this section will be for:

(1) A systematic search for and identification of effective programs, curricula, or materials in consumers' education designed for use in elementary and secondary schools, community consumers' education programs, adult education programs, or institutions of higher education;

(2) Final validation of the apparent success of these programs, curricula, and materials based on learning outcome measures, such as student test scores, and input measures, such as the resource requirements needed to achieve these measurable results (which may include a trial replication of the use of the programs, curricula, or materials through a field test in one or a limited number of additional sites); and

(3) Dissemination of information about the programs, curricula, and materials found to be effective.

(b) *Approaches to consumers education.* Consumers' education programs, curricula, or materials to be identified, validated, and disseminated under this section may be interdisciplinary and may involve either a comprehensive approach to consumers' education or a limited program in one or more specific subjects related to consumers' education, such as are described in § 160e.3(c).

(c) *Proposal requirements.* A proposal for a contract under this section must specify:

(1) The nature and substantive areas of the programs, curricula, or materials to be identified, validated, and disseminated;

(2) The potential uses and users of these programs, curricula, or materials;

(3) The results of a preliminary assessment by the applicant of available programs, curricula, or materials and of the need for high quality programs, curricula, or materials in the proposed areas of concentration;

(4) Procedures and arrangements for searching out, validating, and disseminating information on the programs, curricula, or materials;

(5) Criteria for selecting and testing effective programs, curricula, or materials; and

(6) Plans for selecting a limited number of the most successful programs, curricula, or materials for dissemination.

(d) *Multiplier effect.* Programs, curricula, or materials to be identified and validated under this section must be designed to be available for use by potential users at relatively low cost and without substantial dependence on consultative assistance.

(e) *Evaluation criteria.* Proposals for contracts under this section will be selected on the basis of (1) the criteria set forth in § 160e.9 (which will be weighted 110 points) and (2) the quality of the plan for identification, validation, and dissemination of information on the programs, curricula, or materials, including the applicants' access to existing networks of potential users, as well as access to a delivery system which is not dependent on external funding and would consequently operate after the expiration of support pursuant to this section (weighted 5 points).

(20 U.S.C. 887d(b) (1) (B) (i) & (ii))

#### § 160e.11 Consumers' education resource centers.

(a) *Purpose.* Procurement contracts under this section will have the purpose of establishing resource centers which will:

(1) Provide technical assistance, information, and informal, short-term training to agencies, institutions, and community groups in the development and carrying out of consumers' education programs; and

(2) Collect and disseminate information on research related to consumers' education and on effective consumers' education programs.

(b) *Application requirements.* Proposals under this section must meet the requirements in § 160e.8 and:

(1) Provide a general description of existing activities of the applicant related to consumers' education, facilities and resources available for these activities, institutions and programs which benefit from its activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project;

(2) Name agencies and institutions to be served by the proposed project and indicate the general scope of services to



be provided to each agency and the technical assistance, training, and information needs of recipient agencies and how the project will respond to these needs.

(c) *Number of awards.* It is expected that a very limited number of contracts will be awarded pursuant to this section. (20 U.S.C. 887d)

#### § 160e.12 Community consumers' education projects.

(a) *Purpose.* Grants under this section will be for the purpose of planning, establishing, expanding, and/or improving model community education projects in consumers' education which are designed to provide consumers' education to the general public in one or more communities.

(b) *Target population.* Community consumers' education programs must have the potential for serving all age groups within the community or communities to be served and must focus on providing consumers' education to persons who are not otherwise served by the regular instructional programs of elementary and secondary schools and institutions of higher education within the community.

(c) *Community involvement.* The program must provide for the active and continuous involvement (1) on an advisory basis and (2) in terms of direct input into project activities, of institutions, groups, and individuals representative of the community or communities to be served, including but not limited to, schools, community groups, and other educational and cultural resources.

(d) *Communities served.* Projects under this section must serve specific and identified communities, but the communities need not be contiguous. For example, a non-profit institution may receive a grant under this section to establish model community consumers' education programs in a number of communities in different parts of the country.

(e) *Approaches to consumers' education.* Programs assisted under this part (1) must include innovative methods, materials, or approaches which are worthy of replication and (2) may involve a comprehensive approach to consumers' education covering a wide range of subject matter areas or may focus on one or more specific areas of consumers' education, such as are described in § 160e.3(c).

(f) *Application requirements.* Applications for grants under this section must meet the application requirements in § 160e.8 and the following additional requirements:

(1) The application must identify the specific areas to be served and which groups of persons in these areas will be benefited by the project; and

(2) The application must document that representative educational and cultural resources of the communities to be served have been involved on an advisory basis in the preparation of the application, including a description of procedures used (such as public notice and

hearings) to provide the public at large with an opportunity to have input in the preparation of the application.

(20 U.S.C. 887d(b)(1)(A))

#### § 160e.13 Training projects.

(a) *Purpose.* Grants under this section will have the purpose of providing short-term pre-service or in-service training for teachers and other educational and non-educational personnel at the elementary and secondary school levels and in community consumers' education programs to prepare them to plan, organize, and implement consumers' education programs or to teach in subject matter areas associated with consumers' education, such as those described in § 160e.3(c).

(b) *Nature of projects.* (1) The training must be designed to provide skills and understandings with reference to:

(i) A variety of the subject matter areas of consumers' education described in § 160e.3(c);

(ii) With respect to training for teachers of consumers' education: the selection of appropriate consumers' education curricula and materials, the integration of consumers' education into the regular classroom curriculum, the identification and use of resources within and outside of the school which would strengthen consumers' education activities, and the planning and carrying out of lessons and units of instruction in consumers' education which respond to the needs and interests of the students; and

(iii) With respect to training for educational and non-educational personnel responsible for planning, organizing, and implementing overall consumers' education programs: The involvement of appropriate public and private community resources in the planning and carrying out of consumers' education programs and knowledge of other consumers' education programs of an exemplary nature.

(2) The training must be short-term, and in-service training assisted under this section must be offered at times and in a manner to allow participation by training recipients on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning, operating, and/or teaching in consumers' education programs.

(3) In-service training activities assisted under this section must be provided for eligible recipients in specific elementary, secondary, or community consumers' education programs on a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises.

(4) The development of training materials incidental to carrying out the project activities may be included in grants under this section.

(c) *Recipients of training.* Eligible recipients of training under grants awarded pursuant to this section include (1) persons in local educational agencies, State educational agencies, and other public and private non-profit agencies and in-

stitutions (including libraries) involved in the planning, administration, and/or teaching of consumers' education programs, including the chief executive officer of the State educational agency or local educational agency, leaders, coordinators, administrators, and other staff of consumers' education programs, and members of the community assisting in the planning and carrying out of these programs and (2) persons who are preparing to undertake these responsibilities.

(d) *Application requirements.* In addition to meeting the requirements of § 160e.8, applications for grants under this section must:

(1) Include a description of proposed workshops, conferences, seminars, or courses, including their locations, number of sessions planned, and approximate number of trainees;

(2) Provide a general description of any existing training activities of the applicant related to consumers' education, facilities and resources available for these activities, institutions and programs which benefit from its training activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project;

(3) Name each agency or institution to be served by the proposed training project and indicate the general scope of services to be provided to each agency, the officials or groups to receive the training and how they will be selected, and the skill or competency needs of recipient agencies and how the project will respond to these needs; and

(4) Include a letter of commitment from each local educational agency, State educational agency, or other agency or institution to be served by the project, indicating its intention to participate in the project and certifying its need for the services which the application proposes to provide to it.

(e) *Evaluation criteria.* The Commissioner, in determining whether to approve an application for a grant under this section, will consider the criteria set forth in § 160e.9 (which will be weighted 110 points) and the following criteria weighted as indicated:

(1) The application reflects a knowledge of training needs in consumers' education, with specific reference to any agencies and institutions to be served in the project, and provides for responding to these needs (3 points);

(2) The proposed project is likely to build the capacity of the grantee to serve as a training resource for local educational agencies, State educational agencies, and other public and private non-profit agencies and institutions planning or carrying out consumers' education programs (3 points);

(3) The number of agencies and institutions to participate directly in, or benefit indirectly from, the proposed project (3 points); and

(4) Training provided by the project is likely to form a foundation from which training participants may pursue

long-term or formal degree training if they so desire (3 points).

(20 U.S.C. 887d(b)(1)(B)(iv))

#### § 160e.14 Review of curricula and materials.

(a) Projects funded under this part which are designed to develop, validate, and/or disseminate curricula and materials in consumers' education shall be subject to the condition that the contractor or grantee may not disseminate the curricula or materials until they have been reviewed and approved for dissemination by the Commissioner.

(b) In carrying out this section, the Commissioner will review curricula and materials for evidence of effectiveness and to ensure that they are non-discriminatory on the basis of race, sex, and age.

(20 U.S.C. 887d)

#### § 160e.15 Federal share of projects.

(a) For the purposes of funding grants and contracts under this part, the Federal share of the eligible costs of a project, including the costs of project administration, shall be determined as follows:

(1) Except as provided in paragraph (a)(2) of this section, Federal support under this part will be available to pay all or part of the eligible project costs.

(2) The Federal share will be no more than 80 percent of eligible project costs for projects which involve curriculum development or dissemination of curricular materials or which have the primary purpose to evaluate consumers' education activities whether or not assisted under this part.

(b) Contributions in kind are acceptable as applicant contributions to project costs.

(20 U.S.C. 887d(b)(2))

#### § 160e.16 Allowable costs.

(a) *General.* Allowable costs under projects to which funds are awarded pursuant to this part shall be determined in accordance with the cost principles provided for under Subpart G of Part 100a of this chapter.

(b) *Costs of short-term training components.* (1) Projects under § 160e.13 which are designed to provide in-service training may include in the grant a provision for payments to teachers, administrators, and other educational and non-educational personnel who receive this training and are not otherwise compensated for their time while receiving training.

(2) (i) Except as provided under paragraph (b)(1)(ii) of this section, payments under this subparagraph will be at the rate of \$30 for each full day of training, up to \$150 per week. If a day of training involves less than five hours, the payments for attendance will be at the rate of \$6 per hour, subject to the weekly limit of \$150.

(ii) Where the personnel participating in the training are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for any individual is more than \$6 per hour, the

individual would be compensated at the minimum hourly rate provided under the collective bargaining agreement.

(3) Where a local educational agency or other educational agency or institution compensates teachers or other personnel whom it employs for their time in receiving training under this paragraph and must also hire a substitute for a participant in the training, reimbursement may be made under the grant which includes the training component to the local educational agency or other educational agency or institution for the costs of hiring the substitute.

(20 U.S.C. 887d(b))

[FR Doc. 76-15095 Filed 5-21-76; 8:45 am]

#### CHAPTER XII—ACTION

##### PART 1228—CLEARINGHOUSE REQUIREMENTS AND PROCEDURES

##### Implementation of Office of Management and Budget Circular A-95

On March 1, 1976, a notice was published in the FEDERAL REGISTER (41 FR 8791) proposing to add a new Part 1228 to Title 45, Code of Federal Regulations, which would provide interim implementation procedures for Office of Management and Budget Circular No. A-95. Interested persons were given until March 29, 1976, to submit comments and views covering the proposed new Part. No significant comments were received. Accordingly, Chapter XII of Title 45 of the Code of Federal Regulations Part 1228 is adopted as follows:

Sec.  
1228.1 General.  
1228.2 Action programs covered.  
1228.3 Project notification and review system.  
1228.4 Clearinghouse functions.  
1228.5 Consultation and review.  
1228.6 Clearinghouse comments and recommendations.  
1228.7 Agency procedures for implementation of OMB circular A-95.  
1228.8 Roles and responsibilities.

##### APPENDIX—Clearinghouse Requirements.

AUTHORITY: Office of Management and Budget Circular A-95 Revised January 2, 1976.

##### § 1228.1 General.

Office of Management and Budget Circular No. A-95, *Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects*, Part I, establishes a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

##### § 1228.2 ACTION programs covered.

The requirements of Circular A-95 apply to the following ACTION programs listed in the *Catalog of Federal Domestic Assistance*:

72.001 Foster Grandparents Program.  
72.002 Retired Senior Volunteer Program.  
72.008 Senior Companion Program.

##### § 1228.3 Project notification and review system.

Part I of Circular A-95 requires applicants for assistance under any of the above ACTION programs to comply with the provisions of the Project Notification and Review System in order to facilitate coordinated planning on an inter-governmental basis. The essential parts of the Project Notification and Review System are:

(a) *Notification of intent.* Any agency of State or local government or any organization undertaking to apply for assistance to a project or major substantive modification thereto under any of the above ACTION programs is required to notify both the State and areawide planning and development clearinghouses in the jurisdiction of which the project is to be located of its intent to apply for assistance at such time as it determines it will develop an application. Notification will include a summary description of the project for which assistance is sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency or organization;

(2) The geographic location of the project to be assisted (A map should be provided, if appropriate);

(3) A brief description of the proposed project to be assisted (A map should be to scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed project);

(4) The ACTION program title and number under which assistance is sought; and

(5) The estimated date the applicant expects to formally file an application.

(b) *Applicant responsibility.* Potential applicants are responsible for contacting the clearinghouses in their project location as early as possible to obtain forms and instructions for insuring expeditious clearinghouse review.

(c) *Federally recognized Indian tribes.* Applications from federally recognized Indian tribes are not subject to the requirements of Part I of Circular A-95. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. ACTION will notify the appropriate State and areawide clearinghouses of any application from federally recognized Indian tribes upon their receipt.

##### § 1228.4 Clearinghouse functions.

Clearinghouse functions include, but are not limited to:

(a) Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs;

(b) Receiving and disseminating project notifications (the State clearinghouse notifies State agencies; the areawide clearinghouse notifies local agen-

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cies) and providing liaison between such agencies and the applicant; and

(c) Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

#### § 1228.5 Consultation and review.

(a) State and areawide clearinghouses may have 30 days after receipt of a project notification in which to inform State and local or regional governments or agencies that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

(b) If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed projects during the period in which the application is being completed.

(c) In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed application is submitted during the first 30 days after a notification has been submitted, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 days to review a completed application. Where clearinghouses have not completed their review during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency. Analysis of the timing requirement for clearinghouse review discloses that such review consists of two stages:

(1) *Stage 1—When only a notification of intent is submitted to the clearinghouse.* (i) Clearinghouse has 30 days to review. Clearinghouse may complete review and send comments to applicant.

Upon completion of application, applicant will submit an information copy to the clearinghouse, upon request, when submitting the application to ACTION for funding.

(ii) *Clearinghouse does not complete review; notifies applicant; resolves problems, if any, with applicant; applicant completes application.*

(iii) *When a completed application is submitted during the first 30 days after a Notification of Intent has been submitted, clearinghouse has 30 days plus the number of days remaining in the initial 30 day notification period to complete review.*

(2) *Stage 2—When only a completed application is submitted to clearinghouse.* Clearinghouse has 60 days to review.

(d) Written comments submitted to the areawide clearinghouses by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when

they are at variance with the clearinghouse comments; and others from whom comments were solicited and received should be listed.

#### § 1228.6 Clearinghouse comments and recommendations.

(a) Applicants will include with the completed application submitted to ACTION:

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in §§ 1228.3 and 1228.5 have been followed and that no comments or recommendations have been received.

(b) The objectives of clearinghouse comments and recommendations are:

(1) To assure maximum consistency of the proposed project with State, areawide, and local comprehensive plans; and

(2) To assist ACTION in determining whether the project is in accord with Federal law, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations may include, but need not be limited to, information about the extent to which the proposed project:

(i) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(ii) Might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

(c) Applications for continuation or renewal grants or applications not submitted to or acted upon by ACTION within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

#### § 1228.7 Agency procedures for implementation of OMB Circular A-95.

Part I of Circular A-95 requires ACTION to:

(a) Inform potential applicants for assistance under the programs indicated in paragraph 1228.2 above of the requirements of Part I (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in preapplication conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouse;

(b) Assure that all applications for assistance under programs covered by Circular A-95 have been submitted to appropriate clearinghouses for review prior to their submission to ACTION for funding;

(c) Return applications to the applicant which do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application, with instructions to fulfill the requirements of Part I;

(d) Insure that all applications contain a *State Application Identifier (SAI)*

number (This is mandatory for use in notifying clearinghouses of action taken on the application);

(e) Notify such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses; major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals;

(f) Use Standard Form 424 for the Report of Federal Action to clearinghouses;

(g) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and ACTION approves the application substantially as submitted, ACTION will provide the clearinghouse, along with the action notice, an explanation therefor; and

(h) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, ACTION will consult with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

#### § 1228.8 Rules and responsibilities.

(a) *State Program Director.* The State Program Director shall: (1) Inform potential applicants for assistance under such programs of the requirements of Part I (i) in program informational materials (See below, *Clearinghouse Requirements*, ACTION Form A-780), (ii) in response to inquiries respecting application procedures, (iii) in preapplication conferences, or (iv) by other means which will assure earliest contact between applicant and clearinghouses.

(2) Assure that all applications for assistance under programs covered by Part I have been submitted to appropriate clearinghouses for review prior to their submission to ACTION. In cases where applications are received by the State Program Office and the applicant has not submitted a Notification of Intent or an application to the State and areawide clearinghouses, the applicant should be notified to submit the application to the clearinghouses for review and that ACTION will not be able to take any funding action until the review has been completed. When the applicant receives the clearinghouse reviews, it will be necessary to complete a new application face page and forward it and any comments received to ACTION.

(3) Evaluate the comments furnished by the clearinghouses and forward his recommendation to the Project Review Board for final determination by the Regional Director.

(4) Furnish a copy of the face page of rejected, deferred, or withdrawn applications to the Grants Officer in time for him to comply with the requirement of notifying the clearinghouses within seven working days.

(b) *Regional Director.* (1) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive

changes, and ACTION approves the application substantially submitted, the Regional Director will provide the clearinghouse an explanation thereof.

(2) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the Regional Director will consult with the agency assisting the referenced projects prior to funding the application.

(c) *Grants Officer.* The Grants Officer shall serve as the coordinating official for A-95 in the Regional Office and as such shall be responsible for notifying the clearinghouses within seven working days of any major action taken on applications which have been reviewed by the clearinghouses. Major actions will include awards, rejections, deferrals, or withdrawals. The face page of the application of SF 424 will be utilized for this purpose.

#### APPENDIX—CLEARINGHOUSE REQUIREMENTS

Office of Management and Budget Circular No. A-95, *Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects*, Part I, establishes clearinghouse procedures to be followed by applicants seeking Federal assistance under

the following programs: Foster Grandparent Program, 72.001; Retired Senior Volunteer Program, 72.002; and Senior Companion Program, 72.008.

In applying for assistance from ACTION for one of the programs listed above, you are requested to submit a *Notification of Intent* to the State and areawide clearinghouses no later than 175 days prior to the start date shown on the application.

Applicants are urged to contact the clearinghouses at the earliest possible time to obtain forms and instructions for insuring expeditious clearinghouse review.

Your Notification of Intent must contain at a minimum a summary description of the project for which you are seeking assistance and will include:

1. Identity of the applicant agency, organization, or individual.

2. The geographic location of the project to be assisted.

3. A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local governments having plans, programs, or projects that might be affected by the proposed project.

4. The ACTION program title and number under which assistance will be sought. (See program title and number above).

5. The estimated date by which you expect to formally file an application.

It is recommended that the enclosed SF-424 be utilized for your Notification of Intent, with the concurrence of the clearinghouses.

Clearinghouses have 30 days from receipt of your notice to inform appropriate agencies of your proposed project. The review may be completed in this period and comments submitted to you.

In cases where the clearinghouses have not completed their review within 30 days, you should forward your application for assistance to the clearinghouses no later than 145 days prior to the start date on the application.

Since ACTION cannot take any action on your application until the requirements of the Circular have been met, it is most important that you submit your notification to the clearinghouses at the earliest feasible time in order to assure maximum time for effective coordination and to avoid the delay of the submission of your application to ACTION.

You must include with your application any comments made by or through the clearinghouses and complete Item 22(b) on the face page of the application.

Approved: May 19, 1976.

Dated: May 19, 1976.

JOHN L. GANLEY,  
Deputy Director, ACTION.

[FR Doc. 76-15078 Filed 5-21-76; 8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### [ 33 CFR Part 165 ]

(COD 75-208)

### VAPOR RECOVERY SYSTEM IN CARGO TRANSFER OPERATIONS

#### Extension of Comment Deadline

The Coast Guard published an Advance Notice of Proposed Rule Making in the April 5, 1976 issue of the FEDERAL REGISTER (41 FR 14391). This Advance Notice solicited comments on vapor recovery systems.

Comments have been received requesting that the comment deadline be extended due to the complexity of the issues involved and the desire to submit extensively researched comments. Since this is a reasonable request, the comment deadline for this Advance Notice is hereby extended until June 21, 1976.

Dated: May 19, 1976.

W. M. BENKERT,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

[FR Doc.76-1511 Filed 5-21-76; 8:45 am]

### Federal Aviation Administration

#### [ 14 CFR Part 39 ]

[Docket 76-GL-10]

### GENERAL ELECTRIC CF6-50

#### Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to CF6-50 engines. There have been instances of overpressure in the compressor which resulted in severe damage to the engine. Since this condition is likely to exist or develop in other engines of the same type, the proposed airworthiness directive would require elimination from the fan booster of the material that caused the overpressure.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 31, 1976, will be considered by the

Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

**GENERAL ELECTRIC:** Applies to Models CF6-50A, CF6-50C, CF6-50D, CF6-50E, CF6-50E1, and CF6-50H Turbofan Engines.

Compliance required by June 1, 1977, unless previously accomplished.

To prevent excessive overpressure in the high pressure compressor, accomplish the following in accordance with General Electric Service Bulletin (CF6-50) 72-412, Revision 1, or subsequent FAA Approved Revision thereto:

(a) Remove the fan stator stages 1, 2 and 3 inner shrouds, stage 2 outer shroud and stages 2 and 3 cases with abrasible epoxy resin.

(b) Replace with new or reworked parts incorporating aluminum honeycomb material.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Cincinnati, Ohio 45215. These documents may also be examined at the FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1976.

Issued in Des Plaines, Illinois on May 14, 1976.

RYAN N. WHITTEN,  
Acting Director,  
Great Lakes Region.

[FR Doc.76-14882 Filed 5-21-76; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 76-WE-12]

### TRANSITION AREA

#### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new transition area for Woodland-Watts Airport, Woodland, California.

A new instrument approach procedure has been developed for Woodland-Watts Airport, Woodland, California. This new procedure is based on the Sacramento VORTAC 313°T (296°M) radial. Sacramento VORTAC is the initial approach fix and Meret INT (SAC 296° 15 DME) is the final approach fix. The portion of 700 foot transition area is required to provide controlled airspace protection for aircraft executing the instrument procedure.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before June 23, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (41 F.R. 440) the following transition area is added:

#### WOODLAND, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Woodland-Watts Airport (latitude 38°40'30" N., longitude 121°52'15" W.) and within 3 miles each side of the Sacramento

VORTAC 313° radial, extending from the 3-mile radius area to the Sacramento VORTAC.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on May 7, 1976.

LYNN L. HINK,  
Acting Director,  
Western Region.

[FR Doc.76-14881 Filed 6-21-76; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 76-RM-5]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Hayden, Colorado.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications on or before June 23, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

Instrument approach procedures have been developed for the Craig-Moffatt Airport at Craig, Colorado. Additional controlled airspace is required to protect aircraft using these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

§ 71.181 [Amended]

In Federal Aviation Regulation Part 71.181 (41 F.R. 440) the description of the Hayden, Colorado, transition area is amended to read:

#### HAYDEN, COLORADO

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Hayden, Colorado, VOR 248° radial extending from the VOR to 18 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at 40°06'00"N., longitude 107°00'00"

## PROPOSED RULES

W.; to latitude 40°43'00"N., longitude 107°45'00"W.; to latitude 40°35'00"N., longitude 107°45'00"W.; to latitude 40°35'00"N., longitude 108°08'00"W.; to latitude 40°22'00"N., longitude 108°08'00"W.; to latitude 40°22'00"N., longitude 107°45'00"W.; to latitude 40°07'30"N., longitude 107°45'00"W.; thence along the north edge of V-200 to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(e)).)

Issued in Aurora, Colorado, May 11, 1976.

M. M. MARTIN,  
Director, Rocky Mountain Region.

[FR Doc.76-14951 Filed 5-21-76; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### [ 43 CFR Part 3500 ]

### FEDERALLY OWNED MINERAL DEPOSITS

#### Testing Permits

The purpose of this proposed rulemaking is to provide procedures for issuing permits for testing Federally-owned mineral deposits subject to sale or leasing pursuant to Parts 3500 and 3600 of this Chapter.

These procedures are needed to allow testing to secure detailed data on the physical and chemical characteristic of a mineral deposit and the environmental conditions prior to the deposit being offered for sale or lease and to allow testing after a prospecting permit has expired but before the grant of a preference right lease. Permits will contain terms and conditions to protect the environment and the public interest, and provide for continued multiple use. Information obtained by a permittee on a mineral deposit involved in a preference right lease application cannot be used by the permittee to prove his right to a preference right lease.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. An environmental analysis will be prepared on individual or groups of related actions and where significant impacts on the quality of the human environment are identified a statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 will be prepared.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until on or before June 23, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Division of Legislation and Regula-

tory Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.). Subchapter C of Chapter II of Title 43 Part 3500 is amended by adding a new subpart 3507 as follows:

#### Subpart 3507—Testing Permits—Federally Owned Mineral Deposits

Sec.  
3507.0-1 Purpose.  
3507.0-2 Objectives.  
3507.0-3 Authority.  
3507.0-4 Responsibilities.  
3507.0-5 Definitions.  
3507.1 Lands subject to testing permit.  
3507.2 Pretesting procedures.  
3507.2-1 Environmental review.  
3507.2-2 Cultural resources.  
3507.3 Permits.  
3507.3-1 Applications for permit.  
3507.3-2 Issuance and termination of permit.  
3507.3-3 Rights under permits.  
3507.3-4 Operating regulations.  
3507.3-5 Surface protection and reclamation.  
3507.3-6 Bonds.  
3507.4 Use of data.  
3507.5 Use of surface.

#### Subpart 3507—Testing Permits—Federally Owned Mineral Deposits

##### § 3507.0-1 Purpose.

This subpart provides for issuing permits for testing Federally-owned mineral deposits subject to disposal pursuant to Parts 3500 and 3600 of this chapter, regardless of surface ownership.

##### § 3507.0-2 Objectives.

The objective of this subpart is to obtain data on the environmental, physical, and chemical characteristics of Federally owned mineral deposits and the related area and to provide interested parties with an avenue for exploratory drilling and data gathering on Federally owned mineral deposits.

##### § 3507.0-3 Authority.

The statutory authorities for issuing permits to test Federally-owned minerals under this part are contained in the Acts cited in sections 3500.0-3 and 3600.0-3 of this chapter, the Public Lands Administration Act of July 16, 1960 (43 U.S.C. 1362), and 43 U.S.C. 2 and 1201.

##### § 3507.0-4 Responsibility.

(a) Subject to the supervisory authority of the Secretary, the regulations in this subpart shall be administered by the Director, through the State Director and the authorized officer. The Bureau of Land Management (BLM) exercises at the Bureau level the Secretary's discretionary authority to determine whether or not testing permits are to be issued. The Bureau of Land Management is responsible for issuing and canceling testing permits, terminating the period of liability of bonds, and is the office of record. The appropriate surface managing agency concurs in the testing plan and adequacy of compliance with environmental terms and conditions.

(b) The Geological Survey is responsible for all geologic and engineering determinations for the Secretary.

(c) The authorized officer or other appropriate Federal surface management

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agency, after consultation with the Geological Survey and the surface owner, if other than the United States, formulates: (1) the requirements to be incorporated in the permits for the protection of the surface, mineral and nonmineral resources and for reclamation, using as guidelines the surface operating and reclamation performance standards contained in 43 CFR 3041 and in 30 CFR Part 211, and (2) the terms and conditions, including bonding requirements, required of the permittee.

(d) The Geological Survey after consultation with the authorized officer, any other appropriate Federal surface management agency, and the surface owner, if other than the United States, reviews and concurs in testing plans and recommends termination of the period of liability of the bond upon the completion of testing operations.

#### § 3507.0-5 Definitions.

As used in this subpart, the term: (a) "Mineral deposit" refers to all federally-owned mineral deposits which are subject to disposal under applicable law, except oil, gas, geothermal resources, and those held in trust for Indians. It also includes those minerals specifically stated in 43 CFR 3500 and 43 CFR 3600 including but not limited to native asphalt, solid and semi-solid bitumen and bituminous rock (including oil impregnated rock or sand from which oil is recoverable only after special treatment after the deposit is mined, including in situ mining or retorting, or quarried.) It does not include deposits subject to leasing under the Outer Continental Shelf Land Act of August 7, 1953 (43 U.S.C. 1331).

(b) "Testing" means an operation designed to obtain detailed data on the physical and chemical characteristics of mineral deposits and their environment.

(c) "Authorized officer" means any person authorized by law or by lawful delegation of authority in the Bureau of Land Management to perform the duties described.

(d) "Mining Supervisor" means the applicable Area or District Mining Supervisor of the Conservation Division, Geological Survey, or other subordinate acting under the direction of the Supervisor.

(e) "Testing plan" means a detailed plan submitted to the Mining Supervisor for approval after consultation with the authorized officer, or other appropriate Federal surface management agency before testing operations commence showing the location and type of testing work to be conducted, environmental protection procedures, present and proposed roads, as well as reclamation and abandonment procedures to be followed upon completion of such operations.

(f) "Testing permit" means a permit issued by the authorized officer to permit the testing of federally-owned mineral deposits under terms and conditions that will protect the surface and subsurface resources and the environment, and provide for the reclamation of any damage caused by such testing.

(g) "Participant" means a person who participates or shares in a testing permit.

(h) "Participate" means to have or take part or share with others in a testing permit.

(i) "Participation" means the act of sharing or partaking in a testing permit.

(j) "Privileged resource data" means that geological data, mineralogical data, geophysical data, geochemical data, and economic data including maps, that may be used to calculate reserves in place, and the cost of production, trade secrets, and commercial or financial information obtained from any person under this subpart and identified as confidential and privileged by such person shall not be available for public inspection without his consent. Environmental data shall not be considered privileged resource data.

#### § 3507.1 Lands subject to testing permit.

Testing permits may be issued for: (a) Lands subject to mineral lease or sale administered by the Secretary of the Interior;

(b) National forest lands or other lands subject to mineral lease or sale administered by the Department of Agriculture through the Forest Service; and

(c) Mineral deposits in lands which have been conveyed by the United States subject to a reservation to the United States of such mineral deposit, and such deposits are subject to lease or sale pursuant to parts 3500 and 3600 of this chapter.

#### § 3507.2 Pretesting procedures.

##### § 3507.2-1 Environmental review.

Before issuing a testing permit:

(a) The authorized officer or other appropriate surface management agency or other surface owner when appropriate, shall, using the testing plan submitted by the applicant make an environmental analysis and technical examination of the potential effect of such testing upon the resources of the area and its environment, including fish and other aquatic resources, wildlife habitats and populations, visual resources, recreation, cultural, and other resources in the affected area.

(b) If the authorized officer determines that an environmental impact statement as required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is required, he will take necessary steps to prepare such a statement.

##### § 3507.2-2 Cultural resources.

If lands listed in the National Register or nominated for inclusion in the National Register with certain cultural resources which might be affected by the issuance of testing permits, none will be authorized until compliance with Section 106 of the Historic Preservation Act (80 Stat. 917; 16 U.S.C. 470f) and Section 2 (b) of E. O. 11593 of May 13, 1971 (36 FR 8921; 16 U.S.C. 470 fn.) has been accomplished.

##### § 3507.2-3 Threatened or endangered species.

The authorized officer shall not issue a testing permit if he determines pursuant to the Act of December 28, 1973 (87 Stat. 884, 16 U.S.C. 153 et seq.), that the existence of any threatened or endangered species of fauna or flora will be jeopardized and that critical habitat will be destroyed or adversely modified to a significant degree by the testing authorized by said permit.

#### § 3507.3 Permits.

##### § 3507.3-1 Applications for permit.

(a) Testing permit applications shall be filed in accordance with the following:

(1) No specified form of application is required.

(2) Each application shall identify the tract or tracts to be tested described by legal description (or if unavailable, by metes and bounds).

(3) Each application shall contain a testing plan which must include a map or maps showing the topography of the lands to be affected, the drainage patterns, present and proposed road and trail locations, proposed test sites, and potential surface disturbance, and a narrative statement setting forth the proposed testing plan and methods for testing, the mineral or energy deposits to be tested, drilling methods, size of hole, size of core, length and size of casing, safety precautions, contingency plan for disposal of brine or other hazardous products, abandonment procedures including restoration, and a schedule of the projected time period during which the testing is to be performed, including starting and completion dates. The applicant shall not begin testing or any surface disturbance activity until an environmental analysis is accomplished and the testing plan has been approved.

(4) Each application with supporting documents shall be filed in the proper BLM Office together with a nonrefundable \$100 service charge.

(b) Any person qualified to hold leases or contracts issued pursuant to Parts 3500 and 3600 of this chapter may apply for a testing permit.

(c) Nothing in this subpart shall preclude the authorized officer from issuing a call for an expression of interest in testing permits for a given area.

(d) Applicants for permits shall be required, after approval of the plan and prior to permit issuance, to afford other parties an opportunity, on a pro rata cost sharing basis, to participate in the approved testing plan. An applicant upon notice that a permit will be issued to him, must publish a "Notice of Invitation," approved by the authorized officer, once every week for four consecutive weeks in at least one newspaper of general circulation in the area where the lands covered by the permit application are situated. This notice must contain an invitation to the public to participate in the proposed testing program. Copies of published Notices of Invitation must be filed with the authorized officer upon each

publication for posting in the proper BLM office. All persons, if any, who elect to participate in the testing program shall notify in writing the authorized officer and the applicant. The authorized officer upon the applicant's compliance with the requirements of this section, all else being regular, shall issue the testing permit.

##### § 3507.3-2 Issuance and termination of permit.

(a) General. The issuance of testing permits under this Subpart is discretionary with the authorized officer. Issuance of a testing permit does not obligate the Government to issue or conduct a lease, permit, or contract on lands covered by the permit.

(b) Duration. Testing permits may be issued for a period of time up to six months duration and shall include clean up and restoration. The authorized officer shall designate the date on which operations may begin.

(c) Extensions. Testing permits may be extended for a period not to exceed six months. Testing operations may not be conducted after a permit has expired and prior to approval of an application for an extension. The application for extension must be accompanied by a nonrefundable service charge of \$25, and must specify the additional time, not to exceed six months, needed to complete the approved testing operations, and reasons why such an extension is required.

(d) Relinquishments. A permittee may, subject to his and his surety's continued obligation to comply with the terms and conditions and special stipulations of the permit, the plan, and the regulations, relinquish a testing permit for all or any portion of the lands it embraced. A relinquishment must be filed in the proper BLM office.

(e) Cancellation. A testing permit may be canceled for noncompliance with the terms of the permit, the plan, or the regulation after the permittee has been given a notice of violation and the permittee fails to correct the violation or violations within the notice period.

(f) Testing Plan. The approved testing plan will be dated, attached and made a part of each permit issued.

(g) Modifications. When unforeseen conditions that could result in significant disturbance or damage are encountered or when geologic or other physical conditions warrant a modification in the approved testing plan, the authorized officer after consultation with the mining supervisor and other appropriate Surface Management Agency may adjust the terms and conditions of the permit or approve changes in the testing plan.

##### § 3507.3-3 Rights under permits.

The issuance of a testing permit shall convey no rights except the right to perform testing operations in accordance with the specific terms and conditions of the permit, the approved plan, special stipulations or the regulations. A permittee shall not acquire any right to a permit or lease nor to preferential treatment nor shall equities be deemed to accrue as a result of any data or information obtained and submitted as required by the permit, the approved plan or the regulations.

mittee shall not acquire any right to a permit or lease nor to preferential treatment nor shall equities be deemed to accrue as a result of any data or information obtained and submitted as required by the permit, the approved plan or the regulations.

##### § 3507.3-4 Operating regulations.

Permittee shall comply with all regulations of the Secretary of the Interior, including the provisions of the operating regulations of the Geological Survey (30 CFR 211 and 231) and all others issued pursuant thereto. Copies of the operating regulations may be obtained from the mining supervisor. Permittee shall allow inspection of the premises and operations by duly authorized representatives of the Department of the Interior, and other appropriate Surface Management Agency, and shall provide for the free ingress or egress of Government officers and for users of the lands under authority of the United States.

##### § 3507.3-5 Surface protection and reclamation.

Each permit shall contain requirements and stipulations pertaining to operations, environmental, and other resource protection, and reclamation of the land disturbed by testing as the authorized officer shall prescribe.

##### § 3507.3-6 Ground water data.

The applicant may be required to collect and report ground water data to the authorized officer.

##### § 3507.3-7 Bonds.

(a) The provisions of the regulations in Subpart 3504 of this chapter are hereby made applicable to these regulations. In addition each compliance bond will be conditioned upon faithful compliance with the regulations in this subpart and any additional terms and conditions of the permit.

(b) Prior to issuing a permit, the authorized officer, after consultation with the Mining Supervisor and other appropriate Surface Management Agency and the surface owner where appropriate, shall ensure that the amount of the compliance bond or bonds to be furnished is sufficient to insure reclamation in accordance with the performance and reclamation standards in § 3041.2-2, and with the terms and conditions of the permit.

(c) Upon completion of a testing and reclamation program which is in compliance with the terms and conditions of a testing permit, approved plan, or the regulations, or upon the discontinuance of testing operations and completion of such reclamation as may be needed to the satisfaction of the authorized officer and other appropriate Surface Management Agency and the mining supervisor the authorized officer will terminate the period of liability of the compliance bond. Where the surface of the land being tested is in private ownership, the authorized officer shall not authorize termination of the period of liability under the compliance bond until he has received written acknowledgement from the surface owner of his satisfaction with the reclamation of the surface. In the event the permittee and surface owners are unable to reach agreement on the adequacy of the permittee's reclamation effort, the authorized officer shall make the final determination. He will terminate the period of liability under the compliance bond after determining that the terms and conditions and special stipulations of the permit, the approved plan and the regulations have been met.

(d) All resource and environmental data obtained by the permittee in compliance with the terms and conditions of the permit, the plan or the regulations shall be submitted to the mining supervisor. The permittee shall submit such data and, where appropriate, the parameters under which the data were gathered, at such time and in such form as required by the mining supervisor or authorized officer, or other appropriate Surface Management Agency or specified in this subpart, the permit, or the plan. Privileged resource data which is submitted to the mining supervisor by the permittee shall be treated as confidential proprietary information for five years or until the permit lands are leased, whichever is sooner, except that due to inaction by the Government to decide to lease or sell, the time may be extended for a period of not to exceed three years unless otherwise authorized by the permittee. During this period the permittee, with concurrence of participants, may dispose of or release such privileged resource data as he may desire.

(e) Access across private lands will be provided by the Federal Government or the applicant at option of the authorized officer.

##### § 3507.5 Use of surface.

(a) A permittee shall be entitled to use for testing purposes only so much of the surface of the permitted lands as is authorized in the approved testing plan.

(b) Operations under these regulations shall not unreasonably interfere with or endanger operations under any other authorized use pursuant to the provisions of any other Act.

(c) The permittee shall not be entitled to use any mineral materials subject to the Materials Act except as provided by Part 3600 of this chapter.

(d) The permittee shall comply with all applicable State, and local regulations and standards as prescribed by the authorized officer of the surface management agency including the regulations in 43 CFR Parts 23, 3041, 3500, 3600, and 30 CFR 211 and 231.

(e) Access across private lands will be provided by the Federal Government or the applicant at option of the authorized officer.

Dated: May 19, 1976.

JACK HORTON,  
Assistant Secretary.  
[FR Doc. 76-15142 Filed 5-21-76; 8:45 am]



## PROPOSED RULES

Fish and Wildlife Service  
[ 50 CFR Part 17 ]  
**ENDANGERED AND THREATENED  
WILDLIFE AND PLANTS**  
Proposed Endangered or Threatened Status  
for 32 U.S. Snails

## Correction

In FR Doc. 76-12095 appearing at page 17742 in the issue for Wednesday, April 28, 1976, the following corrections should be made.

1. On page 17742, in the second column, third line, the entry reading "arrosa miwoka" should read "Helminthoglypta arrosa miwoka".

2. On page 17743, in the first column, third full paragraph, the last three lines should be removed, and, in their place, the first 11 lines from the second column should be inserted.

3. On page 17744, in the second column, fourth line, the word "if" should read "of".

4. On page 17746, in the second column, twelfth line, the word "restruction" should read "destruction".

5. Also on page 17746, in the second column, first full paragraph, the seventh line, which reads "destruction or modification of habitat", should be removed and in its place should be inserted "determination of Critical Habitat for".

6. In the table on page 17747, the fifteenth entry under the second column, Scientific Name, should read "Vesperiola karokorum".

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Parts 1006, 1012, and 1013 ]

[Docket Nos. AO-356-A14, AO-347-A18 and AO-286-A26]

**MILK IN THE UPPER FLORIDA, TAMPA  
BAY AND SOUTHEASTERN FLORIDA  
MARKETING AREAS**

## Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held on June 22, 1976, at the Kahler Plaza Inn, 151 East Washington Street, Orlando, Florida, beginning at 9:30 a.m., with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Upper Florida, Tampa Bay and Southeastern Florida marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY LONGLIFE DAIRY PRODUCTS COMPANY

## PROPOSAL NO. 1

Revise the provisions in the Upper Florida Order (Part 1006), the Tampa Bay Order (Part 1012), and the Southeastern Florida Order (Part 1013) to specify Class II classification, instead of Class I classification, for skim milk and butterfat disposed of as a cream product.

To this end consider—

(a) The revision of the Fluid Milk Product definition, § ----.15, in each order as follows—

§ ----.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk and flavored milk drinks (including eggnog and milk shake mix) filled milk, concentrated milk, and mixtures of sweet cream and milk or skim milk containing less than 9 percent butterfat.

(b) The revision of the Class II classification provision at § ----.40(b) (1) of each order by inserting before the phrase "sour cream," the phrase "sweet cream, sweet cream products."

The only revision of Orders 1006, 1012 and 1013 intended by this proposal is the specification of Class II classification, instead of Class I classification, for skim milk and butterfat disposed of as a cream product, and to make appropriate conforming changes in the Orders.

PROPOSED BY THE DAIRY DIVISION,  
AGRICULTURAL MARKETING SERVICE

## PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, P.O. Box 11368, Fort Lauderdale, Florida 33306, or from the Hearing Clerk, 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on:  
May 19, 1976.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Program Operations.

[FR Doc. 76-15083 Filed 5-21-76; 8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice CM-6/60]

## SHIPPING COORDINATING COMMITTEE

## Meeting

The working group on carriage of dangerous goods of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, June 15, 1976, in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to:

Discuss the U.S. position papers to be submitted at the 26th Session of the Intergovernmental Maritime Consultative Organization's (IMCO) Subcommittee on Carriage of Dangerous Goods scheduled to meet in London July 5-9, 1976.

Review amendments to the IMCO International Maritime Dangerous Goods Code (IMDG) proposed by the U.S. and other member states of IMCO which will be considered at the 26th Session of the IMCO Subcommittee on Carriage of Dangerous Goods. Discuss progress of the IMCO activities of a continuing nature such as implementation of the IMDG Code.

Requests for further information on the meeting should be directed to Captain C. E. Mathieu, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2296.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,  
Chairman,

Shipping Coordinating Committee.

MAY 14, 1976.

[FR Doc. 76-15107 Filed 5-21-76; 8:45 am]

[Public Notice CM-6/61]

## SHIPPING COORDINATING COMMITTEE

## Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 8:00 a.m. on Wednesday, June 16, 1976, in Rooms 8236 and 8238 of the Department of Transportation, 400 Seventh Street S.W., Washington, D.C.

The purpose of the meeting is to discuss:

The 15th Session of the Subcommittee on Ship Design and Equipment of the Intergovernmental Maritime Consultative Organization (IMCO) which met in London April 28-30, 1976, and the distribution of

work assignments for the 16th Session of the Subcommittee on Ship Design and Equipment tentatively scheduled to meet in London December 8-10, 1976.

Special purpose vessels including training and research vessels, mobile offshore drilling units, and offshore supply vessels.

Draft requirements for segregated ballast tankers below 150 meters in length.

Safety requirements for nuclear ships.

Code for Novel Craft.

Ship-borne barges and barge carriers.

Requests for further information on the meeting should be directed to Captain D. J. Linde, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2167.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,  
Chairman,

Shipping Coordinating Committee.

MAY 17, 1976.

[FR Doc. 76-15108 Filed 5-21-76; 8:45 am]

[Public Notice CM-6/59]

## SHIPPING COORDINATING COMMITTEE

## Meeting

The working group on fire protection of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, June 17, 1976, in Room 8334 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to:

Report results of the 18th Session of the Subcommittee on Fire Protection of the Intergovernmental Maritime Consultative Organization (IMCO) which met in London March 15-19, 1976.

Discuss preparations and requirements for the 19th Session of the IMCO Subcommittee on Fire Protection, tentatively scheduled to meet in London November 23-27, 1976, in particular, fire protection requirements for: Mobile offshore drilling units.

Tank vessels.

Vessels carrying dangerous goods.

Requests for further information on the meeting should be directed to Mr. Daniel F. Sheehan, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2197.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,  
Chairman,

Shipping Coordinating Committee.

MAY 14, 1976

[FR Doc. 76-15109 Filed 5-21-76; 8:45 am]

## DEPARTMENT OF THE TREASURY

## Office of the Secretary

**TUNERS (OF THE TYPE USED IN CONSUMER ELECTRONIC PRODUCTS) FROM JAPAN**

Tentative Determination to Modify or Revoke Dumping Finding

A finding of dumping with respect to tuners (of the type used in consumer electronic products) (hereinafter referred to as tuners) from Japan was made in Treasury Decision 70-257 which was published in the Federal Register on December 12, 1970 (35 F.R. 18914).

On April 2, 1975, this finding was modified to exclude all tuners from Japan, produced and sold by Matsushita Electric Industrial Co., Ltd., Matsushita Electric Trading Co., Ltd., and those sold by Victor Company of Japan, Ltd., by a notice published in the FEDERAL REGISTER of April 2, 1975 (40 F.R. 14591, T.D. 75-80).

After due investigation, I find that tuners produced and sold by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd., are no longer being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). The investigation indicated that with the exception of several sales for which dumping duties in a *de minimis* amount were found to accrue, all sales by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd., for a three year period have been made at not less than fair value, and assurances have been given that future sales of such tuners to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to tuners from Japan to exclude the tuners produced and sold by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., from the finding.

In accordance with section 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views of arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before June 3, 1976. Such request must be accompanied by a state-



ment outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,  
Assistant Secretary of Treasury.

MAY 18, 1976.

[FR Doc.76-15044 Filed 5-21-76;8:45 am]

#### LARGE POWER TRANSFORMERS FROM ITALY

##### Notice of Tentative Determination to Modify or Revoke Dumping Finding

A finding of dumping with respect to large power transformers from Italy was published as Treasury Decision 72-161 in the FEDERAL REGISTER of June 14, 1972 (37 FR 11772).

After due investigation, it has been determined, tentatively, that large power transformers manufactured and sold for export by Asgen Ansaldo San Giorgio Compagnia Generale S.p.A. of Genova, Italy, and Societa Nazionale delle Officine di Savigliano of Torino, Italy are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

##### Statement of Reasons on Which This Tentative Determination is Based:

The investigation indicated that no sales at less than fair value of large power transformers by Asgen Ansaldo San Giorgio Compagnia Generale S.p.A., and Societa Nazionale delle Officine di Savigliano have been made for a period of more than two years from the dumping finding. Written assurances have been given by Societa Nazionale delle Officine di Savigliano that future sales of large power transformers for export to the United States will not be made at less than fair value. Asgen Ansaldo San Giorgio Compagnia Generale S.p.A. has indicated that they no longer manufacture large power transformers for sale in any market.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to large power transformers from Italy to exclude large power transformers produced and sold for export to the United States by Asgen Ansaldo San Giorgio Compagnia Generale S.p.A. of Genova, Italy, and Societa Nazionale delle Officine di Savigliano of Torino, Italy, from the finding.

In accordance with section 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that

the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before June 23, 1976.

This notice is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

MAY 18, 1976.

DAVID R. MACDONALD,  
Assistant Secretary of Treasury.

[FR Doc.76-15044 Filed 5-21-76;8:45 am]

#### DEPARTMENT OF DEFENSE

##### Department of the Army ARMY FINANCIAL MANAGEMENT ADVISORY COMMITTEE

##### Notice of Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: Army Financial Management Advisory Committee.

Date of meeting: 15-16 June 1976.

Place: Room 2D 680, the Pentagon.  
Time: 0800-1700—15 June 1976; 0800-1500—16 June 1976.

Proposed agenda: The first day's agenda consists of the Committee's discussion and markup on the detailed report chapters and the executive summary. The second day's agenda consists of the preparation and presentation of a status report to the Secretary of the Army and the development of final changes to the report. This meeting is open to the public; however, space accommodations are limited. Persons wishing to attend, appear before, or file statements with the Committee at the time and in the manner permitted by the Committee should advise the Deputy Chairman of the Committee, in writing prior to the meeting at the following address: Office, Assistant Secretary of the Army (Financial Management), Room 2E 665, The Pentagon, Washington, DC 20310.

Dated: May 18, 1976.

By authority of the Secretary of the Army.

R. W. HAMPTON,  
Colonel, U.S. Army, Director of  
Administrative Management,  
TAGCEN.

[FR Doc.76-15098 Filed 5-21-76;8:45 am]

#### DEPARTMENT OF JUSTICE

##### Drug Enforcement Administration CONTROLLED SUBSTANCES

##### Proposed Revised Aggregate Production Quota for 1976; 2,5-Dimethoxyamphetamine

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

2,5-Dimethoxyamphetamine is a Schedule I controlled substance which has an industrial use in the photographic industry. This substance has no known medicinal use in the United States. On February 11, 1976, an aggregate production quota of 30,000,000 grams (expressed as anhydrous base) for this substance for 1976 was finalized in the Federal Register (Vol. 41, No. 6079). The extensive use of this substance in the photographic industry necessitates that DEA revise the previously established quota for this substance for 1976. Therefore, the Administrator of the Drug Enforcement Administration hereby proposes that the 1976 aggregate production quota, expressed as grams of anhydrous base, for 2,5-Dimethoxyamphetamine be revised as follows:

Basic class: Proposed revised 1976 quota  
2,5-Dimethoxyamphetamine—45,000,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in triplicate to The Administrator, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by June 25, 1976. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing which shall not be less

than 30 days after the date of publication.

Dated: May 13, 1976.

PETER B. BENSINGER,  
Administrator,  
Drug Enforcement Administration.  
[FR Doc.76-15070 Filed 5-21-76;8:45 am]

#### DEPARTMENT OF AGRICULTURE

##### Agricultural Marketing Service

[Marketing Order 905]

##### SHIPPERS ADVISORY COMMITTEE ON ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

##### Notice of Public Meeting

Pursuant to the provisions of § 10(a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A.B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m. on June 8, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: May 20, 1976.

DONALD E. WILKINSON,  
Administrator.  
[FR Doc.76-15244 Filed 5-21-76;8:45 am]

#### GRAIN STANDARDS

##### Arizona Grain Inspection Point

Statement of considerations. On April 5, 1976, there was published in the FEDERAL REGISTER (41 FR 14451) a notice announcing (1) the application of Hutson Laboratories, Yuma, Arizona, for designation to operate as an official inspection agency at Yuma, Arizona, under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)), and (2) that Agricultural Seed Laboratories, Phoenix,

Arizona, was interested in stationing a licensed sampler in the Yuma area.

Interested persons were given until May 5, 1976, to make application for designation and to submit written views and comments with respect to the application.

Comments were received from seven interested persons recommending that Hutson Laboratories be designated to operate as an official inspection agency at Yuma, Arizona. One other comment received was not relevant to the designation of an official inspection agency at Yuma, Arizona. No applications for designation were received other than the application from Hutson Laboratories, and no adverse comments on the application were received. There was no support for Agricultural Seed Laboratories to station a licensed sampler in the Yuma area.

After due consideration of all submissions made pursuant to the notice of April 5, 1976, and all other relevant matters, the Hutson Laboratories is hereby designated to operate as an official inspection agency at Yuma, Arizona.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476.)

Effective date. This notice shall become effective May 24, 1976.

Done in Washington, D.C. on May 18, 1976.

WILLIAM T. MANLEY,  
Acting Administrator.

[FR Doc.76-15065 Filed 5-21-76;8:45 am]

#### Forest Service

##### SAMUEL R. MCKELVIE NATIONAL FOREST LIVESTOCK ADVISORY BOARD

##### Meeting

The Samuel R. McKelvie National Forest Livestock Advisory Board will meet at 2:00 P.M., MDT, June 5, 1976, at the Niobrara Ranger Station, located 19 miles south of Nenzel, Nebraska.

The purpose of this meeting is to elect advisory board members and to discuss various grazing resource management practices.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533-2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the Committee, either before or after the meeting.

Dated: May 17, 1976.

JAMES A. LEES,  
Acting Forest Supervisor.

[FR Doc.76-15098 Filed 5-21-76;8:45 am]

#### DEPARTMENT OF COMMERCE

##### Office of the Secretary

[Transmittal 293; Department Organization Order 25-4B]

##### OFFICE OF MINORITY BUSINESS ENTERPRISES

##### Organization and Assignment of Function

This order effective May 9, 1976 supercedes the materials appearing at 38 FR 27430 of October 3, 1973, 38 FR 27431 of October 3, 1973, 39 FR 26768 of July 23, 1974 and 40 FR 7696 of February 21, 1975.

Section 1. Purpose.  
01 This order prescribes the organization and assignment of functions within the Office of Minority Business Enterprise ("OMBE").

02 This revision reflects a reorganization of OMBE to more effectively plan, operate, evaluate, and support the minority business enterprise program. The major changes include the abolition of the Eligibility Review Board; the establishment of a separate Congressional Affairs Staff (paragraph 4.01); retitling of Legal Staff to Chief Counsel (paragraph 4.02); the consolidation of information services functions into the Information Center (paragraph 4.03); the elimination of field coordination functions in the Field Operations and Administration Division and the retitling to the Administration Division (Section 5.); the consolidation of planning, evaluation, and research functions into a new Planning and Evaluation Division (Section 6.); and the reorientation of functions of the National Programs Division and retitling to the Program Resources Division (Section 7.).

Section 2. Organization structure.  
The principal organization structure and lines of authority shall be as depicted in the attached organization chart, Exhibit 1. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Director.

01 The Director shall formulate policies and programs for, and direct and manage all activities of, OMBE.

02 The Deputy Director shall be the principal assistant to the Director, perform the functions of the Director in the latter's absence; and carry out special top level assignments for the Director.

Section 4. Staff offices.

01 The Congressional Affairs Staff shall provide staff support to the Director in his relations with the Congress; serve as the focal point within OMBE for handling Congressional inquiries, requests for assistance and all other matters in which Congress has an interest, except the preparation and analysis of legislation directly affecting OMBE's program; and provide guidance and support to the Regional Offices and the rest of OMBE on matters of interest to the Congress. These activities shall be carried out in coordination with, and in recognition of the responsibilities of, the Department Office of Congressional Affairs.

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.02 The Chief Counsel shall provide legal support to the Director; provide legal services for all components of OMBE; and coordinate OMBE's legislative program, including the analysis of proposed legislation affecting the Federal Government's minority business enterprise program. These activities shall be carried out subject to the overall authority of the Office of the General Counsel as provided in Department Organization Order 10-6.

.03 The Information Center shall provide support to the Director in public affairs; serve as the focal point within OMBE for providing the general public with information regarding OMBE programs and activities; handle public inquiries and requests for information; provide assistance and support to the Regional Offices and the rest of OMBE in the preparation and distribution of publications, speeches, displays, and presentations; and maintain a center for the development, collection, summarization, and dissemination of information to aid persons and organizations throughout the Nation in undertaking or promoting the establishment and operation of minority business enterprises. These activities shall be carried out subject to the supervision of the Departmental Office of Communications as provided in Department Organization Order 15-3.

Section 5. Administration Division. The Administration Division, under the supervision of an Assistant Director, shall provide administrative and logistic support, including financial management, administrative services, management information, and secretariat services, to the Director and all OMBE components. More specifically, the Division shall:

- a. Prepare OMBE budgets and support the Director in budget justifications; prepare internal budgets and allocations of funds;
- b. Maintain liaison with the Departmental Office of Budget and Program Analysis on budgetary matters and with EDA and the Departmental Office of Financial Management Services on accounting matters;
- c. Prepare and monitor financial plans, coordinate financial matters with the Small Business Administration and other agencies having mutual financial interests;
- d. Coordinate personnel administration and serve as liaison with the Departmental Office of Personnel;
- e. Assist employees on travel matters and arrange for the provision of housekeeping, printing, payroll, and supply services;
- f. Provide assistance and coordination in the preparation and use of forms and reports;
- g. Maintain liaison with the Departmental Office of Administrative Services and Procurement on all services provided by that office, including procurement/contract policies and procedures;
- h. Maintain a system for the collection of program management data;
- i. Provide secretariat services to the Director and OMBE offices; and

j. Maintain the OMBE Communications System, including coordinating the preparation, clearance and dissemination of directives and manuals.

Section 6. Planning and evaluation division.

The Planning and Evaluation Division, under the supervision of an Assistant Director, shall:

- a. Develop, for the Director's approval, monitor and evaluate research projects conducted by other public or private organizations to test new ways of assisting minority entrepreneurs to overcome special problems facing minority business, or to otherwise advance minority business enterprise;
  - b. Maintain a research library relative to minority business enterprise, and maintain liaison with public and private research organizations;
  - c. Advise the Director on international or national conditions and trends that affect OMBE's mission and goals, and provide economic analyses in support of ongoing programs and activities;
  - d. Coordinate the development of annual objectives, and, upon request, assist program offices in translating goals and objectives into programs and projects;
  - e. Design overall systems for monitoring, evaluating, and reporting progress by OMBE components and funded organizations, develop measures (gross receipts, failure rates, etc.) of progress of minority business enterprises nationally, monitor overall program performance against established goals and objectives, and evaluate the impact of broadscale Federal programs to assist minority business development; and
  - f. Conduct other evaluations and special studies as directed by the Director.
- Section 7. Program Resources Division. The Program Resources Division, under the supervision of an Assistant Director, shall, on a national basis:
- a. Mobilize and generate public and private sector resources (money, markets, and management) on behalf of minority business development, and develop policies and systems to assure that these resources are deliverable and are delivered locally through the Regional Offices and their funded organizations;
  - b. Provide technical support to the Regional Offices in specialized areas, including market development, capital development, and government coordination;
  - c. Develop and maintain liaison with national organizations which contribute to the development of minority business;
  - d. Manage and evaluate those resource development projects which affect the OMBE program in more than one region;
  - e. Develop policies and systems to provide minority entrepreneurs with management education and otherwise support the management development of minority entrepreneurs;
  - f. Study the special problems of Indian entrepreneurs and business enterprises, and, in conjunction with the Bureau of Indian Affairs and other Federal agencies with Indian responsibilities, develop policies and strategies to overcome such problems; and
  - g. Support the Director and the Secretary of Commerce in their Federal coordination responsibilities; develop working relationships and agreements with other Federal departments and agencies covering their minority business activities; appraise the minority business development programs and activities of individual departments and agencies; and support the Under Secretary and the Director in the work of the Interagency Council for Minority Business Enterprise and other appropriate interagency committees and councils.

Section 8. Field structure.

The principal OMBE field structure shall consist of Regional Offices each of which shall implement the policies, programs, and projects designed to accomplish the basic OMBE mission in a specified, multistate area. The OMBE field structure shall be as depicted in the attached map (Exhibit 2). A copy of the map is on file with the original of this document in the Office of the Federal Register.

.01 Each Regional Office shall provide local support of minority business development by identifying and developing local sources of financial, marketing, management, and technical assistance; by mobilizing local private sector resources; by coordinating the local delivery of the resources identified and developed by the Program Resources Division; by coordinating specific Federal support regionally; by mobilizing State and local government support; by carrying out special activities such as seminars and training; and by monitoring and evaluating the contractors and grantees that provide specified assistance to minority businesses (except those research or multi-regional contracts and grants monitored and evaluated by the Planning and Evaluation Division or the Program Resources Division).

.02 Each Regional Office shall be headed by a Regional Director and Deputy Director who shall have staff support in their planning, evaluation, and general administration responsibilities. The Regional Staff shall be divided into program generalists and technical specialists. Each generalist shall be accountable for the accomplishment of overall goals and objectives in a given segment of the Region. The technical specialists shall provide Region-wide support to the Regional Director, Deputy Director and to the generalists in specialized areas, such as market development, capital development and inter-agency coordination.

ALEX ARMINDARN,  
Director, Office of  
Minority Business Enterprise.

Approved: E. KASPUTYS,  
Assistant Secretary  
for Administration.

[FR Doc.76-15045 Filed 5-21-76; 8:45 am]

# COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Friday, July 16, 1976, at 9:00 a.m. in Room 3814B, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total system performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

## GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Performance measurement of peripheral equipment as part of computer systems.

## EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register (40 FR 56960, appearing in the issue of December 5, 1975).

Dated: May 18, 1976.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-15116 Filed 5-21-76; 8:45 am]

# Domestic and International Business Administration COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Thursday, July 15, 1976, at 9:30 a.m. in Room 3814B, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to

Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration approved the reestablishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has five parts:

## GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Nomination and election of a new Subcommittee Chairman.
- (4) Completion of outline of the work program on software and discussion on how assignments will be made.

## EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon



written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 F.R. 56960 appearing in the issue of December 5, 1975).

Dated: May 18, 1976.

**RAUER H. MEYER,**  
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc. 76-15045 Filed 5-21-76; 8:45 am]

#### NORTH CAROLINA STATE UNIVERSITY Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 14, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00398. Applicant: North Carolina State University, Geosciences Department, Withers Hall, Raleigh, NC 27607. Article: Deep Sea Reversing Thermometers & Case. Manufacturer: Watanabe Keiki Manufacturing Co. Ltd., Japan. Intended use of article: The article is intended to be used to measure and record deep ocean water temperatures and, in addition, provide the means by which the depth of measurement can be determined. Application received by Commissioner of Customs: May 6, 1976.

Docket number: 76-00399. Applicant: North Carolina State University, Geo-

sciences Department, Withers Hall, Raleigh, NC 27607. Article: Deep Sea Reversing Thermometers & Case. Manufacturer: Watanabe Keiki Manufacturing Co. Ltd. Intended use of article: The article is intended to be used to measure and record deep ocean water temperatures and, in addition, provide the means by which the depth of measurement can be determined. Application received by Commissioner of Customs: May 6, 1976.

Docket number: 76-00400. Applicant: North Carolina State University, Geosciences Department, Withers Hall, Raleigh, NC 27607. Article: Deep Sea Reversing Thermometers & Case. Manufacturer: Watanabe Keiki Manufacturing Co. Ltd. Intended use of article: The article is intended to be used to measure and record deep ocean water temperatures and, in addition, provide the means by which the depth of measurement can be determined. Application received by Commissioner of Customs: May 6, 1976.

Docket number: 76-00401. Applicant: Washington University School of Medicine, 660 South Euclid Avenue, St. Louis, Missouri 63110. Article: Electron Microscope, Model EM 201C and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for investigations of animal cells and viruses used in the studies of cancer. Varied experiments to be conducted will include: the study of the mechanisms and effects of viral DNA integration into the host cell genome, the role of various types of viral particles in oncogenesis. In addition, the article will be used in the detection of viruses in cells and tissues derived from patients with malignant tumors. These experiments will be carried out to increase the basic knowledge and understanding of the ultrastructural morphology of cancer cells and tissues, and the mechanism(s) and role(s) viruses have in the cancer process. In addition, the article will be used for training faculty and graduate students in electron microscopy. Application received by Commissioner of Customs: May 6, 1976.

Docket number: 76-00402. Applicant: Brigham Young University, Purchasing Department, Provo, Utah 84601. Article: Electron Microscope, Model EM 400 with an eucentric goniometer stage (high tilt). Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to examine materials at low, intermediate and high magnifications, to investigate freeze-etch replicas at various magnifications, to examine thick specimens, to examine stereo pairs of various kinds of tissue with both freeze-etch and thin section preparations, for various applications of histochemistry at various magnifications, to examine thick specimens, and to apply analytical electron microscopy to various tissue systems and in particulate investigations. Specific projects include the following:

Elemental Analysis of Teliospores of *Smut* Fungus.

Investigations of stereo pairs of biological materials.  
Recombination of particles which constitute the photosynthetic apparatus.  
Intracellular distribution of trace metals in higher plants.  
Analysis of air particulates.

In addition, the article will be used for educational purposes in the following courses:

- 621 Electron Microscopy—to teach students principles of specimen preparation and handling and electron optics.
- 622 Electron Microscopy Laboratory—practical application of principles learned in 621.
- 526 Cell Biology—to teach principles of molecular physiology and ultrastructure of cells, with emphasis upon eucaryotic organisms.

Application received by Commissioner of Customs: May 6, 1976.

Docket number: 76-00403. Applicant: St. Luke's Hospital, 4401 Wornall Road, Kansas City, Missouri 64111. Article: Electron Microscope, Model HS-9 and accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used to identify characteristic cellular organelles in studies of the correlation of ultrastructure and function in human neuroendocrine neoplasms and the ultrastructural changes in human glomerular disease which may have value in predicting which diseases will progress to chronicity. The article will also be used to demonstrate the presence and distribution of immune complexes in glomeruli in human glomerulo-nephritis. Early membranous nephropathy and amyloidosis will be studied in an attempt to determine if therapy instituted before the diagnosis can be made by conventional light microscopy favorably alters the course of the disease. In addition, the article will be used for residency training in pathology, graduate program in medical technology. Application received by Commissioner of Customs: May 6, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**RICHARD M. SEPPA,**  
Director,  
Special Import Programs Division.  
[FR Doc. 76-15046 Filed 5-21-76; 8:45 am]

#### SOUTH MIAMI HOSPITAL

##### Consolidated Decision on Applications Duty Free Entry of EMI Scanners

The following is a consolidated decision on applications for duty-free entry of EMI Scanners pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Im-

port Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00308. Applicant: South Miami Hospital, 7400 S.W. 62 Avenue, South Miami, Florida 33143. Article: EMI Scanner System. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used in an investigation of diagnosis of brain pathology from conventional invasive techniques compared with those made by non-invasive computerized scanning. This research has the following objectives:

(1) To determine the circumstances under which computerized scanning can replace conventional techniques with equal or better diagnostic results.

(2) To determine the circumstances under which computerized scanning can effectively act as a screening procedure for conventional techniques.

(3) To identify information available from computerized scanning not available from conventional sources, or available in a manner that would make the system more desirable. Application received by Commissioner of Customs: February 24, 1976. Advice submitted by the Department of Health, Education, and Welfare on: May 4, 1976. Article ordered: June 19, 1974.

Docket number: 76-00320. Applicant: C. S. Wilson Memorial Hospital (Chandler Leasing Div. PepsiCo Corp.), 33-57 Harrison Street, Johnson City, New York 13790. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies related to the circulation in the brain. Application received by Commissioner of Customs: March 5, 1976. Advice submitted by the Department of Health, Education, and Welfare on: May 5, 1976. Article ordered: September 4, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the articles were ordered. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being

manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**RICHARD M. SEPPA,**  
Director,  
Special Import Programs Division.  
[FR Doc. 76-15048 Filed 5-21-76; 8:45 am]

#### UNIVERSITY OF HOUSTON

##### Consolidated Decision on Applications Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number 76-00305. Applicant: University of Houston, Facilities Planning & Construction, 4311 Elgin Street, Houston, Texas 77004. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for advanced research in the anatomy of the visual system, including the retina, ocular adnexa, optic nerves, optic tracts, and visual centers in the brain, and in other life sciences studies. Other studies will be carried out on the effects of ultraviolet radiant energy on the cornea and the lens. The critical phase of energy versus morphological cellular changes induced by the energy will be determined. Application received by Commissioner of Customs: February 24, 1976. Advice submitted by the Department of Health, Education, and Welfare on: May 4, 1976. Article ordered: November 17, 1975.

Docket number: 76-00314. Applicant: University of Arkansas Medical Center, Department of Pathology, 4301 West Markham Street, Little Rock, Arkansas 72201. Article: Electron Microscope, Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to study primarily parathyroid, skin and bone. In addition, to studying the normal ultrastructure, it is planned to study the fate and distribution of ionic materials

in the tissue. Among the elements to be studied are calcium, phosphorous, cobalt, and lead. Experiments will be conducted to provide a better understanding of the mechanisms of control of protein synthesis and secretion in the parathyroid glands. Comparisons will be made with the control of synthesis of the specialized proteins of the epidermis and hair. Graduate students and postdoctoral fellows will use the article as part of their theses or research projects. The article will also be used to train graduate students and postdoctoral trainees in the use of electron microscope as a tool of experimental pathology. Application received by Commissioner of Customs: March 1, 1976. Advice submitted by the Department of Health, Education, and Welfare on: May 5, 1976. Article ordered: August 1, 1975.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU-4C electron microscope which was formerly produced by the Forgglo Corporation and which is currently supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**RICHARD M. SEPPA,**  
Director,  
Special Import Programs Division.  
[FR Doc. 76-15047 Filed 5-21-76; 8:45 am]

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## YALE UNIVERSITY

## Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1986 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00303. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section materials for high resolution light and electron microscopic examination of kidney tubules from rats and kidney tubules and urinary bladders of several species of amphibians and several species of fish. The structural characteristics of various transporting epithelial will be studied in a variety of normal and pathologic states and it is intended to correlate the structure with function at the cellular level and approach renal physiology and pathology from an integrated standpoint. The article will also be used in the postgraduate training of pathologists, physiologists and cell biologists preparing for a career in the investigation of transporting epithelia.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69-00865-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No.

70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of May 4, 1976 that cutting speeds in the excess of 4 mm/sec. are pertinent to the the applicant's research studies.

We therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,

Director,  
Special Import Programs Division.

[FR Doc. 76-15049 Filed 5-21-76; 8:45 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

## Office of Education

COMMITTEE ON PROGRAM PLANNING  
AND DEVELOPMENT OF THE NATIONAL  
ADVISORY COUNCIL ON ADULT EDUCATION

## Meeting

Notice of Public Meeting of the Committee on Program Planning and Development of the National Advisory Council on Adult Education.

Notice of Public Meeting of the Committee on Program Planning and Development of the National Advisory Council on Adult Education.

Notice is hereby given, pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the Committee on Program Planning and Development of the National Advisory Council on Adult Education will meet on June 11, 1976, from 9:30 a.m. to 4:30 p.m., Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect

to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public, however, because of limited space in the Council offices, interested persons wanting to attend must contact, in writing, the Executive Director. The proposed agenda includes:

Review of congressional action on the Lifelong Learning Bill.

Revisions to the Council's Lifelong Learning Position Paper.

Continued development of adult education terminology.

Committee recommendations for FY-77.

Records shall be kept of the Committee proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20004).

Signed at Washington, D.C. on May 18, 1976.

GARY A. EYRE,  
Executive Director, National  
Advisory Council on Adult  
Education.

[FR Doc. 76-15110 Filed 5-21-76; 8:45 am]

NATIONAL ADVISORY COUNCIL ON  
VOCATIONAL EDUCATION

## 1975 Annual Report on Closed Meetings

April 30, 1975—The purpose of this meeting was to discuss personnel matters and documents which, if open to the public, would have constituted a clearly unwarranted invasion of personal privacy. Results of meeting: No action taken.

August 25-26, 1975—The purpose of this meeting was to discuss personnel matters and documents which, if open to the public, would have constituted a clearly unwarranted invasion of personal privacy. Results of meeting: Considered Staff reorganization and defined the qualifications sought by the Council for the vacant position of Executive Director.

September 4-5, 1975—The purpose of this meeting was to review and discuss applications for the Executive Director Staff vacancy, and documents were presented which, if open to the public, would have constituted a clearly unwarranted invasion of personal privacy. Results of meeting: Discussed qualifications of applicants and narrowed the field to ten applicants.

October 16, 1975—The purpose of this meeting was to interview applicants for the Executive Director Staff vacancy and documents were presented which, if open to the public, would have constituted a clearly unwarranted invasion of personal privacy. Results of meeting: Selected Reginald E. Petty as Executive Director by unanimous vote of the Council.

Copies of this Report are available from the National Advisory Council on Vocational Education.

REGINALD PETTY,  
Executive Director.

[FR Doc. 76-15099 Filed 5-21-76; 8:45 am]

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT

[Docket No. D-76-432]

ACTING REGIONAL ADMINISTRATOR,  
REGION IV (ATLANTA)

## Designation

The employees appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Administrator, with all powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Community Planning and Development.
4. Assistant Regional Administrator for Housing Production and Mortgage Credit.
5. Assistant Regional Administrator for Housing Management.
6. Assistant Regional Administrator for Equal Opportunity.
7. Regional Counsel.

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Dept. Interim Order II (31 FR 815, January 21, 1966).)

This designation supersedes the designation effective August 7, 1975 (40 FR 42234, September 11, 1975).

Effective date: This designation is effective March 15, 1976.

E. LAMAR SEALS,  
Regional Administrator,  
Region IV (Atlanta).

[FR Doc. 76-15075 Filed 5-21-76; 8:45 am]

[Docket No. D-76-430]

ACTING REGIONAL ADMINISTRATOR,  
REGION V (CHICAGO)

## Designation

The officers appointed to the following listed positions are hereby designated to serve as Acting Regional Administrator during the absence of both the Regional Administrator and the Deputy Regional Administrator, with all the powers, functions and duties redelegated or assigned

to both the Regional Administrator and the Deputy Regional Administrator, provided that no officer is authorized to serve as Acting Regional Administrator unless all other officers whose title precede his in this designation are unable to act by reason of absence:

1. Assistant Regional Administrator for Administration.
2. Assistant Regional Administrator for Community Planning and Development.
3. Assistant Regional Administrator for Housing Production and Mortgage Credit.
4. Assistant Regional Administrator for Equal Opportunity.
5. Assistant Regional Administrator for Housing Management.
6. Regional Counsel.

This designation supersedes the designation effective October 1, 1971, (37 FR 1130, January 25, 1972).

Effective date: The effective date of this designation is December 1, 1975.

DON MORROW,  
Regional Administrator,  
Region V (Chicago).

[FR Doc. 76-15074 Filed 5-21-76; 8:45 am]

DEPARTMENT OF  
TRANSPORTATION

## Coast Guard

[CGD 76-089]

PROPOSED BRIDGE ACROSS OAK ISLAND  
CANAL BETWEEN OAK ISLAND AND  
LONG ISLAND, FOLLY BEACH, SOUTH  
CAROLINA

## Public Hearing

The Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District, Tuesday, June 22, 1976, 7:30 p.m., James Island High School, 1825 Camp Road, Charleston, South Carolina. This hearing is being held under the provisions of a Temporary Restraining Order of the U.S. District Court for the District of South Carolina, Charleston Division (Civil Action No. 76-358, dated March 9, 1976). This Order is in effect until the Coast Guard holds the public hearing and completes an Environmental Impact Statement (EIS) or makes a showing that an EIS is not necessary.

The plans approved by the Bridge Permit (P158-75) are for a single lane fixed bridge to be constructed mainly upon an existing abandoned deteriorated bridge fill formerly used by the now relocated Folly Road. The plans provide for a minimum vertical clearance of 14.2 feet above mean high water and 19.4 feet above mean low water. The minimum horizontal clearance normal to the axis of the channel is 29 feet.

The general basis for the complaint leading to the Order is that the bridge would lead to extensive residential and commercial developments on Long Island, including many condominiums, a golf course, and a marina. The Court states that the Coast Guard should consider these potential developments in an EIS as having a significant impact upon the human environment, or otherwise

show that the Coast Guard has fully complied with the provisions of the National Environmental Policy Act of 1969.

Interested persons may present comments orally or in writing concerning any matter relevant to the bridge project, especially comments on the environmental impact of the bridge and the potential development of Long Island. Information is desired concerning local land use zoning, community land use planning, both short and long-range. State and local law regulating such a development, extent of potential development such as population density, number of residential units allowable, and adequacy of the proposed bridge for such a development.

The hearing will be informal. A Coast Guard representative will preside at the hearing, will make a brief opening statement describing the proposed bridge, and will announce the procedures for the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District, Federal Building, 51 S.W. First Avenue, Miami, Florida 33130, by June 18, 1976. This notification should include the approximate time required to make the presentation. A transcript of the hearing may be purchased by the public. Interested persons who are unable to attend this hearing may also participate in the consideration of this bridge permit application by submitting their comments in writing before July 16, 1976 to the Commander (oan), Seventh Coast Guard District. Each comment should state the reasons for any objections, comments, or proposed changes to the plans and the name and address of the person or organization submitting the comment.

Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Seventh Coast Guard District. All comments received will be considered before final action is taken on the proposed bridge permit application. After the time period for the submission of comments, the Commander, Seventh Coast Guard District, will forward the record, including all written comments and his recommendations, to the Commandant, U.S. Coast Guard, Washington, D.C. 20590.

(Section 502, 60 Stat. 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g) (6) (c); 49 CFR 1.46(c) (10).)

Dated: May 19, 1976.

D. J. RILEY,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Marine  
Environment and Systems.

[FR Doc. 76-15223 Filed 5-21-76; 8:45 am]

[CGD 76-090]

PROPOSED MODIFICATION TO A BRIDGE  
ACROSS KIAWAH RIVER BETWEEN SEA-  
BROOK AND KIAWAH ISLANDS IN  
CHARLESTON COUNTY, SOUTH CARO-  
LINA

## Public Hearing

The Commandant has authorized a public hearing to be held by the Com-



mander, Seventh Coast Guard District, Wednesday, June 23, 1976, 7:30 p.m., St. Johns High School, Johns Island, South Carolina. The purpose of the hearing is to consider the application from the Coastal Shores Incorporated for a permit to modify a fixed highway bridge across the Kiawah River between Seabrook and Kiawah Islands in Charleston County, South Carolina.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed bridge modification, and announce the procedures for the hearing. All interested persons may comment orally or in writing. Each person who wishes to make an oral statement should notify the Command (oan), Seventh Coast Guard District, Federal Building, 51 S. W. First Avenue, Miami, Florida 33130, by June 18, 1976. This notification should include the approximate time required to make the presentation. A transcript of the hearing may be purchased by the public. Interested persons who are unable to attend this hearing may also participate in the consideration of this bridge permit application by submitting their comments in writing before July 16, 1976, to the Commander (oan), Seventh Coast Guard District. Each comment should state the reasons for any objections, comments, or proposed changes to the plans and the name and address of the person or organization submitting the comment.

Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Seventh Coast Guard District. All comments received will be considered before final action is taken on the proposed bridge permit application. After the time period for the submission of comments, the Commander, Seventh Coast Guard District, will forward the record, including all written comments and his recommendations, to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The Commandant will make the final determination of the bridge permit.

(Section 502, 60 Stat. 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g) (6) (c); 49 CFR 1.46(c) (1).)

Dated: May 19, 1976.

D. J. RILEY,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Marine  
Environment and Systems.

**Federal Railroad Administration  
RAILROAD OPERATING RULES  
ADVISORY COMMITTEE  
Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Tuesday, June 8, and Wednesday, June 9, 1976, in Kansas City, Missouri, at 9:00

a.m. each day at the Federal Building, 911 Walnut Street, Kansas City, Missouri.

The Committee was established to provide advice to the Federal Railroad Administration (FRA) concerning solutions to problem areas involving the operating rules of the nation's railroads.

This meeting is being held in Kansas City in keeping with the FRA's policy of scheduling Advisory Committee meetings at locations throughout the country so as to facilitate public participation by railroad labor and management personnel and other interested persons. The agenda for this meeting will include a discussion of the development of a book of rules governing operations within the Kansas City terminal area, and a discussion of problems involved in the operation of track cars and possible rules to address them.

The entire meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of Chief Counsel, Federal Railroad Administration, (202) 426-8220, at least five days prior to the meeting, if possible, and reasonable provision will be made for their appearance on the agenda.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

Issued in Washington, D.C. on May 18, 1976.

BRUCE M. FLOHR,  
Deputy Administrator,  
Committee Chairman.

[FR Doc.76-15072 Filed 5-21-76; 8:45 am]

**National Highway Traffic Safety  
Administration  
AMERICAN-COLEMAN CO. ET AL.  
Denials of Petitions**

This notice sets forth the reasons for denial of three petitions for rulemaking to initiate or amend Federal motor vehicle safety standards promulgated under authority of § 103 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391 et seq.). This notice is published in accordance with § 124 of the Act, which provides that the National Highway Traffic Safety Administration must grant or deny such petitions within 120 days, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124(d)).

*The American-Coleman Company* (January 31, 1976). Petition to amend Standard No. 121, *Air Brake Systems*, to exclude trucks equipped with a steerable

drive axle of more than 8,000 pounds gross axle weight rating from stopping distance, lane-holding, and "no lock-up" requirements until September 1, 1977. American-Coleman's petition was denied because the agency has found that anti-lock systems used in satisfaction of the standard's requirements are reliable, and that the accident record of the class of vehicles regulated by the standard justifies regulation of their braking systems.

*Mr. Lawrence MacEachern* (January 14, 1976). Petition to amend Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to substitute Society of Automotive Engineers (SAE) Standard J584b (December 1971) for SAE Standard J584 (April 1964) as the referenced standard on motorcycle headlamps. Mr. MacEachern's petition was denied because substitution would not be wholly responsive to the cited problem, and because several major differences between the two SAE standards would prevent adoption of the J584b standard in its entirety.

*Perry A. Sperber, M.D.* (December 29, 1975). Petition to initiate rulemaking to establish a standard to require motor vehicle manufacturers to equip passenger car doors with hold-open features. Dr. Sperber's petition was denied because the agency could not find data indicating a substantial incidence of injuries attributable to the absence of hold-open devices, and because the devices are already commonly available as an option in most passenger cars.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on May 17, 1976.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.76-14878 Filed 5-21-76; 8:45 am]

[Docket No. EX78-3; Notice 1]

**WAYNE CORP.**

**Petition for Temporary Exemption From  
Federal Motor Vehicle Safety Standard**

Wayne Corporation, through its Miller-Meteor Division of Piqua, Ohio, has petitioned for a 2-year exemption from Motor Vehicle Safety Standard No. 301-75, *Fuel System Integrity*, on the basis that to test for compliance would cause it substantial economic hardship.

Miller-Meteor is a final-stage manufacturer of multi-purpose passenger vehicles, specifically funeral coaches and ambulances which are mounted on commercial chassis supplied by Cadillac Division of General Motors Corporation. In the 12-month period March 1, 1975 through February 29, 1976, Miller-Meteor produced 551 such vehicles. In the same period Wayne produced approximately 5700 additional motor vehicles, primarily school buses, and specialized vehicles manufactured under contract. As required by 49 CFR Part

568, *Vehicles Manufactured in Two or More Stages*, General Motors as the manufacturer of an incomplete vehicle furnishes with each chassis information that the final-stage manufacturer, Miller-Meteor, may use to complete the vehicle so that it meets, and may be certified as meeting, all applicable Federal motor vehicle safety standards. On and after September 1, 1976, Standard No. 301-75 will apply to multi-purpose passenger vehicles including petitioner's products, and Cadillac has informed the petitioner that it will make no representation as to conformity with Standard No. 301 as compliance with it is not substantially determined by design of the incomplete vehicle. Petitioner has submitted itemized lists of compliance test programs for its vehicles based upon frontal barrier impact tests, estimating the cost of the 1977 model test program at \$148,000, and the 1978 model test program at \$71,700. It anticipates that modification in the body side and wheelhouse areas, and the "addition of deflection members, isolation plates and protective cages" will be required to effect compliance by September 1, 1978. To require compliance with Standard No. 301 in advance of that time would add over \$1,000 to the cost of an ambulance and in excess of \$600 to the price of a hearse. The company anticipates retail price increases of 15 to 20 percent for its 1977 models, without including any 301 conformance costs. Although Wayne Corporation had a net profit of \$2,992,000 before taxes in 1975, the Miller-Meteor Division had a net loss of \$461,000, and projects a further net loss of \$351,000 in 1976. The company argues that an exemption is in the public interest and consistent with traffic safety objectives since it provides employment in an economically troubled geographic area and only a small number of vehicles are involved.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition. Interested persons are invited to submit comments on the petition for exemption of Wayne Corporation. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted. All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final

action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: June 23, 1976.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on May 17, 1976.

ROBERT L. CARTER,  
Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.76-14877 Filed 5-21-76; 8:45 am]

**EFFECT OF CATALYTIC CONVERTERS  
ON MOTOR VEHICLE SAFETY**

**Postponement of Public Meeting**

The purpose of this notice is to postpone indefinitely the public meeting scheduled for May 26, 1976, to gather information on the performance of catalytic converters as it relates to motor vehicle safety.

The National Highway Traffic Safety Administration announced in an April 29, 1976, FEDERAL REGISTER notice (41 F.R. 17958) the scheduling of a public meeting that would provide a forum for all interested persons to present information and views on the susceptibility of catalytic converters to significant overheating and fires, and the need, or lack of need, for rulemaking or other action. The NHTSA and the Environmental Protection Agency had perceived a possible relationship between motor vehicle fires and the performance of the catalytic converter when certain vehicle systems were not operating properly.

Although a number of manufacturers have expressed an interest in attending the public meeting, only General Motors and Ford have requested time for making formal presentations. Both G.M. and Ford informed the agency that the contents of their presentations would not differ from the information they have already placed in the public docket.

Due to the lack of requests for time to formally present views and information at the public meeting, the NHTSA has determined that the May 26, 1976, meeting should not be held as scheduled. The public docket will remain open and continue to receive submissions on the subject described. If and when further interest in a public meeting is expressed, the agency will take steps to reschedule the gathering.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.61.)

Issued: May 19, 1976.

JAMES B. GREGORY,  
Administrator.

[FR Doc.76-15087 Filed 5-19-76; 2:43 pm]

**DELAWARE RIVER BASIN  
COMMISSION  
PUBLIC HEARING**

Notice is hereby given that the Delaware River Basin Commission will hold

a public hearing on Wednesday, June 2, 1976, commencing at 2 p.m. The hearing will be held in the main conference room of the Commission headquarters building 25 State Police Drive, West Trenton. The subject of the hearing will be as follows:

A. Application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals to Section 3.8 of the Compact:

1. *Township of Voorhees (D-76-18 CP)*. Expansion of the Ossage sewage treatment plant in Voorhees Township, Camden County, N.J. Capacity of the treatment plant will be increased to 1.2 million gallons per day. Removal of 92.5 percent BOD<sub>5</sub> will be provided. Treated effluent will discharge to Cooper River.

2. *Camelback Ski Corp. (D-76-38 CP)*. Expansion of the sewage treatment plant at the Camelback ski area in Pocono Township, Monroe County, Pa. Capacity of the treatment facility will be increased to 140,000 gallons per day. Approximately 96 percent of BOD<sub>5</sub> and 92 percent of suspended solids will be removed from the sewerage flow. Treated effluent will discharge to an unnamed tributary of Pocono Creek, a tributary to McMichael Creek.

3. *Warminster Township Municipal Authority (D-75-113 CP)*. Rerating of the Authority's sewage treatment plant in Warminster Township, Bucks County Pa. The facility is designed to treat a sewage flow of 4.6 million gallons per day and provide removal of 96 percent of BOD<sub>5</sub> and 90 percent of suspended solids. Treated effluent will discharge to Little Neshaminy Creek.

4. *Artesian Water Co. (D-76-44 CP)*. A well water supply project to augment public water supplies in the company's service area of New Castle County, Delaware. Designated as Moore's Farm Well No. 7, the new facility is expected to yield 720,000 gallons per day and will serve the Interstate Route 1-95 and U.S. Route 40 corridor area in New Castle County.

5. *Slauffer Chemical Co. (D-76-28)*. Expansion of the industrial wastewater treatment facilities at the company's plant in Delaware City, New Castle County, Del. Capacity of the treatment plant will be increased to 1.05 million gallons per day. Approximately 88 percent of BOD<sub>5</sub> and 90 percent of suspended solids will be removed from the wastewater flow. Treated effluent will discharge to the Delaware River.

6. *South Jersey Terminal Corp. (D-75-108)*. Modification to the company's docking facilities in Pennsauken Township, Camden County, N.J. Additional mooring facilities will be provided.

B. Application for a water quality certification of the following projects pursuant to Section 401 of the Federal Water Pollution Control Act:

1. *Pennsylvania Department of Transportation (D-76-41)*. Construction of box culverts and channel realignment on Poquessing Creek and Byberry Creek in Philadelphia and Montgomery Counties, Pa. The construction work is incident to the extension of the Woodhaven Road Expressway in northeast Philadelphia to Byberry Road and Philmont Avenue.

2. *Pennsylvania Department of Transportation (D-76-42)*. Replacement of Pennsylvania Route 232 bridge over Neshaminy Creek in Northampton and Wrightstown Townships, Bucks County, Pa.

3. *Scott Paper Co. (D-68-152)*. An existing dike and fill project at the company's plant in Eddystone Borough, Delaware County, Pa.



Documents relating to the items listed above on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: May 14, 1976.

W. BRINTON WHITALL,  
Secretary.

[FR Doc. 76-15047 Filed 5-21-76; 8:45 am]

# ENVIRONMENTAL PROTECTION AGENCY

[FRL 547-4; PP5G1617/T57]

MOBAY CHEMICAL CORP.

## Notice of Extension of a Temporary Tolerance

On September 9, 1975, the Environmental Protection Agency (EPA) announced (40 FR 41834) that in response to a pesticide petition (PP5G1617) submitted by Mobay Chemical Corp., Chemagro Agricultural Div., PO Box 4913, Kansas City, MO 64120, a temporary tolerance was established for residues of the fungicide O-ethyl S,S-diphenyl phosphorodithioate in or on the raw agricultural commodity rice grain at 0.1 part per million (ppm).

Chemagro Agricultural Div. has subsequently requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of rice grain treated in accordance with an experimental use permit that is to be extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that an extension of the temporary tolerance will protect the public health, and it is concluded, therefore, that the temporary tolerance should be extended on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Chemagro Agricultural Div. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

3. Rice straw treated under this experimental program must not be used for feed purposes. The rice straw must remain in the field and be plowed under.

This temporary tolerance expires May 13, 1977. Residues not in excess of 0.1 ppm remaining in or on rice grain after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and the

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temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. (Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: May 13, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.

[FR Doc. 76-14986 Filed 5-21-76; 8:45 am]

## STATE OF TENNESSEE

### Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171 (39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Ray Blanton, Governor of the State of Tennessee, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being requested pending promulgation of additional regulations under authority of Tennessee Code Annotated 62-2101, et seq. Copies of the current laws and regulations are attached to the Plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IV, to approve this Plan on a contingency basis.

A summary of this plan follows: The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

Tennessee Department of Agriculture, Ellington Agricultural Center, Nashville, Tennessee 37204, (Plant Industries Division, (615) 741-1551).  
Room 110, 1421 Peachtree St., N.E., Atlanta, Georgia 30309, (Pesticide Branch, Air & Hazardous Materials Division, EPA, Region IV, (404) 526-3222).  
Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (Federal Register Section, Technical Services Division, (WH-569), Office of Pesticide Programs, EPA (202) 755-4854).

### SUMMARY OF TENNESSEE STATE PLAN

The Plant Industries Division, Tennessee Department of Agriculture has been designated as the state lead agency for the administration of the Pesticide Applicator Certification Program including enforcement activities. The Division will be supported by the Pest Control Licensing and Advisory Board which was created under authority of TCA 62-2105 and 62-2106, the Tennessee Pest Control Operators Act of 1975.

This Board meets quarterly and among other functions advises the department as to the promulgation of rules and reg-

ulations. The make up of the Board is listed in the State Plan.

Cooperating agencies include the State Cooperative Extension Service and the Tennessee Department of Public Health. The Tennessee Cooperative Extension Service will be responsible for conducting a comprehensive training program for commercial and private applicators. The lead agency in cooperation with the Tennessee Department of Public Health and Cooperative Extension Service will conduct an extensive publicity program in order that all affected citizens of Tennessee will be aware of the training and certification requirements.

Legal authority for Tennessee's certification program is contained in the following laws:

1. Tennessee Pest Control Operators Act of 1975.
2. Tennessee Insecticide, Fungicide, and Rodenticide Law (Pesticide Act).
3. Tennessee Commercial Aerial Applicators Act of 1974.

Copies of the above laws are attached to the Plan. Regardless of which law an applicator is certified under, he will be subject to the same standards, testing, record keeping provisions, criminal prohibitions and other requirements which Federal Regulations require.

The Plan indicates that the state lead agency and cooperating agencies have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding in support of or generated by this program for the fiscal year 1976 is \$226,078.

The state estimates that 3,281 commercial applicators and 50,000 private applicators will need to be certified. Certification credentials for certified applicators will be supplied in the form of a wallet size card identifying the applicator and indicating whether certification is limited or covers all restricted-use pesticides.

An annual report will be submitted to EPA by the state lead agency on or before July 31 of each year and special reports as required.

The commercial applicator categories proposed are those which are listed in 40 CFR 171.3. No new categories are proposed. New subcategories proposed are as follows:

- (1) Agricultural Pest Control.
- (i) Plant.
- (a) Consulting Entomologist.
- (b) Aerial Applicator—general.
- (c) Weed Control—agricultural.
- (d) Agricultural—ground equipment.
- (e) Fumigation—agriculture.
- (f) Fumigation—non-restricted.
- (ii) Animal.
- (a) Consulting Entomologist.
- (2) Forest Pest Control.
- (a) Consulting Entomologist.
- (b) Aerial Application—general.
- (3) Ornamental & Turf Pest Control.
- (a) Consulting Entomologist.
- (b) Horticultural.
- (c) Lawn & Turf Management.
- (4) Aquatic Pest Control.
- (a) Consulting Entomologist.
- (b) Aerial Application—general and her-

bicide.

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- (5) Right-of-Way Pest Control.
- (a) Aerial Application—herbicide.
- (b) Weed Control Right-of-Way and Industrial.
- (6) Industrial, Institutional, Structural and Health Related Pest Control.
- (a) Wood Destroying Organisms.
- (b) General Pest Control and Rodent Control (Household and Commercial).
- (c) General Pest Control and Rodent Control (Non-restricted).
- (d) Bird Control.
- (e) Fumigation (Non-restricted).
- (f) Fumigation (Structural and Commercial).
- (g) Weed Control (Rights-of-Way and Industrial).
- (h) Consulting Entomologist.

The Tennessee laws establish two categories of commercial applicators: a licensed certified commercial applicator category which is now in effect, and a non-licensed certified commercial applicator. The persons (including but not limited to officials or employees of Federal, State or local governments) that are non-licensed certified commercial applicators shall not apply pesticides for a fee.

As provided for in 40 CFR 171.7(e)(3), Tennessee has requested that EPA evaluate the existing licensing program for the subcategories noted earlier in this notice to determine if the requirements of 40 CFR 171.4 have been met. If the current licensing program is approved by EPA, certification for licensed certified commercial applicators will continue as at present. Certification for categories not licensed will be in the same format as at present for licensed applicators and will equal or exceed the requirements of 40 CFR 171.4. Examinations for all certified commercial applicators will be written. All applicants for commercial certification will be given an examination covering the general standards (40 CFR 171.4 and 171.6) applicable to all categories using the EPA developed Core Manual. Those persons who are presently certified and who were not certified on the basis of a written examination will be examined in writing to authenticate their qualifications for the general and specific standards under 40 CFR 171.4.

Private applicators (agricultural commodity producers) will be certified by satisfactorily completing a training course conducted by County Extension Agents, followed by a written or oral examination. At the applicants' options, a written or oral examination may be taken without training.

County Extension Agents will be trained by Extension and lead agency specialists and certified by the lead agency. They in turn, will hold instructional sessions for prospective private applicators using EPA core manual as basis for instruction. Written and oral testing will be supervised by the lead agency.

For non-readers oral testing will necessarily be relied upon. Training, however, can be largely the same. In these cases certification will be limited to the pesticide or pesticides for which the applicant is able to demonstrate competency. Such applicants will, when

necessary, be personally contacted by the County Extension Leader or his representative to insure label comprehension. The applicant will also be counseled as to sources of advice and guidance necessary for the safe and proper use of each pesticide related to his certification.

Sample examinations and review questions are attached to the Plan, as provided for by 40 CFR 171.7(e)(1)(i)(D) and (ii)(C). However, in view of the need to preserve the confidentiality of the examinations, the state of Tennessee has requested that the examinations not be made available for public inspection. The Agency agrees with this position, and has removed the sample examinations from the public inspection copies of the Plan.

The Tennessee State Plan indicates that within 60 days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be submitted in accordance with 40 CFR 171.7(e)(4)(i).

Tennessee will reciprocate with all states who are willing to accept the Tennessee certification with reference to private applicators. Tennessee will also reciprocate with other states regarding certified commercial applicators. However, licensed certified commercial applicators represent a special class of applicator and any reciprocal agreements are subject to negotiation with the other States under appropriate circumstances.

Other regulatory activities listed in the State Plan which will supplement the Tennessee certification program are state registration, inspection, and sampling of pesticide products. In addition, all dealers in restricted use pesticides are required to be licensed and registered and are subject to unannounced inspections by the lead agency.

Licensed certified commercial applicators must renew licenses annually and all commercial applicators must renew their certification annually. Private and all commercial applicators will be required to present evidence of participation in training appropriate to their category of certification as a prerequisite to recertification after the five year period from initial certification. Training will be modified after the first major certification effort to provide for changing technology to continually up-date the certified applicators.

Enforcement of the Tennessee certification program will be carried out by inspectors who will spot check commercial and private applicators to insure that they comply with State and Federal laws and regulations.

### PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the state of Tennessee to the Chief, Pesticides Branch, Region IV, Environmental Protection Agency, Room 110, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309. The comments must be received on or before June 24, 1976 and should bear the identifying notation

(OFF-42020). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: April 8, 1976.

JOHN A. LITTLE,  
Deputy Regional Administrator,  
Region IV.

[FR Doc. 76-14985 Filed 5-21-76; 8:45 am]

[FRL 547-2 OPP-240010]

## STATES OF CONNECTICUT, DELAWARE, AND NORTH DAKOTA

### Approval of Requests for Interim Certification To Register Pesticides To Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 138), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.



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The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.154(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of Connecticut, Delaware, and North Dakota. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each of the States is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of Connecticut, Delaware, and North Dakota as described below, subject to the terms set forth in the FEDERAL REGISTER document of Sept. 3, 1975.

## CONNECTICUT

The Connecticut Request for Interim Certification sought authority to amend EPA registrations which involve "changed use patterns," as that term is defined in section 162.152(c) of the proposed regulations, and to amend EPA registrations which do not involve changed use patterns. It is noted that authority was not requested to register antimicrobial agents (see 40 CFR 162.3 (ff)(1)), fungicides, other than agricultural-use fungicides (see 40 CFR 162.3 (ff)(8)), or slimicides (see 40 CFR 162.3 (ff)(16)). The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

## DELAWARE

The Delaware Request for Interim Certification sought authority to amend EPA registrations which involve changed use patterns, and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

## NORTH DAKOTA

The North Dakota Request for Interim Certification sought authority to register "new products," as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve changed use patterns, and to amend EPA registrations which do not involve changed use patterns. It is noted that authority was not requested to register antimicrobial agents (see 40 CFR 162.3 (ff)(1)), fungicides, other than agricultural-use fungicides (see 40 CFR 162.3 (ff)(8)), or slimicides (see 40 CFR 162.3 (ff)(16)). The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agencies which have been designated responsible for issuance of such registrations are, respectively, the Connecticut Department of Environmental Protection, the Delaware Department of Agriculture, and the North Dakota State Laboratories Department. These Agencies were notified on April 20, 1976, that their Requests had been approved.

Copies of the Connecticut, Delaware, and North Dakota Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division, (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., S.W., Washington, D.C. 20460.  
Pesticide Branch, Hazardous Materials Control Division, EPA, John F. Kennedy Federal Bldg., Room 2303, Boston, Massachusetts 02203. (Connecticut Request only).  
Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Bldg., 6th and Walnut Streets, Philadelphia, Pennsylvania 19106. (Delaware Request only).  
Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln St., Suite 900, Denver, Colorado 80203. (North Dakota Request only).

Dated: May 17, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.76-14984 Filed 5-21-76; 8:45 am]

## FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)  
Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR Part 542.

Certificate No.	Owner/operator and vessels
01011...	Aktieselskabet det Oestasiatiske Kompagni: <i>Patula</i> .
01058...	States Steamship Co.: <i>Maine</i> .
01755...	Hugo Stunnes: <i>Mistral del Norte</i> .
01761...	Union Steamship Co. of New Zealand Ltd.: <i>Luhesand</i> .
01829...	Bayamon Tankers Corp.: <i>Lombard</i> .
01935...	Partnership between steamship Company Svendborg Ltd. and Steamship Company of 1912 Ltd.: <i>Jakob Maersk</i> , <i>Azel Maersk</i> .
02032...	D. B. Deniz Nakliyat T.A.S.: <i>Isdemir</i> .
02194...	Compagnie Generale Transatlantique: <i>Pointe du Van</i> .
02198...	The Peninsular & Oriental Steam Navigation Co.: <i>Gandara</i> .
02199...	Atlantic Richfield Co.: <i>Ardjuna Sakiti</i> .
02263...	Nouvelle Compagnie de Paquebots: <i>Azur</i> .
02295...	The Great Eastern Shipping Co. Ltd.: <i>Jag Dhir</i> .
02471...	P. T. Djakarta Lloyd: <i>Djatipura</i> .
02501...	Standard Oil Co. of California: <i>Chevron Washington</i> .
02565...	American Foreign Steamship Corp.: <i>American Hawk</i> .
02727...	Societe Maritime des Petroles BP: <i>Brissac</i> .
02958...	Kawasaki Kisen K.K.: <i>World Ambassador</i> .
03055...	Upper Lakes Shipping Ltd.: <i>Phosphore Conveyor</i> .
03067...	Vickers Towing Co., Inc.: <i>Betty</i> .
03276...	Universe Tankships, Inc.: <i>Cedros Pacific</i> .
03293...	Maritime Fruit Carriers Co. Ltd.: <i>Yani</i> .
03315...	Afran Transport Co.: <i>Gulf Finn</i> , <i>Gulf Briton</i> , <i>Gulf Dane</i> , <i>Gulf Scot</i> .
03483...	Sankyo Kalun Kabushiki Kaisha: <i>Kyoko Maru</i> .
03484...	Sanko Kisen K.K.: <i>Jinko Maru</i> .
03508...	Taiyo Gyogyo K.K.: <i>Banshu Maru No. 7</i> .
03531...	Yuko Kalun K.K.: <i>Yubi Maru</i> .
03566...	Skibsselskabet Aino, Skibsselskabet Viator, Skibsselskabet Viva: <i>Arica</i> .
03638...	Smith Rice Co.: <i>Barge 5</i> .
03784...	Valiente Compania Naviera S.A.: <i>Peira</i> .
03849...	Algoma Central Railway: <i>Algosea</i> .
03857...	Jones & Laughlin Steel Corp.: <i>MRC-4</i> .
04037...	C. F. Bean Corp.: <i>Barge 545</i> , <i>Barge 604</i> , <i>Barge 605</i> , <i>Barge 606</i> , <i>Barge 609</i> , <i>Barge 610</i> , <i>Barge 613</i> , <i>RIP-101</i> , <i>Spill Barge No. 10</i> , <i>BDCO No. 32</i> , <i>Dave Blackburn</i> , <i>C. S. E. Holland</i> , <i>BDCO No. 52</i> , <i>BDCO No. 98</i> , <i>Bauer ST-4</i> , <i>ACBL-1615</i> .
04398...	Hapag-Lloyd Aktiengesellschaft: <i>Main Express</i> , <i>Rhein Express</i> .
04564...	Yamashita-Shinnihon Kisen Kaisha: <i>Kimizuru Maru</i> .
04565...	Consolidated Navigation Corp.: <i>Jobilee Venture</i> .
04616...	Alaska-Shell, Inc.: <i>Northern Shell</i> .
04803...	Brent Towing Company, Inc.: <i>B-1224</i> , <i>B-1324</i> , <i>B-1424</i> , <i>Wasson No. 1</i> , <i>Wasson No. 2</i> , <i>Wasson No. 5</i> , <i>Wasson No. 8</i> .
04873...	Compania Espanola De Petroleos, S.A.: <i>Zaragoza</i> , <i>Mostoles</i> .
05036...	Companhia Nacional De Navegacao: <i>Sao Tome</i> , <i>Bekas</i> , <i>Cabo Verde</i> , <i>Sofala</i> .
05180...	Navigazione Arnella: <i>Punta Stella</i> .
05232...	Diamond M Drilling Co.: <i>Diamond M Nugget</i> , <i>Diamond M General</i> .
05271...	Compania Chilena De Navegacion Inter-Oceanica: <i>Andino</i> .

## NOTICES

[No. 76-29]

## DALTON STEAMSHIP CORP. V. BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS, ET AL.

## Filing of Complaint

Notice is hereby given that a complaint filed by Dalton Steamship Corporation against Board of Commissioners of The Port of New Orleans and Waterman Steamship Corporation was served May 18, 1976. The complaint alleges that respondents have violated sections 15, 16, and 17 of the Shipping Act 1916, by undertaking to evict complainant from the wharf and terminal facilities it occupies under a preferential berth assignment at the Port of New Orleans.

Hearing in this matter shall commence on or before November 18, 1976.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-15113 Filed 5-21-76; 8:45 am]

[Independent Ocean Freight Forwarder License No. 1353]

## EASTERN FORWARDING INTERNATIONAL, INC.

## Order of Revocation

By letter dated April 13, 1976, Eastern Forwarding International, Inc., 105 Marsh St., Port Newark, N.J. 07114 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1353 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 13, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Eastern Forwarding International, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is ordered, that Independent Ocean Freight Forwarder License No. 1353 issued to Eastern Forwarding International, Inc., be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1353 be and is hereby revoked effective May 13, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Eastern Forwarding International, Inc.

LEROY F. FULLER,  
Director, Bureau of  
Certification and Licensing.

[FR Doc.76-15120 Filed 5-21-76; 8:45 am]

Certificate No.	Owner/operator and vessels
05278...	Twin City Barge & Towing Co.: <i>TCB 305</i> .
05334...	Ofmike Corp.: <i>Lamda</i> .
05406...	Coronet Shipping Ltd.: <i>Eldon</i> .
05578...	Baltic Shipping Co.: <i>Skulptor Vuchetich</i> , <i>Dekabrist</i> .
05581...	Latvian Shipping Co.: <i>Ivan Kullibin</i> .
05584...	Oficina Naviera Comercial Mini-sterio De Marina: <i>Ilo</i> .
05607...	Hannah Inland Waterways Corp.: <i>Hannah 5101</i> .
05636...	Takashiromaru Kalun Kabushiki Kaisha: <i>Takashiro Maru No. 31</i> .
05706...	Chowgule Steamships Ltd.: <i>Maratha Mariner</i> .
05985...	Murata Gyogyo K. K.: <i>Taiko Maru No. 8</i> .
06038...	Suomen Hoivryalva Osakeyhtio: <i>Finiska Angfartygs Aktiebolaget: Sirius</i> .
06063...	Belcher Towing Co.: <i>CTCO 172</i> , <i>Belchere No. 34</i> .
06169...	Empresa De Navegacao Alianca S/A: <i>Petropolis</i> , <i>Copacabana</i> , <i>Flamengo</i> , <i>Maringa</i> , <i>Olinda</i> , <i>Arpoador</i> , <i>Serra Dourada</i> , <i>Serra Azul</i> .
06248...	Commercial Corporation Sovryb-plot: <i>50 LET SSSR</i> .
06478...	Korea Marine Industry Development Corp.: <i>Sea Bragon</i> , <i>Sea Dragon II</i> , <i>Blue Fin II</i> .
06903...	Sun Shipbuilding & Dry Dock Co.: <i>Westward Venture</i> .
06910...	Tai An Steamship Company, Ltd.: <i>Chun An</i> .
07313...	Mervient Oy: <i>Concordia Sailor</i> .
07362...	Primorsk Shipping Co.: <i>Leninskoe Znamya</i> .
07582...	MSSS Co. S.A.: <i>Sea Bird No. 5</i> .
07640...	Exxon Company U.S.A.: <i>Exxon Barge No. 322</i> , <i>Exxon Barge No. 323</i> , <i>Exxon Barge No. 324</i> .
07880...	Logicon, Inc.: <i>Ellis 2121</i> , <i>Ellis 2123</i> .
07993...	Cosmopolitan Tankers Inc.: <i>Carolyne</i> .
08045...	Nagan (Panama) S.A.: <i>Nagan Palm</i> .
08145...	Nigerian Green Lines Ltd.: <i>Yinka Folawio</i> .
08889...	Companhia Portuguesa de Transportes Maritimos S.A.: <i>Bailundo</i> , <i>Benguela</i> , <i>Ganda</i> , <i>Lobito</i> , <i>Porto</i> , <i>Malange</i> , <i>H. Capelo</i> , <i>Lugela</i> , <i>Ilha De Port Santo</i> , <i>Joao Da Nova</i> , <i>Madalena</i> , <i>Ponta S. Lourenco</i> , <i>Uige</i> , <i>Infante Dom Henrique</i> , <i>Funchal</i> , <i>Ponta Delgada</i> .
08978...	Cayman Island Vessels Ltd.: <i>C Brac</i> .
09003...	Vtg Vereinigte Tanklager Und Transportmittel GMBH: <i>Nordertor</i> .
09122...	Gallie Shipping Ltd.: <i>Gallie Ware</i> .
09244...	System Ruels Inc.: <i>Gladys R</i> .
09972...	Panhandle Towing Co., Inc.: <i>GT 116</i> , <i>GT 118</i> .
10056...	Societe Europeenne De Cortage Et D'affretement Maritimes: <i>La Gauloise</i> .
10167...	Montclair Shipping Co., Inc.: <i>Ocean Galary</i> .
10221...	K/S Benargus A/S & Co.: <i>Nopal Sel</i> .
10459...	Maritime Santo Domingo CXA: <i>Don Cesar</i> .
10489...	St. Philip Offshore Towing Co., Inc.: <i>Pierce</i> .
10639...	Indus Shipping Ltd.: <i>Bruce Ruth II</i> .
10762...	Flagship Cruises Liberia Ltd.: <i>Kungsholm</i> .
10772...	Diawa Line S.A.: <i>Count Albatross</i> .
10892...	Gisontasuna S.A.: <i>Tzori-Urdin</i> .

Certificate No.	Owner/operator and vessels
11068...	Deep Sea Carriers Co. Ltd.: <i>Miranne</i> .
11083...	Sagami Marine Industries Co., Ltd.: <i>Eijitsusan Maru</i> .
11087...	Atlantic Sea Highway Inc.: <i>Jim's Dream</i> .
11092...	Wan Tun Maritime Co., S.A.: <i>Golden Colt</i> , <i>Benetnasch</i> .
11095...	Dong-A General Industrial Co., Ltd.: <i>Haeng Bok No. 509</i> .
11106...	Pacific Venture Shipping S.A.: <i>Pacific Venture</i> .
11011...	Power Corporation of Canada, Ltd.: <i>J. W. McGiffin</i> , <i>Tadoussac</i> , <i>Tarantau</i> , <i>Manitoulin</i> , <i>Black Bay</i> , <i>Nipigon Bay</i> , <i>Fort William</i> , <i>French River</i> , <i>Fort York</i> , <i>Fort St. Louis</i> , <i>Chambly Era</i> , <i>Eskimo</i> .
11116...	Vitacalm S.A.: <i>Vitacalm</i> .
11149...	Reederei M/C Ostebank W. Waller KG: <i>Ostebank</i> .
11151...	Thomsona Inc.: <i>Thomana</i> .
11163...	Karpo Shipping Co., S.A.: <i>Karpo</i> .
11168...	Compania Comercial Transatlantica, S.A.: <i>Argo Pioneer</i> .
11172...	London & Rochester Trading Co., Ltd.: <i>Federal Bermuda</i> .
11177...	Arrendaca S.A.: <i>Mercedes I</i> .
11179...	Excalibur Shipping Co. Ltd.: <i>Ioannis Zaftrakis</i> .
11181...	Yellow Blue Lines Ltd.: <i>Cesira</i> .
11184...	Southern Bulk Carriers Corp.: <i>Jarm</i> .
11185...	American Shipping Inc.: <i>Beater State</i> .
11186...	Carline's Marine Towing, Inc.: <i>Star Wyandotter</i> .
11193...	Martimaris Sexto Maritime Corp.: <i>Ellinora</i> .
11195...	Ondarrutarra S.A.: <i>Egusentia</i> .
11196...	Pacific Logistics S.A.: <i>Halculani</i> .
11203...	Nea Prosdokla Maritime Co. S.A.: <i>Theodoros C</i> .
11204...	Orient Steamship Navigation Co. Ltd.: <i>Moorfields Monarch</i> .
11206...	Duiker Shipping Corp.: <i>Dora Pappalos</i> .
11208...	Reederiet Junior VIII: <i>Junior Lilian</i> .
11209...	Prosper World Marine Co., Ltd.: <i>Prosper World</i> .
11210...	Cie de Navigation d'Orbigny: <i>Javron</i> .
11212...	Central Field Line S.A.: <i>Wild Rose</i> .
11213...	Asia Bulk Carriers, Inc.: <i>Asian Assurance</i> .
11214...	Asia No. 1 Bulk Carriers, Inc.: <i>Asian Express</i> .
11215...	High Pool S.A.: <i>Newnham</i> .
11216...	Virginia Star Tanker Corp.: <i>Virginia Star</i> .
11217...	Virginia Lily Tanker Corp.: <i>Virginia Lily</i> .
11219...	Mr. T. A. Belstra: <i>Leena</i> .
11220...	Senko Kisen Kabushiki Kaisha: <i>Tosho Maru</i> .
11222...	Wearver Carriers Inc.: <i>Astro Leo</i> .
11227...	Marmadura Compania Naviera S.A.: <i>Polyzene C</i> .
11229...	Suprema Compania Naviera, S.A.: <i>Quimico Lisboa</i> .
11234...	Pacific Ocean Line K.K.: <i>Tokuho Maru</i> .
11238...	Whitney-Fidalgo Seafoods, Inc.: <i>Whitney</i> .
11243...	Compania Naviera Garoufalia S.A.: <i>Spyros A. Lemos</i> .
11245...	Bonanza Shipping Managers Ltd.: <i>Polar Bear</i> .

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-15121 Filed 5-21-76; 8:45 am]



[Independent Ocean Freight Forwarder License No. 1184]

**H. P. LAMBERT COMPANY INC. OF LA.  
Order of Revocation**

By letter dated March 31, 1976, H. P. Lambert Co., Inc. of LA, 226 Carondelet St., New Orleans, LA 70130 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1184 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 24, 1976.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

H. P. Lambert Co., Inc. of LA has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975:

It is ordered, that Independent Ocean Freight Forwarder License No. 1184 issued to H. P. Lambert Co., Inc. of LA be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1184 be and is hereby revoked effective April 24, 1976.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon H. P. Lambert Co., Inc. of LA.

**LEROY F. FULLER,**  
Director, Bureau of  
Certification and Licensing.

[FR Doc. 76-15119 Filed 5-21-76; 8:45 am]

**FEDERAL POWER COMMISSION**

[Docket No. RP75-8; PGA 76-4]

**COMMERCIAL PIPELINE CO., INC.**

**Notice of PGA Filing**

MAY 17, 1976.

Take notice that on May 6, 1976 Commercial Pipeline Company, Inc. (Commercial) tendered for filing Eleventh Revised Sheet No. 3A reflecting Purchased Gas Adjustments and an effective date as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A 11th revised.	\$0.069	\$0.2674	May 23, 1976

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 76-15080 Filed 5-21-76; 8:45 am]

[Docket No. ER76-151]

**DELMARVA POWER AND LIGHT CO.  
Electric Rates: Order Granting Late Intervention**

MAY 18, 1976.

On September 29, 1975, Delmarva Power and Light Company, a utility operating and holding company, and its two wholly-owned subsidiaries, Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, Delmarva) tendered for filing proposed changes in the intercompany Power Supply Agreement. The proposed effective date was November 1, 1975.

Notice of Delmarva's proposed rate changes was issued on October 2, 1975, with protests and petitions to intervene due on or before October 15, 1975. On October 31, 1975, we issued an order accepting Delmarva's proposed changes for filing. We suspended the effectiveness of the proposed rate schedules for ninety (90) days and set the matter for hearing.

An untimely notice of intervention was filed by the People's Counsel to the Maryland Public Service Commission (People's Counsel) on April 9, 1976. Having reviewed said notice, we believe that the People's Counsel has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow the People's Counsel to intervene in these proceedings.

The Commission orders: (A) The People's Counsel is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; Provided, however, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or de-

ferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding. (C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 76-15083 Filed 5-21-76; 8:45 am]

[Docket No. RP76-97]

**GULF ENERGY & DEVELOPMENT CORP.  
Extension of Time**

MAY 17, 1976.

On May 13, 1976, Gulf Energy and Development Corporation filed a motion for an extension of time within which to file its exhibits and testimony (Statement P) in the above-designated matter.

Upon consideration, notice is hereby given that the date is extended to and including May 24, 1976, within which Gulf Energy and Development Corporation shall file its Statement P.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 76-15081 Filed 5-21-76; 8:45 am]

[Docket No. E-8492; Project No. 1835]

**SIERRA CLUB AND NEBRASKA PUBLIC POWER DISTRICT**

**Shortening Time for Filing**

MAY 17, 1976.

On May 12, 1976, Nebraska Public Power District filed an emergency motion for modification of the cease and desist order and request to shorten time to reply. The motion states that counsel for the Sierra Club has no objection to shortening the time to reply to this motion.

Upon consideration, notice is hereby given that the time is shortened to May 19, 1976 to file answers to the above motion.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 76-15082 Filed 5-21-76; 8:45 am]

[Docket No. ER76-320]

**THE CONNECTICUT LIGHT AND POWER CO.**

**Order Granting Late Intervention**

MAY 18, 1976.

By order issued December 31, 1975 the Commission accepted for filing and suspended for two months an amended tariff, R-3 Rate, tendered by the Connecticut Light and Power Company (CL&P) in the above-captioned proceeding. The Commission also set the matter for hearing.

On April 14, 1976, a Petition for Leave To Intervene was filed by General Dynamics, Electric Boat Division and Pfizer, Inc. (Petitioners). The Petitioners state they both purchase electricity at retail from the City of Groton, Connecticut, a wholesale customer of CL&P. They fur-

ther state their interests may be affected by the Commission's decision and that their interests may not be adequately represented unless they are permitted to intervene.

The Commission finds: Good cause exists to grant the late petition to intervene filed by General Dynamics, Electric Boat Division and Pfizer, Inc.

The Commission orders: (A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission. *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] **KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 76-15084 Filed 5-21-76; 8:45 am]

[Docket No. CP76-96]

**STINGRAY PIPELINE CO.**

**Notice of Amendment to Application**

MAY 19, 1976.

Take notice that on May 3, 1976, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-96 an amendment to its application filed September 22, 1976, in said docket, pursuant to Section 7(c) of the Natural Gas Act, to reflect certain changes in the engineering design of the original proposal as well as to request authorization to acquire and operate certain of United Gas Pipe Line Company's (United) existing offshore Louisiana transmission facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is said that the application in this proceeding involves the proposed construction and operation of certain additional natural gas transmission facilities necessary to transport volumes of gas to be produced from the West Cameron Block 616, offshore Louisiana. It is further said that essentially, as was originally proposed, Stingray requested authorization (1) to construct a supply lateral to connect Block 616 to ray's existing compressor station in West Cameron Block 565 and (2) to increase mainline capacity by installing two, 3,400 horsepower compressor units at Sting-

ray's existing compressor station in West Cameron Block 509 and certain mainline looping from a point at West Cameron Block 148 to the existing Holly Beach Compressor Station in Cameron Parish, Louisiana.

The amendment indicates that with respect to the pipeline supply lateral originally proposed, Stingray now proposes instead to acquire by purchase United's 24-inch pipeline facility extending from a production platform in West Cameron Block 587 approximately 7.2 miles north to a point of interconnection with Stingray's existing line in West Cameron Block 565 and then construct approximately 7.4 miles of 24-inch gathering line from Block 616 to the production platform in Block 587. Stingray states that it has arranged to lease a portion of the production platform in Block 587 and would effectuate the installation of a riser and related equipment necessary to complete the interconnection of the two 24-inch lines at the production platform. The cost of the proposed pipeline construction is estimated to be \$8,150,000 and it is said that Stingray would purchase the United facilities at a net depreciated book value estimated to be \$4,573,623. The amendment further indicates that with respect to mainline construction, Stingray now proposes to construct two additional 3,400 horsepower compressors (beyond those originally proposed in the application) and other related facilities at Stingray's onshore Holly Beach Compressor Station and that these facilities together with the offshore compression originally requested would defer the need to construct immediately the 42-inch loop pipeline as originally proposed.

It is stated that the proposed facilities would provide an increase in Stingray's system capacity from 1,000,000 Mcf per day to 1,120,000 Mcf per day and, once complete, the proposed facilities would have the capability of handling all of the production from Block 616 as well as all of the deliveries from Block 587 attributable to United and would provide the most efficient utilization of existing facilities. Stingray asserts that the total estimated cost of the amended project, including the purchase of the United facilities, is \$27,194,000 rather than the cost of \$67,530,000 previously proposed.

It is estimated that total proven and probable reserves for West Cameron Block 616 are 170,000,000 Mcf and it is additionally estimated that potential gas reserves are in excess for 237,000,000 Mcf bringing the total aggregate estimate for Block 616 to 407,000,000 Mcf. It is stated that Stingray now anticipates the transportation of at least 75 percent of all volumes available from Block 616. Originally, Stingray states, it had requested authority to transport deliveries attributable to the interest of Trunkline Gas Company and Natural Gas Pipeline Company of America only but that Northern Natural Gas Company has acquired the gas purchase rights for 30 percent of the Block 616 reserves and arrangements have been made for the

transportation of these volumes by Stingray.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 3, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed in this proceeding need not do so again.

**KENNETH F. PLUMB,**  
Secretary.

[FR Doc. 76-15295 Filed 5-21-76; 11:25 am]

**INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA**

**WATER QUALITY IN THE  
ST. JOHN RIVER**

**Public Hearings**

The International Joint Commission, a permanent Canada and United States body, established under the Boundary Waters Treaty of 1909, will hold public hearings at the times and places noted below on the matter of enhancing good quality of the waters in the international section of the St. John River flowing between Maine on one side and Quebec and New Brunswick on the other.

The Governments of Canada and the United States established the *Canada-U.S. Committee on Water Quality in the St. John River* by an exchange of notes in 1972. It was the intent of the notes to seek a semi-formalized arrangement by which the two countries could cooperate in seeking and achieving mutually acceptable solutions to water problems. The St. John River was selected as a pilot project.

The Committee's mandate was to (a) review periodically progress in the conduct of water quality planning on both sides of the international boundary in the St. John River Basin, (b) exchange appropriate information about plans, progress, and actions which could affect water quality; assist in coordination and consultation among appropriate authorities and, (c) make appropriate recommendations to the two Governments and to the International Joint Commission.

At the same time in 1972, the two Governments asked the International Joint Commission to consider the Committee's report and to advise the Governments on what actions should be taken by them in regard to those matters examined by the Committee, and what



joint institutional arrangements would be appropriate to protect and enhance the water quality in the St. John River and to avoid transboundary pollution.

The Committee in September, 1975, submitted its "Report of the Canada-U.S. Committee on Water Quality in the St. John River" to the Governments of Canada and the United States. The purpose of these hearings is to receive testimony and evidence relating to this Report, as well as any other pertinent information which would assist the Commission in developing its advice to the Governments.

Copies of the Committee's Report may be obtained upon request from the International Joint Commission in either Washington or Ottawa at the address noted below, or at the Northern Maine Regional Planning Commission, P.O. Box 779, Caribou, Maine 04736.

Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in its inquiry. Statements may be made orally or in writing. If written statements are submitted, it is requested that, if possible, thirty (30) copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present.

#### Times and places of hearings

Date	Local time	Place
June 23...	7:30 p.m. (e.s.t.)	Northeastland Hotel, Presque Isle, Maine.
June 23...	3 p.m. (A.D.S.T.)	Small Auditorium, College St., Edmundston, New Brunswick.

W. A. BULLARD,  
Secretary, U.S. Section, International Joint Commission,  
Suite 200, 1717 H St., NW.,  
Washington, D.C. 20440,  
STOP 86, (202) 296-2142.

D. G. CHANCE,  
Secretary, Canadian Section,  
International Joint Commission,  
Suite 850, 151 Slater  
Street, Ottawa, Ontario, Canada  
K1P 5H3, (613) 992-2945.

MAY 18, 1976.

[FR Doc.76-15104 Filed 5-21-76; 8:45 am]

#### INTERNATIONAL TRADE COMMISSION

[AA1921-155]

#### HOLLOW OR CORED CERAMIC BRICK AND TILE

##### Place of Seattle Hearing

Notice is hereby given that the United States International Trade Commission's public hearing in connection with investigation No. AA1921-155, Hollow or Cored Ceramic Brick and Tile from Canada, under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), will be held at 10 a.m., p.d.t., June

15, 1976, in the Federal Building, Room 514, 915 2nd Avenue, Seattle, Washington.

Notice of institution of the investigation and of the hearing was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19383). An amendment of the notice of investigation and hearing was issued by the Commission on May 13, 1976.

Issued: May 19, 1976.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc.76-14993 Filed 5-21-76; 8:45 am]

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

[AA1921-Inq.-5]

#### MONOSODIUM GLUTAMATE FROM KOREA Inquiry and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on May 11, 1976, that, during the course of determining whether to institute an investigation with respect to monosodium glutamate from Korea in accordance with section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), Treasury had concluded from the information available to it that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States. Therefore, the Commission on May 18, 1976, instituted inquiry AA1921-Inq.5, under section 201(c)(2) of that act, to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

The Treasury advised the Commission as follows:

DEAR MR. CHAIRMAN: In accordance with section 201(c) of the Antidumping Act of 1921, as amended, an antidumping investigation is being initiated with respect to monosodium glutamate from Korea. Pursuant to section 201(c)(2) of the Act, you are hereby advised that information developed during our preliminary investigation has led to the conclusion that there is substantial doubt that an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of this merchandise into the United States.

Information available to Treasury indicates that total domestic sales of the subject merchandise amounted to approximately 45 million pounds in 1975. On the other hand, imports of monosodium glutamate from Korea during 1975 amounted to 1,635,529 pounds. Accordingly, such imports would appear to be equivalent to only 3.6 percent of the U.S. market.

Our information further indicates that imports from Korea, as a percentage of domestic consumption, have declined from 6.7

percent during 1974 to 3.6 percent during 1975. Accordingly, such imports from Korea would appear to have declined by 52 percent from 1974 to 1975. During this same period imports from all sources have declined 26.5 percent and domestic consumption has declined 10 percent, while domestic production has increased 15.3 percent.

I would further note that the information indicates that petitioner represents roughly 15 percent of U.S. consumption. Preliminary margins of sales at less than fair value appear to range from 76 to 113 percent on imports of the subject merchandise from Korea.

Some of the enclosed data is regarded by the United States Customs Service to be of a confidential nature. It is therefore requested that the United States International Trade Commission consider all the enclosed information to be for the official use of the U.S.I.T.C. only, and not to be disclosed to others without prior clearance from the United States Customs Service.

Hearing. A public hearing in connection with the inquiry will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, June 1, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon Thursday, May 27, 1976.

Written statements. Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted. To be assured of their being given due consideration by the Commission, such statements should be received no later than Friday, May 28, 1976.

By order of the Commission.

Issued: May 19, 1976.

KENNETH R. MASON,  
Secretary.

[FR Doc.76-15113 Filed 5-21-76; 8:45 am]

#### NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

##### NOTICE OF MEETING

MAY 6, 1976.

The National Advisory Council on Economic Opportunity, authorized by Section 605 of the Community Services Act of 1974, will hold a two or possibly three day meeting at its offices at 1725 K Street, N.W., (Room 405), Washington, D.C. 20006. The meeting will begin at 9:30 A.M. on Thursday, June 17 and at 8:30 A.M. on Friday, June 18 and perhaps Saturday, June 19.

The purpose of the meeting will be to proceed with the Advisory Council's analysis of its responsibilities in connection with its advisory and reporting functions.

We are printing the above information in the FEDERAL REGISTER as required

by Section 9 of the Federal Advisory Committee Act of 1972.

FERNANDO PENABAZ,  
Chairman.

[FR Doc.76-15041 Filed 5-21-76; 8:45 am]

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### National Endowment for the Arts JAZZ FOLK ETHNIC MUSIC

##### Application Guidelines for Fiscal Year 1977

The following are guidelines for Fellowship Grants made under the Jazz/Folk/Ethnic part of the Music Program of the National Endowment for the Arts, an independent agency on the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for these grant applications is 15 June, 1976. Interested persons should contact Walter Anderson, Director, Music Program, National Endowment for the Arts, Mail Stop 553, Washington, D.C. 20506 (202) 634-6390, for further information and application forms.

Signed at Washington, D.C. on 17 May 1976.

ROBERT SIMS,  
Administrative Officer, National  
Endowment for the Arts Na-  
tional Foundation on the Arts  
and the Humanities.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Music Program is one of twelve major Program areas. This booklet contains application guidelines and forms for its Jazz/Folk/Ethnic Music grants. The Music Program also offers assistance to: composers and librettists; orchestras and opera companies; national organizations concerned with artist/audience development; contemporary music ensembles and projects; national music service organizations; independent professional colleges of music; and a limited number of professional choral groups. Information about these and other areas of assistance are contained in the Endowment's Guide to Programs which is available from the Program Information Office, National Endowment for the Arts, Washington, D.C. 20506.

##### INTRODUCTION

In fiscal 1977 the National Endowment for the Arts will offer grants to individuals and groups through its Jazz/Folk/Ethnic Music Program. The purpose of this program is the creation of a broad artistic climate in the United States in which its indigenous musical arts will thrive with distinction through artistic, educational and archival programs.

##### APPLICATION DEADLINE: JUNE 15, 1976

Applications must be postmarked no later than June 15, 1976. The proposed period of grant support should not begin prior to February 1, 1977 and may extend through January 31, 1978.

Notices of grant award or rejection will not be sent before January 1, 1977.

Applications postmarked later than June 15, 1976 will not be considered under this program and will be returned.

##### Program Limitations

This program does not provide support for: Direct costs of commercial recording or publication;

Foreign travel (While expenses for foreign travel may not be included in the project budget, this restriction is not intended to prevent jazz/folk/ethnic artists from carrying on their creative work in a foreign country);

Development or completion of Master's degree theses or doctoral dissertations;

High school or college performing groups;

Building or renovation of physical facilities;

Purchase of musical instruments or permanent equipment;

General operating expenses.

These Guidelines are presented in two sections—the first for jazz programs and the second for the other indigenous folk/ethnic arts. Because the needs of the fields differ significantly, the provisions for support are described by separate categories tailored to existing needs. Jazz applicants will find full information on pages 3-5. All other applicants are referred to pages 6-7.

NOTE.—Applications should be developed within the categories and budgetary limitations as designated.

##### NOTIFICATION

In compliance with the Privacy Act of 1974, we wish to furnish you with the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and for statistical research and analysis of trends. The routine uses for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, congressional oversight, and analysis of trends.

Failure to provide the requested information could result in rejection of your application due to lack of sufficient facts for determining either your eligibility for a grant or the amount which should be awarded.

##### RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and government at the state and local levels to take the intent of this legislation into ac-

count when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 16, 1973.)

##### JAZZ CATEGORY I COMPOSERS/ARRANGERS

Non-matching fellowship grants to composers and arrangers of exceptional talent for creation of new works, completion of works in progress, and professional development.

The program provisions in these guidelines are intended to support only those composers whose works retain a consistent basic idiomatic feeling related to the jazz style with which the composer's or arranger's work is identified.

Composers should be aware that the Endowment does have a separate program of assistance for "Composers/Librettists" whose works do not have a strong idiomatic and stylistic rooting in jazz music.

##### PROJECT EXAMPLE

1. The creation of new works and the completion of works in progress;
2. Copying and reproduction costs of scores and parts of completed works;
3. Expenses necessary to provide time for research and limited expenses for the purchase of other composers' scores and recordings in order that the aspiring composer/arranger may have continuing rapport with the field, be knowledgeable concerning new technological developments, and be in a position to study and explore current trends;
4. Expenses necessary to prepare demonstration tape recordings or excerpts of work for the purpose of providing samples for the review of performers/publishers, or recording firms. While the Endowment does not provide support toward direct costs of publication and commercial recordings, the applicant may request assistance with preparation of demonstration materials which may lead to such an eventuality.
5. Transportation costs and lodging expenses required to discuss work(s) with leaders, artistic directors, and publishing and/or recording representatives.

##### Grant Amounts

Non-matching fellowship grants are up to \$5,000.

##### Application Procedure

Individuals should review the instructions on page 10 and complete the forms titled Individual Grant Application NEA-2 (Rev.) in triplicate. Applicants for this category are also required to provide the following information:

For Composition Projects, please provide: Description of work to be composed or arranged.

Names of any group or individual for whom the work is to be composed.

Plans for the performance of the work—by whom, when, where, in what context (concert, festival, television, et cetera).

Two reference statements sent with application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

One tape and one score or one disc and one score, preferably of the same material, must



accompany the application. The one sample should be representative of the applicant's compositional and/or scoring ability within the specific style for which the applicant is requesting assistance. Please see page 8 for requirements on submission of tapes.

For Professional Development Projects, please provide:

Detailed description of the project for which support is requested.

Brief budget of expenses necessary for the project.

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

One tape and one score or one disc and one score, preferably of the same material, must accompany the application. The one sample should be representative of the applicant's compositional and/or scoring ability within the specific style for which the applicant is requesting assistance. Please see page 8 for requirements on submission of tapes.

If the project involves consultation with an authority in the field, the applicant should submit with the application written evidence of interest from a proposed consultant; for example, a recording or publishing representative. If the project is research, the applicant should prepare a statement indicating where the research is to be conducted, its purpose, specific subject matter, and whether the research is independent or with a designated authority.

#### JAZZ CATEGORY II PERFORMANCE

Non-matching fellowship grants to enable jazz instrumentalists and singers of exceptional talent to advance and develop their careers through performance.

#### Grant Amounts

Fellowship grants of up to \$2,500 to assist performers who are in the developing stages of their careers. Fellowship grants of up to \$5,000 to assist established performers.

**Note.**—Before requesting assistance provided in this category, applicants who intend to make use of the grant to compensate other participants should be alerted to certain responsibilities which they may have as employers. It is suggested that applicants obtain and review the provisions of the Internal Revenue Service Publication No. 15 entitled *Employer's Tax Guide*.

#### Application Procedure

Individuals should review the instructions on page 10 and complete the forms titled *Individual Grant Application NEA-2 (Rev.)* in triplicate.

Applicants for this category are also required to provide the following information in the application:

Detailed description of the project for which support is requested, indicating what would be done to advance the applicant's career.

Brief budget of expenses necessary for the project.

Applicants are also required to submit the following materials:

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

One tape or one disc must accompany the application. The one sample should show the range of the applicant's ability to perform

in a variety of jazz styles and may include highlights from several recorded performances. Please see page 8 for requirements on submission of tapes.

#### JAZZ CATEGORY III TRAVEL/STUDY

Non-matching travel/study fellowship grants to enable young musicians of exceptional talent to study and/or tour with individual professional artists or ensembles for short-term concentrated instruction and experience.

Normally these grants will not cover periods longer than one month. The intent of this category of support is to facilitate the professional development of musicians who already have proven their potential for advanced study and professional careers.

Under no conditions will these awards cover costs of tuition for formal study at an educational institution, foreign travel, travel with an ensemble of which the applicant is a member, or study with the applicant's own teacher. Recipients of previous Travel/Study Fellowship Grants will not be awarded repeat grants to travel or study with the same artists.

#### Grant Amounts

Non-matching travel/study fellowship grants are up to \$1,000.

#### Application Procedure

Individuals should review the instructions on page 10 and complete the forms titled *Individual Grant Application NEA-2 (Rev.)* in triplicate.

Applicants for this category are also required to provide the following information in the application:

Name of the individual or group with whom the applicant wishes to travel or study. If the applicant requires the address of the musician with whom he wishes to study or travel, the Endowment suggests that an inquiry be addressed to the American Federation of Musicians (President's Office, Tour Department), 641 Lexington Avenue, New York, New York 10022.

When and where the project is to be carried out.

Brief budget of anticipated travel and living expenses. If a fee will be paid to the artist/instructor, the fee and the amount of time involved should be entered in the budget.

Applicants are also required to submit the following materials:

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

A confirming letter, sent with the application, from the individual or leader of the group with whom the applicant wishes to travel or study. The letter should designate a definite time commitment; state generally how the activity is to proceed; and confirm the fee which the specialist will receive from the student. The letter should also state that the specialist will provide a report of the applicant's study directly to the Endowment at the close of the period of support.

#### JAZZ CATEGORY IV ORGANIZATIONS

Matching grants will be available for jazz presentations, educational programs, short-term residencies by jazz specialists, and carefully planned regional or national festivals or tours.

#### Eligibility

Organizations must meet the statutory criteria as defined on page 8. Applicants may include professional performing organizations, state arts agencies, and regional arts organizations. Other sponsoring organizations which are in a unique position to make an exceptional contribution in the field for carefully organized programming are eligible provided the applicant organization assumes full organization responsibility and identifies the required matching funds for the project. Grants to educational institutions will be limited to those institutions which have a strong commitment to jazz as evidenced by direct financial support to jazz programming.

Applications for regional or national programming will be recommended only provided that:

1. The overall plan includes a well-developed educational component such as workshops, clinics, and/or other structured programs of educational value. Such programs may be planned in cooperation with local sponsoring educational, community and religious organizations.

2. The applicant presents an itinerary for proposed tours and includes, if applicable, supporting letters from organizations which would act as local sponsors.

#### Grant Amounts

Matching grants up to \$25,000 for organizations with annual expenditures of more than \$100,000 for jazz programming. In most instances grants will be for lesser amounts.

Matching grants of up to \$15,000 for organizations with annual expenditures of less than \$100,000 for jazz programming. In most instances grants will be for lesser amounts.

#### Application Procedure

Organizations should review the instructions on pages 12-15 and complete the forms titled *Project Grant Application NEA-3 (Rev.)* in triplicate. Organizations requesting more than \$15,000 must include with the application the following information:

Two copies of the audited financial statements for the most recent completed fiscal period. Unaudited financial statements are acceptable if audited statements are not available, but the audited statements should be forwarded when available.

If the jazz budget is a portion of a far larger budget, a certified statement of expenditures and income associated with the jazz programming in place of the audit.

The total jazz-related budget showing estimated income and expenses for the 1975-76 and the 1976-77 seasons.

#### JAZZ ORAL HISTORY

The Endowment and the of Performing Arts at the Smithsonian have entered into an agreement to develop a jazz oral history project. The project's primary purpose is the documentation of the creativity and experiences of the distinguished leaders in the development of jazz in the United States.

Applications will not be accepted for jazz oral history project inquiries concerning the project may be addressed to the Jazz Program, Smithsonian Institution, Washington, D.C. 20560.

#### FOLK/ETHNIC CATEGORY I ORGANIZATIONS/ PRESENTATIONS

Matching grants to organizations for folk/ethnic musical presentations.

#### PROJECT EXAMPLES

1. Community celebrations;
2. Regional or national festivals;
3. Regional tours by local musicians within the cultural area of their art;
4. Tours by traditional musicians outside their own area;
5. Presentations of local traditional musicians in schools, libraries, and other community centers;
6. Residency programs, involving traditional musicians at colleges and universities, public school systems, and appropriate community locations;
7. Workshops by knowledgeable consultants to prepare community leaders for effective programming;
8. Activities, including research, to upgrade the quality of community events.

#### Grant Amounts

Matching grants are up to \$25,000. In most instances grants will be for lesser amounts.

#### Application Procedure

Organizations should review the instructions on pages 12-15 and complete the forms titled *Project Grant Application NEA-3 (Rev.)* in triplicate. Applicants for this category are also required to submit the following information and materials:

For all presentation projects: Applicants are required to submit one tape or disc of artist(s) to be presented.

For school-related proposals: The Endowment should be assured that the proposal has the cooperation of the appropriate officials and classroom teachers and that careful, coordinated planning for educational programs has been accomplished.

For programs in special areas: The Endowment should be assured that the proposal for programs located in special areas, such as Indian reservations, have the cooperation of the leaders in those areas and that other involved organizations are prepared to identify with the program plans.

#### FOLK/ETHNIC CATEGORY II ORGANIZATIONS/ DOCUMENTATION

Matching grants to organizations for projects designed to document, preserve and disseminate living musical traditions.

#### Project Examples

Film, videotape, or recorded documentation of techniques, lifestyles, repertoires, or historical recollections of traditional musicians. Documentation projects must include local or regional media dissemination of the work accomplished under the grant. Further, the Endowment requests that a copy of the work be deposited at an appropriate archive.

#### Grant Amounts

Matching grants are up to \$15,000. In most instances grants will be for lesser amounts.

#### Application Procedure

Organizations should review the instructions on pages 12-15 and complete the forms titled *Project Grant Application NEA-3 (Rev.)* in triplicate. Applicants for this category

are also required to submit the following information and materials:

Subject(s) to be documented. In the case of films about a single artist, a statement from the artist indicating willingness to participate.

Tape or disc of artist(s) to be documented. (Please see page 8 for requirements on submission of tapes.)

Technical approach to the documentation. Statement as to why the project would be a significant contribution to the field.

Biographical information on the persons who will have the primary artistic responsibility for both subject matter and documentation.

Statement as to what arrangements, if any, or plans have been made for distribution.

Sample work:  
For Film Project: A loan print (16 mm optical) of at least one completed work by the filmmaker.

For Video Project: A 3/4-inch cassette sample of work by the video artist.

For Recording Project: Sample audio tape or disc of work by the project director.

All materials should be labelled with the name of the applicant, address, title of work, and identification of the artists.

#### FOLK/ETHNIC PILOT CATEGORY INDIVIDUALS

On a pilot basis, a limited number of modest non-matching grants will be available to individuals to accomplish the purposes outlined in Folk/Ethnic Categories I and II.

#### Application Procedure

Individuals should review the instructions on page 10 and complete the forms titled *Individual Grant Application NEA-2 (Rev.)* in triplicate. Individuals applying for a Presentation Project should submit the materials and information required by Folk/Ethnic Category I with a specific description of the project, biographical information on artist(s) to be presented, and budget of project expenses. For Documentation Project, individuals should provide the materials and information required by Folk/Ethnic Category II and a budget of project expenses.

#### FOLK/ETHNIC CATEGORY III INDIVIDUALS

Non-matching fellowship grants to enable individuals of exceptional talent to study with master traditional artists.

#### Grant Amounts

Non-matching fellowship grants are up to \$1,000.

#### Application Procedure

Individuals should review the instructions on page 10 and complete the forms titled *Individual Grant Application NEA-2 (Rev.)* in triplicate. Applicants in this category are required to include the following information and materials.

Name(s) of master traditional artist(s) with whom the applicant wishes to study.

When and where the project is to be carried out.

Brief budget of anticipated travel and living expenses. If a fee will be paid to the artist(s), the fee and the amount of time involved should be entered in the budget.

Two reference statements sent with the application. References must be submitted by individuals who are qualified to discuss the applicant's musical ability and achievements.

Tape or disc indicating applicant's current ability within the style he wishes to study. Please see page 8 for requirements for tape submissions.

A confirming letter, to be sent with the application, from the master traditional artist with whom the applicant wishes to study. The letter should designate a definite time commitment; state generally how the activity is to proceed; and confirm the fee which the artist will receive from the applicant. The letter should also state that the artist will provide a report of the applicant's study directly to the Endowment at the close of the period of support.

#### JAZZ/FOLK/ETHNIC GENERAL PROGRAMS

The Endowment will consider applications from individuals and organizations for specific projects that do not fall into the categories outlined previously. Such projects must be in support of professional activity and be of exceptional merit, outstanding quality, and demonstrated need. Individuals and organizations are urged to accommodate their projects to the provisions of the categories outlined previously.

#### Application Procedure

Grants to organizations will be made on a matching basis. Organizations should review the instructions on pages 12-15 and complete the forms titled *Project Grant Application NEA-3 (Rev.)* in triplicate. Individuals should review the instructions on page 10 and complete the forms titled *Individual Grant Application NEA-2 (Rev.)* in triplicate.

#### ELIGIBILITY

##### For Individuals:

By statute the National Endowment for Arts is limited to the award of grants to individuals of "exceptional talent." Applications will therefore be reviewed according to the following criteria:

1. Exceptional creative or performing talent and accomplishment;
2. Strong commitment to artistic standards;
3. Capacity for research or special study.

##### For Organizations:

By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

1. Organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. A copy of the Internal Revenue Service Determination letter for tax-exempt status (under Section 501) must be submitted with each application.
2. Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in federally assisted projects on the basis of race, color, national origin or handicap. Individuals or organizations receiving support from the National Endowment for the Arts who will be making payments for services to any person other than the grantee must comply with these requirements. Such grantees are required to file with the Grants Office, an Assurance of Compliance Form. The form



on page 35 may be removed and completed for this purpose.

3. Organizations which compensate all professional performers, related or supporting professional personnel, laborers and mechanics at the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5 and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Eligibility is further determined on the basis of these additional criteria:

1. Performing ensembles, both instrumental and vocal, must demonstrate high quality in performance and management. (Reminder: Ensembles must meet statutory criteria for organizations as stated above.)

2. Sponsoring organizations demonstrating the capacity for efficient, stable, and imaginative administration as well as a strong commitment to the purposes of this program.

#### REQUIREMENTS FOR SUBMISSION OF TAPES

One tape, in a tape box, 7" reel, 7½ speed, reel-to-reel, quarter track, leader between compositions if there is more than one composition, ready to be played on reel, heads out. No cassettes or cartridges. Applicant's name must be included on all supporting materials.

Tapes, scores, discs, films, and videotapes received at the Endowment will be returned although the Endowment cannot accept responsibility for losses incurred en route. Applicant's name and address must be included on all supporting material.

#### APPLICATION PROCESSING

If an application form is incomplete and/or if all required supplementary materials have not been submitted, the application will be rejected. The Endowment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

An application will be returned to the applicant if the individual or organization does not meet the eligibility criteria set forth in these guidelines or if the proposed project does not fall within the scope of these guidelines.

In addition, the Endowment will look unfavorably on applications submitted by previous grantees whose grant periods have terminated and whose final reports have not been submitted. Previous grantees whose grant periods are ongoing are asked to submit interim narrative progress reports with their Fiscal 1977 applications.

#### APPLICATION REVIEW

After an application with all necessary information has been received, the file will be reviewed as follows:

1. The Endowment Music staff, the Jazz/Folk/Ethnic Advisory Panel, and the National Council on the Arts successively review the application. The Jazz/Folk/Ethnic Program makes use of two advisory groups: one consisting of jazz specialists; the other consisting of a wide range of practicing folk musicians, sociologists, and ethnomusicologists. These groups meet both separately and jointly; they function concurrently as the Jazz/Folk/Ethnic Panel in reviewing all policy matters and applications.

2. Notices of conditional approval or rejection will be sent only as the Chairman authorizes, but not before January 1, 1977.

Applicants are urged not to seek information on the status of their requests.

#### FINAL REPORTS

At the conclusion of the grant period, the Endowment requires final reports from all grantees. Complete instructions on final reporting will accompany the grant letter.

[FR Doc.76-15104 Filed 5-21-76; 8:45 am]

#### VETERANS ADMINISTRATION STATION COMMITTEE ON EDUCATIONAL ALLOWANCES Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 17, 1976, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building—U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Smoky Mountain Aero, Inc., Alcoa, Tennessee, should be discontinued as provided in 38 C.F.R. 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: May 17, 1976.

R. S. BIELAK,  
Director, Veterans Administration  
Regional Office, Nashville,  
Tennessee.

[FR Doc.76-15111 Filed 5-21-76; 8:45 am]

#### NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ECONOMICS Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Economics.  
Date and time: June 10 and 11, 1976—9:00 a.m. to 6:00 p.m. each day.  
Place: Room 517, National Science Foundation, 1800 G Street NW., Washington, D.C.  
Type of meeting: Closed.

Contact person: Dr. James H. Blackman, Program Director, Economics Program, Rm. 205, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5968.

Purpose of panel: To provide advice and recommendations concerning support for research in Economics.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act. Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

clustering technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act. Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

MAY 19, 1976.

[FR Doc.76-15076 Filed 5-21-76; 8:45 am]

#### SUBGROUP ON REGULATION Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subgroup on Regulation of the Advisory Group on Contributions of Technology to Economic Strength.

Date: June 11, 1976.  
Time: 9:00 a.m. to 5:00 p.m.  
Place: Rm. 543, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.  
Type of meeting: Open.

Contact person: Mr. William Montgomery, Special Assistant, Scientific, Technological, and International Affairs, Rm. 1225, telephone (202) 632-4061. Anyone planning to attend should notify Mr. Montgomery by June 4, 1976.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Rm. 248, Washington, D.C. 20550.

Purpose of meeting: Briefings by spokesmen for industry on the relationship between government regulation and innovation. Presentations by reviewers of economic data. In addition, the Subgroup will select one or more specific issues for intensive study and review. This will serve to inform a later discussion by the Advisory Group at a subsequent meeting.

Agenda:  
9:00 a.m. Introduction, Dr. Arthur Bueche, chairman.  
9:15 a.m. Presentations by reviewers of economic data.  
10:30 a.m. Discussion of reviews.  
12:00 Recess.  
1:00 p.m. Presentations by industry spokesmen concerning the relationship between government regulation and innovation.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

MAY 19, 1976.

[FR Doc. 76-15077 Filed 5-21-76; 8:45 am]

#### DEPARTMENT OF THE INTERIOR

##### Office of the Secretary

#### NATIONAL PETROLEUM COUNCIL COMMITTEE ON FUTURE ENERGY PROSPECTS

##### Notice of Meeting

Notice is hereby given for the following meeting:

The National Petroleum Council's Committee on Future Energy Prospects will meet on Friday, June 11, 1976, at 10:00 a.m., in the Mount Vernon Room of the Madison Hotel, 15th and M Streets, N.W., Washington, D.C.

The agenda includes the following:

1. Review and discuss list of topics to be analyzed.
2. Review and discuss staffing of teams to prepare papers on the various topics.
3. Review and discuss coordination between teams.
4. Review and discuss timetable.
5. Discuss any other matters pertinent to the overall assignment of the Committee on Future Energy Prospects.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting.

Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Miss Fran Hanavan, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343-6226).

Dated: May 18, 1976.

ROBERT L. PRESLEY,  
Staff Assistant-Emergency Preparedness Office of the Assistant Secretary—Energy and Minerals.

[FR Doc.76-15050 Filed 5-21-76; 8:45 am]

#### Bureau of Land Management

[Wyoming 54992]

##### WYOMING

#### Notice of Application

MAY 17, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Powder River Pipeline Corporation of Casper, Wyoming filed an application for a right-of-way to construct a 6½ inch pipeline for the purpose of transporting crude oil across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 77 W.,  
Sec. 3, S½;

Sec. 4, SE¼ and N½;  
Sec. 5, NE¼;  
Sec. 10, NE¼;  
Sec. 11, W½;  
T. 47 N., R. 77 W.,  
Sec. 32, S½;  
T. 47 N., R. 78 W.,  
Sec. 4, SW¼ and S½NW¼;  
Sec. 9, W½;  
Sec. 10, SW¼;  
Sec. 14, SW¼;  
Sec. 15, SE¼ and N½;  
Sec. 23, N½NW¼;  
T. 48 N., R. 78 W.,  
Sec. 29, W¼SW¼ and N½;  
Sec. 30, E½.

The pipeline will transport crude oil from a point in the SE¼NE¼ of sec. 32, T. 48 N., R. 78 W., to a point in the NE¼SW¼ sec. 8, T. 45 N., R. 76 W., in Johnson County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should be so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 100 East "B" Street, P.O. Box 2834, Casper, Wyoming 82601.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.76-15101 Filed 5-21-76; 8:45 am]

#### RECREATION ACCESS

##### Blanca Wildlife Habitat Area, Colorado

Notice is hereby given in accordance with Title 43 CFR 6250.0-6(b) that the following-described lands under the administration of the Bureau of Land Management are seasonally closed to all public use annually during the period March 15 through June 30. This area is also closed to fishing during the same period annually in accordance with Colorado Fishing Regulations published by the Colorado Division of Wildlife. Limited administrative access for authorized personnel will still be permitted.

The legal description of these lands is as follows:

NEW MEXICO PRINCIPAL MERIDIAN  
ALAMOSA COUNTY

T. 38 N., R. 11 E.,  
Sec. 1, All;  
Sec. 2, N½, SE¼;  
Sec. 12, All;  
Sec. 13, N½, SE¼, N½SW¼;  
Sec. 24, NE¼;  
T. 38 N., R. 12 E.,  
Sec. 5, All;  
Sec. 6, All;  
Sec. 7, N½, SE¼, N½SW¼, SW¼SW¼;  
Sec. 8, All;  
Sec. 9, W½.

Containing 5,390 acres.

These lands are located approximately ten miles northeast of Alamosa, Colo-

rado, within an area known locally as the Dry Lakes. The area has been designated as the "Blanca Wildlife Habitat Area" by the Bureau of Land Management.

These lands are being developed for waterfowl habitat, and numerous ducks, geese and shore birds are attracted for nesting and rearing of young. Public use of this area during the waterfowl nesting season, March 15-June 30, is causing harassment of waterfowl which are attempting to nest. This causes many of them to leave the area or abandon their nests. Continued public use of the area during the nesting season will greatly diminish its waterfowl production potential.

Signs will be posted to identify the exterior boundaries of the closed area. Maps showing the closed area are posted in the Post Office and Alamosa County Court House in Alamosa, Colorado, and in the San Luis Resource Area Office of the Bureau of Land Management, located at 1921 State Street, Alamosa, Colorado 81101.

This closure is supported by the public who participated in the Bureau of Land Management planning process in the San Luis Valley.

CHARLES W. LUSCHER,  
State Director, Colorado,  
Bureau of Land Management.

[FR Doc.76-15114 Filed 5-21-76; 8:45 am]

#### Fish and Wildlife Service ENDANGERED SPECIES PERMIT Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Mr. Robert A. Jantzen, Director, Arizona Game and Fish Department, 2222 West Greenway Road, Phoenix, Arizona 85023.

Mr. GEORGE W. MILIAS, DEPUTY DIRECTOR, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

APRIL 16, 1976.

DEAR MR. MILIAS: Regarding your inquiry of 30 March 1975, we are transmitting herewith an application for issuance of an Endangered Species Permit, to cover scientific research and propagation activities with the Gila topminnow, *Poeciliopsis occidentalis*.


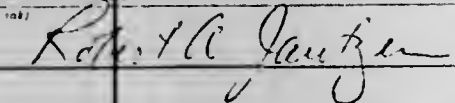
For enhancement and continued survival of the species, we plan to monitor wild native populations, and to improve our propagation program we propose to add new wild stocks for genetic variability in our captive populations. These actions are directed toward the goal of removing the species from endangered status, and ultimately from the listing entirely. Pursuant to Section 9 of the Act, these proposed efforts will require a permit of authorization.

We trust the information and attached application will be sufficient to expedite issuance of the permit.

Sincerely,

ROBERT A. JANTZEN,  
Director.



 <b>DEPARTMENT OF THE INTERIOR</b> <b>U.S. FISH AND WILDLIFE SERVICE</b> <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Collection, transportation, maintenance, display, propagation, release and monitoring of Gila topminnow, <i>Poeciliopsis occidentalis</i>		3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION. Fish and wildlife management Robert A. Jantzen, Director 602-942-3000	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> M. DATE OF BIRTH: _____ HEIGHT: _____ WEIGHT: _____ COLOR OF HAIR: _____ COLOR OF EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____		5. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit numbers) 2-SP-101	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Gila and Yaqui River Basins of Arizona and New Mexico		7. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list jurisdictions and type of documents)	
8. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF N/A		9. DESIRED EFFECTIVE DATE 1 May 1976	
10. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 17.101) MUST BE PROVIDED. 50 CFR 17.22		11. DURATION NEEDED 4 years, 8 months.	
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (If individual) 		DATE 4/16/76	

(iv) Transportation containers to be utilized: hermetically sealed, temperature controlled, 53 liter capacity. Temporary storage, study and display containers: aquaria of 19, 38 and 152 liter capacities.

(v) Excluding approximately 100 specimens sacrificed for scientific identification of various populations, no mortalities have been observed or documented.

(a) (7) Personnel employed by or under direct control of the Director, Arizona Game and Fish Department during the period 1 May 1976 through 31 December 1980.

(a) (8) Applicant as Director of Arizona Game and Fish Department has under his direct control the State agency responsible for fish and wildlife conservation in Arizona. As such, the activities of: collection, transportation, maintenance, display, propagation, release and monitoring will be conducted consistent with the scientific principles of resource management for the enhancement and survival of the species defined herein. Upon termination of activities any specimens held in captivity shall be returned to the wild.

(a) (1) Gila topminnow, *Poeciliopsis occidentalis*. Number to be collected, varied but not to exceed 1000 per sampling locality, dependent upon population level and capacity of rearing facility and/or introductory site. Male and female specimens to be collected from year classes, O, I, and II. Activities to be conducted to include: collection, transportation, maintenance, display, propagation, release and monitoring.

(a) (2) Specimens to be covered under permit are both wild and captive stocks.

(a) (3) Stocks currently held in captivity are subject to gene isolation through reproductive inbreeding; subsequently, to provide genetic variability, additional broodstock must be implanted from wild populations.

(a) (4) Stock currently available in captivity is held at Boyce Thompson Arboretum, Superior, Arizona.

(a) (5) Arizona Game and Fish Department, 2222 West Greenway Road, Phoenix, Arizona (study, maintain and display); Gila River basin in Arizona and New Mexico (collection, transportation, release and monitoring); Yaqui River basin of Arizona (collec-

tion, transportation, release and monitoring). Propagation to be undertaken at Phoenix address of the Department and continued at Boyce Thompson Arboretum.

(a) (6) (i) Live specimens to be retained in captivity at the Phoenix facility will be housed in aquaria of 19, 38, 152, and 4270 liter capacity. Additional brood impoundments are available in 4 to 1.2 hectare surface sizes.

(ii) Department fisheries personnel have successfully conducted these activities prior to enactment of P.L. 93-205, and subsequently with progeny thereof under letter of authority issued 17 May 1975.

(iii) The Department herein extends its willingness to participate in the programs outlined, of: cooperative breeding, maintenance or contributions to a studbook.

LYNN A. GREENWALT, DIRECTOR,  
 U.S. Fish and Wildlife Service,  
 Washington, DC 20240.

DEAR MR. GREENWALT: We, in Arizona, are quite concerned about the existing "endangered" classification under the Endangered Species Act of 1973 of both the native trout, *Salmo apache*, and the Gila topminnow, *Poeciliopsis occidentalis*.

We are also aware that there is current consideration within the regulatory office of your agency to reclassify these two fishes to the "threatened" category. Such action, we understand, would allow for some fisherman harvest and/or possession and transportation of these species. More importantly, it would also allow this Department to continue its previously successful cultural and restorative efforts which have, since 1965, produced and planted a total of 86,000 fingerling and 930 large catchable native trout in thirteen separate waters situated within its former range. These efforts have resulted in the establishment of reproducing populations in at least four streams and indicate strong potential for similar success in other streams not yet completely evaluated.

As you may know, our cultural work with the native trout came to an unfortunate and abrupt halt last December when our entire stock of 300 adult brood fish and 1,400 fingerlings were eliminated through the theft of adults and an unknown mortality of the fingerlings. Obviously, this has placed our future restoration effort in jeopardy unless a permit to procure more native trout from the wild can be granted as soon as possible, at least on an interim basis pending the final outcome of Arizona native trout reclassification or possible future entry into a cooperative agreement.

We would desire that the permit also be written to cover continued propagation and distribution of the Gila topminnow, since our efforts at restoring this species to at least sixty-five waters in its original range have been very successful. A total of at least 50,000 topminnows from initial culture efforts were utilized in planting the waters indicated and now it is reliably estimated that at least 500,000 of these fish exist in waters that were devoid of them just four years ago. We have no doubts that this species is neither endangered nor threatened and, consequently, we desire to continue our successful propagation and reestablishment program with the Gila topminnow in order to repopulate it in as much of its former range as possible.

We now have an aquatic biologist on our Fisheries Division staff who is assigned to devote a major part of his time to the endangered and threatened species program. He is actively coordinating with the several federal and state agencies involved in working toward the recovery and reestablish-

ment of all endangered and threatened fishes in Arizona.

Enclosed are copies of pertinent correspondence, various news media reports and book excerpts dealing with early work and current status of Arizona native trout which should be of interest to you. Two of the letters (December 1974) from your Office of Endangered Species and International Activities to Arizona sportsmen clubs state that data is being gathered and consideration given toward reclassification to "threatened" status for the Arizona native trout.

We earnestly hope that reclassification will occur very soon or that something can be approved in the way of an interim permit prior to reclassification which will allow us to procure native trout from the wild and thereby reestablish our culture program once again. It would be most desirable if a positive decision could be made within the next three or four weeks in order to allow for procurement of trout entering spawning condition. This would produce some young for the current year and, more importantly, initiate the slow adaptive process of the trout to hatchery conditions.

We would appreciate an early response to this request.

Sincerely,

ROBERT A. JANTZEN,  
 Director.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 23, 1976 will be considered.

Date: May 8, 1976.

LORON R. PONCISOR,  
 Acting Chief, Division of Law  
 Enforcement, U.S. Fish and  
 Wildlife Service.

[FR Doc. 76-15094 Filed 5-21-76; 8:45 am]

#### Office of Hearings and Appeals

[Docket No. M 76-301]

#### ALLIED CHEMICAL CORP.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Allied Chemical Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Harewood, One Main Extension, and Copeland Branch Mines, Fayette County, West Virginia. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars,

canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or ribs, or from ribs and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. By Memorandum dated September 20, 1973, the MESA Acting Assistant Administrator interpreted 30 CFR 75.1710-1 to mean that "mining height" as used in such section was "the distance from the floor to the finished roof less 12 inches."

2. Petitioner's Harewood, One Main Extension and Copeland Branch Mines typically have mining heights varying in height between 30½ and 57 inches. Some areas have been encountered where the mining height is less than 30½ inches. Moreover, Petitioner is constantly encountering naturally occurring irregularities in the coal seams, including local undulations and dips and rises.

3. The self-propelled electric face equipment operated in the subject mines is as follows: 26 Lee Norse Continuous Miner; 26 H Lee Norse Continuous Miner; 265 Lee Norse Hard Head Continuous Miner; 28E Lee Norse Continuous Miner (28 inches); 14 BU7 Loader (27 to 37 inches); 14 BU10 Loader (30 inches); 11 RU Cutting Machine, 15 RU Cutting Machine (40½ inches); 300 Galis Roof Bolting Machine (27 inches); 6SC Shuttle Car (31 inches); 21 SC Shuttle Car (30 inches); 10 SC Shuttle Car (43 inches); C. D. 81 Coal Drill; Schroeder Coal Drill; Elkhorn Scoop; and Utility Scoop.

4. The aforesaid equipment has been in service for several years, and when manufactured was not designed for the installation of canopies or cabs which would comply with the provisions of 30 CFR 75.1710-1(a) and, at the same time, assure the safety of individual miners at the subject mines. Petitioner believes that much of said equipment is not constructed in a manner sufficient to support a canopy or cab.

5. Petitioner has made numerous and repeated good faith experiments and efforts to discover, purchase and/or construct suitable canopies or cabs in order to comply with the provisions of 30 CFR 75.1710-1(a), and, at the same time, to assure the safety of individual miners at the subject mines, but such experiments and efforts have been unsuccessful.

6. Technology does not presently exist to enable Petitioner to equip its self-propelled electric face equipment with suitable canopies or cabs in order to comply with the provisions of 30 CFR 75.1710-1(a) and, at the same time, assure the safety of individual miners at the subject mines.

7. Petitioner states that the use of canopies or cabs on the self-propelled electric face equipment would result in the diminution of safety to the individual miners at the subject mines for the following reasons:

(a) While canopies or cabs may have the necessary height clearance some of the time, the necessary clearance frequently diminishes to zero when either the bottom or the full seam undulates or when rolls, dips or rises are encountered. This creates a hazard in that canopies or cabs damage or destroy roof-bolts, headers, and ventilation devices. On occasion the canopies or cabs are torn off when they become wedged against the roof. A high probability of injury exists under such circumstances;

(b) When operating with a canopy or cab, the individual operator of self-propelled electric face equipment has his field of vision so severely obstructed and restricted that operation may become hazardous to the individual operator himself and to all of the persons in his working area;

(c) When operating with a canopy or cab, the individual operator must ride in such a cramped position that fatigue is more readily induced and reaction time is slowed and alertness impaired;

(d) When operating with a canopy or cab, because of the combination of severely limited vision and close confinement, individual operators tend to lean out of the operating compartment in order to promote better vision and less fatigue, thereby increasing the risk of an individual operator being crushed between equipment and coal ribs;

(e) When operating with a canopy or cab, ingress to and egress from self-propelled electric face equipment is so restricted that the individual operator



may be substantially hindered in rapidly escaping or may be held captive and unable to escape, when the action of the roof, smoke or fire, or some other unforeseen danger would clearly warrant such escape; and

(f) When operating with a canopy or cab, the close confinement, obstructed and restricted vision and severely limited ingress and egress encourage individual operators to attempt to manipulate the controls from outside of the equipment while standing between the equipment and the rib, thereby increasing the risk of an individual operator being crushed between equipment and coal ribs.

8. The individual operators of self-propelled electric face equipment in the subject mines are at all times under fully-supported roof in compliance with MESA approved roof-control plans. Such roof support is deemed satisfactory for all other personnel in the mines, including the helpers on self-propelled electric face equipment.

9. Numerous employees at the subject mines who belong to the United Mine Workers of America have complained that installation of cabs or canopies on self-propelled electric face equipment in the present mining heights will reduce safety. In some cases, said employees have refused to operate self-propelled electric face equipment when hampered by a cab or canopy which reduces visibility, bumps or catches the roof or roof supports, more readily induces fatigue, or prevents rapid escape from its confines.

10. Petitioner proposes the following alternative method for compliance with 30 CFR 75.1710-1(g) and maintenance of safe roof and rib conditions in connection with operation of self-propelled electric face equipment at the subject mines:

(a) Petitioner proposes to operate its present self-propelled electric face equipment as its alternate method of compliance with 30 CFR 75.1710-1(a);

(b) Petitioner will replace its present self-propelled electric face equipment as such equipment wears out with new redesigned smaller equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the problems identified in this petition;

(c) Petitioner will continue to perform research and experimentation to attempt to design a cab or canopy for each piece of its present self-propelled electric face equipment which would comply with the provisions of 30 CFR 75.1710-1(a) and, at the same time, assure the safety of individual miners at the subject mines;

(d) If a workable design is discovered by Petitioner, said design will be implemented on an experimental basis for evaluation by Petitioner, MESA and UMWA personnel under actual working conditions. If said experimental operation is successful Petitioner will retrofit those pieces of its self-propelled electric face equipment with the form of cab or

canopy for which successful evaluation has been made;

(e) Petitioner will affirmatively seek ideas from UMWA personnel, MESA, and other members of the coal mining industry as to design for cabs and canopies for use in low coal;

(f) Petitioner will, by letter, advise MESA's local District Manager with jurisdiction over the subject mines, of the progress being made, if so requested by the District Manager; and

(g) In addition to complying with the roof control plans in effect at the subject mines, Petitioner will reinstruct all face workers and section supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

11. Petitioner believes that, under present conditions, it is impossible to install or utilize canopies or cabs on the self-propelled electric face equipment in the subject mines which would provide the same degree of safety to miners as its present equipment provides.

12. Petitioner believes that its present self-propelled electric face equipment, and the adoption of its proposed alternate method, does now and will at all times guarantee no less than the same measure of protection afforded the miners of the subject mines by the mandatory standard contained in 30 CFR 75.1710-1(a) and that the application of 30 CFR 75.1710-1(a) without modification to the subject mines will result in a diminution of safety to the miners in such mines as compared with the level of safety now afforded.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-14996 Filed 5-21-76; 8:45 am]

[Docket No. M 76-380]

#### APACHE MINING CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Apache Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 15, Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the

height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner states that the subject mine is in the #2 Elkhorn coal seam and ranges from 40 to 48 inches in height. The petitioner states that the coal seam has consistent ascending and descending grades creating dips in the coalbed and that these dips and the varying height make it impossible to keep the canopies from hitting the roof, ripping out roof bolts, and catching the machine.

2. Petitioner also states that this condition restricts visibility.

3. Petitioner states that management and employees of the mine think that the use of canopies diminishes the degree of safety provided to the miners.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-14997 Filed 5-21-76; 8:45 am]

[Docket No. M 76-325]

#### APACHE COAL COMPANY

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Apache Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Apache No. 1 Mine, located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

In the Apache No. 1 Mine, operations are proceeding in seams of coal of heights which, when mined, do not permit clearances between the top of operated equipment and the roof, adequate to allow installation of canopies for protection of operators, without the creation of other and additional hazards. In this mine, seam height varies significantly within all entries and from section to section, and within each section. Therefore, hazards from roof contact exist in all sections covered by this section at areas where low seams, or rolls, dips and other seam variation drop to the vicinity of equipment height. Petitioner has installed canopies on all equipment where repeated contact with the roof does not occur, and has re-equipped sections where possible.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-14996 Filed 5-21-76; 8:45 am]

[Docket No. M 76-257]

#### APACHE MINING CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Apache Mining Company, has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

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1. The height of the coal seam in the No. 2 Mine ranges from 46 to 48 inches. The coal seam is uneven throughout the mine.

2. The equipment for which the Petitioner seeks modification includes the following: two CX1 S&S scoops, one 11 RV joy cutting machine, one Lee-Norse roof bolter and one long aircon coal drill.

3. The Petitioner installed a canopy on the cutting machine, but it would not clear the roof support. Roof bolts were also pulled out by the canopy. Petitioner altered the canopy so that it was in a lower position. However, as the cutting machine went over a hump in the mine floor, the canopy caught a roof bolt, causing the canopy to be ripped off the machine.

4. Petitioner cannot operate equipment under this regulation inasmuch as employees are working under hazardous conditions. Petitioner alleges that the installation of canopies on the above-mentioned equipment presents a greater hazard than if canopies are not required.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc 76-14999 Filed 5-21-76; 8:45 am]

[Docket No. M 76-326]

#### BEE COALS, LTD.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Bee Coals, Ltd. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 001 Mine, located in Lee County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2),

(3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

Petitioner maintains that adding a canopy to its Wilcox Mark 20 continuous miner would obstruct the view of the operator of this equipment, preventing him from being able to see his augers as they are cutting to either side. The operator's inability to see would endanger the pack settlers and timbermen working with the continuous miner. Petitioner maintains that it would be impossible to add a cab or canopy since, at present, even without the addition of a cab or canopy, this miner scrapes the roof in the lowest coal area where it is used.

Petitioner maintains that adding a canopy or cab to its Wilcox WRDA-J roof bolters would obstruct the view of the bolter operator and his helper, who must have full view of the top and the bolts. This inability to see the top would, petitioner maintains, make it harder for a two-man crew to work. In addition, the addition of a cab or canopy would create a dangerous "pinch point" between the canopy and the roof, endangering miners in the area, especially a miner tramming this machine, since he must run alongside it while he trams it.

Petitioner maintains that the addition of a cab or canopy to its Elkhorn DLE-1 Scoop is impossible, since the posts on its deck end already drag the top in low places. In addition, petitioner maintains that the addition of a cab or canopy would create "pinch points" with the roof and ribs.

Petitioner maintains that it would be contrary to Virginia State law for it to add these canopies or cabs, in that this law requires a minimum of 6 inches of clearance above any cab or canopy at the lowest point in the mine. Petitioner also maintains that cabs or canopies for this equipment are not available to it.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department

of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc 76-15000 Filed 5-21-76; 8:45 am]

[Docket No. M 76-381]

#### BLUE RIBBON COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Blue Ribbon Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its K. W. Blue Ribbon No. 1 Mine, Martin County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as applied to his No. 1 Elkhorn Scoop.

2. Petitioner further states that it is dangerous to install canopies on equipment used to mine their coal seam because the bottom of the seam is wavy

and the height is changeable.

3. Petitioner states that the use of a canopy on the subject equipment would diminish the degree of safety provided to the miners.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc 76-15001 Filed 5-21-76; 8:45 am]

[Docket No. M 76-384]

#### B&M COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), B&M Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1, Nicholas County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

#### BUCHANAN AND SONS COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Buchanan and Sons Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 19 Mine located in Wise, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

1. The following equipment with the following heights is used in this mine:

	Inches
Wilcox continuous miners.....	24
Elkhorn Scoops.....	26
Wise Manufacturing Motors.....	26
Wise Manufacturing Motors.....	26
Kersey Motors.....	26
Wilcox Roof Bolter.....	27

There have been no injuries due to rolls, bumps, or falls to persons operating any machinery in this mine.

2. This mine has been operating since July 20, 1969, without a roof fall accident of any kind. The seam height of the Bolling seam in this area will average from 24 to 36 inches.

3. It will be impossible to install a cab or canopy extending above the height of the machinery because the equipment will hit the roof and loosen the roof bolts

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[Fr. Doc 76-15002 Filed 5-21-76; 8:45 am]

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creating a potential roof fall hazard. By all records, roof falls are one of the major causes of injury.

4. The operator of the Wilcox miner, and other equipment, must be able to see across the machine while he is operating or mining coal. There are three men working on the side opposite the miner operator, one shoveling loose coal, one setting the jacks, and one man installing roof supports as the miner works back and forth across the face of the coal.

5. The cab or canopies proposed is an after-the-fact solution. If the roof is controlled then neither is needed. Their installation would create a clear danger because the miner could not see the men on the off sides. In the state of West Virginia, in January 1976, a roof bolter and a miner operator were killed while operating equipment which had cabs or canopies.

6. In lieu of cabs or canopies, if MESA can come up with a fail-safe roof control plan, Petitioner is willing to go to any effort that will improve the measure of protection to the miners working in this mine.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15004 Filed 5-21-76; 8:45 am]

[Docket No. M 76-404]

#### BUCCANEER COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Buccaneer Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face

equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the application of the mandatory safety standard 30 CFR 75.1710-1 with respect to the below-listed equipment used in the No. 1 Underground Mine for the reason that the application of such standard to such equipment in such mine will result in a diminution of safety to miners:

- (a) Epling Spinner;
- (b) Epling Motor;
- (c) Elswick Pinner; and
- (d) Elkhorn Scoop.

2. The No. 1 Underground Mine is in the Blair coal seam and ranges from 30 to 32 inches in height.

3. Petitioner states that the seam is so low that the equipment drags on the roof which could damage the roof bolts and half-headers used for roof support, or cause injury to the operator or other personnel. The use of cabs or canopies could also cause equipment to become wedged between the roof and mine floor trapping the operator.

4. Petitioner states that the addition of cabs or canopies to this equipment would force the operators to work in a cramped position making handling of the equipment more difficult.

5. Petitioner states that visibility would be cut in half if cabs or canopies were installed since they would have to be built close to the body of each piece of equipment.

6. As an alternative to the mandatory safety standard, Petitioner proposes to roof bolt the haulageways to within 10 feet of the face of the coal.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson

Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

MAY 10, 1976.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

[FR Doc. 76-15004 Filed 5-21-76; 8:45 am]

[Docket No. M 76-311]

#### CALAHAN-ELKHORN COAL CO., INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Calahan-Elkhorn Coal Co., Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1 located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. This petition is in reference to canopies on haulage equipment (mine tractors), loading machines, roof bolting machine and cutting machine.

2. This mine is in the Pond Creek seam. The thickness of the seam is not consistent due to rolls in the bottom and

small hills inside the mine. The seam thickness is from 29 to 31 inches.

3. It would be impossible to remove this equipment to the outside without removing the canopies or placing the canopies at the lowest height in the mine. The mine tractor operators would be placed in danger due to the different heights of the coal. The canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.

4. Any piece of equipment with a canopy in low coal will reduce the vision of the operator of that particular piece of equipment to the point where he would be in danger and other workmen in the mine would be subject to injury from the moving equipment.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 6, 1976.

[FR Doc. 76-15005 Filed 5-21-76; 8:45 am]

[Docket No. M 76-423]

#### CAMP COAL CO. NO. 2

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Camp Coal Company No. 2 has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more but, less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of 30 CFR 75.1710-1 with respect to the following equipment in use in its No. 2 Mine: Epling Spinner, Royal Cutting Machine, Paul Elswick Roof Bolter, Mescher Tractor.

2. The coal seam at this mine ranges in height from 30 to 32 inches. The height of the equipment affected without the canopies of cabs ranges from 24 to 28 inches.

3. Installation of cabs or canopies on the above-mentioned equipment would cut the machine operator's vision in half. In addition, the cab or canopy would cramp the operator and make operation of the equipment more difficult. Also, the machinery would drag the top in some areas and thereby damage the roof bolts and half-headers holding the top. The operator could be injured by the impact of the cab or canopy striking the top. Also, striking the top could "hand the motor" and immobilize the equipment.

4. Petitioner will roof-bolt to within 10 feet of the face of coal. Petitioner will conduct additional and supplemental training on proper roof support inspections and will periodically inspect safety devices on the equipment. Employees will be instructed in the use of existing safety equipment during rock falls. Regular drills on the handling of equipment will be conducted.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15006 Filed 5-21-76; 8:45 am]

[Docket No. M 76-362]

#### CHAFIN COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and

Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Chafin Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its 2A, 5 and 6 Mines, Logan County, West Virginia.

20 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

Petitioner requests a waiver of the application of Section 75.1710 as it applies to its face equipment. The substance of Petitioner's statement is as follows:

Petitioner's mining operations involve coal seams which average 47 inches for its 2A mine, 35 inches for both its Number 5 and Number 6 Mines. These seams will sometimes vary dramatically in height from one area to another. The miners feel that in operating machinery with canopies, their visibility would be so limited as to force them to have to lean farther toward the outside of the deck. They feel that in leaning farther out of the machine to acquire better visibility, they would be exposing themselves to greater discomfort, hazards from objects flung from wheels, and greater narrowing of their thin margin of safety in ducking back toward the deck in event that a sudden swerve of the machine should force them against the ribs or timbers.

The canopies will cause the miners to have to be even more alert in performing in a situation already demanding their utmost attention and concentration. They fear the added measure of nervous strain engendered by anxiety over the possibility of hitting someone, will cause



them to be more prone to make dangerous mistakes.

Further, Petitioner has not experienced any unsolvable, abnormal roof control problems and there have been no major accidents attributable to our roof control program.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15007 Filed 5-21-76; 8:45 am]

[Docket No. M 76-453]

#### C. S. & S. COAL CORP.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), C. S. & S. Coal Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Mine located in Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner's No. 3 Mine is located at Lynn Camp Creek, Buchanan County, Virginia.

2. The mine operates one production shift per day utilizing conventional mining methods. Approximately 150 tons of coal are produced each day. There are 15 underground employees.

3. The anticipated life of the mine is approximately 6 years.

4. The regulatory requirement for installation of canopies or cabs becomes applicable to this mine on July 1, 1976.

5. The electric face equipment subject to the regulation in the No. 3 mine consists of one Model 81-CW Jeffrey Loading Machine, one 12-RB Joy Cutting Machine, one 300 Galis Pinning Machine, and three 12-HD Mescher Tractor Motors.

6. The coal seam being mined is the Gray Morgan seam. The average height of the Gray Morgan coal seam in the No. 3 Mine is 34-38 inches. For purposes of 30 CFR 75-1710-1, the mining height of the No. 3 Mine is 22 inches.

7. The equipment subject to the regulation operates in rooms which are cut 20 feet wide and 34 to 38 inches in height; there are no adverse rib conditions and there is no history of roof falls in any of the face areas.

8. Because of the size of the equipment in relation to the seam height, canopies and cabs would be incompatible with operations in the No. 3 Mine. Installation of canopies, cabs or any similar device would result in a serious diminution of safety, thereby causing the Petitioner to discontinue its operations.

9. The Petitioner has investigated various methods of installing canopies or cabs without encountering a single method which would be safe in its mine.

10. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710-1, but Petitioner maintains that application of 30 CFR 75.1710-1 to the No. 3 Mine at present mining heights will result in a diminution of safety to the miners in the mine.

11. A combination of timbers and roof bolts with half headers is now being utilized to support the roof of the No. 3 Mine.

12. Petitioner will train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15008 Filed 5-21-76; 8:45 am]

[Docket No. M 76-401]

#### EASTOVER MINING CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Eastover Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Virginia No. 2 Mine, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The average mining heights at the Virginia No. 2 Mine range from 30 to 48 inches. Some areas have been encountered where the coal height is less than 30 inches and at this time are considered unminable because of the low seam height. The coal seam is generally level but has some local undulations or dips and rises in the top and bottom.

2. Petitioner requests the modification of the application of 30 CFR 75.1710 with respect to the below listed equipment used in the Virginia No. 2 Mine for the reason that the application of such standard to such equipment in such mine will result in a diminution of safety to miners.

(a) Jeffrey 120L, Jeffrey 120M, Lee Norse 26H, and Joy 14CM continuous mining machines;

(b) Joy 21SC, Jeffrey 404M, and National Mine Service Torkar shuttle cars;

(c) S & S 74 UAT, and S & S 81 UAT scoops; and

(d) FMC-Galls 300, and FMC-Galls 3500 roof drills.

3. Cabs or canopies on this equipment would obstruct the field of vision of the operator of the equipment causing him to possibly run into the rib or machinery or to run over other miners because of limited vision.

4. The post supporting the cabs or canopies would cause shadows to be thrown by the operator's cap lamp. These shadows would increase the chances of over or understeering around corners causing the equipment to run into or sideswipe the ribs or other equipment. This could throw the operator from the equipment and injure or kill him.

5. Installation of cabs or canopies on equipment in this mine would cause the operator to lean out of the operator's compartment in order to see where he is going or in the case of a continuous miner operator whether or not he is cutting in the top or bottom. If he leans out to the side of the equipment to get an unobstructed view of his surroundings or roadway his chances of falling from the equipment is increased or he may sideswipe the rib, a corner, other equipment or some other projecting obstruction and be dragged from or under the equipment and be injured or killed.

6. Installation of cabs or canopies on equipment in this mine would cause the operator to ride on and operate the equipment from a cramped position which may slow down reaction time when steering or applying the brakes which may cause him to injure or kill himself or another miner.

7. The miners who work at this mine have stated that the installation of canopies on equipment would cause death or injury.

8. As a result of the cramped position caused by the canopies, the operator would have to get outside of the operator's compartment to turn in the direction of travel. This required movement could cause the operator to be injured or killed or could cause harm to come to other miners.

9. Ingress to and egress from the cab or canopy would be so limited that the operator would be held captive and this could prevent escape when action of the roof clearly would warrant such retreat. In case of machine malfunction, cable damage, or power failure of any kind, the operator of the equipment may be

held captive by the cab or canopy for an indefinite period.

10. The operators of this type of equipment are under fully supported roof at all times provided by an approved full roof bolting plan or a combination of roof bolts and posts. Such roof support is deemed satisfactory for other personnel in the mine, including helpers on self-propelled face equipment. The helpers and other supporting personnel freely move around the equipment under the protection of proper roof support.

11. Continuous miner operators cannot see the last row of roof bolts because the canopies impair their vision, and such operators may, as a result, inadvertently go in by roof support. Also they cannot see cutter lines and may, because of this situation, weaken the roof by cutting places too wide.<sup>1</sup>

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15009 Filed 5-21-76; 8:45 am]

[Docket No. M 76-337]

#### HALL COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), the Hall Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 12 Mine located in Floyd County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is

<sup>1</sup> Petitioner attached photographs and sketches to the petition which illustrate the effect canopies would have on the operation of equipment due to the operator's cramped and unsafe position. These exhibits are available for inspection at the Hearing Division address provided herein.

employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

Petitioner's mine undulates between 35 and 40 inches of coal height. In order to get to the face area, petitioner must pass equipment through an area with 33 inches clearance.

Petitioner's equipment includes 2 scoops and 1 roof bolter. This equipment is about 30 inches in height.

Petitioner maintains that putting tops on this equipment would block the vision of the operators of this equipment and endanger the other miners in the area.

As its alternative to adding these canopies, petitioner wishes to continue mining without them.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals

MAY 10, 1976.

[FR Doc. 76-15010 Filed 5-21-76; 8:45 am]

[Docket No. M 76-424]

#### H. AND J. COAL CO. NO. 1

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), H. J. Coal Company No. 1 has filed a petition to modify the application

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of 30 CFR 75.1710 to its No. 1 Underground Mine.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.110 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of 30 CFR 75.1710-1 with respect to the following equipment in use in its No. 1 Underground Mine: Epling Spinner, Royal Cutting Machine, Paul Elswick Roof Bolter, Mescher Tractor.

2. The coal seam at this mine ranges in height from 30 to 32 inches. The height of the equipment affected without the canopies or cabs ranges from 24 to 48 inches.

3. Installation of cabs or canopies on the above-mentioned equipment would cut the machine operator's vision in half. In addition, the cab or canopy would cramp the operator and make operation of the equipment more difficult. Also, the machinery would drag the top in some areas and thereby damage the roof bolts and half headers holding the top. The operator could be injured by the impact of the cab or canopy striking the top. Also, striking the top could "hang the motor" and immobilize the equipment.

4. Petitioner will roof-bolt to within 10 feet of the face of coal. Petitioner will conduct additional and supplemental training on proper roof support inspections and will periodically inspect safety devices on the equipment. Em-

ployees will be instructed in the use of existing safety equipment during rock falls. Regular drills on the handling of equipment will be conducted.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15011 Filed 5-21-76; 8:45 am]

[Docket No. M 76-386]

#### HARLAN NO. 4 COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan No. 4 Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to the following mines: Karen Mine, Lucky Star Mine, Rice Harlan Mine, and Upper Harlan Mines, which are all located in Harlan County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that it operates the following underground coal mines in eastern Kentucky with minimum mining heights as indicated:

- a. Karen Mine (ID No. 15-04033): less than 34 inches;
- b. Lucky Star Mine (ID No. 15-06874): less than 36 inches;
- c. Rice Harlan Mine (ID No. 15-06778): less than 32 inches;
- d. Upper Harlan Mine (ID No. 15-08293): less than 30 inches.

Harlan's fifth mine, KOK, has mining heights in excess of 48 inches.

2. Petitioner respectfully petitions the Secretary for exemption from the canopy requirement of 30 CFR 75.1710-1 for the following equipment in the mines named:

- a. Karen Mine: Four Joy 21 SC shuttle cars; Two Joy 14BU10 loaders; Two Joy 16 RB coal cutting machines; Two Galis 300 roof-bolters; and Two Schroeder CDB-200A coal drills.
- b. Lucky Star Mine: One Jeffrey 101 remote continuous miner; Two Joy 18 SC shuttle cars; One Galis 300 roof-bolter; One Elkhorn DLE-1 scoop; and One Schroeder CDB-200A coal drill.

- c. Rice Harlan Mine: One Jeffrey 101 remote continuous miner; One 506 Bridge conveyor-carrier; One Galis 300 roof-bolter; Two Joy 18 SC shuttle cars; and One Schroeder CDE-200A coal drill.

3. In support of its petition Petitioner states that in four of the five mines it is presently operating, the mining heights are insufficient to permit safe operation of its self-propelled electric face equipment with such canopies and/or cabs installed. It states that devices impair equipment operators' range of vision and so restricts their body movements as to reduce effective control of such equipment; they unduly fatigue the operators and have the potential for permanently disabling them by muscle atrophy and possible bodily disfigurement.

4. Petitioner states that it has installed and is using such devices in its KOK Mine because the mining height is sufficient to permit their use without impairment of the operator's vision and body movement. Likewise, it has installed and used such devices in Karen Mine where the coal height was 48 inches or greater. In the three remaining mines, however, and in the portions of Karen now being mined, mining heights are insufficient to permit the cab-canopy installation and leave sufficient visibility and room for the operators' physical movement to insure safe, efficient operation.

5. Petitioner further states that installation of such canopies and cabs has been tried experimentally in these low coal heights and found to be unsatisfactory and unsafe, even with locally constructed modifications.

6. Petitioner also states that both Harlan's management and its underground employees, who are members of the United Mine Workers of America and the operators of the equipment, are in agreement on the need to modify the standard so as to permit use of self-propelled electric face equipment, including shuttle cars, in the four named mines. An informal survey of 23 men engaged at various times in the operation of such equipment in Karen Mine found them unanimous in the opinion that such canopies and/or cabs are hazardous in coal heights of 48 inches or less. Opinions ranged over a broad spectrum covering, *inter alia*, impaired vision, lack of mobility, and physical discomfort. One roof-bolter alleges that he is unable to see his drill point from under the canopy and thus is unable to properly position roof bolts.

7. Petitioner further respectfully urges that in some instances the canopy-cab requirement serves no useful purpose and is futile, as in the case of remotely-controlled continuous miners and bridge conveyors, where the operator is 60 feet or more away from the face and not in close proximity to the equipment and its cab or canopy. 30 CFR 75.1710-1, however, requires their installation even when operators do not ride on the equipment.

8. Petitioner concludes that installation and use of such canopy-cab devices in fact diminishes mine safety by obstructing vision and limiting maneuverability of the equipment. He states that under the existing circumstances it is difficult to suggest any alternative devices which will provide substantially the same protection as canopies and cabs are intended to do; however, Petitioner suggests that in mines such as its own, where roof conditions are generally good, the best safety efforts can be directed toward more frequent inspections and increased education of its personnel.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15012 Filed 5-21-76; 8:45 am]

[Docket No. M 76-385]

#### HANNALINE INDUSTRIES, INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and

Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hannaline Industries, Incorporated has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 1, Nicholas County, West Virginia. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on or after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. The Petitioner states he is the operator of a small mine near Summersville, West Virginia, with operations in seams of coal in heights of an average of 36 inches. He states that this height does not permit clearances between the top of operated equipment and the roof adequate to allow installation of canopies for protection of the operators without the creation of other and additional hazards. These seams of coal vary significantly in height and the machinery now being used is a 512 Goodman machine, which makes it imperative that the operator leave the machine to make certain adjustments and do other maintenance and mechanical adjustments, which cannot be readily accomplished with canopies in place.

2. The Petitioner also states that in other situations there is not sufficient clearance to permit the machines to work without making contact with the roof, ribs and other equipment and haulways in the mine.

3. Petitioner further states that the canopies would destroy, or partially

block, the view of the operator or cause him to have to protrude his head from underneath the canopies for proper visual inspection.

4. Petitioner states that he has been in contact with other operators in the area, as well as equipment vendors, and finds that no standard canopy now in production can meet the requirements of the law and still permit coal of this height to be satisfactorily removed.

5. Petitioner respectfully asks for a modification of 30 CFR 75.1710 since these standards will result in diminution of safety at its mines, and no technology is available at present to satisfactorily accomplish the desired results of increased safety. The Petitioner states that the production for this mine will be sharply curtailed or stopped, if he is required to install the present standard canopy, and therefore requests that the Safety Act be modified in order that he may continue to produce coal in view of the present energy requirements of the nation.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments, on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15013 Filed 5-21-76; 8:45 am]

[Docket No. M 76-327]

#### HAWKINS AND SWINNEY COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Hawkins and Swinney Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 E Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2),



(3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

Petitioner's No. 1E Mine uses the following equipment: 1 Epling Spinner, 2 Paul's Repair Shop Roof Bolting Machines, 3 Mescher Tractors, 1 Elkhorn Industrial Products Scoop.

Petitioner's No. 1E Mine is in the No. 2 Elkhorn Seam and ranges from 38 to 48 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed and the bottom. Water collects in the dips in the bottom, forcing Petitioner to use flooring, which adds another 2 to 4 inches of height to the equipment in use there.

Petitioner maintains that it should be allowed to remove the canopies it has installed on this equipment for the following reasons:

1. The limited visibility caused by these canopies is a very serious impairment to the operator and hampers the safe operation of this equipment.

2. On account of these canopies, the operator is forced to work in a very uncomfortable and awkward position and could easily sustain back or muscle injuries resulting from entering or exiting the equipment.

3. The presence of these canopies greatly increases the danger of striking overhead objects.

4. The equipment in use in Petitioner's mine was not manufactured with enough safety engineering for canopies to be installed, considering the height of the coal in the area in which it is used.

Petitioner asserts that its production has dropped from 2,400 tons per month to between 800 and 1,000 tons per month on account of the necessity of operating this equipment slowly in order for the operator to be able to see and maintain safe working conditions. Petitioner asserts that it will not be able to continue working under these conditions.

As its alternative, Petitioner seeks to resume operations without these canopies.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or fur-

nish comments, on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15014 Filed 5-21-76;8:45 am]

[Docket No. M 76-389]

#### HAWLEY COAL MINING CORP.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hawley Coal Mining Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its Bottom Creek No. 1 and No. 2 Mines, McDowell County, West Virginia.

30 CFR 75.1710 provides:

"An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

" . . . Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner states that its mining operations in the Bottom Creek No. 1 Mine are conducted in the Pocahontas No. 12 Seam which ranges in height from 38

inches to 44 inches, and which contains an average seam height of 36 inches. Mining operations in the Bottom Creek No. 2 Mine are conducted in the Pocahontas No. 10 Seam which ranges in height from 44 inches to 52 inches, and which contains an average seam height of 39 inches.

2. Petitioner states that it conducts its coal mining operations in the Bottom Creek No. 1 Mine through the use of continuous mining machines, shuttle cars and roof bolting machines. In the Bottom Creek No. 2 Mine, the Petitioner conducts its coal mining operations through the use of cutting machines, loading machines, roof bolting machines and battery tractors.

3. Petitioner states that in the past he has attempted to utilize cabs and canopies on its electric face equipment, operating in the lower coal seam heights of the Bottom Creek Mines, above mentioned, and by virtue of said use, the Petitioner determined that the installation of these devices on the said equipment greatly decreased the safety of the miners employed by it in said Mines.

4. Petitioner states that this decrease in safety results, in part, from a limitation of the proper visibility necessary for the safe operation of the said mining equipment during periods when the equipment operator is under the cab or canopy.

5. Petitioner further states that the coal seams in which he is presently conducting its mining operations at the Bottom Creek Mines are subject to rolls and undulations which cause the equipment, upon which has been installed cabs or canopies, to become jammed between the roof and the floor of the active workings of the Bottom Creek Mines.

6. Petitioner states that on various occasions, the coal miner employed by the Petitioner at the Bottom Creek Mines, have expressed their dissatisfaction with the use of such devices in the Mines, and have threatened not to operate the electric face equipment should said cabs and canopies be installed thereon.

7. Petitioner states he has contacted its equipment suppliers to determine if any forms of cabs and canopies are available for installation on the electric face equipment operated in the Bottom Creek Mines, which will not produce the safety hazards abovementioned. He has been advised on numerous occasions that such devices do not exist at the present time for use on the said equipment. Furthermore, he has been unable to develop an adequate design for a cab and canopy for said equipment which will alleviate these problems.

8. Based on the foregoing, it is Petitioner's position that the application of the Mandatory Safety Standards set forth in Sections 75.1710 and 75.1710-1 (a) to the electric face equipment presently employed at the Bottom Creek Mines, in the coal seam heights abovementioned, will in fact result in a diminution of safety to the coal miners employed by Petitioner in said Mines.

9. Petitioner submits, as an alternate method to provide for the safety of its miners employed at the Bottom Creek

Mines, the following program for use in connection with its electric face equipment presently in operation at the said Mines:

a. Petitioner will affirmatively undertake steps to ascertain and develop, through its internal staff and its outside equipment suppliers, a suitable form of cab and canopy for use in connection with its electric face equipment in the Bottom Creek Mines, the application of which will not result in the safety hazards enumerated above. During the course of said development program, the Petitioner will consult the proper representatives of the Mining Enforcement and Safety Administration and the United Mine Workers of America, so as to benefit by their expertise in this area. In connection with this, the Petitioner will affirmatively solicit ideas for cab and canopy designs from the mining personnel employed by it in the Bottom Creek Mines. As such technology is developed, the Petitioner will employ it in its mining operations at the Bottom Creek Mines.

b. The Petitioner will regularly conduct classes for all of its supervisory, coal mining and safety personnel employed at the Bottom Creek Mines, concerning the various aspects of the roof and rib control plan employed by the Petitioner at the said Mines, as well as the latest techniques in roof and rib control. Furthermore, the Petitioner will regularly instruct the personnel, abovementioned, in the safe use and operation of the electric face equipment employed by the Petitioner in the Bottom Creek Mines.

c. The Petitioner will, upon request, provide to the applicable local representatives of the Mining Enforcement and Safety Administration reports pertaining to the progress which it is making in this area.

10. Petitioner respectfully requests that this Petition for Modification of the Application of 30 CFR 75.1710 and 75.1710-1 (a) be granted until such time as the Petitioner is able to develop and utilize a cab or canopy configuration which will allow for the safe operation of its electric face equipment in the coal seam height at the Bottom Creek Mines, abovementioned.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15015 Filed 5-21-76;8:45 am]

[Docket No. M 76-338]

#### HITE PREPARATION CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its G-33 Mine located in Floyd County, Kentucky. 30 CFR 75.1710 provides:

"An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

" . . . Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

The mine that petitioner operates is a drift mine in a coal seam which has an average height of 45 inches.

The electric face equipment which petitioner uses and the height of each piece of equipment are as follows:

2 Elkhorn Industrial Products Co., AR-4 Scoops, 27 inches; 1 Elkhorn Industrial Products Co., DLE-1 Scoop, 28½ inches; 1 Acme Roofbolter, 27 inches; 1 Schroeder Coal Drill, 27 inches.

In addition to the fact that the coal seam in this mine is low, there are uneven bottom conditions there. These conditions make it hazardous for a man to operate this equipment with a canopy over the deck of the machine. With such

a canopy, it would be necessary for operators to extend their heads out the side of these machines to get adequate visibility. Petitioner believes that the addition of canopies to this machinery would result in a diminution of safety to the miners operating them. As its alternative, petitioner seeks to continue using these machines without adding canopies to them.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15016 Filed 5-21-76;8:45 am]

[Docket No. M 76-379]

#### IMPERIAL COLLIERY CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Imperial Colliery Company has filed a petition to modify the application of 30 CFR 75.1712 to its Mine No. 14, Kanawha County, West Virginia. 30 CFR 75.1712 provides:

"The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, to provide for the storing of such clothes from shift to shift, and to provide sanitary and bathing facilities. Sanitary toilet facilities shall be provided in the active workings of the mine when such surface facilities are not readily accessible to the active workings.

The substance of Petitioner's statement is as follows:

1. Petitioner states that the hydrologic conditions in the vicinity of the portal to No. 14 Mine virtually precludes the installation of bathhouse facilities utilizing a septic tank and tile drainage field. He states that at the site the ground water table lies approximately 6 to 12 inches below the normal ground surface. According to the West Virginia State Department of Health, Design Standard for Small Septic Tank Systems, page 5, " . . . the depth of a proposed absorption system, (is) normally 24 to 30 inches." Petitioner concludes their drainage field would be located below the local ground water table. He states that the West Virginia State Board of Health, Small Sewage and Excreta Disposal Systems Regulations, section 6.2.9 provides as follows: "No soil

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absorption system shall be permitted where the depth to normal ground water . . . is within four feet of the bottom of the proposed absorption system." Petitioner claims that the aforesaid provisions prohibit them from installing the bathhouse in the immediate vicinity of the portal.

2. Petitioner further alleges that in the area immediately above (upstream) of the portal, the terrain and hydrologic conditions are such that it is impossible to put in a bathhouse and related waste disposal system. Below (downstream) of the No. 14 portal, the only area available for the installation of a bathhouse and related waste disposal system is the active refuse disposal area for the Eskdale Tipple and Preparation Plant. The West Virginia State Board of Health, Small Sewage and Excreta Disposal Systems Regulations, section 6.1.2 provides as follows: "No part of a small sewage or excreta disposal system shall be located in swampy or filled areas . . ." Because of this regulation Petitioner states they are prohibited from installing any system in this area.

3. Petitioner alleges that they are additionally restricted in the area of the No. 14 portal by West Virginia State Board of Health, Small Sewage and Excreta Disposal Systems Regulations, section 6.1.4. This regulation provides: "No septic tank or a soil-absorption system shall be located within ten feet of a building foundation . . ."

4. Petitioner states that the proposed bathhouse facilities would serve approximately 65 miners at a location where it would be difficult to find sufficient room to install such facilities and have parking for the miners using such facilities.

5. Petitioner also states that sanitary water is not available and will probably have to be pumped approximately 1,800 feet to the proposed site and then be treated and Petitioner states that a suitable building for such facilities is not available and will have to be either constructed or purchased.

6. Petitioner estimates that the proposed facilities would cost approximately \$35,000. Such an expenditure cannot be justified when the life expectancy for the mine portal is less than 2 years. It will take at least 6 months to prepare the area (assuming the proposed area will be adequate), obtain necessary permits and equipment and install facilities. Therefore, the proposed facilities would only be in service a maximum of 18 months.

7. Petitioner requests that in lieu of the requirements contained in 30 CFR 75.1712, that it be permitted to continue to pay its miners compensation in lieu of bathing facilities for the remaining life expectancy of this mine which is less than 2 years. Petitioner avers that such alternative method provides no less than the same measure of protection to the miners at its Mine No. 14 as that sought to be afforded the miners by 30 CFR 75.1712.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15017 Filed 5-21-76; 8:45 am]

[Docket No. M. 76-321]

#### LIGON PREPARATION CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Ligon Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its I-206 Mine, located in Floyd County, Kentucky. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

The mine that petitioner operates is a drift mine in a coal seam which has an average height of 32 inches.

The electric equipment which the petitioner uses and the height of each piece of equipment are as follows:

2 Acme D-1 Roofbolters, 30 inches; 2 Elkhorn Industrial Products Co., Mine Tractors, 28 inches; 1 Elkhorn Industrial Products Co., AR-4 Scoop, 25 inches; 2 Jeffrey 100-L Continuous Miners, 24 inches; 6 S & S Machinery Co. Mine Tractors, 24 inches.

In addition to the fact that the coal seam in this mine is low, there are uneven bottom conditions there. These conditions make it hazardous for a man to operate this equipment with a canopy over the deck of the machine. With such a canopy, it would be necessary for operators to extend their heads out the side of these machines to get adequate visibility. Petitioner believes that the addition of canopies to this machinery would result in a diminution of safety to the miners operating them. As its alternative, petitioner seeks to continue using these machines without adding canopies to them.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15018 Filed 5-21-76; 8:45 am]

[Docket No. M. 76-416]

#### MATOAKA MINING CO., INC.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Matoaka Mining Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Kitchen No. 60 Mine. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

The eight mine tractors are used for haulage and do not go to the working face

Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15021 Filed 5-21-76; 8:45 am]

[Docket No. M. 76-417]

#### MILBURN COLLIERY CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Milburn Colliery Company, has filed a petition to modify the application of 30 CFR 75.300 to its Mine No. 4. 30 CFR 75.300 provides:

All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

The substance of Petitioner's statement is as follows:

1. Petitioner's No. 4 Mine was developed in the No. 2 Gas coal seam in 1952. The coal from the No. 4 Mine is removed from the mine down a steep incline to a silo approximately 160 feet below the mine and then transferred from the silo into mine cars. The No. 2 Gas coal seam is a non-gassy coal seam and methane has never been detected in this coal in the areas relevant to this Petition.

2. Once the coal from the No. 4 Mine is transferred from the silo into mine cars, the coal is hauled on track haulage through four tunnels to a dumping point where the coal is removed from the mine cars and transferred to a belt. The belt then transports the coal to the tipple.

3. The four tunnels involved in this Petition are used principally for coal haulage. Coal is hauled in six 16-ton mine cars by two 15-ton locomotives in tandem operated by one operator. A motorman, operating the locomotive and trip of cars, makes approximately 12 round trips through each of the tunnels during an 8-hour shift. Each round trip from the silo takes approximately 25 to 30 minutes which includes time required for dumping.

4. Each of the four tunnels is ventilated by natural ventilation. The No. 4 tunnel (closest to the silo) is approximately 740 feet long. Each one-way trip through this tunnel takes approximately 1 minute and 48 seconds. The No. 3 tunnel is approximately 645 feet long. Each one-way trip through this tunnel takes approximately 1 minute. The No. 2 tunnel is approximately 1360 feet long. Each one-way trip through this tunnel takes approximately 2 minutes and 15 seconds. The No. 1 tunnel (closest to the dumping point) is approximately 750 feet long. Each one-way trip through this tunnel

takes approximately 1 minute and 20 seconds.

5. Each of the aforementioned tunnels (No. 1, No. 2, No. 3 and No. 4) have been used since the year 1913, first in connection with mining in the Eagle Coal Seam and thereafter for coal haulage from Petitioner's No. 4 Mine to the dumping point near Petitioner's tipple. Mechanical ventilation has never been provided for these tunnels.

6. Installation of mechanical ventilation in each of the aforementioned tunnels would require substantial construction work in old workings, thereby unnecessarily exposing miners to hazards.

7. Petitioner proposes in lieu of the mandatory standard contained in Section 303(a) of the Act (30 CFR 75.300) that it be permitted to continue its present system of ventilation for its No. 1, No. 2, No. 3 and No. 4 haulage tunnels at its Mine No. 4.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15022 Filed 5-21-76; 8:45 am]

[Docket No. M. 76-425]

#### M. AND J. COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), M. and J. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mine. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraph (1) (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such

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equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of 30 CFR 75.1710-1 with respect to the following equipment in use in its No. 2 Underground Mine: Epling Spinner, Paul Elswick Roof Bolter, Epling Tractor.
2. The coal seam at this mine ranges in height from 30 to 32 inches. The height of the equipment affected without the canopies or cabs ranges from 24 to 28 inches.
3. Installation of cabs or canopies on the above-mentioned equipment would cut the machine operator's vision in half. In addition, the cab or canopy would cramp the operator and make operation of the equipment more difficult. Also, the machinery would drag the top in some areas and thereby damage the roof bolts and half headers holding the top. The operator could be injured by the impact of the cab or canopy striking the top. Also, striking the top could "hang the motor" and immobilize the equipment.
4. Petitioner will roof-bolt to within 10 feet of the face of coal. Petitioner will conduct additional and supplemental training on proper roof support inspections and will periodically inspect safety devices on the equipment. Employees will be instructed in the use of existing safety equipment during rock falls. Regular drills on the handling of equipment will be conducted.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15029 Filed 5-21-76;8:45 am]

[Docket No. M 76-322]

#### M. S. & M. COAL CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the M. S. & M. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

Petitioner feels that the installation of canopies on the following equipment would create a hazard to the operators of this equipment:

- 1 Long Airdox Scoop (Model LDH 31).
- 1 Long Airdox Roof Bolting Machine (Model LRB 15).

The No. 1 Mine is in the Elkhorn No. 2 seam, which has consistent ascending and descending grades creating dips in the coal bed. As a result of these dips, the canopies would have to be installed in such a manner as to prevent them from striking the roof and possibly de-

stroying roof support. The addition of canopies allows only a 23-inch vertical operating compartment, thus limiting the visibility of the equipment operators and creating a hazard to them as well as to the other employees in the mine.

Petitioner feels that the equipment operators' limited visibility and the cramped nature of the operating compartment could cause accidents in the mine. As its alternative to installing these canopies, petitioner seeks to continue operation without them.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15020 Filed 5-21-76;8:45 am]

[Docket No. M 76-426]

#### MOLE COAL CO. NO. 1

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mole Coal Company No. 1 has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches

or more;

- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner seeks a waiver of the application of section 75.1710 as it applies to its No. 1 Mine which has an average mining height of 30 inches.
2. The equipment to which the petition pertains is as follows:

	Height	Length	Width
	Feet	Feet	Feet
Epling spinner.....	23	16	5
Epling cutting machine.....	23	16	5
Paul Eastwick roof bolter.....	28	8	4 1/2
Epling tractor.....	24	9	5

3. Petitioner believes that the installation of canopies will result in a diminution of safety because the machine operator's vision would be impaired. Also, the operator would be cramped by the canopy thus making handling the machine more difficult.
4. As an alternative to the installation of canopies Petitioner proposes to conduct supplemental training on the proper inspection of roof supports in addition to regular instruction on operating the mobile equipment in the mine.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15024 Filed 5-21-76;8:45 am]

[Docket No. M 76-418]

#### MOLE COAL CO. NO. 2

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mole Coal Company No. 2 has filed a petition to modify the application of 30 CFR 75.1710 to its No. 8 Underground Mine.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of 30 CFR 75.1710-1 with respect to the following equipment in use in its No. 8 Underground Mine: Epling Spinner, Epling Cutting Machine, Paul Elswick Roof Bolter, Epling Tractor.
2. The coal seam at this mine ranges in height from 30 to 32 inches. The height of the equipment affected without the canopies or cabs ranges from 24 to 28 inches.
3. Installation of cabs or canopies on the above-mentioned equipment would cut the machine operator's vision in half. In addition, the cab or canopy would cramp the operator and make operation of the equipment more difficult. Also, the machinery would drag the top in some areas and thereby damage the roof bolts and half headers holding the top. The operator could be injured by the impact of the cab or canopy striking the top. Also, striking the top could "hang the motor" and immobilize the equipment.
4. Petitioner will roof-bolt to within 10 feet of the face of coal. Petitioner will conduct additional and supplemental training on proper roof support inspections and will periodically inspect safety devices on the equipment. Employees will be instructed in the use of existing safety equipment during rock falls. Regular drills on the handling of equipment will be conducted.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15023 Filed 5-21-76;8:45 am]

[Docket No. M 76-427]

#### MULLINS COAL CO. NO. 6

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mullins Coal Company No. 6 has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:



The average height of the coal seam in locations where equipment, subject to section 75.1710, is being used is between 30 and 32 inches. The equipment for which a modification of the mandatory standard is sought is:

	Height	Length	Width
	Inches	Feet	Feet
Epling spinner.....	25	16	5
Royal cutting machine.....	25	16	5
Paul Elswick roof bolter.....	24	8	4 1/2
Moscher tractor.....	24	9	5
Epling tractor.....	24	9	15

Mining is accomplished by the conventional method. The subject mine has a roof control plan approved by MESA.

The installation of canopies on the aforementioned equipment would substantially reduce the operator's vision. In addition, the cabs or canopies would not only pose threat to dislodge roof bolts and other roof support but would cramp the operators so as to make handling of the machine more difficult.

As an alternative to the application of section 75.1710 Petitioner proposes to conduct additional training on proper inspections of roof support, periodic inspections of safety devices on equipment, and regular drills in the operation of equipment.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15025 Filed 5-21-76; 8:45 am]

[Docket No. M 76-376]

#### NEW ELK COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), New Elk Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Number 1 Mine, Logan County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on or after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard with respect to the following equipment: one Model MJ-51 Eplin Spinner Loader, one Model LRB-5A Long Roof Bolter, one Model Mark 4 Pauls Repair Roof Bolter, one Model AR 4 Elkhorn Scoop, one Model 100 S & S Battery Tractor and two Model MA-4 Eplin Battery Tractors. This equipment operates in rooms which are 20 feet wide and under sandstone top; there are no adverse rib conditions and there is no history of roof falls in any of the face areas.

2. Petitioner states that the average height of the coal seam in this mine is 35 inches. For purposes of 30 CFR 75.1710-1, the present mining height in this mine (as measured in accordance with official instructions set forth in Exhibit A<sup>1</sup>) is 23 inches.

3. Petitioner states that he has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

4. Petitioner submits, however, that both canopies and cabs are incompatible with the present operations in its mine (primarily because of the size of the equipment in relation to the seam height), and that installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine would not be able to continue to operate.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must

<sup>1</sup> Exhibit A is available for public inspection at the Office of Hearings and Appeals (see closing paragraph).

be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15026 Filed 5-21-76; 8:45 am]

[Docket No. M 76-396]

#### OLD BEN COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Old Ben Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Dixiana Mine, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on or after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. Petitioner states that its Dixiana Mine consists of three active sections. Two of the sections (Nos. 002 and 013) have average heights of 56 inches, while the height of 44 inches.

2. Petitioner requests the modification of 30 CFR 75.1710 with respect to all of its electric face equipment used in section No. 004 (the 44-inch high section) of the Dixiana Mine for the reason that the application of such standard to such equipment in such section of the mine will result in a diminution of safety to the miners.

3. Petitioner states that it has brought and received factory custom-built canopies for the equipment. The canopies are 43 inches high and when installed on the equipment they will not clear the roof bolts, which could cause the bolts to break interfering with roof support.

4. Petitioner states that the equipment operator has to lie down while under the canopy resulting in about a 90 percent loss of visibility towards the front and rear, and a 100 percent loss of visibility of the roof.

5. The No. 004 section has a life expectancy of 12 months.

6. Canopies have been redesigned and installed on most of the equipment on the two 56-inch high sections (Nos. 002 and 013), and work is in progress to fully comply with the mandatory standard on those two sections.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15027 Filed 5-21-76; 8:45 am]

[Docket No. M 76-392]

#### P. AND P. COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), P. and P. Coal Company has filed a petition to modify the application of 30 CFR 75.1101 to its No. 2 Mine, Lee County, Virginia.

30 CFR 75.1101 provides:

Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other no less effective means approved by the Secretary of controlling fire, shall be installed at main and secondary belt-conveyor drives.

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the application of 30 CFR 75.1101, which requires deluge-type water sprays or foam generators, to its No. 2 mine. It states that its proposed alternative

method will at all times guarantee no less than the same measure of protection afforded the miners at its No. 2 Mine as the mandatory safety standard.

2. Rather than installing the deluge-type water sprays or foam generators that automatically actuate by a rise in temperature located at the main and secondary belt-conveyor drives, Petitioner proposes to:

- (a) place a man at all belt drives while the drives are in operation;
- (b) install a high-pressure fire outlet water valve placed 50 feet on the intake air side of the drive (out by the drive); and
- (c) install a 100 foot section of 1 1/2 inch water hose on that outlet.

3. Petitioner also proposes to provide rock dust and a fire extinguisher at or near the drives.

4. Petitioner states that its existing belts are flame resistant.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc.76-15028 Filed 5-21-76; 8:45 am]

[Docket No. M 76-420]

#### REPUBLIC STEEL CORP.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Republic Steel Corporation has filed a petition to modify the application of 30 CFR 75.1704 to its Banning No. 4 Mine.

30 CFR 75.1704 provides in pertinent part:

... [A]t least two separate and distinct travelable passageways which are maintained to insure passage at all times of any person ... and which are to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each working section continuous to the surface escape drift opening, or continuous to the escape shaft or slope facilities to the surface, as appropriate, and shall be maintained in safe condition and properly marked.

The substance of Petitioner's statement is as follows:

1. Construction of two separate and distinct escapeways would necessitate excessive capital expenditures, consume unnecessary time, and subject construction personnel to hazards during rehabilitation of approximately 1,200 feet

of older passageway. The construction of a distinct secondary escape route would increase the distance required to reach an escape shaft.

2. The alternate method requires rehabilitation of approximately 100 feet of older passageway. When complete, the first escapeway would proceed through this rehabilitated area, pass through a man door, and follow an intake air passageway leading to the escape hoist in Sherbondy shaft. The portion of the escape route on intake air to Sherbondy shaft would be devoid of electrical lines or equipment for the entire length of its use as an escape route.

3. The second escapeway would utilize the existing track haulage road to 24 Butt Section. The second escapeway utilizes the same intake air as the primary escape route to Sherbondy shaft for approximately 1,500 feet, at which point the secondary route intersects with intake air from another man shaft. The route thereafter leads to this second man shaft.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc.76-15029 Filed 5-21-76; 8:45 am]

[Docket No. M 76-331]

#### REX MINING CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Rex Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Campbell County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on or after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs

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## NOTICES

(1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

Petitioner maintains that due to the low ceilings and obstructions in its mine that the canopies are not practical. To the contrary, having canopies over its equipment would create more of a hazard than operation without them. Petitioner maintains that canopies would have to be constructed in such a manner that operators would have to lean out of their equipment in order to have proper vision, and that this in itself would jeopardize the health and safety of the operators along with any other persons.

## REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976

[FR Doc. 75-15030 Filed 5-21-76; 8:45 am]

[Docket No. M 76-419]

R. AND H. COAL CO.

## Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), R. and H. Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 3 Underground Mine.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed

canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of 30 CFR 75.1710-1 with respect to the following equipment in use in its No. 3 Underground Mine: Epling Spinner, Royal Cutting Machine, Paul Elswick Roof Bolter, Epling Tractor.

2. The average height of the coal seam at this mine is 35 inches. The height of the equipment affected without the canopies or cabs ranges from 24 to 28 inches.

3. Installation of cabs or canopies on the above-mentioned equipment would cut the machine operator's vision in half. In addition, the cab or canopy would cramp the operator and make operation of the equipment more difficult. Also, the machinery would drag the top in some areas and thereby damage the roof bolts and half headers holding the top. The operator could be injured by the impact of the cab or canopy striking the top. Also, striking the top could "hang the motor" and immobilize the equipment.

4. Petitioner will roof-bolt to within 10 feet of the face of coal. Petitioner will conduct additional and supplemental training on proper roof support inspections and will periodically inspect safety devices on the equipment. Employees will be instructed in the use of existing safety equipment during rock falls. Regular drills on the handling of equipment will be conducted.

## REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must

be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15031 Filed 5-21-76; 8:45 am]

[Docket No. M 76-421]

SLAB FORK COAL CO.

## Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Slab Fork Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 8, Mine No. 10, Mine No. 14 and Mine Gaston No. 2.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of 30 CFR 75.1710-1 with respect to self-propelled electric face equipment in its Mine No. 8, Mine No. 10, Mine No. 14, and Mine Gaston No. 2. The equipment for which modification is sought includes

the following: Lee Norse 265 HH Continuous Mining Machines; Joy 18 SC Shuttle Cars, Galis 300 Roof Bolting Machines, Kersey Battery Tractors, Fletcher DDO 13 Dual Head Roof Bolting Machines, Joy 12 RB Cutting Machines, Joy 14 BU-10 Loading Machines, Long Coal Drills, Lee Norse CM 28 Continuous Mining Machines, Lee Norse 245 Continuous Mining Machine, Wilcox Mark 20 Continuous Mining Machine, Wilcox Roof Bolting Machine, Joy 11 RU Cutting Machines, Joy 6 SC Shuttle Cars, Joy 16 RB Cutting Machines, Joy 14 BU 9 Loading Machines.

2. Mine No. 8 is operating in the Pocahontas No. 4 coal seam, which is approximately 34 inches high.

3. Mine No. 10 is operating in the Pocahontas No. 3 coal seam, which is approximately 42 inches high.

4. Mine No. 14 is operating in the Beckley coal seam, which is approximately 34 inches high.

5. Mine Gaston No. 2 is operating in the Pocahontas No. 3 coal seam, which is approximately 45 inches high.

6. The vision of the equipment operator is substantially restricted by the installation of cabs and canopies, thereby increasing the safety hazards to personnel in each mine. Persons operating self-propelled electric face equipment with cabs or canopies in a mining height of less than 60 inches have difficulty reaching the controls of the equipment so that positive control of such equipment is not insured at all times. Cabs or canopies make it difficult for some operators to get into and out of the equipment. Also, portions of the operator's body protrude from the canopy or cab in such a manner that the equipment operator is in danger of being crushed between the cab or canopy and the roof, floor, set post or coal ribs. Finally, in some areas of each mine, the tops of the canopies and cabs rub against the roof, loosening roof bolts and increasing the possibility of roof falls in areas regularly traveled by miners.

7. Employees at each mine believe that the operation of self-propelled electric face equipment with cabs or canopies where the mining height is less than 60 inches is more hazardous to mine personnel than operation of such equipment without cabs or canopies.

8. Petitioner requests that it be permitted to continue to operate self-propelled electric face equipment in these four mines without cabs or canopies.

## REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15032 Filed 5-21-76; 8:45 am]

## NOTICES

[Docket No. M 76-377]

SUNRISE COAL COMPANY, INC.

## Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sunrise Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Pardee Mine, Wise County, Virginia, and Letcher County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. . . .

The substance of Petitioner's statement is as follows:

1. Petitioner states that mining operations in the Pardee Mine are conducted in the Morris Seam which ranges in height from 30 to 55 inches, and which contains an average seam height of 44 inches.

2. Petitioner states that he conducts his coal mining operations in the Pardee Mine through the use of conventional mining equipment, including cutting machines, loading machines, shuttle cars, roof and coal drills. In the past, the Petitioner states that he attempted to utilize cabs and canopies on its electric face equipment, operating in the lower coal seam heights above-mentioned, and by virtue of said use, the Petitioner determined that the installation of these devices on the said equipment greatly

decreased the safety of the miners employed by it in the mine.

3. Petitioner further alleges that he has contacted its equipment suppliers to determine if any forms of cabs and canopies are available for installation on the electric face equipment operated in the Pardee Mine which will not produce the safety hazards mentioned below. Petitioner has been advised on numerous occasions that such devices do not exist at the present time for use on said equipment. Furthermore, Petitioner states he has been unable to develop an adequate design for a cab and canopy for said equipment which will alleviate these problems.

4. Petitioner states that this decrease in safety results, in part, from a limitation of the proper visibility necessary for the safe operation of the said mining equipment during periods when the equipment operator is under the car or canopy. Moreover, Petitioner states that the coal seam in which the Petitioner is presently conducting its mining operations at the Pardee Mine is subject to rolls and undulations which cause the equipment, upon which has been installed cabs or canopies, to become jammed between the roof and the floor of the active workings of the coal mine.

5. Petitioner also alleges that the use of such devices on Petitioner's mining equipment further reduces the safety of the operators of said equipment by unduly confining them and restraining their ability to escape rapidly from said equipment in the event of an emergency.

6. Petitioner submits, as an alternate method to provide for the safety of its miners employed at the Pardee Mine, the following program for use in connection with its electric face equipment presently in operation at the said mine:

a. Petitioner will affirmatively undertake steps to ascertain and develop, through its internal staff and its outside equipment suppliers, a suitable form of cab and canopy for use in connection with its electric face equipment in the Pardee Mine, the application of which will not result in the safety hazards enumerated above. During the course of said development program, the Petitioner will consult the proper representatives of the Mining Enforcement and Safety Administration and the United Mine Workers of America, so as to benefit by their expertise in this area. In connection with this, the Petitioner will affirmatively solicit ideas for cab and canopy designs from the mining personnel employed by it in the Pardee Mine. As such technology is developed, the Petitioner will employ it in its mining operations at the Pardee Mine.

b. The Petitioner will regularly conduct classes for all of its supervisory, coal mining and safety personnel employed at the Pardee Mine, concerning the various aspects of the roof and rib control plan employed by the Petitioner at the said mine, as well as the latest techniques in roof and rib control. Furthermore, the Petitioner will regularly instruct the personnel, abovementioned, in the safe use and operation of the electric face equip-



ment employed by the Petitioner in the Pardee Mine.

c. The Petitioner will, upon request, provide to the applicable local representatives of the Mining Enforcement and Safety Administration reports pertaining to the progress which it is making in this area.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15038 Filed 5-21-76; 8:45 am]

[Docket No. M 76-334]

#### THELMA COAL CO., INC.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Thelma Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Martin County, Kentucky. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

Petitioner maintains that the height of the coal at its No. 1 Mine and the contours of the bottom there are such that the addition of canopies to its equipment would make for poor visibility and cramped operating position for the operator of this equipment.

As its alternative to adding these canopies, petitioner seeks to continue mining operations without them.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 21, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15034 Filed 5-21-76; 8:45 am]

[Docket No. M 76-422]

#### WESTMORELAND COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Wentz No. 1 Mine.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirement of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. While canopies have the necessary height clearance most of the time during mining under normal conditions, necessary clearance diminishes to zero when either the bottom or the full seam undulates or when rolls in the coal seam are encountered. Canopies have been torn off when they became wedged against the roof.

2. When operating with the available canopies, the operator's vision is severely impaired to the point that operation of the equipment becomes hazardous to the operator and to all other persons in the working area.

3. Due to the combination of the severely limited vision and close confinement in the cab, appendages of the operator's body, such as his hands, feet, buttocks or head, protrude in such manner that they are in jeopardy of being crushed between the equipment, posts or the coal rib.

4. Ingress to and egress from the cab is limited.

5. Because of close confinement in the cabs, severely limited ingress to and egress from the cab under the canopies, and lack of vision, operators attempt to manipulate the controls from outside the equipment while standing between the equipment and the rib, thus incurring the risk of being crushed.

6. In case of machine malfunction, cable damage, or power failure of any kind, the operators of the equipment may be held captive by the canopies for an indefinite period, depending on the circumstances.

7. The operators of this type of equipment are at all times under fully supported roof provided by an approved full-roof bolting plan or a combination of roof bolts and posts. Such roof support is deemed satisfactory for all other personnel in the mine, including helpers on self-propelled electric face equipment, such as the continuous miner and the bolter. The helpers and other supporting personnel freely move around adjacent to the equipment under the protection of the proper roof support.

8. Cutting machine operators and continuous miner operators cannot see the last row of roof bolts because the canopies impair their vision; such operators may, as a result, inadvertently go inby supported roof.

[Docket No. M 76-390]

#### WHITE ASH MINING CORP.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), White Ash Mining Corporation has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, located in Johnson County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. Petitioner states that its mine contains the following equipment:

Acme D 3 Roof Bolters, Long Airdox Coal Drills, Joy Equipment—12 RB Cutter 17083; 12 RB Cutter 17029; 12 RB Cutter 16979; 21 SC Shuttle Car ET 10385; 21 SC Shuttle Car ET 10386; 21 SC Shuttle Car; 14 BU 10-11AE Loader 8821; 14 10-11AE Loader 8830; 14 BU 10-11AE Loader 9322; 8 SC Shuttle Car 7036; 8 SC Shuttle Car 4337; 8 SC Shuttle Car #22; 8 SC Shuttle Car, 8 SC Shuttle Car.

2. Petitioner states that its equipment is old and was not designed by the manufacturer for cabs or canopies.

3. Petitioner further states that the thickness of their coal seam is 28 to 32 inches and this thickness makes it impossible to operate with cabs or canopies without causing a hazard to the operators that is greater than operating without a canopy.

9. Cutting machine operators and continuous miner operators cannot see the cutter lines nor the cutter bar or cutter head due to impaired vision, and places may be cut too wide and off center, thus weakening the roof and creating roof fall hazards.

10. Technical support personnel from MESA, representatives of the miners, equipment operators, mine health and safety committees, and representatives of Westmoreland have worked together to attempt to modify the canopies in order to comply with the regulation. Such modifications created additional hazards to the miners and resulted in a diminution in safety.

11. Petitioner requests permission to operate self-propelled electric face equipment in the Wentz No. 1 Mine without cabs or canopies.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15035 Filed 5-21-76; 8:45 am]

[Docket No. M 76-467]

#### WESTMORELAND COAL CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Eccles No. 6 Mine, Eccles, Raleigh County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 31, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

The substance of Petitioner's statement is as follows:

1. On March 31, 1975, a decision and order approving a petition for modification of the application of Section 75.1405 of the Departmental regulations was entered. A copy of the decision and order approving the petition is attached hereto, marked Exhibit "A" and made a part hereof.

Exhibit A is available for inspection at the address contained in the last paragraph of the notice.

2. The approved modifications were made at the Eccles No. 6 Mine but application of the approved modifications has not entirely eliminated the necessity for a person to place himself between the mine cars occasionally. The following additional alterations to the mine cars in the Eccles No. 6 Mine will eliminate any necessity for workers to position themselves between the mine cars:

A. The bumper on the rear of the car (opposite the dumping end of the car) will be changed to a socket design bumper that will guide the link to the proper position for coupling in accordance with the drawings and specifications shown upon Exhibit "B" attached hereto and made a part hereof.

B. The 16-inch straight hollow coupling link will be replaced with an 18-inch coupling link with a solid block in the center as shown in Detail "A" on Exhibit "B." This type of link facilitates the alignment of the link to the socket in the car bumper to which it is to be coupled. This design also permits the link to be so positioned to avoid contact with the shaft wall during hoisting of the mine car. The barrel and coupling-pin chain on the rear end of the car has been so designed to prevent damage to the barrel and chain.

C. A hand link aligner will be used by workers to align the link, if necessary, to couple the mine cars and will also be used to disengage the link from the pin. The workers will also use the aligner to position the link in order to prevent contact with the shaft wall during hoisting of the mine car. The hand link aligner will be sufficient length as to obviate the worker placing himself between the mine cars.

(3) Twenty-five (25) mine cars altered as above described have been placed in service and are in the process of technical evaluation by the Mining Enforcement and Safety Administration.

The above-described alterations of the approved alternate system for coupling and uncoupling mine cars will at all times guarantee no less than the same measure of protection afforded to miners of the Eccles No. 6 Mine by Section 75.1405 of the Departmental regulations and the modification of said section granted by the order attached hereto as Exhibit "A."

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 76-15036 Filed 5-21-76; 8:45 am]

Exhibit B is also available at the address noted in the last paragraph of the notice.

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4. Petitioner further states that it would have to go out of business if it ordered to comply with the subject regulations.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 11, 1976.

[FR Doc. 75-15037 Filed 5-21-76; 8:45 am]

[Docket No. M 76-399]

#### WISE MINING, INC.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Wise Mining, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Logan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator-Technical Support of the Mining Enforcement and Safety Administration (MESA) for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710-1(f) since the Petitioner is without knowledge of any alternate devices which would be safe and otherwise suitable for use in its mine.

2. The Petitioner submits, however, that both canopies and cabs are incompatible with the operations in its mine (primarily because of the size of the equipment in relation to the seam height) and that installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine would not be able to continue to operate.

3. On the basis of present projections it is estimated that there is enough coal for this mine to continue operating for 2 years. The average height of the coal seam in this mine (the Cedar Grove seam) where the equipment is being used is 36 to 42 inches.

4. For purposes of the regulation at 30 CFR 75.1710-1 the mining height in this mine (as measured in accordance with official instructions of MESA) is 24 inches. Thus, the regulatory requirement for installation of canopies or cabs becomes applicable to this mine on July 1, 1976.

5. The electric face equipment subject to the regulation in this mine consists of one 12 RB Joy cutting machine, three SS74 scoops, one long Airdox coal drill and one D3 Acme roof drill.

6. This equipment operates in rooms which are cut 20 feet wide; there are no adverse rib conditions and there is no history of roof falls in any of the face areas.

7. Roof bolts are being utilized to support the roof at this mine.

8. The Petitioner has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

9. The Petitioner does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710-1, but Petitioner maintains that application of 30 CFR 75.1710-1 to its mine will result in a diminution of safety to the miners in the mine because of uneven bottom.

10. Petitioner will, however, train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

\* Petitioner attached a copy of a memorandum from an Acting Assistant Administrator for MESA to MESA District Managers concerning enforcement of 30 CFR 75.1710-1. This exhibit is available for inspection at the Hearings Division address provided below.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15038 Filed 5-21-76; 8:45 am]

[Docket No. M 76-315]

#### WOLF CREEK COLLIERIES CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Wolf Creek Collieries Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 5 Mine located in Martin County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or ribs, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

1. At the present time the self-propelled electric face equipment does have canopies. However, the company requests permission to remove the canopies from said equipment because to maintain said canopies on this equipment diminishes the overall safety to the machine operator and other workers in the area of said equipment in the following manner:

(a) To provide room for the canopies on said equipment the workers must mine a portion of the roof thereby disturbing the roof rock and creating a less than ideal roof control plan, all of which creates a greater hazard of roof falls.

(b) The canopy impairs the vision of the worker operating the equipment thereby decreasing his ability to maneuver the equipment and increasing the likelihood of accidents causing injury to the worker-operator and others in the area of the equipment.

2. The removal of part of the roof in order to provide room for the said canopies creates prohibitive costs to the company for mining coal less than sixty (60) inches in height.

3. Petitioner respectfully requests that the Secretary modify the interpretation and application of the provisions of 30 CFR 75.1710-1(a) at the Petitioner's mine by waiving the requirements of 75.1710-1(a) to the extent that Petitioner will be allowed to operate its electric self-propelled equipment in coal that is less than sixty (60) inches in its No. 5 Mine.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15039 Filed 5-21-76; 8:45 am]

[Docket No. M 76-335]

#### WOODMAN THREE MINING CO.

#### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Woodman Three Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

... Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \* \* \*

The substance of Petitioner's statement is as follows:

The equipment for which Petitioner seeks modification of the canopy provisions is as follows:

- 2 Joy 18SC6 Shuttle cars
- 1 14 EU 10 Lading machine
- 1 15 RU Cutting machine
- 1 11 RU Cutting machine
- 1 Model 198 Schroder Drill

Petitioner asserts that its No. 1 Mine is in the Splash Dam coal seam and ranges from 39 to 52 inches in height. The coal seam has consistent ascending and descending grades creating dips in the coalbed. As a result of these dips, the canopies would have to be installed in such a manner as to prevent them from striking the roof and possibly destroying roof support.

Petitioner also asserts that adding canopies to this equipment would allow only a 24-inch vertical operating compartment, thus limiting the visibility of the equipment operators and creating a hazard to them and to other miners in the area of operation.

Petitioner asserts that the cramped operating position and the reduction of visibility of the operators of this equipment caused by installation of canopies could contribute to accidents in the mine.

As its alternative, Petitioner seeks to continue operation without installing canopies.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 23, 1976. Such requests or comments must

be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 10, 1976.

[FR Doc. 76-15040 Filed 5-21-76; 8:45 am]

#### Bureau of Mines

[Bulletin 76-1, Supplement No. 1]

#### PROCUREMENT REGULATIONS

Legal Review of Procurement Actions; Correction

In FR Doc. 76-10830 appearing at page 15881 in the FEDERAL REGISTER of April 15, 1976, a correction is made to eliminate the identity of the specific Solicitor's offices which will be used for review of procurement actions. In paragraph 3, delete the following: "(Washington, D.C., Denver, CO, or Philadelphia, PA)".

Background. The identity of other field offices of the Solicitor which may be used by Bureau procurement offices for legal review of procurement actions was inadvertently omitted from Bulletin 76-1. Local Solicitor's offices should be used by Bureau field installations whenever practical.

Dated: May 14, 1976.

THOMAS V. FALKIE,  
Director.

[FR Doc. 76-15100 Filed 5-21-76; 8:45 am]

#### National Park Service

[INT FES 76-27]

#### WILDERNESS, MAMMOTH CAVE NATIONAL PARK, KENTUCKY

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the proposed Master Plan/Wilderness for Mammoth Cave National Park, Kentucky.

The statement discusses proposals for the management, development and operation of Mammoth Cave National Park.

Copies are available from or for inspection at the following locations:

Southeast Regional Office, National Park Service, 1895 Phoenix Boulevard, Atlanta, Georgia 30349.  
Superintendent, Mammoth Cave National Park, Mammoth Cave, Kentucky 42259.  
Superintendent, Abraham Lincoln Birthplace National Historic Site, RFD 1, Hodgenville, Kentucky 42448.

Dated: May 20, 1976.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc. 76-15194 Filed 5-21-76; 8:45 am]



## Bureau of Reclamation

[FR 76-26]

ANADROMOUS FISH PASSAGE  
IMPROVEMENTS—SAVAGE RAPIDS DAM  
Availability of Final Environmental  
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement on improvement measures for anadromous fish migration at Savage Rapids Dam on the Rogue River in southwestern Oregon.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7020, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.  
Office of Regional Director, Bureau of Reclamation, Department of the Interior, P.O. Box 043, 550 West Fort Street, Boise, Idaho 83724, Telephone (208) 342-2711, Ext. 2110.  
Salem Planning Field Branch, Bureau of Reclamation, Department of the Interior, P.O. Box 7395, 1775 32nd Place, NE., Salem, Oregon 97303, Telephone (503) 399-5771.

Single copies of the Final Environmental Statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in public and university libraries in southwestern Oregon. Please refer to the statement number above.

Dated: May 18, 1976.

G. G. STAMM,  
Commissioner.

[FR Doc.76-15122 Filed 5-21-76; 8:45 am]

NUCLEAR REGULATORY  
COMMISSION

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORP.  
Prehearing Conference

Before the Atomic Safety and Licensing Board.

In the Matter of Rochester Gas and Electric Corporation.

Sterling Power Project Nuclear Unit No. 1.

By Notice of Hearing dated March 17, 1976, the Atomic Safety and Licensing Board invited intervention in this proceeding by any person whose interest might be affected by the addition of Orange and Rockland Utilities, Inc., Central Hudson Gas & Electric Corporation, and Niagara Mohawk Power Corporation as joint owners of the proposed Sterling facility. The Notice requires that petitions to intervene be submitted no later than June 21, 1976. Admitted parties and persons submitting petitions in response to the Notice of Hearing are informed that a Prehearing Conference in this matter will be held on June 22, 1976 at the Oswego County Legislative Chambers, Oswego County Building, 3rd Floor, 46 East Bridge Street, Oswego, New York.

Parties and petitioners are hereby requested to attend the aforementioned Prehearing Conference prepared to discuss all aspects of any petitions received in response to the Notice.

Dated at Bethesda, Maryland, this 19th day of May 1976.

It is so ordered.

The Atomic Safety and Licensing Board.

EDWARD LUTON,  
Chairman.

[FR Doc.76-15162 Filed 5-21-76; 8:45 am]

[Docket No. 50-184]

NATIONAL BUREAU OF STANDARDS  
Notice of Issuance of Amendment to  
Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility License No. TR-5 issued to the National Bureau of Standards (NBS) for operation of its reactor, located near Gaithersburg, in Montgomery County, Maryland. The amendment is effective as of its date of issuance.

The amendment reduces the maximum amount of contained uranium 235 NBS is authorized to receive, possess and use in connection with the operation of its reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the non-proprietary portion of the application for amendment dated September 24, 1975, (2) Amendment No. 2 to License No. TR-5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of May, 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,  
Acting Chief, Operating Reactors  
Branch No. 4, Division of  
Operating Reactors.

[FR Doc.76-14941 Filed 5-21-76; 8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS  
Notice of Resumption of Hearing

In the Matter of Offshore Power Systems (Manufacturing License for Floating Nuclear Power Plants).

Please take notice that the public evidentiary hearing that has been underway in this proceeding before the Atomic Safety and Licensing Board (the Board), and which has been in recess since the March 30, 1976 session in Atlantic City, New Jersey, will resume again at 9:30 A.M. local time, Tuesday, June 15, 1976, at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Bldg., 4350 East-West Highway, Bethesda, Maryland 20814.

The purpose of this proceeding, to consider the application of Offshore Power Systems (the applicant) for a manufacturing license to build eight pressurized water floating nuclear power plants, has been more fully set forth in the Atomic Energy Commission's original Notice of Hearing dated December 5, 1973 (published in the FEDERAL REGISTER December 10, 1973, 38 FR 34008).

The scope of this next session of the hearing will be as set forth in this Board's Fifth Prehearing Conference Order (p. 5) issued May 17, 1976, and pursuant to the matters listed under "Phase II" of the parties' March 8, 1976 "Stipulation Concerning Hearing Schedule," as amended at the May 11 Fifth Prehearing Conference.

Interested members of the public are invited to attend the hearing.

Issued at Bethesda, Maryland this 18th day of May, 1976.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,  
Chairman.

[FR Doc.76-14942 Filed 5-21-76; 8:45 am]

[Docket No. P-558-A]

## SAN DIEGO GAS &amp; ELECTRIC CO.

## Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated May 12, 1976: "You have requested our advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, in connection with the above-captioned facility.

This facility will consist of two units each capable of producing 950 MW of electric power. The first unit is scheduled to begin commercial operation in May, 1984, with the second unit coming on line in May, 1987. San Diego Gas & Electric Company is currently the only participant in the facility. However, a number of public and private electric systems in Southern California have been invited to purchase a portion of the units.

"On July 12, 1971, the Department advised the Atomic Energy Commission concerning San Diego Gas & Electric's application, together with the Southern California Edison Company, to construct the San Onofre Nuclear Generation Station, Units 2 and 3. Letter from Walker B. Comegys, Acting Assistant Attorney General, to Bertam H. Schur, Associate General Counsel, 26 F.R. 17886 (1971). At that time, we recommended an antitrust hearing to consider alleged anticompetitive conduct of Southern California Edison toward smaller electric systems in its area. In our advice, we noted that San Diego Gas & Electric had no wholesale customers and that the only smaller electric system with which it was interconnected had satisfactory alternative bulk power sources available. We found no basis in San Diego Gas & Electric's competitive practices to warrant an antitrust hearing. Since that time no information has come to our attention to suggest that a different conclusion would now be appropriate. Consequently we do not recommend that your Commission hold an antitrust hearing in connection with the licensing of these nuclear units."

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by June 24, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,  
Chief, Antitrust & Indemnity  
Group Nuclear Reactor Regulation.

[FR Doc.76-14943 Filed 5-21-76; 8:45 am]

<sup>1</sup>Subsequently on the basis of Southern California Edison's acceptance of certain procompetitive conditions to the San Onofre licenses, the Department was able to advise the AEC that a hearing on these matters was no longer required. Letter of June 27, 1974, from Thomas E. Kauper, Assistant Attorney General, to Howard K. Shapar, Assistant General Counsel, 39 F.R. 27822 (1974).

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 500-1]

AMERICAN KITCHEN FOODS, INC.,  
ET AL.

## Suspension of Trading

May 12, 1976.

In the matter of trading in securities of American Kitchen Foods, Inc., American Marine, Ltd., Associated Food Stores, Inc., Capital Facilities Corp., Computer Interactions, Inc., Diversitron, Inc., Encoder Research and Development Corp., Interconnect Resources Corp., Julyn Sportswear, Inc., Larson Industries Inc., Marks Polarized Corp., Micon Corp., Panefab International Corp., Petrominerals Corp., Record Retrieval and Retention Corp., Southern Scottish Inns, Sovereign Industries, Inc., Walter Reade Organization, and Willcox and Gibbs, Inc.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of the above companies being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors; Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:00 p.m. (EDT) on May 12, 1976 through May 21, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15055 Filed 5-21-76; 8:45 am]

[Release No. 34-12452; File No. SR-NYSE-76-17]

NEW YORK STOCK EXCHANGE, INC.  
Self-Regulatory Organizations; Proposed  
Policy Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 11, 1976, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission a proposed policy change as follows:

The Board of Directors of the New York Stock Exchange, Inc. (the "Exchange") proposes to amend the Exchange's policy on the form of stock certificates in order to permit issuance of the single denomination stock certificate:

A single denomination stock certificate with or without punch panel may be utilized in accordance with the following provisions:

## WITH PUNCH PANEL

All engraving requirements of the conventional certificate must be followed with the exception of the corner piece. The corner piece, which denotes the limitation a certificate may represent is not

required when an engraved punch panel appears on the certificate.

## WITHOUT PUNCH PANEL

The single denomination stock certificate without punch panel calls for additional and special engraving requirements and certificate imprints which must be adhered to without exception. They are as follows:

1. The share and number counters and the open throat area, used for stockholder addressing and indicating the issuance of shares in numerical and alpha numerical form, must bear fine line intaglio engraving. (The fine line intaglio engraving is spaced so as to create clearly discernible parallel lines. If these parallel lines are erased or broken, they are extremely obvious to the unaided eye and reconstruction is virtually impossible.)

2. A penetrating ink ribbon must be used in addressing certificates and imprinting the number of shares in alpha numeric and numeric form. (The penetrating ink ribbon must have the capacity of actually penetrating the fabric of the certificate.)

3. As an additional preventative to raising the number of shares represented by a certificate, a matrix (see example) must be added in the open throat area indicating the number of shares in five different positions.

## MATRIX EXAMPLE

\*100,000\*\*\*\*\*  
\*100,000\*\*\*\*\*  
\*100,000\*\*\*\*\*  
\*100,000\*\*\*\*\*  
\*100,000\*\*\*\*\*

4. The number of shares must be shown in alpha numeric form in the open throat area.

Along with the above additional and special requirements, all of the engraving requirements of the conventional certificate must be followed with the exception of the corner piece. The corner piece, which denotes the limitation a certificate may represent, is not required.

3. Purpose of Proposed Policy Change. It being concluded that the required safeguards, which the single denomination certificate (hereinafter called the "Single Certificate") must bear, are sufficient preventatives to discourage certificate duplication and alteration, the purpose of the proposed policy change is:

To permit issuance of the Single Certificate so that listed companies or their agents may utilize available technology to enjoy a speedier and more efficient transfer process and the concomitant cost savings inherent in such utilization and to afford the securities industry the residual benefits of a speedier transfer process.

4. Basis under the Act for Proposed Policy Change. (a) (i), (ii), (iii), (iv), (v), (B) and (D), (vi), (vii) and (viii) Not applicable.

(a)(v)(A) The Exchange's Committee on Securities adopted engraving requirements for stock and bond certificates on December 23, 1874 and, since



that time, the Exchange has steadfastly endeavored to assure that certificates of listed issues provide all reasonable safeguards against fraudulent acts. In fact, the Exchange requires engraving features for certificates of listed issues that are far more stringent than those of any other exchange or regulatory body.

The Exchange has required that listed companies issue certificates in "100 share" and odd-lot denominational form. In 1966, with the advent of Central Certificate Service, Inc. (predecessor of the Depository Trust Company), use of a "more than 100 share" certificate form was sanctioned.

The purpose of the Exchange's engraving and protective requirements are two-fold. In the first instance they are designed to prevent the fraudulent duplication or counterfeiting of security certificates. Secondly, they act as preventatives to the fraudulent alteration of validly issued certificates, i.e., they prevent the raising of the number of shares or principal amount of a certificate to a higher value.

The primary protective features against counterfeiting lie in the engraved borders, the engraved vignette and the engraved text appearing on the face of the certificate. Under the proposal, these features will not be changed. The primary protective features against fraudulent alteration lie in the use of "punch-panels" and maceration. The engraved corner pieces are also significant in the cases of the "less than 100 share" and "100 share" certificates. The "less than 100 share", or odd-lot, certificate might be raised, but there is an inherent limitation, i.e., 99 share maximum. The "100 share" certificate, by definition, is used for only that issuance. The "more than 100 share", or jumbo, certificate does not have an upper limit valuation. To the extent that the corner pieces are engraved they also function as a deterrent to counterfeiting.

The question at hand deals with fraudulent alteration rather than counterfeiting.

Under the proposal for the Single Certificate, without punch panel, the following protective features must be incorporated in lieu of the requirement for the "punch panel" or maceration:

• • • The share and number counters and the open throat area (used for stockholder addressing and indicating issuance of shares in numerical and alpha numerical form) must bear fine line intaglio engraving. (The fine line intaglio engraving is spaced so as to create clearly discernible parallel lines. If these parallel lines are erased or broken they are extremely obvious to the unaided eye and reconstruction is virtually impossible.)

• • • A penetrating ink ribbon must be used in addressing certificates and imprinting the number of shares in alpha and alpha numerical form. (The penetrating ink ribbon must have the capacity of actually penetrating the fabric of the certificate.)

• • • A matrix, as exemplified in "Text of Proposed Policy Change" above, must be printed in the open throat area of the

certificate, i.e., over the fine line intaglio printing. The matrix shows the share issuance, in numerical form, in five different positions.

• • • The number of shares, in alpha numerical form, must also be printed in the open throat area and over the fine line intaglio printing.

The engraved corner piece, setting a limiting value, is not required for the Single Certificate as any limiting value would have to be stated in significant numbers, and is therefore questionable that it could be considered a significant factor in terms of alteration. Additionally, a limiting value would, by definition, defeat the purpose for which the certificate was devised. Furthermore, since Rule 185 of the NYSE Constitution and Rules requires that stock certificates physically delivered in settlement of contracts must be "prepared in accordance with the engraving requirements of the Exchange", it would have been cumbersome to attempt to provide for all the variations that listed companies might opt for.

To the extent that additional engraving of fine line intaglio printing is incorporated, it acts as an offset to the elimination of the requirement for engraved corner pieces as those requirements relate to preventatives against counterfeiting.

It is acknowledged that the Single Certificate presents a greater potential for the forger than is now present in the conventional forms of NYSE approved stock certificates. That is, a Single Certificate issued for as little as one share is unlimited as to the value it might be raised to. Under present conditions the odd-lot certificate cannot be raised above 99 shares. While the present "more than 100 share" certificate may also be raised to an unlimited value, it does require a greater capital expenditure to acquire one—thus providing a built in economic deterrent. However, it is noted that the potential for raising presently approved certificates has always been present. Significantly, no situations have been reported to the Exchange of presently approved certificates having been successfully raised.

Being aware that a greater potential for raising the Single Certificate to an unlimited value would now be present, it was obvious that additional safeguards had to be devised and employed—despite the fact that there were no known cases of presently utilized certificates that have been altered. Therefore, the features of the Single Certificate were principally designed to thwart alteration. They are measurably more difficult to overcome than the features of the odd-lot and "more than 100 share" certificate. Specifically, the Single Certificate requires a minimum of seven alterations to printing in order to raise the value thereof, i.e., the number in the share counter, the five numerals of the matrix and the alpha numerical of shares in the open throat area—and each of those is printed over the fine line intaglio printing. The present odd-lot and "more than 100 share" certificates require only three

alterations, i.e., share counter, alpha numerical form and "punch-panel" (or maceration in the alternative for the "more than 100 share" certificate).

A further consequence of the overall complexity of design and substance of the Single Certificate is that it presents inconspicuous alteration. The matrix concept of imprinting multiple renditions of the value of the certificate adds greatly to the manual task of alteration. Further, the penetrating ink ribbon makes the removal of images quite difficult. Consequently, if an erasure is attempted, the paper and the fine line intaglio printing will be badly damaged in the appropriate areas before the images are completely removed. (It is of significant note that, upon completion of the intaglio engraving process such engraving becomes an effective part of the physical substance of the certificate. Moreover, there is no valid chemical means of replacing the intaglio lines which are produced.)

(a) (v) (C) As represented in the statement of "Purpose of Proposed Policy Change" above, permissive utilization of the Single Certificate, by listed companies or their agents, is directed towards fostering corporation between transfer agents and the Exchange as well as facilitating transactions in securities.

(a) (v) (E) The "security" features of the Single Certificate have been subjected to rigorous and extensive technical evaluation leading to the conclusion by the Exchange that the substance and design of the certificate is sufficiently complex and intricate. Moreover, it is deemed significant that this document has withstood the exposure of a 4-year pilot test without any of the participants experiencing incident of alteration.

Therefore, the Exchange concludes, that, in view of the positive pilot experience, the complexity of certificate design and an entirely favorable experience with the use of blank denomination bonds, a proper balance has been struck between the Exchange's regulatory objectives and the facilitation of commerce.

5. *Comments Received from Members, Participants or Others on Proposed Policy Changes.* The Exchange commissioned Arthur D. Little, Inc. (ADL) to make a study of a proposal of the American Bank Note Company regarding the security of the Single Certificate without "punch panel". ADL submitted its finding to the Exchange on December 15, 1972, recommending therein that a limiting value be placed on the Single Certificate to increase overall security.

The Bureau of Engraving and Printing of the Department of the Treasury reviewed the Single Certificate without "punch panel" endorsing the ADL recommendation.

1 Single Certificate with punch panel started in December 1971, and the Single Certificate without punch panel in April 1973. There are presently 88 corporations who have requested entry into the program, 85 opting for the Single Certificate without "punch panel" and 23 for the Single Certificate with "punch panel".

ommendation that some method be developed so that limiting values could be placed on the Single Certificate.

The Exchange, thereafter, commissioned ADL to make a further study of methods by which limiting values could be applied. This study concluded that no equipment is commercially available which can be directly attached to the line printers or other devices used in the transfer operation without interrupting the completely on-line procedure, and thereby affecting the speed and efficiency of the procedure.

The Exchange thereupon received comment from the following companies on the second ADL Report:

American Telephone and Telegraph Company  
British American Bank Note Company Limited  
Brunswick Corporation  
General Electric Company  
General Motors Corporation  
Northern Bank Note Company  
Santa Fe Industries, Inc.  
Singer Company (The)  
Texaco Inc.  
United States Banknote Corporation  
United States Steel Corporation

The overwhelming consensus of the participating companies represented in the above submissions was that the Single Certificate provided an adequate level of security protection without embracing the second ADL recommendation.

In May, 1975, the Exchange requested letters from the following organizations:

American Telephone and Telegraph Company  
Brunswick Corporation  
General Electric Company  
General Motors Corporation  
International Harvester Company  
Singer Company (The)

These letters attest affirmatively to the design and overall workability of the Single Certificate.

An inquiry has been received as to whether banks or brokers extending loans on the Single Certificate have incurred any problems. The Exchange has not been advised of any problems or reluctance by institutions in accepting the Single Certificate as collateral or for any other commercial use. It is noted that banks have been extending loans on blank denomination bonds and other forms of equity securities, both corporate and municipal, the certificates of which do not manifest "security" features with as high a degree of complexity in certificate design as the Single Certificate.

The Board of Directors of the Exchange has concluded, upon the weight of the record, that, while there would be merit in pursuing the additional protection recommended by ADL as a longer range objective, the Single Certificate be approved for listed companies desiring to utilize it without further delay.

6. *Burden on Competition.* None.

On or before June 28, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for

[License No. 09/12-0019]

# SIERRA CAPITAL CO. Surrender of License

Notice is hereby given that Sierra Capital Company, 4929 Wilshire Boulevard, Los Angeles, California 90010, has surrendered its License No. 09/12-0019, issued July 28, 1960.

Sierra Capital Company has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Sierra Capital Company is accepted and it is no longer licensed to operate as a small business investment company, effective May 4, 1976.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 13, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.76-15106 Filed 5-21-76; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-37; Sub-No. 3]

OREGON-WASHINGTON RAILROAD AND  
NAVIGATION COMPANY AND UNION  
PACIFIC RAILROAD COMPANY ABANDONMENT PORTION PENDLETON  
BRANCH BETWEEN MCKAY AND ALTO,  
IN COLUMBIA COUNTY, WASHINGTON

### Notice of Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 9, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co. Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Oregon-Washington Railroad and Navigation Company and abandonment of operation by the Union Pacific Railroad Company, over a portion of the Pendleton Branch of Oregon-Washington Railroad and Navigation Company, extending from railroad Milepost 78.832 near McKay, Washington, in a northerly direction to railroad Milepost 83.352 at Alto, Washington, a distance of 4.469 miles in Columbia County, Washington. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Company and Union Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment)

so finding or (ii) as to which the Exchange consents, the Commission will:

(A) by order approve such proposed policy change, or

(B) institute proceedings to determine whether the proposed policy change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 14, 1976.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

May 14, 1976.

[FR Doc.76-15056 Filed 5-21-76; 8:45 am]

## SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0311]

### RAND SBIC, INC.

Issuance of Small Business Investment  
Company License

On June 3, 1975, a Notice of Application for a license as a Small Business Investment Company was published in the FEDERAL REGISTER (40 FR 23945) stating that an Application had been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company by Rand SBIC, Inc., 2110 Main Place, Buffalo, New York 14202.

Interested parties were given until the close of business June 18, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on May 5, 1976, issued License No. 02/02-0311 to Rand SBIC, Inc., to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 10, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.76-15105 Filed 5-21-76; 8:45 am]



to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 F.R. 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15129 Filed 5-21-76; 8:45 am]

[Docket No. AB-37 Sub-No. 4]

# **OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT PORTION OF DAYTON BRANCH BETWEEN DAYTON AND TURNER IN COLUMBIA COUNTY, WASHINGTON**

## **Notice of Findings**

Notice is hereby given pursuant to Section 1a(6) (a) of the Interstate Commerce Act (49 U.S.C. 1a(6) (a)) that by an order entered on April 13, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & O. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Oregon-Washington Railroad and Navigation Company and abandonment of operation by the Union Pacific Railroad Company, over a portion of the Dayton Branch of Oregon-Washington Railroad and Navigation Company, extending from railroad Milepost 14.16 near Dayton, Washington,

in a northeasterly direction to railroad Milepost 25.18 at Turner, Washington, a distance of 11.02 miles in Columbia County, Washington. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Company and Union Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued opera-

tion of rail service over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 F.R. 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15129 Filed 5-21-76; 8:45 am]

[Notice No. 126]

## **MOTOR CARRIER TEMPORARY AUTHORITY TERMINATION**

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Woodland Truck Line, Inc., MC-297 Sub-4TA	MC-297 Sub-7	May 5, 1976
Phillip Transit Lines, Inc., MC-292 Sub-12TA	MC-292 Sub-11	Do.
Milton Transportation, Inc., MC-9498 Sub-37TA	MC-9498 Sub-28 and Sub-46	Aug. 22, 1972
E. B. Law & Son, Inc., MC-106278 Sub-38TA	MC-106278 Sub-40	May 5, 1976
E. B. Law & Son, Inc., MC-106278 Sub-42TA	MC-106278 Sub-40	Do.
Ruan Transport Corp., MC-107496 Sub-916TA	MC-107496 Sub-935	Do.
Ruan Transport Corp., MC-107496 Sub-918TA	MC-107496 Sub-935	Do.
Ruan Transport Corp., MC-107496 Sub-931TA	MC-107496 Sub-935	Do.
Refrigerated Transport Co., MC-107415 Sub-836TA	MC-107415 Sub-857	May 18, 1976
Charmont Transfer Co., MC-108859 Sub-60TA	MC-108859 Sub-61	May 14, 1976
Delaware Express Co., MC-114301 Sub-80TA	MC-114301 Sub-82	May 5, 1976
G. G. Parsons Trucking Co., MC-117427 Sub-66TA	MC-117427 Sub-67	May 12, 1976
Nationwide Carriers, Inc., MC-117940 Sub-106TA	MC-117940 Sub-53	May 7, 1976
Nationwide Carriers, Inc., MC-117940 Sub-110TA	MC-117940 Sub-119	Do.
Schultz Transit, Inc., MC-118302 Sub-44TA	MC-117940 Sub-124	Do.
Frostways, Inc., MC-124170 Sub-46TA	MC-118302 Sub-41	Do.
Interstate Contract Carrier Corp., MC-136098 Sub-39TA	MC-124170 Sub-47	May 18, 1976
D.b.a. Acme Moving & Storage, MC-136409 Sub-2TA	MC-136098 Sub-43	May 10, 1976
Carolina Western Express, Inc., MC-136404 Sub-10TA	MC-136409 Sub-3	May 8, 1976
Slaughter Transportation Corp., MC-136689 Sub-5TA	MC-136404 Sub-13	May 7, 1976
Williams Refrigerated Express, Inc., MC-138126 Sub-3TA	MC-136689 Sub-7	May 6, 1976
Reid J. Cavanaugh, MC-138900 Sub-3TA	MC-138126 Sub-2	May 7, 1976
D.b.a. J & J Enterprises, MC-139070 Sub-1TA	do.	Do.
Melrose Trucking Co., Inc., MC-140807 Sub-1TA	MC-139070 Sub-2	May 6, 1976
B. & P. Motor Lines, Inc., MC-140842TA	MC-140807 Sub-2	May 6, 1976
J. B. Trucking, Inc., MC-141837 Sub-1TA	MC-140842 Sub-1	May 6, 1976
	MC-141837	Do.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15130 Filed 5-21-76; 8:45 am]

[Notice No. 253]

## **MOTOR CARRIER BOARD TRANSFER PROCEEDINGS**

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 208(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date

of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76563, filed May 14, 1976. Transferee: GEORGE & SONS MOVERS, INC., 37-41 Hawthorne Street, Chelsea, Massachusetts 02150. Transferor: CHARLOTTE M. RODERICK, doing business as A. G. RODERICK TAXI & TRUCKING, 7 West Circle, Salem, Massachusetts 01970. Applicants' attorney: STEVEN D. GOPIN, Esq., 186-A Broadway, Chelsea, Massachusetts 02150. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-94224, issued May 3, 1972, as follows: *Household goods* as defined by the Commission, between Salem, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76583, filed May 10, 1976. Transferee: ROCKLIN TRUCKING COMPANY, INC., 209 North 8th St., Brooklyn, N.Y. 11211. Transferor: DANIEL ROCKLIN, doing business as ROCKLIN TRUCKING COMPANY, 209 North 8th St., Brooklyn, N.Y. 11211. Applicant's representative: IRVING KLEIN, Attorney-at-Law, 371 Seventh Ave., New York, N.Y. 10001. Authority sought for purchase by transferee of the operating

rights of transferor as set forth in Permit No. MC-127133 (Sub-No. 2), issued May 2, 1966, as follows: *Paper-backed books, periodicals, and magazines*, from Pine Brook, N.J., to points in the New York, N.Y., Commercial Zone, as defined by the Commission, restricted to shipments to retail outlets; and returned, unsold issues, from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Pine Brook, N.J., limited to a transportation service to be performed under a continuing contract, or contracts, with Dell Distributing Co., Inc., of Pine Brook, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15131 Filed 5-21-76; 8:45 am]

## **FOURTH SECTION APPLICATIONS FOR RELIEF**

May 19, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43165—*Acetic Acid, Acetic Anhydride and Formic Acid from Points in Texas*. Filed by Southwestern Freight Bureau, Agent, (No. B-606), for interested rail carriers. Rates on acetic acid, acetic anhydride, and formic acid, in tank-car loads, as described in the application, from specified points in Texas, to East St. Louis, Illinois and St. Louis, Missouri.

Grounds for relief—Market competition.

Tariff—Supplement 185 to Southwestern Freight Bureau, Agent, tariff 354-C, I.C.C. No. 5084. Rates are published to become effective on June 16, 1976.

FSA No. 43166—*Joint Rail-Water Container Rates—United States Lines, Inc.*

Filed by United States Lines, Inc., (No. 12), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminals at United States Atlantic and Seaport cities, to ports in the Far East, Saudi Arabia and Iran.

Grounds for relief—Water competition.

Tariffs—United States Lines, Inc., tariffs Nos. 23 and 24, I.C.C. Nos. 23 and 24, F.M.C. Nos. 88 and 89, respectively. Rates are published to become effective on June 17, 1976, and later.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15132 Filed 5-21-76; 8:45 am]

[Notice No. 54]

## **ASSIGNMENT OF HEARINGS**

May 19, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F 12675, O.N.C. Freight Systems—Control—Rocor Truck Lines; and Rocor International—Control—Altruk Freight Systems, Tractor Inc.; and American Cartage now assigned June 8, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. is being postponed to August 8, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 83539 (Sub 421), C & H Transportation Co. Inc. now assigned June 7, 1976 (1 day) at Los Angeles, California is now being cancelled, application dismissed.

MC 113495 Sub 77, Gregory Heavy Haulers, Inc., now being assigned July 7, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15133 Filed 5-21-76; 8:45 am]

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MONDAY, MAY 24, 1976



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PART II:

## **ENVIRONMENTAL PROTECTION AGENCY**

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### **AIR POLLUTION**

Heavy Duty Engines

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## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL 528-8]

## CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

## Revised Heavy Duty Engine Regulations for 1979 and Later Model Years

The Environmental Protection Agency (EPA) is considering amendments to Subparts A and I of Part 86 of Title 40 of the Code of Federal Regulations. In addition, a new Subpart D combining previous Subparts H and J has been developed. These amendments set new standards for heavy duty gasoline-fueled and Diesel engines, revise the section numbering to reflect applicability to the 1979 and later model years, and also revise parts of the current test procedures.

In spite of the gains made in control of air pollution there are many air quality control regions which will not be able to meet ambient air quality standards. Motor vehicles contribute a large percentage of the total hydrocarbons, carbon monoxide and oxides of nitrogen contaminants. As standards on light duty vehicles and light duty trucks are made more stringent, a larger portion of these pollutants will come from heavy duty vehicles.

Standards are proposed beginning with the 1979 model year for both gasoline-fueled and Diesel heavy duty engines of 1.5 gms/BHP-hr. hydrocarbon (HC), 25 gms/BHP-hr. carbon monoxide (CO), and 10 gms/BHP-hr. hydrocarbon plus oxides of nitrogen (HC+NOx). Current standards are 16 gms/BHP-hr. HC+NOx and 40 gms/BHP-hr. CO without a separate HC requirement. Additionally, a Diesel engine peak smoke opacity standard of 35 percent instead of the present 50 percent standard is proposed to prevent degradation in on the road smoke levels as a result of changes in gaseous emissions standards. Nearly all currently certified engine families have demonstrated smoke levels at or below 35 percent peak opacity. Acceleration and lugging mode Diesel smoke standards of 20 and 15 percent are unchanged by the proposal.

Test procedure revisions include the substitution of more accurate instrumentation for measurement of gasoline-fueled engine HC and both gasoline-fueled and Diesel NOx measurements; the addition of specific calibrations and maintenance procedures; and minor revisions to the test cycles.

This action is forecast to result in a reduction in 1990 nationwide emissions of 0.6 to 0.7 million tons HC, up to 1.8 million tons CO, and 0.4 to 1.0 million tons of NOx. These reductions correspond to urban air quality improvements of 1 to 4 percent for oxidants, 1 percent for carbon monoxide and 1 to 4 percent for nitrogen dioxide.

The retail price for heavy duty trucks is expected to increase approximately

\$110 for gasoline-fuel vehicles and 120 for Diesel vehicles. The aggregate five year cost of the proposal is forecast to be \$378 million.

An evaporative HC standard is not a part of the proposed regulations. This is because an adequate test procedure, such as the enclosure (SHED) method, has not been fully developed for application to heavy duty vehicles. Further, a comprehensive compliance assurance mechanism to deal with vehicles rather than engines alone has not been established.

EPA believes that the proposed emission levels are achievable with current, production proven technology. A lead time of one year should be sufficient to incorporate this technology into production engines. Further, it is expected that engines meeting the proposed standards need not suffer any loss in fuel economy if already demonstrated fuel efficient technology is employed. The standards proposed were selected because they represent a significant and cost effective reduction in emission levels, especially HC, obtainable in the short term without use of catalyst or costly and unproven technology.

A separate HC standard is included in the proposed regulations. Test measurements of HC correspond well with actual on the road emissions, and an individual standard plus a combined HC and NOx standard will give incentive for HC control. This necessary control will be effective in reducing atmospheric oxidant levels.

Certain modifications to certification practices are proposed. The requirement that the Administrator specify the engine displacement with the highest projected sales within a control system for durability testing has been eliminated. This provision unnecessarily limited the Administrator's ability to require a showing that a particular displacement could meet the requirements of the regulations.

Maintenance provisions for gasoline-fueled and Diesel engines have been modified to include EGR systems and catalytic converters. Essentially, light duty vehicle regulations on these topics have been modified to apply to heavy duty engines. Neither the use of EGR systems or catalytic converters are considered necessary to meet the proposed standards. However, if used, warning devices to alert the engine operator to the need for EGR or catalyst maintenance are required, and the conditions under which maintenance may be performed are specified.

The "zero hour" emission test is no longer required nor allowed. Manufacturers will continue to be required to supply information on components used on certification engines prior to service accumulation in order to assure that these engines are representative of engines intended for production.

Specifications for service accumulation gasoline have been modified to more accurately reflect commercially available fuel. The minimum lead and phosphorus content requirements for unleaded fuel have been deleted. Sensitivity (research minus motor octane) must be at least 8

octane numbers. Some of these changes were previously made in the light duty vehicle regulations. EPA believes that the same fuel specifications should apply to heavy duty engines, with the one exception that Reid vapor pressure corresponding to seasonal fuel changes will not be required since heavy duty engine testing is normally performed under controlled ambient conditions.

Several changes have been made to the test cycle for gasoline-fueled engines. A change to engine torque to define the various operating modes (instead of engine manifold vacuum) for the 9-mode test is most significant. This was necessary to accommodate supercharged engines which do not operate under vacuum conditions in all modes. Also, engines utilizing EGR have widely varying vacuums for a given power setting. Data from 19 representative engines were statistically analyzed in arriving at equivalent percent torque set points corresponding to the current manifold vacuum set points. Values of 10, 25, 55, and 90% of maximum observed torque were derived to replace the manifold vacuum levels of 19, 16, 10, and 3 inches of mercury. The test cycle as modified closely corresponds to the existing 9-mode cycles. Only the definition of the operating points has been changed.

Although the emission test has been defined in terms of torque, service accumulation can be carried out under manifold vacuum, manifold pressure or torque control. The manufacturer will be required to select a method and then notify EPA. This option was included to allow flexibility in instrumentation and control systems.

Two other related changes in the 9-mode test procedures have been made. First, time in mode has been increased to a uniform 60 seconds for each mode. Second, the number of cycles per test has been reduced from four to two. As a consequence, the overall test is approximately the same length. Any loss in test repeatability from fewer cycles is compensated by increased measurement time available during each cycle. These changes were made to give the test operator time to determine proper instrument ranges and to take all required readings. Even though mode times are changed, the prior weighting factors are retained. EPA testing indicates that these revisions do not significantly affect average test results.

Several significant changes for both gasoline-fueled and Diesel engine sampling and analytical systems have been proposed. Hydrocarbons (HC) will be measured by a heated flame ionization detector (HFID) replacing the present non-dispersive infrared (NDIR) analyzer used in testing gasoline-fueled engines. The Diesel test procedure already uses an HFID. The FID is more accurate and stable, and has a linear response. The requirement for a heated instrument will eliminate water condensation and exhaust sample condensation (hang-up) difficulties. Because HFIDs are more sensitive than

current analyzers, the proposed standards have been adjusted to reflect the change in instrumentation. In addition, a carbon dioxide measurement by NDIR is now required for Diesel engines to provide a basis for calculating and comparing air fuel ratio to measured values. Carbon dioxide data are also used in calculating the total mass of exhaust.

Oxides of nitrogen will be measured by a CL analyzer instead of the current NDIR instruments. The CL analyzer, when coupled with a reducing converter, will measure total oxides of nitrogen (NO + NO<sub>2</sub>) and not just nitric oxide (NO) as is the case with the current NDIR analyzers. Since more than one compound is to be measured, it would appear that any total nitrogen oxides instrument would give higher concentrations than an instrument that only measures NO. However, since the CL analyzer is not subject to interference from water vapor and carbon dioxide it may give a slightly lower, but more accurate, total reading than the current NDIR instrument.

Coincidental with the change in analyzers the exhaust sample conditioning and transport system has been modified. These revisions in line length, transit time, arrangements, heating requirements, etc. are necessary to insure sample integrity and accurate results. Calibration procedures and instrument checks have been revised accordingly. Variations in either the instruments or analytical system are permissible. However, prior EPA approval based on proven equivalency is necessary before a modified system can be used.

Test data requirements have been expanded. Fuel temperature, humidity, air temperature, and fuel hydrogen to carbon ratio must now be supplied. These data are needed to calculate a correction factor to account for water vapor in the HFID sample. Currently, engine air flow is measured for diesel engines and not for gasoline-fueled engines. The air flow measurement of gasoline-fueled engines is now being proposed. This will provide a basis for calculating the wet to dry sample correction factor (Kw) and will also be used in computing a measured air fuel ratio to be compared to the air fuel ratio calculated from the exhaust gas constituents. This will serve as the only overall system quality control check. Measured and calculated values must agree within 10% for a valid test.

EPA recognizes that this requirement is an additional burden for the gasoline-fueled engine manufacturers and testing laboratories. However, the confidence in test accuracy which a system quality control mechanism provides is an overriding consideration.

There may, of course, be other methods of accomplishing the quality control objectives such as use of a tracer gas. However, EPA has no experimental experience with such a method as applied to heavy duty engines. EPA invites the submission of data on alternative quality control mechanisms as well as on the use

of measured and calculated air flow for this purpose. If a less complicated, but equally comprehensive total system check is available, EPA will consider it as an alternative to, or replacement for, the air flow measurement requirement in final rulemaking.

Preconditioning for gasoline-fueled engine tests now begins with an engine that is warmed up at progressively higher loads until maximum torque is determined. As in current practice, the engine must be allowed to stand for one to two hours at 25±5°C prior to the actual test. Each test consists of a 5 minute idle followed by two 9-mode cycles. Each mode is one minute long and exhaust gases are evaluated over the last 10 seconds (50 seconds for the closed throttle). Only one significant change has been made in the Diesel 13-mode test cycle. The time in mode has been reduced from 10 minutes per mode to 5 minutes per mode to significantly reduce the time required to complete an entire test. Manufacturers are invited to supply data on the effect of reduced mode time on emission levels, if any, and to comment on any resource savings which may result.

Emission level calculations for CO, CO<sub>2</sub>, and NOx are made on a dry basis (i.e., with water vapor removed); a correction is applied to the wet HC measurements. Chart reading requirements have been clarified and computers or other devices may be substituted for manual monitoring if they meet the requirements of the pertinent subpart.

All Diesel engine test procedures are now contained in the proposed regulations. References to Society of Automotive Engineers practices have been eliminated and the required procedure is now fully stated in the regulations.

Diesel fuel specifications for service accumulation have been revised. The revised fuel specification should make service accumulation fuel easier to obtain and should also better reflect the composition of commercially available fuel.

It is unlikely that carry-over emission data will be allowed for certification because of the standards changes coupled with extensive revisions to the analytical measurement system which now measures total NOx. Only nitrous oxide (NO) was measured previously.

In summary, the proposed regulations make more stringent the emission standards applicable to 1979 and later model year heavy duty engines. EPA believes that these standards are feasible, will result in no fuel penalty, and can be met without the use of catalysts. Without more stringent controls on all motor vehicles many Air Quality Control Regions will be unable to meet ambient air quality standards. Along with new standards, improvements in test procedures and equipment are also proposed.

Recently EPA has received information that suggests that some manufacturers may be contemplating the development of Diesel engines for use in vehicles that fall into the lower part of the weight range of vehicles classified as heavy duty,

which vehicles are currently almost exclusively powered by gasoline engines. EPA is concerned about the appropriate testing of such engines because the current heavy duty Diesel durability test schedule, which is much more severe than the heavy duty gasoline test schedule, may hinder the introduction of lighter duty Diesel engines for applications in lighter trucks currently powered by gasoline engines. EPA hereby requests comments and suggestions on a means of defining this emerging new class of engines, as well as on a test protocol appropriate for the testing of these engines.

Relevant comments, views, suggestions and data from any individual or group on pertinent topics will be considered in drafting final regulations.

40 CFR, Part 86, as amended would become effective 30 days after publication and would be applicable to 1979 and subsequent model year heavy duty engines. The current regulations which appear in 40 CFR, Part 85 and Part 86 would remain in effect for 1974 through 1978 model year engines.

Interested persons may submit written data, views, or arguments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Office of Mobile Source Air Pollution Control (AW-455), 401 M Street, S.W., Washington, D.C. 20460. All relevant material received not later than August 23, 1976 will be considered. Comments submitted shall be available for public inspection during normal business hours at the Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 4th and M Streets, S.W., Washington, D.C. 20460.

A Document entitled "An Examination of Interim Emission Control Strategies for Heavy Duty Vehicles" which describes the need for additional control and the technical development of proposed standards is available from the Director, Emission Control Technology Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

Single copies of the Draft Environmental Impact Statement for this regulation are available upon request from the Public Information Center (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460. The Draft Environmental Impact Statement discusses the environmental and economic impacts of the proposed regulation.

This notice of proposed rulemaking is issued under the authority of sections 202, 206, 207, 208 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6 and 1857g(a)).

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Dated: May 7, 1976.

JOHN QUARLES,  
Acting Administrator.



It is proposed to amend 40 CFR Part 86 as follows:

1. A new section 86.079-2 is added and reads as follows:

§ 86.079-2 Definitions.

The following definitions apply beginning with the 1979 model year. Other portions of § 86.077-2 remain effective.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Hang-up" means any hydrocarbon molecules that are absorbed, adsorbed, condensed, or by any other method removed from the sample flow prior to reaching the instrument detector.

"Intermediate speed" means peak torque speed if peak torque speed occurs between 60 and 75 percent of rated speed.

If the peak torque speed is outside of these specifications, intermediate speed is defined as 60 percent of rated speed.

"Turn down ratio" means the ratio of the minimum detectable quantity to the maximum detectable quantity.

2. A new section 86.079-10 is added and reads as follows:

§ 86.079-10 Emission standards for 1979 gasoline-fueled heavy duty engines.

(a) (1) Exhaust emissions from new 1979 and later model year gasoline-fueled heavy duty engines shall not exceed:

(i) *Hydrocarbons*, 1.5 grams per brake horsepower hour.

(ii) *Carbon monoxide*, 25 grams per brake horsepower hour.

(iii) *Hydrocarbons plus oxides of nitrogen*, 10 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a) (1) of this section refer to a composite sample representing the operating cycle set forth in subpart D and measured in accordance with those procedures.

(b) (Reserved)

(c) (See paragraph (c) of § 86.077-10).

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a) (1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in subpart D to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

3. A new section 86.079-11 is added and reads as follows:

§ 86.079-11 Emission standards for 1979 Diesel heavy duty engines.

(a) (1) The opacity of smoke emissions from new 1979 and later model year Diesel heavy duty engines shall not exceed:

(i) 20 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 35 percent during the peaks in either mode.

(2) The standards set forth in paragraph (a) (1) of this section refer to ex-

haust smoke emissions generated under the conditions set forth in Subpart I and measured and calculated in accordance with those procedures.

(b) (1) Exhaust gaseous emissions from new 1979 and later model year Diesel heavy duty engines shall not exceed:

(i) *Hydrocarbons*, 1.5 grams per brake horsepower hour.

(ii) *Carbon monoxide*, 25 grams per brake horsepower hour.

(iii) *Hydrocarbons plus oxides of nitrogen*, 10 grams per brake horsepower hour.

(2) The standards set forth in paragraph (b) (1) of this section refer to exhaust gaseous emissions generated under the conditions set forth in subpart D and measured and calculated in accordance with those procedures.

(c) through (d) (See paragraphs (c) through (d) of § 86.077-11).

(e) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a) (1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in subparts D and I to ascertain that such test engines meet the requirements of paragraphs (a) and (b) of this section.

4. A new section 86.079-23 is added and reads as follows:

§ 86.079-23 Required data.

The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information:

(a) Durability data on such vehicles (or engines) tested in accordance with the applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle (or engine) for extended mileage (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for heavy duty engines) performed on the test vehicles (or test engines). Maintenance and servicing of heavy duty engines performed prior to the zero hour point need not be submitted.

(b) through (b) (1) (ii) (See paragraphs (b) through (b) (1) (ii) of § 86.077-23).

(2) Certification engines. Emission data on such engines tested in accordance with applicable emission test procedures and in such numbers as specified, which will show their emissions after 125 hours of operation.

(c) (1) (See paragraph (c) (1) of § 86.077-23).

(2) For heavy duty engines, a statement that engines for which certification is requested conform to the requirements in § 86.077-5(b) and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.077-5(b) and the data derived from such tests are available to the Administrator upon request.

(d) (1) For light duty vehicles and light duty trucks, a statement that the

test vehicles with respect to which data are submitted have been tested in accordance with the applicable test procedures, that they meet the requirements of such tests, and that, on the basis of such tests, they conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle tested, the vehicle shall be identified, and all pertinent test data relating thereto shall be supplied.

(2) For heavy duty engines, a statement that the test engines with respect to which data are submitted to demonstrate compliance with § 86.077-11 are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification, and that on the basis of such tests the engines conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any engine tested, the engine shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test engine was not as described in the application for certification or was not tested in accordance with applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the engine does not meet the applicable standards. The provisions of § 86.077-30(b) shall then be followed.

5. A new section 86.079-24 is added and reads as follows:

§ 86.079-24 Test vehicles and engines.

(a) (1) through (a) (2) (iv) (See paragraphs (a) (1) through (a) (2) (iv) of § 86.077-24).

(v) The location of intake and exhaust valves (or ports) and the valve (or port) sizes (within a 1/8-inch range on the valve head diameter).

(a) (2) (vi) and (vii) (See paragraphs (a) (2) (vi) and (vii) of § 86.077-24).

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

(x) Air inlet cooling characteristics, (e.g., inter-coolers and after-coolers) for Diesel heavy duty engines.

(a) (3) through (g) (4) (See paragraphs (a) (3) through (g) (4) of § 86.077-24).

6. A new section 86.079-25 is added and reads as follows:

§ 86.079-25 Maintenance.

(a) and (b) (See paragraphs (a) and (b) of § 86.077-25).

(c) (1) *Heavy duty engines*. Paragraph (c) of this section applies to heavy duty engines.

(2) (i) The scheduled maintenance described in this section may be performed on a durability engine provided the maintenance is requested in the application for certification and is specified

at the same intervals in the maintenance instructions which will be furnished to the ultimate purchaser of the vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.077-2.) A scheduled major engine servicing shall be restricted to items listed in this subparagraph and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel.

(A) For gasoline-fueled engines, major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation, provided no tuneups are performed after 1375 hours of scheduled dynamometer operation. The following items may be inspected, replaced, cleaned, adjusted and/or serviced as required:

(1) Ignition system.

(2) Cold starting enrichment system (includes fast idle speed setting).

(3) Curb idle speed and air/fuel mixture.

(4) Drive belt tension on engine accessories.

(5) Valve lash.

(6) Inlet air and exhaust gas control valves.

(7) Engine bolt torque.

(8) Spark plugs.

(9) Fuel filter and air filter.

(10) Crankcase emission control system.

(11) Fuel evaporative emission control system.

(B) For Diesel engines one major engine servicing to the manufacturer's specifications may be performed prior to 875 hours ( $\pm 8$  hours) of scheduled dynamometer operation. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(1) Low idle speed.

(2) Drive belt tension.

(3) Engine bolt torque.

(4) Valve lash.

(5) Injection timing.

(6) Injector assemblies.

(7) Governor settings.

(C) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(D) Readjustment of the engine low idle speed may be performed once during the first 125-hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability engines, except as provided in paragraph (c) (2) (v) (A) of this section, only under the following provisions:

(A) An injector or spark plug may be changed if a persistent misfire is detected.

(B) Readjustment of a gasoline-fueled engine cold starting enrichment system

may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under subparagraph (c) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii) Any exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(A) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance at the service point. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction does not render the test engine unrepresentative of engines in use.

(B) Manufacturers may service the EGR system as unscheduled maintenance a maximum of one time during durability testing (1500 hours for gasoline-fueled engines or 1000 hours for Diesel engines) if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the engine operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction does not render the test engine unrepresentative of engines in use.

(C) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during durability testing (1500 hours for gasoline-fueled engines or 1000 hours for Diesel engines) either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance. The signal may be activated either by EGR system/failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction does not render the test engine unrepresentative of engines in use.

(D) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in engine performance. One additional servicing, may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(iv) The catalytic converter may be serviced once during durability testing (1500 hours for gasoline-fueled engines or 1000 hours for Diesel engines) if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under subparagraph (c) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii) Any exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(A) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance at the service point. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(B) Manufacturers may service the EGR system as unscheduled maintenance a maximum of one time during durability testing (1500 hours for gasoline-fueled engines or 1000 hours for Diesel engines) if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the engine operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction does not render the test engine unrepresentative of engines in use.

(C) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during durability testing (1500 hours for gasoline-fueled engines or 1000 hours for Diesel engines) either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for EGR system maintenance. The signal may be activated either by EGR system/failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction does not render the test engine unrepresentative of engines in use.

(D) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in engine performance. One additional servicing, may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test engine unrepresentative of engines in use.

(iv) The catalytic converter may be serviced once during durability testing (1500 hours for gasoline-fueled engines or 1000 hours for Diesel engines) if an audible and/or visual signal approved by the Administrator alerts the engine operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(1) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for fuel injection component, or removable prechamber removal or replacement; and

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, engine stall, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under subparagraph (c) (2) (v) (A) (1).

(C) Requests for authorization of scheduled maintenance of emission control related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability engine.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

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(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(3) (i) Scheduled maintenance on emission data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications.

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.



## PROPOSED RULES

- (4) (Reserved)
- (5) (i) Complete emission tests (see subpart D for gasoline-fueled engines and subparts D and I for Diesel engines) are required, unless waived by the Administrator, before and after:
- (A) Scheduled maintenance approved for durability engines.
- (B) Unscheduled maintenance which may reasonably be expected to affect emissions.
- (ii) The tests before and after scheduled maintenance, which are performed on durability engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability engines after 117 hours and prior to 133 hours, is waived. The after maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.079-28.
- (iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125 hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.
- (iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.
- (v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be supplied within three working days. A final engineering report shall be delivered within ten working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.
- (vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.079-23.
- (6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfire, stall).
- (7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and
- (i) Are used in conjunction with scheduled maintenance on such components,
- (ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in subparagraph (c) (2) (v) (A) of this section for durability engines or paragraph (c) (3) of this section for emission data engines, or
- (iii) Unless specifically authorized by the Administrator.
7. A new section 86.079-26 is added and reads as follows:

## § 86.079-26 Mileage and service accumulation: emissions measurements.

- (a) [See paragraph (a) of § 86.077-26]
- (b) (1) Paragraph (b) of this section applies to heavy duty engines.
- (2) (i) For gasoline-fueled engines, the dynamometer service accumulation schedule will consist of several operating conditions which give the percent loads and the modes as specified in the following chart. The percentage of times in each mode must be held within the limits specified. The maximum observed torque for each mode in the service accumulation cycle, must be determined at the rpm at which the mode is being conducted. The percent load for that mode will be determined from the maximum torque at the rpm the mode is being conducted.

Mode	Observed torque (percent of maximum observed)	Percentage of time
Idle	Idle	33 (22-41)
Closed throttle (CT)	CT	31 (30-32)
Part throttle deceleration (PTD)	10	15 (14-16)
Cruise	25	6 (5-7)
Part throttle acceleration (PTA)	35	11 (10-12)
Full load (FL)	90	14 (13-15)

- (ii) The equivalent control parameter for engine loading will be manifold vacuum, manifold pressure, or torque. Usage of one of the three parameters will require approval in advance by the Administrator. The control parameter values that correspond to the appropriate percent loads as specified in the emission test cycle will be initially determined at the zero-hour point or after an appropriate break-in procedure. The control parameter values determined initially will be used for the entire service accumulation schedule. If at any time during the service accumulation, the 90% torque value cannot be attained, the engine shall be operated at wide open throttle.
- (iii) The average speed shall be between 1,650 and 1,700 rpm. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 rpm (but not in excess of governed speed for governed engines or rated speed for non-governed engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.
- (3) (i) For Diesel engines, the following criteria must be met before service accumulation can begin. Failure to comply with these requirements shall invalidate all test data submitted for an engine.
- (A) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.
- (B) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

- (ii) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.079-25.)

(A) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed at the zero-hour point. Horsepower values shall be corrected to the rating conditions.

(B) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.879-8 except that the tolerance will be  $\pm 3$  inches of water and  $\pm 0.5$  inches of Hg respectively.

(C) During each emission test the inlet and exhaust restrictions shall be specified in § 86.879-8.

(4) If a break-in procedure is used the procedure must be the same as recommended to the ultimate purchaser. Prior approval by the Administrator is required for use of any break-in procedure. The hours accumulated during the break-in procedure will not be counted as part of the service accumulation.

(5) Emission data engines: Each emission data engine shall be operated for 125 hours with all emission control systems installed and operating. An emission test shall be conducted at 125 hours. No zero hour emission test will be required or allowed. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(6) Durability data engines: Each gasoline-fuel durability data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Each Diesel durability data engine shall be operated, with all emission control systems installed and operating, for 1000 hours. Emission measurement, as prescribed, shall be made at 125 intervals beginning at 125 hours of operation. No zero hour emission test will be required or allowed. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the induction systems.

(7) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(8) (i) Data from all emission tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within five working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of

the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.079-23. Where the Administrator conducts a test on a durability engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29-67.

(9) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide such information concerning components used on the engine as the Administrator may require and make the engine available for such testing under § 86.077-29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(10) Once a manufacturer begins to operate an emission data or durability data engine, as indicated by compliance with paragraph (b) (9) of this section, he shall continue to run any emission data engine to 125 hours, any gasoline-fueled durability data engine to 1,500 hours, and any Diesel durability data engine to 1000 hours. The data from the engine will be used in the calculations under § 86.345. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11) (i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (subpart D for gasoline-fueled engines, and subparts D and I for Diesel engines) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be

specifically authorized by the Administrator.

8. A new section § 86.079-27 is added and reads as follows:

## § 86.079-27 Special test procedures.

(a) For light duty vehicles and light duty trucks the Administrator may, on the basis of a written application therefore by a manufacturer, prescribe test procedures, other than those set forth in this part, for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth herein or in subpart B.

(b) For heavy duty engines:

(i) The Administrator, may on the basis of a written application therefore by a manufacturer, prescribe test procedures, other than those set forth in this subpart, for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth herein or in subparts D and I.

(ii) If the manufacturer does not submit a written application for use of special test procedures but the Administrator determines that a motor vehicle engine is not susceptible to satisfactory testing by the procedures set forth herein, the Administrator will reject the applicable portions of the application. The Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection in accordance with the provisions of § 86.077-22(c).

9. A new section 86.079-28 is added and reads as follows:

## § 86.079-28 Compliance with emission standards.

(a) [See paragraph (a) of § 86.077-28]

(b) (1) Paragraph (b) of this section applies to heavy duty engines.

(2) The exhaust emission standards for gasoline-fueled engines in § 86.079-10 or for Diesel engines in § 86.079-11 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of a gasoline-fueled engine which has accumulated 1,500 hours of dynamometer operation or a Diesel engine which has accumulated 1000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability data engines for each engine-system combination. Separate factors shall be established for HC, CO, and for the combined emissions of HC and NOx. For Diesel engines, separate factors shall also be established for the acceleration mode (designated as "A"), the lugging mode (designated as "B") and the peak opacity (designated as "C").

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(1) All emission data from the tests required under § 86.079-26(b) (6). This shall include the official test results, as determined in § 86.077-29, for all tests conducted on all gasoline-fueled durability engines of the combination selected under § 86.079-24(c) (2) or on all Diesel durability engines of the combination selected under § 86.079-24(c) (3) (including all engines elected to be operated by the manufacturer under § 86.079-24(c) (2) (iii) for gasoline-fueled engines or under § 86.079-24(c) (3) (ii) for Diesel engines).

(2) All emission data from the test conducted before and after maintenance provided in § 86.079-25(c) (2) (i) (A) for gasoline fueled engines or in § 86.079-25(c) (2) (i) (B) for Diesel engines.

(3) All emission data from the tests conducted before and after maintenance provided in § 86.079-25(c) (5) (i) if emission tests were conducted.

(B) All applicable emission results for (1), HC, (2) CO, (3) HC+NOx, (4) acceleration smoke ("a"), (5) lugging smoke ("b"), and (6) peak smoke ("c") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1500-hour points for gasoline-fueled engines or the 1000-hour points for Diesel engines on each line, rounded to whole numbers in accordance with ASTM E 29-67, must be within the standards specified in § 86.077-10 for gasoline-fueled engines or in § 86.077-11 for Diesel engines or the data shall not be used in the calculation of the deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor = Exhaust emissions interpolated to 1500 hours for gasoline-fueled engines or to 1000 hours for Diesel engines minus the exhaust emissions interpolated to 125 hours (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b) (4) (ii) of this section rounded to whole numbers in accordance with ASTM E 29-67 for each emission data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (b) (4) (iii) of this section, before any engine in that family will be certified.

10. A new section 86.079-35 is added and reads as follows:



## § 86.079-35 Labeling.

(a) (1) [See paragraph (a) (1) of § 86.077-35]

(2) Heavy duty engines:

(i) The plastic or metal label shall be welded, bonded, or otherwise permanently attached to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family and model designations;

(D) Date of engine manufacture (month and year);

(E) Engine specifications and adjustments as recommended by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) For gasoline-fueled engines the label should include the idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop) and valve lash.

(2) For Diesel engines the label should include the advertised hp, at rpm, fuel rate at advertised hp, in m.m.<sup>3</sup>/stroke, valve lash, initial injection timing, and idle speed.

(F) An unconditional statement of compliance with the appropriate model year (e.g., 1979) U.S. Environmental Protection Agency regulations applicable to heavy duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) [See paragraph (b) of § 86.077-35]

11. A new subpart D is added to Part 86 and reads as follows:

## Subpart D—Emission Regulations for New Gasoline-Fueled and Diesel Heavy Duty Engines; Gaseous Exhaust Test Procedure

Sec.

86.301-79 Scope, applicability.

86.302-79 Definitions.

86.303-79 Abbreviations.

86.304-79 Section numbering, construction.

86.305-79 Introduction, structure of subpart.

86.306-79 Equipment required and specifications overview.

86.307-79 Fuel specifications.

86.308-79 Gas specifications.

86.309-79 Sampling and analytical system; schematic drawing.

86.310-79 Sampling and analytical system; component specifications.

86.311-79 Miscellaneous equipment, specifications.

86.312-79 Dynamometer and engine equipment specifications.

Sec.

86.313-79 Air flow measurement, specifications.

86.314-79 Fuel flow measurement specifications.

86.315-79 General analyzer specifications.

86.316-79 Carbon monoxide and carbon dioxide analyzer specifications.

86.317-79 Hydrocarbon analyzer specifications.

86.318-79 Oxides of nitrogen analyzer specifications.

86.319-79 Analyzer checks and calibrations, frequency and overview.

86.320-79 Analyzer bench checks.

86.321-86.325 [Reserved]

86.326-79 Non-linearity check, CO and CO<sub>2</sub> analyzers.

86.327-79 Quench check, NOx analyzer.

86.328-79 Leak checks.

86.329-79 Sample line residence time, check procedure.

86.330-79 Carbon monoxide and carbon dioxide analyzer calibration.

86.331-79 Hydrocarbon analyzer calibration.

86.332-79 Oxides of nitrogen analyzer calibration.

86.333-79 Dynamometer calibration.

86.334-79 Test procedure overview.

86.335-79 Gasoline-fueled engine test cycle.

86.336-79 Diesel engine test cycle.

86.337-79 Information.

86.338-79 Exhaust measurement accuracy.

86.339-79 Pre-test procedures.

86.340-79 Gasoline-fueled engine dynamometer test run.

86.341-79 Diesel engine dynamometer test run.

86.342-79 Post-test procedure.

86.343-79 Chart reading.

86.344-79 Humidity calculations.

86.345-79 Emission calculations.

AUTHORITY: Secs. 202, 206, 207, 208, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, 1857f-5a, 1857f-6, 1857g(a)).

Subpart D—Emission Regulations for New Gasoline-fueled and Diesel Heavy Duty Engines; Gaseous Exhaust Test Procedure

§ 86.301-79 Scope, applicability.

This subpart contains gaseous emission test procedures for gasoline-fueled and Diesel heavy duty engines. It applies to 1979 and later model years.

§ 86.302-79 Definitions.

The definition in § 86.077-2 and § 86.079-2 apply to this subpart.

§ 86.303-79 Abbreviations.

The abbreviations in § 86.079-3 apply to this subpart.

§ 86.304-79 Section numbering, construction.

(a) The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective. A section remains effective until superseded.

EXAMPLE: Section § 86.311-79 applies to the 1979 and subsequent model years until superseded. If a section § 86.311-81 is promulgated it would take effect beginning with the 1981 model year; § 86.311-79 would apply to model years 1979 and 1980.

(b) A section reference without a model year suffix refers to the section applicable for the appropriate model year.

(c) Unless indicated, all provisions in this subpart apply to both gasoline-fueled and Diesel heavy duty engines.

## § 86.305-79 Introduction, structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform exhaust emission tests on gasoline-fueled and Diesel heavy duty engines. Subpart A sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Four topics are addressed in this subpart. Sections §§ 86.306 through 86.318 set forth specifications and equipment requirements; §§ 86.319 through 86.333 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximately chronological order) in §§ 86.334 through 86.343, and calculation formulas are found in §§ 86.344 and 86.345.

## § 86.306-79 Equipment required and specifications, overview.

(a) This subpart contains procedures for both gasoline-fueled and Diesel engine gaseous emission tests. Generally, the equipment required is identical for both types of engines. Equipment required and specifications are found in §§ 86.307 through 86.318.

(b) Some analyzer specifications refer to calibration checks found in §§ 86.320 through 86.332.

## § 86.307-79 Fuel specifications.

(a) Gasoline. (1) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust testing, except that the lead and octane specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum.	D1656	100	96
Pb (organic), grams per U.S. gallon.		1.4	0.00-0.05
Distillation range:			
IBP, °F	D86	75-95	75-95
10-pet point, °F	D86	120-135	120-135
50-pet point, °F	D86	200-230	200-230
90-pet point, °F	D86	300-325	300-325
EP, °F (maximum).	D86	415	415
Sulfur, weight percent, maximum.	D1296	0.10	0.10
Phosphorus, grams per U.S. gallon, maximum.		.01	.005
RVP, pounds per square inch, maximum.	D323	8.0-9.2	8.0-9.2
Hydrocarbon composition:			
Olefins, percent, maximum.	D1319	10	10
Aromatics, percent, maximum.	D1319	35	35
Saturates, percent, maximum.	D1319	Remainder	Remainder

<sup>1</sup> Minimum.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline, the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that engines represented by the test engine

will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer and have a minimum sensitivity of 8.0 octane numbers, where sensitivity is defined as research octane number minus motor octane number.

(b) Diesel fuel. (1) The Diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The Diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of Diesel fuel recommended by the engine manufacturer commercially designated as "Type 1-D" or "Type 2-D", shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane.....	D613.....	48-54	42-50
Distillation range.....	D86.....		
IBP, °F.....		330-390	340-400
10-pet point, °F.....		370-430	400-460
50-pet point, °F.....		410-480	470-540
90-pet point, °F.....		490-530	550-610
EP, °F.....		600-660	580-660
Gravity, °API.....	D287.....	40-44	33-37
Total sulfur, percent.....	D129 or D2622	0.05-0.20	0.2-0.5
Hydrocarbon composition.....	D1319.....		
Aromatics, percent.....		18	127
Paraffins, naphthenes, olefins, percent.....		Remainder	Remainder
Flashpoint, °F (minimum).....	D56.....	120	130
Viscosity, centistokes.....	D445.....	1.6-2.0	2.0-3.2

<sup>1</sup> Minimum.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of Diesel fuel recommended by the engine manufacturer, commercially designated as "Type 1-D" or "Type 2-D", shall be used.

Item	ASTM test method No.	Type 1-D	Type 2-D
Cetane (min.).....	D613.....	42-56	38-58
Distillation range 90-pet point, °F.....	D86.....	440-530	540-630
Gravity °API.....	D287.....	39-45	30-42
Total sulfur, percent.....	D129 or D2622.....	1.0-0.5	1.0-2
Flash point, °F (min.).....	D56.....	120	130
Viscosity, centistokes.....	D445.....	1.2-2.2	1.5-4.5

<sup>1</sup> Minimum.

(4) Other petroleum distillate fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b) (2) and (b) (3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(5) The specification range of the fuels to be used under subparagraphs (b) (2), (b) (3), and (b) (4) of this section shall be reported in accordance with § 86.077-21(b) (3).

## § 86.308-79 Gas specifications.

(a) Analyzer gases: (1) Calibration or span gases for the CO and CO<sub>2</sub> analyzers shall have zero-grade nitrogen as a diluent.

(2) Calibration or span gases for the hydrocarbon analyzer shall be propane with zero-grade nitrogen as a diluent when testing gasoline-fueled engines. For Diesel engine tests the diluent shall be zero-grade air.

(3) Calibration or span gases for the NOx analyzer shall be single blends of NO named as NOx with a maximum NO<sub>x</sub> concentration of 5 percent of the nominal value. Zero-grade nitrogen shall be the diluent.

(4) Zero gases for hydrocarbon analyzers shall be nitrogen when testing gasoline-fueled engines and air when testing Diesel engines.

(5) Zero gases for the carbon monoxide, carbon dioxide and oxides of nitrogen analyzers shall be either zero grade air or zero grade nitrogen.

(6) The allowable zero grade gas (air or nitrogen) impurity concentrations shall not exceed 2 ppm C hydrocarbon, 10 ppm carbon monoxide, 400 ppm carbon dioxide and 1 ppm nitric oxide.

(7) "Zero grade air" includes artificial air consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(b) Calibration gas: Calibration gas concentrations shall be traceable within 1 percent of applicable National Bureau of Standards gas blends concentrations. Alternatively, calibration gas concentrations shall be named with a 99% confidence level within 2% of true concentration.

(c) Span gas: Span gas concentrations shall be traceable to within 1 percent of a calibration gas.

(d) Hydrocarbon analyzer fuel: (1) The fuel shall contain 40±1% hydrogen. The balance shall be helium. The mixture shall contain less than 2 ppm C hydrocarbon.

(2) Alternate pure hydrogen fuel: Some FIDs are designed to operate on pure hydrogen. Generally this FID fuel is incompatible with good relative hydrocarbon response.

(3) For Diesel engines this fuel is not recommended. However, this fuel may be used if the engine manufacturer demonstrates, across his product line, that a FID using this fuel produces comparable results to a FID using 40% H<sub>2</sub>/60% He fuel. These data must be submitted to and approved by the Administrator prior to testing. Pure H<sub>2</sub> fuel, that may be allowed for testing, must contain at least 99.0 percent hydrogen and contain less than 2 ppm C hydrocarbon.

(4) For gasoline-fueled engines, pure hydrogen fuel for the FID is not allowed.

(e) Hydrocarbon analyzer burner air: The burner air should contain nominally 21±1 percent oxygen. The concentration of oxygen must be within 1 mole percent of the oxygen concentration of the burner air used in the latest oxygen interference check (%O<sub>2</sub>). If the difference in oxygen concentration is greater than 1 mole percent, then the oxygen interference must be checked and the analyzer adjusted, if necessary, to meet the %O<sub>2</sub> requirements. The burner air must contain less than 2 ppm C hydrocarbon.

(f) Oxygen interference check gases shall contain propane with a 350 ppm C±50 ppm C concentration named by chromatographic analysis to calibration gas tolerances. Nitrogen shall be the predominant diluent with the balance oxygen. Blends required for gasoline-fueled and Diesel engine testing are as follows:

Applicability	O <sub>2</sub> concentration (percent)	Balance
Diesel.....	21 (20-22) N <sub>2</sub>	
Do.....	15 (14-16) N <sub>2</sub>	
Diesel and gasoline.....	10 (9-11) N <sub>2</sub>	
Do.....	5 (4-6) N <sub>2</sub>	
Gasoline.....	0 (0-1) N <sub>2</sub>	

## § 86.309-79 Sampling and analytical system; schematic.

(a) Schematic drawing. (1) Fig. D79-1 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under this subpart. All components or parts of components that are wetted by the sample or corrosive calibration gases are to be either chemically cleaned stainless steel or inert material, e.g. polytetrafluoroethylene resin. The use of "gauge savers" or "protectors" with nonreactive diaphragms is permissible.



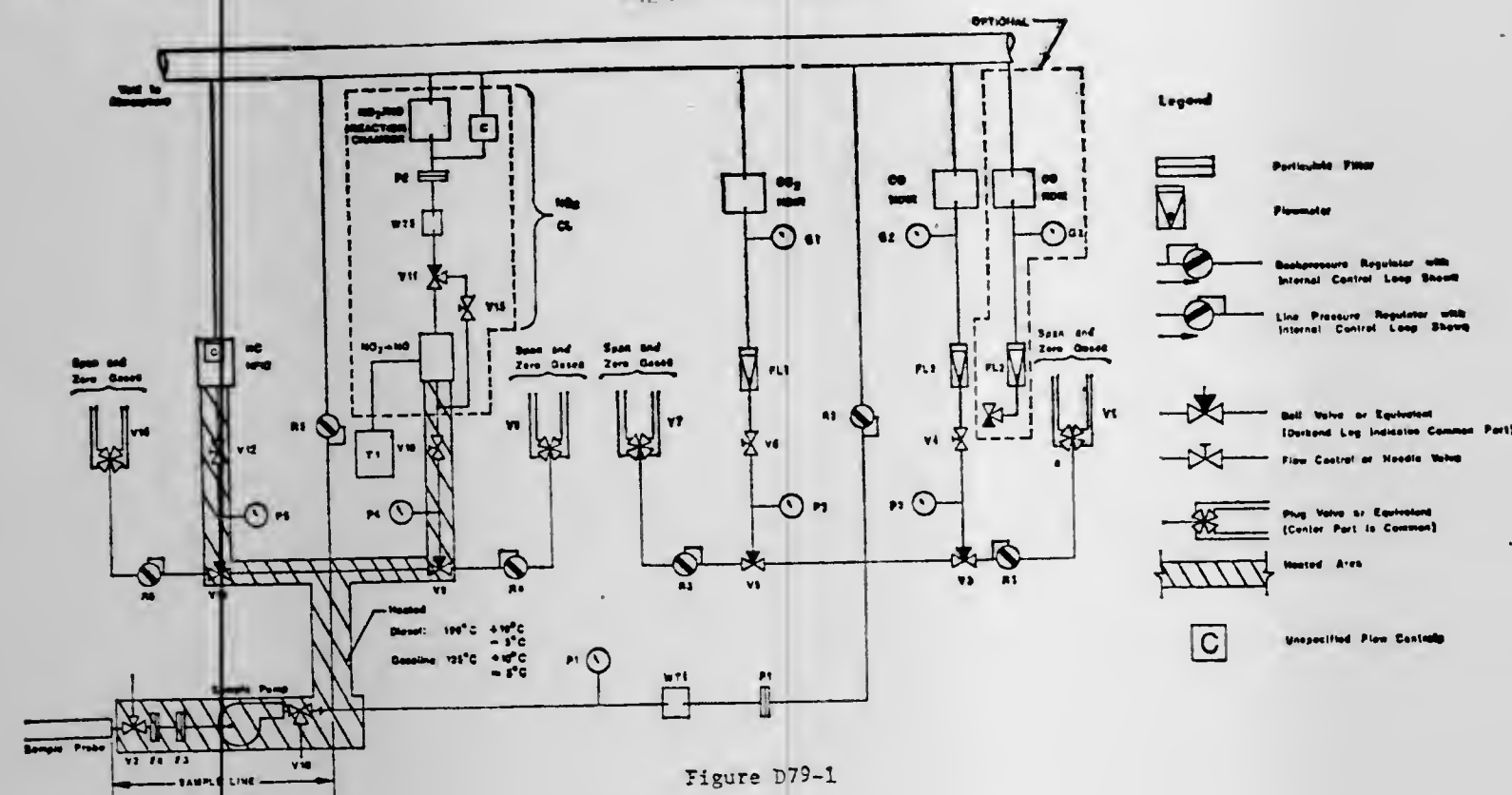


Figure D79-1

Heavy Duty Exhaust Gas  
Sampling and Analytical Train

(2) Any variations from the depicted system, including instrument detection method or internal instrument flow controls, may be used only with prior approval from the Administrator based on proven equivalency.

(b) **System Components List.** The following is a list of components shown in Fig. D79-1 by numeric identifier. Pressure ranges and accuracies when given are suggested values. Deviations from suggested values do not require prior approval.

(1) **Filters:** It is suggested that for F1, F2, and F3, a 7 cm diameter glass fiber filter paper be used. Optional filter F4 is a coarse filter for large particulates.

(2) **Flowmeters:** Flowmeters FL 1 and FL 2 indicate sample flow rates through the CO and CO<sub>2</sub> analyzers, (0-10 CFH).

(3) **Gauges:** Gauges G1 and G2 measure input pressure to CO and CO<sub>2</sub> detector cells (0-15" H<sub>2</sub>O gauge). These gauges measure pressure drop across the detector cell.

(4) **Pressure gauges:** (i) P1—bypass pressure (0-20 psig).

(ii) P2, P3, P4 and P5—sample or span pressure at inlet to flow control valves (0-10 psig).

(5) **Water traps:** Water traps WT1, and WT2 are to remove water from the sample. Chemical dryers are not an acceptable method of removing the water. Water removal by condensation may be used only with prior approval from the Administrator based on proven equivalency.

(6) **Regulators:** (i) R1, R3, R4, and R6—line pressure regulators to control span pressure at inlet to flow control valves (0-10 psig, sensitivity  $\pm 2''$  H<sub>2</sub>O).

(ii) R2 and R5—back pressure regulators to control sample pressure at inlet to flow control valves (0-10 psig, sensitivity  $\pm 2''$  H<sub>2</sub>O).

(7) **Valves:** (i) V1, V7, V8, and V14—selector valves to select zero- or calibration-gases.

(ii) V2—optional heated selector valve to purge the sample probe, perform leak checks, or to perform hang-up checks.

(iii) V3 and V5—selector valves to select sample or span gases.

(iv) V4, V6, and V15—flow control valves.

(v) V9 and V13—heated selector valve to select sample or span gases.

(vi) V10 and V12—heated flow control valves.

(vii) V11—selector valve to select NO<sub>x</sub> or bypass mode in the chemiluminescence analyzer.

(viii) V16—optional heated selector valve to perform leak checks.

(9) **Pump:** Sample transfer pump to transport sample to analyzers (1.0 CFM at 10 psig).

(10) **Temperature sensor:** T1 measures the NO<sub>2</sub> to NO reduction converter temperature (0-1000°C, 32-1832°F).

§ 86.310-79 Sampling and analytical system; component specifications.

(a) **Temperature.** Any heated component must be maintained at: (1) 125°C;  $\pm 10^\circ\text{C}$ ,  $-5^\circ\text{C}$  (257°F;  $\pm 18^\circ\text{F}$ ,  $-9^\circ\text{F}$ ) for gasoline-fueled engines.

(2) 190°C;  $\pm 10^\circ\text{C}$ ,  $-5^\circ\text{C}$  (374°F;  $\pm 18^\circ\text{F}$ ,  $-9^\circ\text{F}$ ) for Diesel engines.

(b) **Sample probe.** (1) The sample probe shall be a straight, closed end, stainless steel, multi-hole probe. The I.D. shall be between 0.18 and 0.32 inches.

(2) There shall be a minimum of three holes in the probe. The spacing of the radial planes for each hole in the probe must be such that they cover approximately equal cross-sectional areas of the exhaust duct. The angular spacing of the holes must be approximately equal.

The angular spacing of any two holes in one plane may not be  $180^\circ \pm 20^\circ$ . The holes should be sized such that each has approximately the same flow. See Figure D79-2.

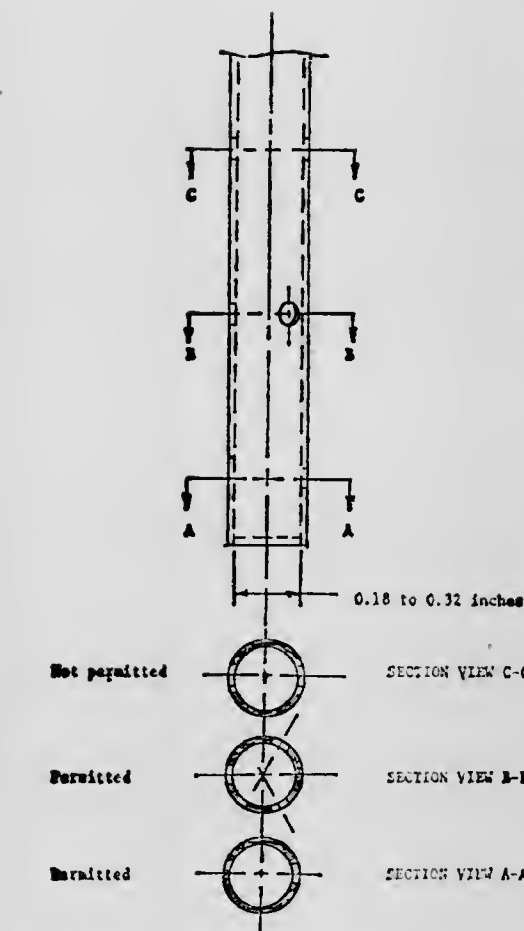


Figure D79-2 SAMPLE PROBE AND TYPICAL HOLE SPACINGS

(3) The probe shall extend radially across the exhaust duct. The probe must pass through the approximate center and must extend across at least 80 percent of the diameter of the duct.

(c) (1) **Sample transfer:** The exhaust gas sample shall be transferred to the analytical instruments through a heated filter and heated line by a heated sample pump.

(2) All heated lines shall be of chemically cleaned stainless steel construction.

(3) The I.D. of the sample line shall be between 0.18 and 0.32 inches.

(4) Generally, the sample-line length should be limited to 50 feet. Longer sample-line may be used if the total system response time and the hydrocarbon hang-up check meet the requirements for testing under this subpart.

(5) The sample line outside wall temperature must be maintained at the temperature specified in paragraph (a) of the section. An exception is made for the first two feet of sample-line from the exhaust duct. The upper temperature tolerance for this two foot section will be increased to  $+60^\circ\text{C}$  ( $+108^\circ\text{F}$ ).

(6) The sample pump should be located as close as practical to the sample probe, and the wetted surfaces of the pump must be heated.

(7) If valve V2 is used, the sample probe must connect directly to valve V2. The location of optional valve V2 may not be greater than two feet from the exhaust duct.

(8) The location of optional valve V16 may not be greater than 12 inches from

the sample pump. The leakage rate for this section on the pressure side of the sample pump may not exceed the leakage rate on the vacuum side of the pump.

(d) **Venting.** (1) The method of disposing of the sample is not specified. However, caution must be used in routing of the vent lines.

(2) Venting of the instruments, especially the NDIR analyzers, must be such that the analyzer vent does not see a back pressure caused by the proximity of other vents.

(3) Pressure relief vents of regulators should be vented to the atmospheric vent manifold for safety.

§ 86.311-79 Miscellaneous equipment, specifications.

(a) **Chart recorders.** (1) the minimum chart speed allowed is 3 inches per minute for gasoline-fueled engines and 0.5 inches per minute for Diesel engines.

(2) When testing gasoline-fueled engines all chart recorders (analyzers, torque, rpm, etc.) shall be provided with automatic markers which indicate one second intervals. Preprinted chart paper (one second intervals) may be used in lieu of the automatic markers provided the correct chart speed is used.

(b) All temperature measurements, (wet, bulb, dry bulb, dew point, etc.) shall be accurate to within  $\pm 0.5^\circ\text{C}$ .

(c) **Intake air humidity and temperature measurements.** (1) Humidity conditioned air. Air that has had its absolute humidity altered is considered humidity conditioned air. For this type of intake air, the humidity measurement must be made within the intake air system, and after the air conditioning has taken place. Also, this measurement must be made within 48 inches of the engine.

(2) Non-conditioned air. Humidity measurements in non-conditioned intake air systems must be made in the intake air stream and within 18 inches of the inlet for engine intake air system.

(3) Intake air temperature measurement must be made in the intake air stream and within 48 inches of the engine.

(4) Temperature and humidity devices must have a time constant,  $\tau$ , between 13 and 52 seconds. For a given instantaneous step change the measurement system must respond to 63.2% of that step change.

If the temperature and humidity measurement systems have a time constant  $\tau$ , less than 13 seconds, then the measurements will be sampled at a rate four or more times faster than the time constant  $\tau$  and averaged. For continuously integrated intake air temperature systems, excursions exceeding the temperature limits for 30 seconds or less will be allowed.

(d) **Dynamometer room temperature** must be measured in two locations in the room within 10 feet of the engine. The two measurements are averaged. The measurement system must have a time constant,  $\tau$ , between 13 and 52 seconds. For a given instantaneous step change the measurement system must respond to 63.2% of that step change. If the tem-

perature measurement system has a time constant  $\tau$ , less than 13 seconds, then the measurements will be sampled at a rate four or more times faster than the time constant  $\tau$  and averaged. For continuously integrated dynamometer room air temperature systems, excursions exceeding the temperature limits for 30 seconds or less will be allowed.

(e) **Sample component surface temperatures.** (1) Measure the sample pump surface temperature.

(2) Measure the surface temperature of all heated filters.

(3) For each section of sample-line 10 feet long or less, that has a separate source of power or heating element, measure the sample wall line temperature at least at one location.

(4) For each section of sample-line longer than 10 feet that has a separate source of power or heating element, measure the sample line wall temperature at least at two locations. These sensor locations must be approximately equal distance from each other and the ends of the sample-line.

(f) If water is removed by condensation the exit gas temperature must be measured and may not exceed  $7^\circ\text{C}$  ( $45^\circ\text{F}$ ).

§ 86.312-79 Dynamometer and engine equipment specifications.

(a) **Dynamometer.** (1) The dynamometer test stand and other instruments for measurement of power output shall be accurate to within 2 percent of point at all power settings. The dynamometer must be capable of performing the test cycle, § 86.335 or § 86.336. Dynamometers used for testing gasoline-fueled engines must have motoring capability.

(2) **Dynamometer calibration weights.** A minimum of 6 calibration weights for each range used are required. The weights must be equally spaced and traceable to within 1% of NBS weights.

(b) **Engine cooling.** Means of engine cooling which will maintain the engine operating temperatures at approximately the same temperature as specified by the manufacturer shall be used. An auxiliary fixed speed fan may be used to maintain engine cooling during sustained operation on the dynamometer.

(c) **Exhaust system.** (1) A chassis-type single pipe exhaust system shall be used. Standard or specially fabricated "Y" pipes may be used for Vee type engines. The probe shall be located three to ten feet downstream from the exhaust manifold outlet flange, turbocharger exit flange or emission control device(s) (catalyst, etc.).

Further, the probe location must be at least three feet downstream of any "Y" intersection. If a catalyst(s) is used, the catalyst(s) must be located the same distance from the exhaust manifold flange as in the vehicle configuration. For Vee Type engines the "Y" intersection must be downstream of the catalyst(s).

(2) When testing Diesel engines a noninsulated exhaust system extending  $15 \pm 5$  feet from the exhaust manifold,



or the crossover junction in the case of Vee engines, and presenting an exhaust back pressure within  $\pm 0.2$  inch Hg. of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application, shall be used. A conventional automotive muffler of a size and type commonly used with the engine being tested shall be employed in the exhaust system during smoke emission testing. The terminal 2 feet of the exhaust pipe shall be circular cross section and be free of elbows and bends. The end of the pipe shall be cut off squarely. The terminal 2 feet of the exhaust pipe shall have a diameter in accordance with the engine being tested, as specified below:

Maximum rated horsepower:	Exhaust pipe diameter (inches)
Less than 101	2
101-200	3
201-300	4
301 or more	5

#### § 86.313-79 Air flow measurement specifications.

(a) The air flow measurement method used must have a turn-down ratio large enough to accurately measure the airflow over the engine operating range during the test. Overall measurement accuracy must be  $\pm 1$  percent of full-scale value of the measurement device. The Administrator must be advised of the method used.

(b) Corrections to the measured air mass-flow-rate: When an engine system incorporates devices that add or subtract air mass (air injection, bleed air, etc.), determine the air mass from these devices by one of the following methods:

(1) Measure the air mass-flow from the device during each operating mode by a method approved by the Administrator.

(2) Demonstrate to the Administrator that the air mass-flow for each mode from the device is typical for many system applications. Then the device flow-rate for each mode may be generally applied.

(3) Under certain circumstances, the Administrator will accept theoretical calculations that predict the device mass flow-rate during each mode.

(c) Gasoline-fueled engine systems:

(1) Flow distribution: The air cleaner is considered part of the engine system. A plenum chamber of sufficient volume is recommended to insure uniform distribution to the engine.

(2) Velocity profile: The velocity profile is considered the velocity profile to the air cleaner. The desired condition is a uniform velocity profile with a velocity between 3.3 to 13.2 meters per second (10 to 40 feet per second) delivering air to the air cleaner.

(3) Pressure drop: The pressure drop (from atmospheric pressure) at the inlet to the air cleaner must not be more than 1.74 kPa (7.0 in H<sub>2</sub>O).

(4) Vents: Devices like PCV valves that vent to the air cleaner, must continue to be vented to the air cleaner.

Devices that vent to the atmosphere as some carburetor float vents, governors, etc. must vent to the plenum chamber.

(5) Hot air: (i) Ducted Ambient Air: On engines that use ducted ambient air to the carburetor, the hot air device will be non-functional during the test sequence. The engine will induct ambient air at 20°C (68°F) to 30°C (86°F).

(ii) Under-Hood Air: On engines that induct air under the hood, the hot air device (if used) will be non-functional during the test sequence. The engine will induct air at a typical under hood temperature that would occur on a 20°C (68°F) to 30°C (86°F) day. The manufacturer will specify and substantiate the under-hood intake air temperature.

(d) Diesel engine systems. An engine air inlet system presenting an air inlet restriction within  $\pm 1$  inch of water of the upper limit for the engine operating condition which results in maximum air flow, as established by the engine manufacturer in his sales and service literature, for the Diesel engine being tested shall be used.

#### § 86.314-79 Fuel flow measurement specifications.

(a) The fuel flow-rate measurement instrument must have a minimum accuracy of 1 percent of full-scale flow-rate for each measurement range used. The controlling parameters are the elapsed time measurement of the event and the weight or volume measurement. Restrictions on these parameters are:

(1) The error in the elapsed time measurement of the event must not be greater than 1 percent of the absolute event time. This includes errors in starting and stopping the clock as well as the period of the clock.

(2) If the mass of fuel consumed is measured by discrete weights, then the error in the actual weight of the fuel consumed must not be greater than 1 percent of the measuring weight.

(3) If the mass of fuel consumed is measured electronically (load cell, load beam, etc.), the error in the actual weight of fuel consumed must not be greater than 1 percent of the full-scale value of the electronic device.

(4) If the mass of fuel consumed is measured by volume flow and density, the error in the actual volume consumed must not be greater than 1 percent of the full-scale of the volume measuring device.

(b) For devices that have varying mass scales (electronic weight, volume, density, etc.), measurements may not be used for calculations if the measurement is less than twenty percent of full scale.

(c) Option: Complete flow-rate measurement systems may be used below 20 percent of full-scale measurement as long as the combination of mass and time measurements indicate a flow-rate that has an error of less than 5 percent of the actual absolute flow-rate.

#### § 86.315-79 General analyzer specifications.

(a) Analyzer response-time: The analyzer must respond to an instantaneous

step change at the entrance to the analyzer with a response equal to 95 percent of that step change in 3.0 seconds or less on all ranges used.

(b) Precision: The precision of the analyzer must be no greater than  $\pm 1$  percent of full-scale for each range used. The precision is defined as 2.086 times the standard deviation (s) of 20 repetitive responses to a given calibration gas.

(c) Noise: The analyzer peak to peak output noise at frequencies greater than 0.1 hertz must not exceed  $\pm 1$  percent of full-scale on all ranges used.

(d) Zero drift: The analyzer zero-response drift during a 1 hour period shall be less than  $\pm 1$  percent of full-scale on the lowest range used. The zero-response is defined as the mean response to a zero gas during a 30 second time interval including peak to peak noise at frequencies less than 0.1 hertz.

(e) Span drift: The analyzer span drift during a 1 hour period shall be less than  $\pm 1$  percent of full-scale on the lowest range used. The analyzer span is defined as the difference between the span-response and the zero-response. The span-response is defined as the mean response to a span gas during a 30 second time interval including peak to peak noise at frequencies less than 0.1 hertz.

(f) Linearity: HC and NOx analyzers must be linear within 2 percent of full scale for each range used.

#### § 86.316-79 Carbon monoxide and carbon dioxide analyzer specifications.

(a) Carbon monoxide and carbon dioxide measurements are to be made with NDIR analyzers.

(b) The degree of nonlinearity shall not exceed 15 percent of full scale for all ranges used. See § 86.326 for measurement procedure.

(c) The use of linearizing circuits is permitted.

(d) Zero suppression: Various techniques of zero suppression may be used to increase readability, but only with prior approval by the Administrator.

(e) If the turn down ratio of the carbon monoxide analyzer is not great enough for the desired application, a combination of two or more separate instruments, two or more separate cells with one amplifier, or a multi-cell analyzer may be used. Accomplish this by adding a selector valve between flowmeter F2 and gauge G2 (see Fig. D79-1). All cell flow paths must be parallel and must have a gauge G2 immediately upstream of all detector cells. Vent all detector cells to atmospheric pressure as shown in Fig D79-1.

(g) If the cells are in series optically as in some dual cell arrangements, the cell not in use must be continuously purged with zero-grade gas when analyzing a sample. Furthermore the purge pressure at G2 must be approximately the same as the sample pressure at G2 although the flow rate may be lower. Other combinations must be approved in advance by the Administrator.

#### § 86.317-79 Hydrocarbon analyzer specifications.

(a) Hydrocarbon measurements are to be made with an HFID analyzer.

(b) The analyzer shall be fitted with a constant temperature oven housing the detector and sample handling components. It shall maintain temperature within  $\pm 2^\circ\text{C}$ . of the set point. The detector, oven, and sample-handling components within the oven shall be suitable for continuous operation at temperatures to 200°C.

(c) Fuel and burner air shall conform to the specifications in § 86.508.

(d) The percent of oxygen interference must be less than 2%, as specified in § 86.331.

(e) Premixed burner air: (1) For Diesel engines, premixing burner air with the FID fuel is not recommended as a means of improving oxygen interference (%O<sub>2</sub>). However, this procedure may be used if the engine manufacturer demonstrates across his product line that an FID using this procedure produces comparable results to an FID not using this procedure. This data must be submitted to the Administrator for his consideration prior to testing.

(2) For gasoline-fueled engines, premixing burner air with the FID fuel is not allowed.

#### § 86.318-79 Oxides of nitrogen analyzer specifications.

(a) Oxides of nitrogen are to be measured with a chemiluminescence analyzer.

(b) The NO<sub>2</sub> to NO converter efficiency shall be at least 90%.

(c) The quench interference must be less than 2% as measured in § 86.327.

#### § 86.319-79 Analyzer checks and calibrations; frequency and overview.

(a) Prior to initial use and after major repairs bench check each analyzer, see § 86.320.

(b) At least once every seven days during testing check the NO<sub>x</sub> converter efficiency, see § 86.332.

(c) At least once every thirty days during testing perform the following:

(1) Leak check the system, see § 86.328.

(2) Calibrate all analyzers; see § 86.330 through § 86.332.

(3) Check sample line residence time, see § 86.329.

(4) Verify that the automatic data collection system (if used) meets the chart reading requirements found in § 86.343.

(5) Check the fuel flow measurement instrument to insure that the specifications in § 86.314 are met.

(d) At least once every 180 days during testing check the dynamometer test stand and power output instrumentation, see § 86.333.

#### § 86.320-79 Analyzer bench check.

(a) Prior to initial use and after major repairs verify that each analyzer complies with the following specifications:

- (1) Response time, see § 86.315(a)
- (2) Precision, see § 86.315(b)
- (3) Noise, see § 86.315(c)
- (4) Zero drift, see § 86.315(d)
- (5) Span drift, see § 86.315(e)

In addition, perform a quench check on NOx analyzers, see § 86.327 and a non-linearity check on CO and CO<sub>2</sub> analyzers, see § 86.326.

(b) Condition all new or replacement NO<sub>x</sub> NO converters. The conditioning consists of either purging the converter with air for a minimum of 4 hours or until the converter efficiency is greater than 90 percent. The converter must be at operational temperature while purging. Do not use this procedure prior to checking converter efficiency on in-use converters.

#### § 86.321 through 86.325 [Reserved]

#### § 86.326-79 Non-linearity check, CO and CO<sub>2</sub> analyzers.

(a) For CO and CO<sub>2</sub> analyzers the degree of non-linearity of the detector cell shall be determined from the calibration curves of chart deflection vs. calibration concentration and a straight line from zero through the 100% full-scale value. The linearizing circuit (if equipped) shall not be employed during this check. Use calibration procedure specified in § 86.330. Calculate the degree of non-linearity (NL) for each range and calibration concentration by:

$$\%NL = \frac{(\text{Actual Chart Deflection} - \text{Linear Chart Deflection})}{\text{Actual Full-Scale Chart Deflection}} \times 100$$

#### § 86.327-79 Quench check, NO<sub>x</sub> analyzer.

(a) Perform the reaction chamber quench check for each model of high vacuum reaction chamber analyzer prior to testing.

(b) Perform the reaction chamber quench check for each new analyzer that has an ambient pressure of "soft vacuum" reaction chamber prior to testing. Additionally, perform this check prior to testing each time an analyzer of this type has had the sample capillary repaired or replaced.

(c) Quench check as follows: (1) Calibrate the NOx analyzer on the lowest anticipated range that may be used for testing.

(2) Introduce a mixture of CO<sub>2</sub> and NOx (diluent N<sub>2</sub>) to the CL analyzer. Dynamic blending may be used to provide this mixture. The CO<sub>2</sub> concentration should be approximately equal to the highest concentration experienced during testing. Record the response.

(3) Recheck the calibration. If it has changed more than 0.25 percent of full-scale, recalibrate and repeat the quench check.

(4) Prior to testing, the difference between the calculated NOx response and the response if NOx in the presence of CO<sub>2</sub> (step 2) must not be greater than 2 percent. The calculated NOx response is based on the calibration performed in step (1).

#### § 86.328-79 Leak checks.

(a) Vacuum side leak check: (1) With the sample pump operating, cap the probe or sample line at the probe fitting. Valve V2 may be used to meet this requirement.

(2) Measure the flow at the discharge of the pump. Valve V16 may be used to facilitate this check.

(3) If the measured flow exceeds 50 cc/min, repair the system.

(b) Pressure Side leak check: (1) Vent the inlet of the sample pump to atmosphere. Valve V2 may be used to meet this requirement.

(2) Cap the sample-line at the point that the line connects to the analysis train.

(3) Measure the flow at the inlet to the pump. Valve V2 may be used to facilitate this check.

(4) If the measured flow exceeds 500 cc/min, repair the system.

(5) All other pressure fittings may be checked by using the bubble-check method. Fitting leakage shall be corrected.

#### § 86.329-79 Sample line residence time, check procedure.

(a) Check the sample-line residence time by the following procedure:

(1) Heat the sample-line, sample pump and heated filters to the operating temperature.

(2) Introduce HC span gases into the sampling system at the sample probe or valve V2 at atmosphere pressure. Simultaneously, start the time measurement.

(3) When the HC instrument response is 95 percent of the span gas concentration used, stop the time measurement.

(4) If the elapsed time is more than 15.0 seconds, make necessary adjustments.

(5) Repeat with the CO, CO<sub>2</sub>, and NOx instruments and span gases.

#### § 86.330-79 Carbon monoxide and carbon dioxide analyzer calibration.

(a) Detector optimization: If necessary, follow the manufacturer's instructions for initial start-up and basic operating adjustments.

(b) Calibration Curve. Develop a calibration curve for each range used: (1) Zero the analyzer.

(2) Span the analyzer to give a response of approximately 90 percent of full-scale chart deflection.

(3) Recheck the zero response. If it has changed more than 0.25 percent of full-scale, repeat steps (1) and (2).

(4) Record the response of calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of full scale concentration.

(5) Generate a rational polynomial calibration curve. The polynomial shall be of fourth order or less and have five or fewer coefficients. Include zero as a data point. The calibration curve must fit the data points within 2 percent of point or 1 percent of full-scale whichever is less.

(c) If any range is within 2% of being linear, a linear calibration may be used. To determine if this criteria is met:



(1) Perform a linear least square regression on the data generated. Use an equation of the form  $y=mx$ , where  $x$  is the actual chart deflection and  $y$  is the concentration.

(2) Use the equation  $z=y/m$  to find the linear chart deflection (2) for each calibration gas concentration (y).

(3) Determine the linearity (%L) for each calibration gas by:

$$\%L = \frac{(Z-X)}{\text{Full-Scale Linear Chart Deflection}} (100)$$

(4) The linearity criteria is met if the %L is less than  $\pm 2$  percent for any data point generated. For each emission test, a calibration curve of the form  $y=mx$  is to be used. The slope (m) is defined for each range by the spanning process.

#### § 86.331-79 Hydrocarbon analyzer calibration.

The following steps are followed in sequence to calibrate the hydrocarbon analyzer. It is suggested, but not required that efforts be made to minimize relative response variations.

(a) If necessary, follow manufacturer's instructions for instrument start-up and basic operating adjustments.

(b) Set the oven temperature 5° C hotter than the required sample-line temperature. Allow at least one-half hour after the oven has reached temperature for the system to equilibrate.

(c) Adjust fuel flow. With the fuel and air flow rates set at the manufacturer's recommendations, introduce a 350 ppm C  $\pm 50$  ppm C span gas to the detector. Determine the response at a given fuel flow from the difference between the span-gas response and the zero-gas response. Incrementally adjust the fuel flow above and below the manufacturer's specification. Record the span and zero response at these fuel flows. A plot of the difference between the span and zero response versus fuel flow will be similar to the one shown in Fig. D79-3. Adjust the fuel flow rate to the rich side of the curve, as shown. This is initial flow rate setting and may not be the final optimized flow rate.

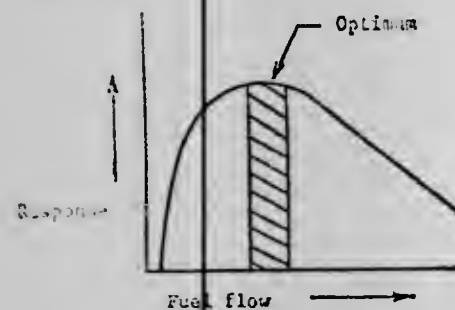


Figure D79-3 RESPONSE vs. FUEL FLOW

(d) Oxygen interference optimization. Choose a range where the 350 ppm C  $\pm 50$  ppm C oxygen interference check gases will fall in the upper 30%. Conduct this

test with the oven temperature set as required. Oxygen interference check gas specifications are found in § 86.308.

(1) Zero the analyzer.

(2) Span the analyzer with an oxygen interference check gas. For instruments used with gasoline-fueled engines use the 0 percent oxygen blend; Diesel engine instruments are spanned with the 21% oxygen blend.

(3) Recheck zero response. If it has changed more than 0.25 percent of full-scale repeat subparagraphs (1) and (2).

$$\%O_2I = \frac{B - \text{Analyzer response (ppm C)}}{B} (100)$$

$$\text{Analyzer response} = \left[ \frac{A}{\% \text{ of full-scale analyzer response due to A}} \right] \left[ \frac{B}{\% \text{ of full-scale analyzer response due to B}} \right] (100)$$

where

A = Hydrocarbon concentration (ppm C) of the span gas used in step (2)

B = Hydrocarbon concentration (ppm C) of the oxygen-interference check gases used in step (4)

(7) The percent of oxygen interference (%O<sub>2</sub>I) must be less than  $\pm 2\%$  for all required oxygen interference check gases prior to testing.

(8) If the oxygen interference is greater than the specifications, incrementally adjust the air flow above and below the manufacturer's specifications, repeating subparagraphs (1) through (7) for each flow.

(9) If the oxygen interference is greater than the specification after adjusting the air flow, vary the fuel flow and thereafter the sample flow, repeating subparagraphs (1) through (7) for each new setting.

(10) If the oxygen interference is still greater than the specifications, repair or replace the analyzer, FID fuel, or burner air prior to testing. Repeat this section with the repaired or replaced equipment or gases.

(e) Linearity check. For each range used check linearity as follows: (1) With the fuel flow, air flow and sample flow adjusted to meet the oxygen interference specification, zero the analyzer.

(2) Span the analyzer using a calibration gas that will provide a response of approximately 90 percent of full-scale concentration.

(3) Recheck the zero response. If it has changed more than 0.25 percent of full-scale, repeat steps (1) and (2).

(4) Record the response of calibration gases having nominal concentrations of 30, 60, and 90 percent of full-scale concentration.

(5) Perform a linear least square regression on the data generated. Use an equation of the form  $y=mx$ , where  $x$  is the actual chart deflection and  $y$  is the concentration.

(6) Use the equation  $z=y/m$  to find the linear chart deflection (2) for each calibration gas concentration (y).

(7) Determine the linearity (%L) for each calibration gas by:

$$\%L = \frac{(Z-X)}{\text{Full-Scale Linear Chart Deflection}} (100)$$

(8) The linearity criteria is met if the %L is less than  $\pm 2$  percent for any data

(4) Introduce the following oxygen interference check gases: (i) Gasoline-fueled engine analyzers; 5 and 10 percent oxygen blends.

(ii) Diesel engine analyzers; 5, 10 and 15 percent oxygen blends.

(5) Recheck the zero response. If it has changed more than 0.25 percent of full-scale, repeat the test.

(6) Calculate the percent of oxygen interference (%O<sub>2</sub>I) for each mixture in step (4).

point generated. For each emission test, a calibration curve of the form  $y=mx$  is to be used. The slope (m) is defined for each range by the spanning process.

(9) If the %L for any point is greater than  $\pm 2\%$ , the air, fuel, and sample flow-rates may be varied within the boundaries of the oxygen interference specifications.

(10) If the %L still exceeds  $\pm 2$  percent for any data point repair or replace the analyzer, FID fuel, burner air, or calibration bottles prior to testing. Repeat the procedures of this section with the repaired or replaced equipment or gases.

(f) Optimized flow rates. The fuel-flow rate, air flow-rate and sample-flow rate are defined as "optimized" at this point.

#### § 86.332-79 Oxides of nitrogen analyzer calibration.

(a) Perform a converter efficiency check, paragraph (b) of this section, every 7 days. Every 30 days perform a linearity check, paragraph (c) of this section, which must be followed by a converter efficiency check.

(b) Converter efficiency check. The apparatus described and illustrated in Figure D79-4 is to be used to determine the conversion efficiency of devices that convert NO<sub>2</sub> to NO. The following procedure is to be used for determining the values to be used in the equation below:

(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer.

(3) Connect the outlet of the NOx generator (see Figure D79-4) to the sample inlet of the oxides of nitrogen analyzer which has been set to the most common operating range.

(4) Introduce into the NOx generator analyzer-system a span gas with a NO concentration equal to approximately 80% of the most common operating range.

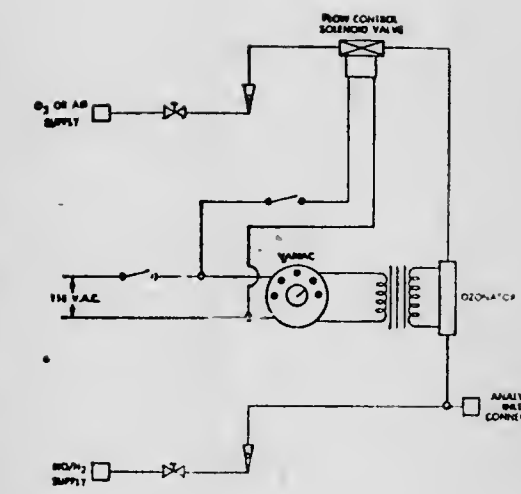


FIGURE D79-4. NOx CONVERTER EFFICIENCY TEST

(5) With the oxides of nitrogen analyzer in the NO mode, record the concentration of NO indicated by the analyzer.

(6) Turn on the NOx generator O<sub>2</sub> (or air) supply and adjust the O<sub>2</sub> (or air) flow rate so that the NO indicated by the analyzer is about 10% less than indicated in step 5. Record the concentration of NO in this NO+O<sub>2</sub> mixture.

(7) Switch the NOx generator to the generation mode and adjust the generation rate so that the NO measured on the analyzer is 20% of that measured in step 5. There must be at least 10% unreacted NO at this point. Record the concentration of residual NO.

(8) Switch the oxides of nitrogen analyzer to the NOx mode and measure total NOx. Record this value.

(9) Switch off the NOx generation, but maintain gas flow through the system. The oxides of nitrogen analyzer will indicate the total NOx in the NO+O<sub>2</sub> mixture. Record this value.

(10) Turn off the NOx generator O<sub>2</sub> (or air) supply. The analyzer will now indicate the total NOx in the original NO in N<sub>2</sub> mixture. This value should be no more than 5% above the value indicated in step 4.

(11) Calculate the efficiency of the NO<sub>2</sub> converter by substituting the concentrations obtained into the following equation:

$$\% \text{ Eff.} = 1 + \frac{a-b}{c-d} \times 100$$

where a = concentration obtained in step 8

b = concentration obtained in step 9

c = concentration obtained in step 6

d = concentration obtained in step 7

The efficiency of the converter should be greater than 90 percent. Adjustment of the converter temperature may be necessary to maximize the efficiency. If the converter does not meet conversion-efficiency specifications, repair or replace the unit prior to testing. Repeat

the procedures of this section with the repaired or new converter.

(c) Linearity check. For each range used check linearity as follows:

(1) With the operating parameters adjusted to meet the converter efficiency check and the quench checks, zero the analyzer.

(2) Span the analyzer using a calibration gas that will give a response to approximately 90 percent of full-scale concentration.

(3) Recheck the zero response. If it has changed more than 0.25 percent of full-scale, repeat steps (1) and (2).

(4) Record the response of calibration gases having nominal concentrations of 30, 60, and 90 percent of full-scale concentration.

(5) Perform a linear least squares regression on the data generated. Use an equation of the form  $y=mx$ , where  $x$  is the actual chart deflection and  $y$  is the concentration.

(6) Use the equation  $z=y/m$  to find the linear chart deflection (2) for each calibration gas concentration (y).

(7) Determine the linearity (%L) for each calibration gas by:

$$\%L = \frac{(z-x)}{\text{Full scale linear chart deflection}} \times 100$$

(8) The linearity criteria is met if the %L is less than  $\pm 2$  percent for any data point generated. For each emission test, a calibration curve of the form  $y=mx$  is to be used. The slope (m) is defined for each range by the spanning process.

(9) If the %L exceeds  $\pm 2$  percent for any data point generated, repair or replace the analyzer or calibration bottles prior to testing. Repeat the procedures of this section with the repaired or replaced equipment or gases.

(10) Perform a converter efficiency check, paragraph (b) of this section.

(11) The operating parameters are defined as "optimized" at this point.

#### § 86.333-79 Dynamometer calibration.

(a) If necessary, follow the manufacturer's instructions for initial start-up and basic operating adjustments.

(b) Check the dynamometer torque measurement for each range used by the following: (1) Determine the dynamometer calibration moment arm. Equipment manufacturer's data, actual measurement, or the value recorded from the previous calibration used for this subpart may be used.

(2) Warm up the dynamometer following the equipment manufacturer's specifications.

(3) Calculate the indicated torque (IT) for each calibration weight to be used by:

$$IT = \text{calibration weight (lb)} \times \text{calibration moment arm (ft.)}$$

(4) Attach each calibration weight specified in § 86.312 to the moment arm

at the calibration distance determined in step (1). Record the power measurement equipment response (ft-lb) to each weight.

(5) For each calibration weight, compare the torque value measured in step (4) to the calculated torque determined in step (3).

(6) The measured torque must be within 2 percent of the calculated torque.

(7) If the measured torque is not within 2 percent of the calculated torque, adjust or repair the system. Repeat steps 1) through (6) with the adjusted or repaired system.

#### § 86.334-79 Test procedure overview.

(a) The test consists of prescribed sequences of engine operating conditions to be conducted on an engine dynamometer. The exhaust gases generated during engine operation are sampled for specific component analysis through the analytical train. The test is applicable to engines equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems, or to uncontrolled engines.

(b) The tests are designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen. The gasoline-fueled engine test consists of one warmup cycle and one hot cycle. The diesel engine test consists of three idle modes and five power modes at each of two speeds which span the typical operating range of diesel engines. These procedures require the determination of the concentration of each pollutant, the exhaust flow and the power output during each mode. The measured values are weighted and used to calculate the grams of each pollutant emitted per brake-horsepower hour.

(c) When an engine is tested for exhaust emissions or is operated for service accumulation on an engine dynamometer, the complete engine shall be tested, with all standard accessories which might reasonably be expected to influence emissions to the atmosphere, installed and functioning, except the fan for water cooled engines. Evaporative emission controls need not be connected if data are provided to show that normal operating conditions are maintained in the engine induction system.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component failure or malfunction shall be authorized in accordance with § 86.079-25.

#### § 86.335-79 Gasoline-fueled engine test cycle.

(a) The following test sequence shall be followed in dynamometer operation tests of gasoline-fueled heavy duty engines. Diesel engines are covered in § 86.336.



## PROPOSED RULES

Cycle No.	Mode No.	Mode	Observed torque (percent of maximum observed)	Time in mode (seconds)	Cumulative time (seconds)	Weighting factors
1	1	Idle	25	60	60	0.232
1	2	Cruise	25	60	120	0.077
1	3	PTA	25	60	180	0.147
1	4	Cruise	25	60	240	0.077
1	5	PTD	10	60	300	0.057
1	6	Cruise	25	60	360	0.077
1	7	FL	25	60	420	0.113
1	8	Cruise	25	60	480	0.077
1	9	CT	25	60	540	0.143
1	10	Cruise	25	60	600	0.077
1	11	PTA	25	60	660	0.077
1	12	Cruise	25	60	720	0.057
1	13	PTD	25	60	780	0.077
1	14	Cruise	25	60	840	0.113
1	15	FL	25	60	900	0.077
1	16	Cruise	25	60	960	0.143
1	17	CT	25	60	1,020	0.143
1	18	Idle	25	60	1,080	0.232

(b) The engine dynamometer shall be operated at a constant speed of 2000 r.p.m.  $\pm 100$  r.p.m. Speed deviations, not to exceed 200 r.p.m., will be allowed during the first ten seconds of each mode.

(c) The times in mode are the times specified in paragraph (a)  $\pm 2$  seconds.

(d) Torque for each mode must be held at the specified value  $\pm 2\%$  of the maximum torque observed. For example, mode 3 torque shall be held between 53 and 57% of maximum torque ( $55 \pm 2\%$ ).

(e) The idle operating mode shall be carried out at the manufacturer's recommended curb-idle engine speed.

Arrive at the last idle mode by closing the throttle, breaking the dynamometer to the engine idle speed, and unloading the dynamometer.

(f) The CT operating mode shall be carried out at the same engine speed as specified in paragraph (b).

#### § 86.336-79 Diesel engine test cycle.

(a) The following 13 mode test cycle shall be followed in dynamometer operation tests of heavy-duty Diesel engines. Gasoline-fueled engines are covered in § 86.335.

Mode No.	Engine speed	Observed torque (percent of maximum observed)	Time in mode (minutes)	Cumulative time (minutes)
1	Low idle	25	5	5
2	Intermediate	25	5	10
3	do.	25	5	15
4	do.	50	5	20
5	do.	75	5	25
6	do.	100	5	30
7	Low idle	100	10	(1)
8	Rated	75	5	5
9	do.	50	5	10
10	do.	25	5	15
11	do.	2	5	20
12	do.	2	5	25
13	Low idle	2	5	30

<sup>1</sup> Refer to sec. 86.341.

(b) During each mode the specified speed shall be held to within 50 rpm. Torque for each mode must be held at the specified value  $\pm 2\%$  of the maximum torque observed. For example, mode 4 torque shall be held between 48 and 52 percent of maximum torque ( $50 \pm 2\%$ ).

(c) The times in mode are the times specified in paragraph (a)  $\pm 10$  seconds.

(d) If the operating conditions specified in paragraph (b) of this section for modes 3, 4, 5, 9, 10, and 11 cannot be maintained, the Administrator may authorize deviations from the specified load conditions. Such deviations shall not exceed 10 percent of the maximum torque at the test speed. The minimum deviations, above and below the specified load, necessary for stable operation shall be determined by the manufacturer and approved by the Administrator prior to the test run. Emission tests shall be performed at each of the approved load settings, one above and one below the operating conditions specified in paragraph (a). The emission values obtained shall be calculated in accordance with § 86.331

except that the weighting factor shall be 0.04.

#### § 86.337-79 Information.

The following information, as applicable, shall be recorded for each test:

(a) Engine Description and specifications. (1) Engine identification numbers. (2) Number of hours of operation accumulated on engine.

(3) Engine-system combination.

(4) Engine displacement.

(5) Governed speed.

(6) Rated maximum horsepower and torque.

(7) Maximum horsepower and torque speeds.

(8) Air aspiration system.

(9) Curb idle rpm, gasoline-fueled engines only.

(10) Manufacturer's start-up and warm-up reference, gasoline-fueled engines only.

(11) Number of carburetors, gasoline-fueled engines only.

(12) Number of carburetor venturies, gasoline-fueled engines only.

(13) Maximum horsepower at 2000 rpm, corrected per § 86.345, gasoline-fueled engines only.

(14) Fuel consumption and maximum torque at 2000 rpm, gasoline-fueled engines only.

(15) Maximum air flow at 2000 rpm, gasoline-fueled engines only.

(16) Low idle rpm, Diesel engines only.

(17) Exhaust pipe diameter(s), Diesel engines only.

(18) Fuel injector type, Diesel engines only.

(19) Fuel consumption at maximum power and torque, Diesel engines only.

(20) Maximum exhaust system back pressure, Diesel engines only.

(21) Air inlet restriction, Diesel engines only.

(22) Maximum air flow, Diesel engines only.

(b) Test data: (1) Test number.

(2) Instrument operator.

(3) Engine operator.

(4) Date and time of day.

(5) Fuel identification, including H/C ratio.

(6) Ambient temperature in dynamometer testing room.

(7) Engine intake air temperature and humidity for each mode.

(8) Barometric pressure, before and after test.

(9) Observed engine torque for each mode.

(10) Maximum observed torque for intermediate and rated speeds, Diesel engines only.

(11) Maximum observed torque at 2000 rpm, gasoline-fueled engines only.

(12) Intake air flow and depression for each mode.

(13) Fuel flow and temperature for each mode.

(14) Sample-transport component surface temperatures, sample pump, heated filters and sample line temperature(s).

(15) Sample-line residence time (Refer to § 86.329).

(16) Date of most recent analytical assembly calibration.

(17) Record all pertinent instrument information such as tuning, gain, serial numbers, detector number, calibration curve numbers, etc. As long as this information is traceable it may be summarized by system number or analyzer identification numbers.

(18) Recorder chart. Identify for each test mode; zero traces for each range used—calibration or span traces for each range used—emission concentration traces and associated analyzer range(s)—start and finish of each test.

(19) Record chart speed of recorder and date of last speed calibration.

(20) Record engine torque and engine r.p.m. continuously on the same chart.

§ 86.338-79 Exhaust measurement accuracy.

(a) The analyzers must be operated between 20 percent and 95 percent of full-scale chart deflection (millivolt output) for nonlinear instruments (20 to 100 percent for linear instruments) during the measurement of the emissions for each mode. The exceptions to the lower limit of this operating rule are:

(1) The analyzers response may be less than 20 percent of full-scale if the full-scale value is 120 ppm (or ppm C) or less.

(2) The analyzers response may be less than 20 percent of full-scale if the emissions from the engine are erratic and the integrated chart-deflection value is greater than 20 percent of full-scale.

(3) For gasoline-fueled engines, the analyzer response may be less than 20 percent of full-scale during the initial part of the CT mode provided that the integrated chart-deflection value is greater than 20 percent of full-scale.

(4) The analyzer response may be less than 20 percent of full-scale if the contribution of all modes read below the 20 percent level is less than 5 percent by mass of the final test results.

§ 86.339-79 Pre-test procedures.

(a) HC, CO, CO<sub>2</sub>, and NOx: Allow a minimum of 2 hours warmup for the HC, CO, CO<sub>2</sub>, and NOx analyzers. This period is not necessary if the analyzer is left in a standby or operating condition.

(b) Replace or clean the filter elements and then vacuum leak check the system, § 86.328(a). Allow the heated sample-line, filters, and pumps to reach operating temperature.

(c) Perform the following system checks: (1) Prior to gasoline-fueled engine tests, purge the NO<sub>x</sub>-NO converter with air (zero grade air, room air, or O<sub>2</sub>) for a minimum of 30 minutes. The converter must be at operational temperature while purging. Minimum purge-rate is 40 cc/minute.

(2) Check sample-line temperature.

(3) Check sample-line residence time. Sample-line residence time may be applied from the most recent check of residence time if all of the following are met: (i) The same size and type of pump is used.

(ii) The sample line I.D. is the same and the length is equal to or shorter than the tested line.

(iii) Pressure gauges P1, P2, P3, P4, and P5 read the same pressure ( $\pm 15\%$  of previous value).

(4) A hang-up check may be performed.

(d) Introduce the zero-grade gases at the same flow rates and pressures used to calibrate the analyzers and zero the analyzers on the lowest anticipated range that may be used during the test. Immediately prior to each test (segment, for Diesel engines), obtain a stable zero for each anticipated range that may be used during the test.

(e) Introduce span gases to the instruments under the same flow conditions as were used for the zero gases. Adjust the instrument gains on the lowest range to be used to give the desired value. Span-gases should have a concentration greater than 70% of full-scale for each range used. A significant shift in gain setting indicates an instrument or system problem. If necessary, recheck spanning procedure and span-gas concentration-labels. Immediately prior to each test and also prior to each segment of the diesel test, record the response to the span-gas and the span-gas concentration for each range that may be used during the test.

(f) Check zero responses. If they have changed more than 0.25 percent of full scale repeat paragraphs (d) and (e).

(g) Check instrument flow rates and pressures. Record the values of gauges G1 and G2.

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cedure and span-gas concentration-labels. Immediately prior to each test and also prior to each segment of the diesel test, record the response to the span-gas and the span-gas concentration for each range that may be used during the test.

(f) Check zero responses. If they have changed more than 0.25 percent of full scale repeat paragraphs (d) and (e).

(g) Check instrument flow rates and pressures. Record the values of gauges G1 and G2.

#### § 86.340-79 Gasoline-fueled engine dynamometer test run.

(a) This section applies to gasoline-fueled engines only. Diesel engines are covered in § 86.341.

(b) (1) Mount test engine on the engine dynamometer.

(2) Install instrumentation and sample probe as probed.

(c) Precondition the engine by the following continuous steps. (1) The engine shall be started and operated at: (i) zero load in accordance with the manufacturer's start up and warm up procedures for 1 minute  $\pm 30$  sec.

(ii) a torque equivalent to  $10 \pm 3$  percent of the most recent determination of maximum torque for 4 minutes  $\pm 30$  sec at 2000 rpm.

(iii) a torque equivalent to  $55 \pm 5$  percent of the most recent determination of maximum torque for 35 minutes  $\pm 1$  min at 2000 rpm.

(2) If tested under the provisions of § 86.077-29 check specifications as required. This check must be performed within 10 minutes after the completion of engine preconditioning.

(3) Determine the maximum torque of the engine at 2000 rpm  $\pm 100$  rpm.

(4) Operate the engine with the throttle fully-opened for a maximum of three minutes. During the second minute of operation, record the high and low torque readings. The average of these two readings will be the maximum torque value at 2000 rpm.

(5) Calculate the torque corresponding to 10, 25, 55, and 90 percent of the observed maximum torque value.

(6) Determine the analyzer ranges required for each mode specified in § 86.335 to meet the range specifications of § 86.338. The engine must not be operated for more than 5 minutes.

(7) The engine shall be turned off and allowed to stand for at least 1 hour, but not more than 2 hours, at an ambient temperature of  $25^\circ\text{C} \pm 5^\circ\text{C}$  ( $77^\circ\text{F} \pm 9^\circ\text{F}$ ).

(8) The following steps shall be taken for each test:

(1) Maintain dynamometer test cell ambient temperature at  $25^\circ\text{C} \pm 5^\circ\text{C}$  ( $77^\circ\text{F} \pm 9^\circ\text{F}$ ).

(2) Observe pre-test procedures, § 86.339.

(3) Start cooling system.

(4) Start engine and operate in accordance with manufacturer start-up and warm-up procedures. The duration of the warm-up procedure will be 5 minutes  $\pm 30$  seconds.

(5) Read and record all non-modal data as required in § 86.337.

(6) Release the choke idle-stop (if necessary) and return the engine throttle control to the curb idle position, start sample flow and recorders, and begin test sequence of § 86.335.

(7) Should it be determined that the test must be rerun, then only the soak specified in subparagraph (c) (5) need be performed prior to paragraph (d).

(8) Perform the test cycle, § 86.335 and continuously record exhaust gas concentrations.

(9) The engine speed and load must be maintained within the requirements of § 86.343.

(e) Exhaust gas measurements. (1) Measure HC, CO, CO<sub>2</sub>, and NOx volume concentration in the exhaust sample. Record data specified in § 86.337. Should the analyzer response exceed 95% of full-scale value for non-linear instruments (100% of full-scale value for linear instruments) or respond less than 20% of full-scale value (for all instruments), the next higher or lower analyzer range shall be used per § 86.338. For exceptions to the lower limit see § 86.338. Should the fuel flow instrument read below 20% of the full-scale value, a flow measurement unit with a lower scale must be used unless the option in § 86.314 is desired.

(2) For each analyzer, each range that may be used during a test must have the zero and span responses recorded prior to the execution of that test. Only the range(s) used to measure the emissions during a test are required to have their zero and span recorded after the completion of the test.

(3) If during an emission test the value of gauges G1 or G2 differs by more than 4 inches of water from the pre-test value the test is void.

#### § 86.341-79 Diesel engine dynamometer test run.

(a) This section applies to Diesel engines only. Gasoline-fueled engines are covered in § 86.340.

(b) The temperature of the air supplied to the engine shall be between  $68^\circ\text{F}$  and  $86^\circ\text{F}$ . The fuel temperature at the pump inlet shall be  $100^\circ\text{F} \pm 10^\circ\text{F}$ . The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance shall be made for increased emissions because of such conditions.

(c) The governor and fuel system shall have been adjusted to provide engine performance at the levels in the application for certification required under § 86.077-21.

(d) The following steps shall be taken for each test: (1) Install instrumentation and sample probes as required.

(2) Start cooling system.

(3) Precondition the engine in the following manner: (i) Operate the engine at idle for 2 minutes.

(ii) Operate the engine at rated speed and maximum horsepower for 10 minutes.

(iii) Longer preconditioning times may be used only if prior approval is obtained from the Administrator.



(4) Within a total elapsed time of 10 minutes, determine by experimentation the maximum torque at the rated and intermediate speeds.

(5) Calculate the torque corresponding to 2, 25, 50, 75, and 100 percent of the maximum observed torque for the rated and intermediate speeds.

(6) Observe pre-test procedures, § 86.339.

(7) Read and record all data required by § 86.337.

(8) Start the test cycle, § 86.336, within 10 minutes, after determining test load using the torque values determined in subparagraph (c) (5).

(9) Test modes 1 through 6, mode 7, and modes 8 through 13 are considered individual test segments and must be performed within the cumulative time indicated in § 86.336. Test segments may be repeated if the requirements for testing under this subpart are met.

(10) If a delay of more than 10 minutes occurs at the following points, the test is void. The test sequence may be restarted at subparagraph (c) (6).

(i) At the end of mode 6 and the beginning of modes 7 or 8.

(ii) At the end of mode 7 and the beginning of modes 8 or 9.

(iii) At the end of mode 13 and the beginning of mode 8.

(11) Continuously record the analyzer's response to the exhaust gas during each test segment except during mode 7.

(12) Record the analyzer's response to exhaust gas during the last 4 minutes of mode 7.

(13) Read and record the modal data as specified in § 86.337 during the last 2 minutes of each mode.

(14) The engine speed and load must be maintained within the requirements of § 86.336 during the last 2 minutes of each mode. If the requirement is not met for all modes during a test segment, that portion of the test is void. The test sequence may be restarted under the provisions of subparagraph (c) (9) of this section.

(15) Fuel flow during the idle or 2 percent load conditions may be determined just prior to or immediately following the dynamometer sequence, if longer times are required for accurate measurements.

(e) Exhaust gas measurements. (1) Measure HC, CO, CO<sub>2</sub>, and NO<sub>x</sub> volume concentration in the exhaust sample. Record data specified in § 86.337. Should the analyzer response exceed 95% of full scale value for nonlinear instruments (100% of full-scale value for linear instruments) the next higher or lower analyzer range shall be used § 86.338. For exceptions to the lower limit see § 86.338. Should the fuel flow instrument read below 20% of full-scale value, a smaller flow measurement unit must be used unless the option in § 86.314 is desired.

(2) Each analyzer range that may be used during a test segment must have the

zero and span responses recorded prior to the execution of that test segment. Only the range(s) used to measure the emissions during a test segment are required to have their zero and span recorded after the completion of the test segment.

(3) The span check for mode 7 may be included in either the first segment or the last segment of the test.

(4) If there is no delay between the end and beginning of modes 6 and 7, and 7 and 8, the span check at the end of mode 6 may be used for the before-segment span check for the last segment of the test.

(5) Filter elements may be changed during the first part of mode 7.

(6) If, during the emission measurement portion of a test segment, the value of gauges of G1 or G2 differs by more than 4 inches of water from the pre-test value the test segment is void.

§ 86.312-79 Post-test procedures.

(a) Immediately after the completion of the test, record for each analyzer the zero and span response for each range used during the preceding test segment.

(b) Begin a hang-up check within 10 minutes of the completion of the post-test span check. Use the following procedure:

(1) Zero the HC analyzer on the lowest range used during the test.

(2) Span the HC analyzer.

(3) Check zero response. If it has shifted more than 0.25 percent of full scale, repeat steps (1) and (2).

(4) Introduce an HC zero-grade gas into the sample probe or V2.

(5) Within 50 seconds for gasoline-fueled engine tests or 4 minutes for Diesel engine tests, after the zero gas was introduced, the difference between the span-zero response and hang-up zero response must not be greater than 5.0 percent of full-scale or the test is void.

(6) Check the zero response. If it has shifted more than 0.25 percent of full scale repeat the hang-up check.

(c) If during the test, the filter element(s) were replaced or cleaned, a vacuum check must be performed, see § 86.328, immediately after the hang up check. If the vacuum side leak-check does not meet the requirements of § 86.328 the test is void.

(d) For a valid test, the analyzer drift between the before-test and after-test (before segment and after-segment for Diesels) span-checks for each analyzer must meet the following requirements:

(1) The span drift (defined as the difference between the zero-response and the span-response) must not exceed 2.0 percent of full-scale for each range used.

(2) The zero-response drift must not exceed 2.0 percent of full-scale.

(i) If the zero-response drift is less than 2.0 percent of full scale the before-segment zero response is to be used.

(ii) If the zero-response drift is between 2.0 and 6.0 percent of full-scale, a zero-response correction based on an

interpolation which is linear with time is acceptable.

§ 86.313-79 Chart reading.

(a) A computer or any other automatic data processing device(s) may be used as long as the system meets the requirements of this subpart.

(b) Determine the location on the chart of the analyzer responses corresponding to the end of each mode.

(c) For gasoline-fueled engines determine whether the test cycle was run in accordance with § 86.335 by observing either chart event marks, speed trace, torque trace, or concentration traces. The test will be invalidated if there is a deviation by more than:

(1) two seconds from the specified time for each mode, or

(2) 2 percent of maximum torque during each mode excluding the first 10 seconds of each mode, or

(3) 200 rpm during the first 10 seconds of each mode, or 100 rpm during the remainder of each mode.

(d) Determine chart deflections. (1) Locate the last 10 seconds of each gasoline-fueled engine mode except CT. Locate the last 50 seconds of each gasoline-fueled engine CT mode. For all Diesel engine modes locate the last 60 seconds.

(2) (i) Determine for each second (or less) the percent of full scale deflection of the CO<sub>2</sub>, CO, HC, and NO<sub>x</sub> analyzers for each mode time period.

(ii) Option for Diesel engine modes: If the deviation from a constant value straight line (other than instrument noise) during this 60 seconds is less than ±5 percent of full scale, a simple average of the interpreted straight line may be used as the chart deflection for the entire 60 seconds. For linear instruments the straight line need not be constant value.

(3) Other methods of determining the percent of full-scale deflection of the analyzers may be used only with prior approval by the Administrator.

(e) Determine CO, CO HC and NO<sub>x</sub> concentrations. (1) For linear instruments, average the chart deflections for each mode time period. Determine the concentration for this average chart deflection using calibration data.

(2) For non-linear instruments, calculate concentrations for each chart deflection during each mode time period. Take the average of these concentrations.

(3) If the option in subparagraph (d) (2) (ii) is employed, then those chart deflections are applied to this paragraph.

(4) For purposes of this paragraph, calibration data includes calibration curves, linearity curves, span gas response and zero shift corrections.

## § 86.344-79 Humidity calculations.

(a) The following abbreviations (and units) are used in this section:

BARO = Barometric pressure (Pa)  
H = Specific humidity (gm H<sub>2</sub>O/gm of dry air)  
K = 0.6219 gm H<sub>2</sub>O/gm dry air  
M<sub>air</sub> = Molecular weight of air = 28.967  
M<sub>H<sub>2</sub>O</sub> = Molecular weight of water = 18.01534  
P<sub>DB</sub> = Saturation vapor pressure of water at the dry bulb temperature (Pa)  
P<sub>DP</sub> = Saturation vapor pressure of water at the dewpoint temperature (Pa)  
P<sub>v</sub> = Partial pressure of water vapor (Pa)  
P<sub>WB</sub> = Saturation vapor pressure of water at the wet bulb temperature (Pa)  
T<sub>DB</sub> = Dry bulb temperature (°K)  
T<sub>WB</sub> = Wet bulb temperature (°K)  
Y = Water-vapor volume concentration

(b) The specific humidity (H) is defined by equation (1).

$$H = \frac{K P_v}{\text{BARO} - P_v} \quad (1)$$

(c) The partial pressure of water vapor may be determined in two manners:

(1) A dew point device may be used. In that case:

$$P_v = P_{DP}$$

(2) A wet-bulb, dry-bulb method may be used. In that case "Fornells equation" (eq. (2)) is used.

$$P_v = P_{WB} - 0.000660 (T_{DB} - T_{WB}) \text{BARO}$$

(1 + 0.00115 (T<sub>WB</sub> - 273.15)) (2)

(d) (1) The saturation vapor pressure (P<sub>WB</sub>) of water at the wet-bulb temperature is defined by equation (3) (Ref. Wexler and Greenspan, equation (23), National Bureau of Standards).

$$P_{WB} = \exp \left[ B \ln T_{WB} + \sum_{i=0}^n \frac{F_i T_{WB}^i}{i!} \right] \quad (3)$$

where (P<sub>WB</sub> is in Pascals (Pa))

T<sub>WB</sub> = Wet-bulb temperature (°K)  
B = -12.13079  
F<sub>0</sub> = -2.4922(10)<sup>-1</sup>  
F<sub>1</sub> = -7.4231865(10)<sup>-1</sup>  
F<sub>2</sub> = 96.163147  
F<sub>3</sub> = 2.4117616(10)<sup>-2</sup>  
F<sub>4</sub> = -1.3109119(10)<sup>-3</sup>  
F<sub>5</sub> = -1.4469154(10)<sup>-4</sup>  
F<sub>6</sub> = 2.1701283(10)<sup>-5</sup>  
F<sub>7</sub> = -3.610258(10)<sup>-6</sup>  
F<sub>8</sub> = 3.550519(10)<sup>-7</sup>  
F<sub>9</sub> = -1.4317(10)<sup>-8</sup>

(2) The table in Figure D79-5 may be used in lieu of equation (3).

(c) The saturated vapor pressure of water at the dry-bulb temperature (P<sub>DB</sub>) is found (if required) by using dry-bulb absolute temperature (°K) in equation (3).

(f) The percent of relative humidity (RH) (if required) is defined by equation (1).

$$RH = \frac{P_v}{P_{DB}} (100) \quad (4)$$

(g) The water-vapor volume concentration of the engine intake air (Y) is defined by equation (5).

$$Y = \frac{(H) (M_{air})}{(M_{H_2O})} = \frac{P_v}{\text{BARO} - P_v} \quad (5)$$

FIGURE D79-5.—Saturation vapor pressure over water (pascals)

Temperature °C	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
0	610.752	615.297	619.690	624.293	628.744	633.315	637.916	642.545	647.205	651.894
1	656.614	661.364	666.144	670.956	675.796	680.669	685.572	690.507	695.473	700.471
2	705.500	710.562	715.655	720.781	725.939	731.130	736.354	741.611	746.901	752.224
3	757.581	762.971	768.396	773.854	779.347	784.874	790.436	796.033	801.664	807.331
4	813.034	818.771	824.545	830.355	836.200	842.082	848.001	853.956	859.948	865.974
5	872.045	878.149	884.291	890.470	896.688	902.945	909.239	915.573	921.945	928.357
6	934.808	941.298	947.828	954.399	961.009	967.660	974.351	981.083	987.856	994.670
7	1,001.53	1,008.42	1,015.36	1,022.34	1,029.37	1,036.43	1,043.54	1,050.70	1,057.89	1,065.13
8	1,072.41	1,079.74	1,087.11	1,094.52	1,101.98	1,109.48	1,117.03	1,124.63	1,132.27	1,139.95
9	1,147.68	1,155.46	1,163.28	1,171.15	1,179.07	1,187.04	1,195.05	1,203.11	1,211.21	1,219.37
10	1,227.57	1,235.83	1,244.13	1,252.48	1,260.88	1,269.32	1,277.82	1,286.37	1,294.97	1,303.62
11	1,312.32	1,321.07	1,329.87	1,338.73	1,347.63	1,356.59	1,365.60	1,374.67	1,383.78	1,392.93
12	1,402.17	1,411.45	1,420.78	1,430.16	1,439.60	1,449.10	1,458.64	1,468.25	1,477.91	1,487.62
13	1,497.39	1,507.22	1,517.11	1,527.05	1,537.04	1,547.10	1,557.21	1,567.39	1,577.62	1,587.93
14	1,598.25	1,608.66	1,619.12	1,629.65	1,640.24	1,650.88	1,661.59	1,672.36	1,683.18	1,694.09
15	1,705.03	1,716.04	1,727.12	1,738.26	1,749.46	1,760.73	1,772.06	1,783.45	1,794.91	1,806.45
16	1,818.01	1,829.67	1,841.38	1,853.17	1,865.02	1,876.93	1,888.91	1,900.96	1,913.08	1,925.27
17	1,937.52	1,949.84	1,962.23	1,974.69	1,987.21	1,999.81	2,012.48	2,025.21	2,038.02	2,050.90
18	2,063.85	2,076.87	2,089.97	2,103.13	2,116.37	2,129.68	2,143.07	2,156.53	2,170.06	2,183.69
19	2,197.34	2,211.10	2,224.93	2,238.84	2,252.82	2,266.88	2,281.02	2,295.23	2,309.52	2,323.89
20	2,338.34	2,352.86	2,367.47	2,382.15	2,396.91	2,411.76	2,426.68	2,441.68	2,456.77	2,471.93
21	2,487.18	2,502.51	2,517.93	2,533.42	2,548.99	2,564.64	2,580.41	2,596.24	2,612.16	2,628.16
22	2,644.25	2,660.42	2,676.68	2,693.02	2,709.46	2,725.98	2,742.59	2,759.28	2,776.07	2,792.94
23	2,809.91	2,826.96	2,844.11	2,861.34	2,878.67	2,896.09	2,913.60	2,931.20	2,948.89	2,966.68
24	2,984.56	3,002.54	3,020.61	3,038.77	3,057.03	3,075.39	3,093.84	3,112.39	3,131.03	3,149.78
25	3,168.62	3,187.55	3,206.59	3,225.73	3,244.96	3,264.30	3,283.73	3,303.27	3,322.91	3,342.65
26	3,362.49	3,382.43	3,402.48	3,422.63	3,442.89	3,463.24	3,483.71	3,504.28	3,524.95	3,545.73
27	3,566.62	3,587.67	3,608.72	3,629.83	3,650.93	3,672.05	3,693.21	3,714.46	3,735.80	3,757.24
28	3,778.46	3,800.55	3,822.75	3,844.97	3,867.50	3,889.64	3,911.70	3,933.87	3,956.06	3,978.35
29	4,007.48	4,030.71	4,054.06	4,077.53	4,101.12	4,124.83	4,148.65	4,172.59	4,196.66	4,220.84
30	4,245.15	4,269.55	4,294.13	4,318.89	4,343.60	4,368.52	4,393.56	4,418.73	4,444.02	4,469.44

## § 86.345-79 Emission calculations.

(a) The following abbreviations (and units) are used in this section.

α = Atomic hydrogen/carbon ratio of the fuel  
φ = Dry fuel-air ratio (measured)/fuel-air ratio (stoichiometric)

BARO = Barometric pressure (in. Hg A)

BHP = Brake horsepower

BSCO = Brake specific carbon monoxide emissions, (gm/BHP-HR)

BSFC = Brake specific fuel consumption (lb/BHP-HR)

BSHC = Brake specific hydrocarbon emissions (gm/BHP-HR)

BSNO<sub>x</sub> = Brake specific oxides of nitrogen emissions (gm/BHP-HR)

DCO = CO volume concentration in exhaust, ppm (dry)

DCO<sub>2</sub> = CO<sub>2</sub> volume concentration in exhaust, % (dry)

DIIC = HC volume concentration in exhaust, ppm C (dry)

DKNO = NO volume concentration in exhaust, in ppm (dry and humidity corrected)

EIP = Engine intake pressure (in. Hg A)

BARO = inlet depression.

f<sub>a</sub> = Measured dry fuel-air ratio

H = Humidity of the inlet air in grain of water per pound of dry air = (0.0748/453.59) (gm. H<sub>2</sub>O/gm. air)

K = Water - gas equilibrium constant = 3.5

KNO<sub>x</sub> = Humidity correction factor for oxides of nitrogen

K<sub>w</sub> = Wet to dry correction factor

M<sub>c</sub> = Atomic weight of carbon

(M<sub>c</sub> + M<sub>H</sub>) = Mean molecular weight of the fuel per carbon atom

M<sub>c</sub> = Atomic weight of CO

M<sub>H</sub> = Molecular weight of hydrogen

M<sub>NO<sub>x</sub></sub> = Molecular weight of nitrogen dioxide (NO<sub>2</sub>)

T = Temperature of inlet air °F

W<sub>CO</sub> = Mass rate of CO in exhaust, grams/hr.

W<sub>I</sub> = Mass flow rate of fuel used in the engine, grams/hr = (453.59) X (W<sub>I</sub> lbs/hr)

W<sub>IIIC</sub> = HC volume concentration in exhaust, ppm C (wet)

W<sub>NO<sub>x</sub></sub> = Mass rate of NO<sub>x</sub> in exhaust, grams/hr

Y = H<sub>2</sub>O volume concentration of intake air, % (see § 86.344)

(b) Determine the exhaust species volume concentrations to a dry basis per the following:

(c) Convert the measured hydrocarbon (HC) volume concentrations to a dry basis per the following:

Wet-concentrations = K<sub>w</sub> X dry-concentrations

K<sub>w</sub> is defined by the equation in Figure D79-6.

(d) Multiply the dry nitric oxide volume concentrations by the following humidity correction factor: (1) Gasoline-fueled engines:

$$K_{NO_x} = 0.6272 + 0.0062911 - 0.000017611$$

(2) Diesel engines:



$$K_w = \frac{1}{1 + \left[ \frac{\left( \frac{DCO_2}{10^2} + \frac{DCO}{10^6} \right) + \frac{2Y}{\theta} \left( \frac{DCO_2}{10^2} + \frac{DCO}{10^6} + \frac{WHC}{10^6} \right) \left( 1 + \frac{\alpha}{4} \right)}{2 \left( 1 + \frac{\frac{DCO}{10^6}}{\left( \frac{DCO_2}{10^2} \right)^K} \right)} \right]}$$

Figure D79-6  $K_w$  - WET TO DRY CORRECTION FACTOR

$$(f/a) = \frac{1}{\bar{X}} \left( \frac{DCO}{2\bar{X}} \left( \frac{1}{10^6} \right)^b \right) + \frac{\alpha}{4} \left( 1 - \frac{DHC}{\bar{X}(10^6)} \right) - \frac{75}{\bar{X}} \left( \frac{K}{\left( \frac{DCO}{10^2} \right)^b} \right) + \left( \frac{1}{1 - \frac{DHC}{\bar{X}(10^6)}} \right)$$

$$(f/a)_{stoich} = \frac{M_C + \alpha M_H}{138.18 \left( 1 + \frac{\alpha}{4} \right)}$$

where

$$\bar{X} = DCO_2/10^2 + DCO/10^6 + DHC/10^6$$

(2) When calculating the (f/a) ratio to be used in determining  $K_w$ , use only the airflow entering the combustion chamber. This may require subtraction of bleed-air, etc. from the measured airflow.

(f) (1) Data validation: Compare the calculated dry (f/a) with the measured fuel and air flow. For a valid test the emission calculated (f/a) must agree within 10% of the measured (f/a) for each mode. Gasoline-fueled engine idle and CT modes and Diesel engine idle and

2 percent modes do not have to meet this requirement.

(2) Fuel/Air ratio comparison: When comparing measured (f/a) ratio to an emissions calculated (f/a) ratio, the measured airflow (in terms of mass) is the total mass of air entering the exhaust pipe. This may include additions of air mass to the exhaust pipe by an air injection system.

(g) Calculate the mass emissions of each species in grams per hour for each mode as follows:

$$(1) \text{ HC grams/hr} = W_{HC} = \frac{DHC}{10^4} W_f$$

$$(2) \text{ CO grams/hr} = W_{CO} = \frac{M_{CO} \frac{DCO}{10^4} W_f}{(M_C + \alpha M_H) \left( \frac{DCO}{10^4} + DCO_2 + \frac{DHC}{10^4} \right)}$$

$$(3) \text{ NO}_x \text{ grams/hr} = W_{NO_x} = \frac{M_{NO_2} \frac{DKNO}{10^4} W_f}{(M_C + \alpha M_H) \left( \frac{DCO}{10^4} + DCO_2 + \frac{DHC}{10^4} \right)}$$

(h) (1) For gasoline-fueled engines. Weight the mass values of BHP,  $W_{HC}$ ,  $W_{CO}$ ,  $W_f$ , and  $W_{NO_x}$  for each mode by multiplying the modal mass values by the appropriate modal weighting factor prescribed by § 86.335.

(2) For Diesel fueled engines. Weight the values of BHP,  $W_{HC}$ ,  $W_{CO}$ ,  $W_f$ , and  $W_{NO_x}$  as follows:

(i) Average the values obtained from the three idle modes and multiply this value by (0.2/3). Substitute this value for each of the three idle modes.

(ii) Weight the remaining modes by multiplying the values by 0.08.

(i) Calculate the brake specific emissions for

(1) each gasoline-fueled engine test cycle, and

(2) each Diesel engine test by summing the weighted values (BHP,  $W_{HC}$ ,  $W_{CO}$ , and  $W_{NO_x}$ ) from each mode as follows:

$$BSHC(i) = \frac{\sum \text{weighted } W_{HC}}{\sum \text{weighted BHP}}$$

$$BSCO(i) = \frac{\sum \text{weighted } W_{CO}}{\sum \text{weighted BHP}}$$

$$BSNO_x(i) = \frac{\sum \text{weighted } W_{NO_x}}{\sum \text{weighted BHP}}$$

(i) = Test cycle number (i=1, 2), gasoline-fueled engines only.

(j) Calculate the brake specific fuel consumption (BSFC) from the non-weighted BHP and  $W_f$  for each mode. Gasoline-fueled engine idle and CT modes and Diesel idle modes are excluded.

$$BSFC = \frac{W_f}{\text{Corrected BHP}}$$

where

Corrected BHP

$$= BHP \left[ \frac{29.00}{T+459.69} \right] \left[ \frac{T+459.69}{85+459.69} \right]^n$$

where

$n=0.5$  for gasoline-fueled engines

$=0.7$  for diesel engines

(2) Other methods of correcting power to determine BSFC may be used only with prior approval of the Administrator.

(k) Calculate the weighted brake specific fuel consumption (WBSFC) for

(1) each gasoline engine test cycle, and

(2) each diesel engine test by summing the weighted values ( $W_f$  and corrected BHP) from each mode as follows:

$$WBSFC(i) = \frac{\sum \text{weighted } W_f}{\sum \text{weighted corrected BHP}}$$

$$W_f = \text{Fuel flow in lb/hr}$$

(i) = Test cycle number (i=1, 2), gasoline-fueled engines only.

(1) For gasoline-fueled engines. Calculate the brake specific emissions and fuel consumption for the complete test as follows:

$$\begin{aligned} BSHC(T) &= 0.35 BSHC(1) + 0.65 BSHC(2) \\ BSHC(T) &= 0.35 BSHC(1) + 0.65 BSHC(2) \\ BSCO(T) &= 0.35 BSCO(1) + 0.65 BSCO(2) \\ BSNO_x(T) &= 0.35 BSNO_x(1) + 0.65 BSNO_x(2) \\ WBSFC(T) &= 0.35 WBSFC(1) + 0.65 WBSFC(2) \end{aligned}$$

12. The title to Subpart H is revised to read as follows:

Subpart H—Emission Regulations for New 1977 and 1978 Model Year Gasoline-Fueled Heavy Duty Engines; Test Procedures

13. Section § 86.777-1 is revised to read as follows:

§ 86.777-1 General applicability.

The provisions of this subpart apply to new 1977 and 1978 model year

gasoline-fueled heavy duty engines.

14. New sections § 86.879-5 through § 86.879-14 are added to subpart I and read as follows:

§ 86.879-5 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of engines with the standard set forth in § 86.077-11(a).

(a) The test consists of a prescribed sequence of engine operating conditions on an engine dynamometer with continuous examination of the exhaust gases. The test is applicable equally to controlled engines equipped with means for preventing, controlling, or eliminating smoke emissions and to uncontrolled engines.

(b) The test is designed to determine the opacity of smoke in exhaust emissions during those engine operating conditions which tend to promote smoke from Diesel-powered vehicles.

(c) The test procedure begins with a warm engine which is then run through preloading and preconditioning operations. After an idling period, the engine is operated through acceleration and lugging modes during which smoke emission measurements are made to compare with the standards. The engine is then returned to the idle condition and the acceleration and lugging modes are repeated. Three sequences of acceleration and lugging constitutes the full set of operating conditions for smoke emission measurement.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle engine shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077-24.

§ 86.879-6 Diesel fuel specifications.

The requirements of this section are set forth in § 86.307.

§ 86.879-7 Dynamometer operation cycle for smoke emission tests.

(a) The following sequence of operations shall be performed during engine dynamometer testing of smoke emissions, starting with the dynamometer preloading determined and the engine preconditioned (§ 86.879-12(c)).

(1) *Idle mode.* The engine is caused to idle for 5 to 5.5 minutes at the manufacturer's recommended low idle speed. The dynamometer controls shall be set to provide minimum load by turning the load switch to the "off" position or by adjusting the controls to the minimum load position.

(2) *Acceleration mode.* (i) The engine speed shall be increased to 200±50 r.p.m. above the manufacturer's recommended low idle speed within 3 seconds.

(ii) Immediately upon completion of the mode specified in paragraph (a) (2) (i) of this section, the throttle shall be moved rapidly to, and held in, the fully-open position. The inertia of the engine and the dynamometer, or alternately a preselected dynamometer load, shall be used to control the acceleration of the

engine so that the speed increases to 85 percent of the rated speed in 5±1.5 seconds. This acceleration shall be linear within 100 r.p.m. as specified in § 86.879-13(c).

(iii) After the engine reaches the speed required in paragraph (a) (2) (ii) of this section, but before the speed exceeds 90 percent of the rated speed, the throttle shall be moved rapidly to, and held in, the fully-closed position. Immediately after the throttle is closed, the preselected load required to perform the acceleration in paragraph (a) (2) (iv) of this section shall be applied.

(iv) When the engine decelerates to the intermediate speed (within 50 r.p.m.), the throttle shall be moved rapidly to, and held in, the fully-open position. The preselected dynamometer load which was applied during the preceding transition period shall be used to control the acceleration of the engine so that the speed increases to at least 95 percent of the rated speed in 10±2 seconds.

(3) *Lugging mode.* (i) Immediately upon completion of the preceding acceleration mode, the dynamometer controls shall be adjusted to permit the engine to develop maximum horsepower at rated speed. This transition period shall be 50 to 60 seconds in duration. During the last ten seconds of this period, the engine speed shall be maintained within 50 r.p.m. of the rated speed, and the power (corrected, if necessary, to rating conditions) shall be no less than 95 percent of the maximum horsepower developed at the zero-hour point.

(ii) With the throttle remaining in the fully-open position, the dynamometer controls shall be adjusted gradually so that the engine speed is reduced to the intermediate speed (within 50 r.p.m.). This lugging operation shall be performed smoothly over a period of 35±5 seconds. The rate of slowing of the engine shall be linear, within 100 r.p.m., as specified in § 86.879-13(c).

(4) *Engine unloading.* Immediately upon completion of the preceding lugging mode, the dynamometer and engine shall be returned to the idle condition described in paragraph (a) (i) of this section.

(b) The procedures described in paragraphs (a) (1) through (a) (4) of this section shall be repeated until three consecutive valid cycles have been completed. If three valid cycles have not been completed after a total of six consecutive cycles have been run, the engine shall be preconditioned by operation at

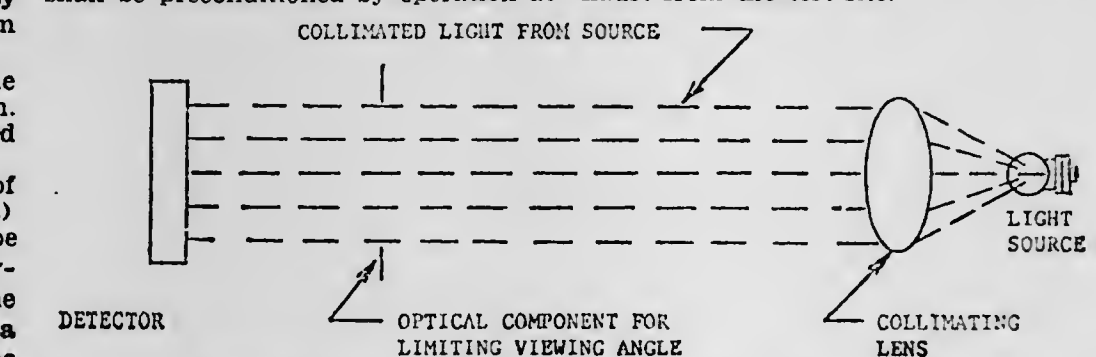


Figure I79-1 EPA SMOKE METER OPTICAL SYSTEM (SCHEMATIC).

maximum horsepower at rated speed for 10 minutes before the test sequence is repeated.

§ 86.879-8 Dynamometer and engine equipment.

The following equipment shall be used for smoke emission testing of engines on engine dynamometers.

(a) An engine dynamometer with adequate characteristics to perform the test cycle described in § 86.879-7.

(b) An engine cooling system having sufficient capacity to maintain the engine at normal operating temperatures during conduct of the prescribed engine tests.

(c) A noninsulated exhaust system extending 15±5 feet from the exhaust manifold, or the crossover junction in the case of Vee engines, and presenting an exhaust back pressure within ±0.2 inch Hg of the upper limit at maximum rated horsepower, as established by the engine manufacturer in his sales and service literature for vehicle application. A conventional automotive muffler of a size and type commonly used with the engine being tested shall be employed in the exhaust system during smoke emission testing. The terminal 2 feet of the exhaust pipe shall be circular cross section and be free of elbows and bends. The end of the pipe shall be cut off squarely. The terminal 2 feet of the exhaust pipe shall have a diameter in accordance with the engine being tested, as specified below:

Maximum rated horsepower:	Exhaust pipe diameter (inches)
Less than 101.....	2
101-200.....	3
201-300.....	4
301 or more.....	5

(d) An engine air inlet system presenting an air inlet restriction within ±1 inch of water of the upper limit for the engine operating condition which results in maximum air flow, as established by the engine manufacturer in his sales and service literature, for the engine being tested.

§ 86.879-9 Smoke measurement system.

(a) *Schematic drawing.* The Figure I79-1 is a schematic drawing of the optical system of the light extinction meter.

(b) *Equipment.* The following equipment shall be used in the system:

(1) Adapter—the smoke meter optical unit may be mounted on a fixed or movable frame. The normal unrestricted shape of the exhaust plume shall not be modified by the adapter, the meter, or any ventilator system used to remove the exhaust from the test site.



(2) **Smokemeter** (light extinction meter)—continuous recording, full-flow light obscuration meter. It shall be positioned near the end of the exhaust pipe so that a built-in light beam traverses the exhaust smoke plume which issues from the pipe at right angles to the axis of the plume. The light source is an incandescent lamp operated at a constant voltage of not less than 15 percent of the manufacturer's specified voltage. The lamp output is collimated to a beam with a nominal diameter of 1.125 inches. The angle of divergence of the collimated beam shall be within 4° included angle. A light detector, directly opposed to the light source, measures the amount of light blocked by the smoke in the exhaust. The detector sensitivity is restricted to the visual range and comparable to that of the human eye. A collimating tube with apertures equal to the beam diameter is attached to the detector. (It restricts the viewing angle of the detector to within 16° included angle.) An amplified signal corresponding to the amount of light blocked is recorded continuously on a remote recorder. An air curtain across the light source and detector window assemblies may be used to minimize deposition of smoke particles on those surfaces provided that it does not measurably affect the opacity of the plume. The meter consists of two units, an optical unit and remote control unit. Light extinction meters employing substantially identical measurement principles and producing substantially equivalent results but which employ other electronic and optical techniques may be used only after being approved in advance by the Administrator.

(3) **Recorder**—a continuous recorder, with variable chart speed over a minimal range of 0.5 to 8.0 inches per minute (or equivalent) and an automatic marker indicating 1-second intervals shall be used for continuously recording the exhaust gas opacity, engine rpm and throttle position. The recorder shall be equipped to indicate only when the throttle is in the full-open or fully-closed position. The recorder scale for opacity shall be linear and calibrated to read from 0 to 100 percent opacity full scale. The opacity trace shall have a resolution within 1 percent opacity. The recorder scale for engine r.p.m. shall be linear and have a resolution of 30 r.p.m. The throttle position trace must clearly indicate when the throttle is in the fully-open and fully-closed positions. Any means other than a strip-chart recorder may be used provided it produces a permanent visual data record of quality equal to or better than that described above.

(4) The recorder used with the smoke-meter shall be capable of full-scale deflection in 0.5 second or less. The smoke-meter-recorder combination may be damped so that signals with a frequency higher than 10 cycles per second are attenuated. A separate low-pass electronic filter with the following performance characteristics may be installed between the smokemeter and the recorder to achieve the high-frequency attenuation.

(i) 3 decibel point—10 cycles per second.

(ii) Insertion loss—zero  $\pm 0.5$  decibels.

(iii) Selectivity—12 decibels per octave above 10 cycles per second.

(iv) Attenuation—27 decibels down at 40 cycles per second minimum.

(c) **Assembling equipment.** (1) The optical unit of the smokemeter shall be mounted radially to the exhaust pipe so that the measurement will be made at right angles to the axis of the exhaust plume. The distance from the optical centerline to the exhaust pipe outlet shall be  $5 \pm 1$  inch. The full flow of the exhaust stream shall be centered between the source and detector apertures (or windows and lenses) and on the axis of the light beam.

(2) Power shall be supplied to the control unit of the smokemeter in time to allow at least 15 minutes for stabilization prior to testing.

§ 86.879-10 Information to be recorded.

The following information, as applicable, shall be recorded for each test.

(a) Engine Description and specifications. (1) Engine identification numbers.

(2) Number of hours of operation accumulated on engine.

(3) Engine-system combination.

(4) Engine displacement.

(5) Low idle r.p.m.

(6) Exhaust pipe diameter(s).

(7) Governed speed.

(8) Rated maximum horsepower and torque.

(9) Maximum horsepower and torque speeds.

(10) Fuel consumption at maximum power and torque.

(11) Fuel injector type.

(12) Air aspiration system.

(13) Maximum exhaust system back pressure.

(14) Air inlet restriction.

(15) Maximum air flow.

(b) Test data. (1) Test number.

(2) Date and time of day.

(3) Instrument operator.

(4) Engine operator.

(5) Smokemeter: Number-zero control setting—calibration control setting—gain.

(6) Recorder chart: Identify zero traces—calibration traces—idle traces—closed throttle trace—open throttle trace—acceleration and lug down test traces—start and finish of each test.

(7) **Intake air humidity and temperature.** (i) Humidity conditioned air. Air that has had its absolute humidity altered is considered humidity conditioned air. For this type of intake air, the humidity measurement must be made within the intake air system, and after the air conditioning has taken place. Also, this measurement must be made within 48 inches of the engine.

(ii) Non-conditioned air. Humidity measurements in non-conditioned intake air systems must be made in the intake air stream and within 18 inches of the inlet for engine intake air system.

(iii) Intake air temperature measurement must be made in the intake air stream and within 48 inches of the engine.

(iv) Temperature and humidity devices must have a time constant  $\tau$ , between 13 and 52 seconds. For a given instantaneous step change the measurement system must respond to 63.2% of that step change. If the temperature and humidity measurement systems have a time constant  $\tau$ , less than 13 seconds, then the measurements will be sampled at a rate four or more times faster than the time constant  $\tau$  and averaged. For continuously integrated intake air temperature systems, excursions exceeding the temperature limits for 30 seconds or less will be allowed.

(8) **Dynamometer room temperature** must be measured in two locations in the room within 10 feet of the engine. The two measurements are averaged. The measurement system must have a time constant  $\tau$ , between 13 and 52 seconds. For a given instantaneous step change the measurement system must respond to 63.2% of that step change. If the temperature measurement system has a time constant  $\tau$ , less than 13 seconds, then the measurements will be sampled at a rate four or more times faster than the time constant  $\tau$  and averaged. For continuously integrated dynamometer room air temperature systems, excursions exceeding the temperature limits for 30 seconds or less will be allowed.

(9) Barometric pressure, before and after test.

(10) Observed engine torque and speed during the steady-state test conditions specified in § 86.879-11(a)(3)(i).

(11) Calibration date(s) of neutral density filters used to calibrate the smokemeter.

§ 86.879-11 Instrument checks.

(a) The smokemeter shall be checked according to the following procedure prior to each test: (1) The optical surfaces of the optical section shall be checked to verify that they are clean and free of foreign material and fingerprints.

(2) The zero control shall be adjusted under conditions of "no smoke" to give a recorder trace of zero.

(3) Calibrated neutral density filters having approximately 10, 20, and 40 percent opacity shall be employed to check the linearity of the instrument. The filter(s) shall be inserted in the light path perpendicular to the axis of the beam and adjacent to the opening from which the beam of light from the light source emanates, and the recorder response shall be noted. The nominal opacity value of the filter will be confirmed by the Administrator. Deviations in excess of 1 percent of the nominal opacity shall be corrected.

(b) The instruments for measuring and recording engine r.p.m., engine torque, air inlet restrictions, exhaust system back pressure, throttle position, etc., which are used in the tests prescribed herein, shall be calibrated in accordance with good engineering practice. Neutral density filters shall be calibrated semi-annually.

§ 86.879-12 Test run.

(a) The temperature of the air supplied to the engine shall be between

68°F and 86°F. The fuel temperature at the pump inlet shall be 100°F,  $\pm 10^\circ$ F. The observed barometric pressure shall be between 28.5 inches and 31 inches Hg. Higher air temperature or lower barometric pressure may be used, if desired, but no allowance will be made for possible increased smoke emissions because of such conditions.

(b) The governor and fuel system shall have been adjusted to provide engine performance at the levels in the application for certification required under § 86.079-21.

(c) The following steps shall be taken for each test: (1) Start cooling system.

(2) Starting with a warmed engine, determine by experimentation the dynamometer inertia and dynamometer load required to perform the acceleration in the dynamometer cycle for smoke emission tests (§ 86.879-7(a)(2)). In a manner appropriate for the dynamometer and controls being used, arrange to conduct the acceleration mode.

(3) Install smokemeter optical unit and connect it to the recorder. Connect the engine r.p.m. and torque sensing devices to the recorder.

(4) Turn on purge air to the optical unit of the smokemeter, if purge air is used.

(5) Check and record zero and span settings of the smokemeter recorder at a chart speed of approximately 1 inch per minute. (The optical unit shall be retracted from its position about the exhaust stream if the engine is left running.)

(6) Precondition the engine by operating it for 10 minutes at maximum rated horsepower.

(7) Proceed with the sequence of smoke emission measurements on the engine dynamometer as prescribed in § 86.879-7.

(8) During the test sequence of § 86.879-7, continuously record smoke measurements, engine r.p.m., and throttle position at a minimum chart speed of 1 inch per minute during the idle mode and transitional periods and 8 inches per minute during the acceleration and lugging modes. The smokemeter zero and full scale recorder deflections may be rechecked during the idle mode of each test sequence. If either zero or full scale drift is in excess of 2 percent opacity, the smokemeter controls must be readjusted and the test must be repeated.

(9) Turn off engine.

(10) Check zero and reset if necessary and check span of the smokemeter recorder by inserting neutral density filters. If either zero or span drift is in excess of 2 percent opacity, the test results shall be invalidated.

§ 86.879-13 Chart reading.

The following procedure shall be used to analyze the recorder chart.

(a) Locate the modes specified in § 86.879-7(a)(1) through (a)(4) by applying the following starting and ending criteria.

(1) The idle mode specified in § 86.879-7(a)(1) starts when engine preconditioning or the lugging mode of a preceding cycle has been completed and ends when the engine speed is raised above the idle speed.

(2) The acceleration mode specified in § 86.879-7(a)(2)(i) starts when the preceding idle mode has been completed and ends when the throttle is in the fully-open position as indicated by the throttle position trace.

(3) The acceleration mode specified in § 86.879-7(a)(2)(ii) starts when the preceding acceleration mode has been completed and ends when the engine speed reaches 85 percent of the rated speed.

(4) The transition period specified in § 86.879-7(a)(2)(iii) starts when the throttle is in the fully-closed position and ends when the throttle is in the fully-open position as indicated by the throttle position trace.

(5) The acceleration mode specified in § 86.879-7(a)(2)(iv) starts when the preceding transition period has been completed and ends when the engine speed reaches 95 percent of the rated speed.

(6) The transition period specified in § 86.879-7(a)(3)(i) starts when the preceding acceleration mode has been completed and ends when the engine speed is 50 r.p.m. below the rated speed and the provisions of § 86.879-7(a)(3)(i) are met.

(7) The lugging mode specified in § 86.879-7(a)(3)(ii) starts when the preceding transition period has been completed and ends when the engine speed is at the intermediate speed.

(b) Determine if the test requirements of § 86.879-7 are met by applying the following modal criteria.

(1) Idle mode as specified in § 86.879-7(a)(1): (i) Duration: 5 to 5.5 minutes.

(ii) Speed: within specifications.

(2) Acceleration mode as specified in § 86.879-7(a)(2)(i): (i) Duration: 3 seconds or less.

(ii) Speed increase:  $200 \pm 50$  r.p.m.

(3) Acceleration mode as specified in § 86.879-7(a)(2)(ii): (i) Linearity:  $\pm 100$  r.p.m. as specified in paragraph (c) of this section.

(ii) Duration: 3.5 to 6.5 seconds.

(iii) Throttle position: fully-open until speed is at least 95 percent of the rated speed.

(4) Transition period as specified in § 86.879-7(a)(2)(iii): (i) Throttle position: fully-closed before speed exceeds 90 percent of the rated speed.

(5) Acceleration mode as specified in § 86.879-7(a)(2)(iv): (i) Duration: 8 to 12 seconds.

(ii) Throttle position: fully-open when speed is at intermediate speed.

(6) Transition period as specified in § 86.879-7(a)(3)(i): (i) Duration: 50 to 60 seconds.

(ii) Speed during last 10 seconds within  $\pm 50$  r.p.m. of rated speed.

(iii) Corrected power during last 10 seconds: at least 95 percent of horsepower developed during zero-hour testing.

(7) Lugging mode as specified in § 86.879-7(a)(3)(ii): (i) Linearity:  $\pm 100$  r.p.m. as specified in paragraph (c) of this section.

(ii) Duration: 30 to 40 seconds.

(iii) Speed at end: intermediate speed.

(c) Determine if the linearity requirements of § 86.879-7 were met by means of the following procedure: (1) For the acceleration mode specified in § 86.879-7(a)(2)(ii), note the maximum deflection of the r.p.m. trace from a straight line drawn from the starting and ending points specified in paragraph (a)(3) of this section.

(2) For the lugging mode specified in § 86.879-7(a)(3)(ii), note the maximum deflection of the r.p.m. trace from a straight line drawn from the starting and ending points specified in paragraph (a)(7) of this section.

(3) The test results will be invalid if any deflection is greater than 100 r.p.m.

(d) Analyze the smoke trace by means of the following procedure: (1) Starting at the beginning of the first acceleration, as defined in paragraph (a)(2) of this section, and stopping at the end of the second acceleration, as defined in paragraph (a)(3) of this section, divide the smoke trace into  $\frac{1}{2}$ -second intervals. Similarly, subdivide into  $\frac{1}{2}$ -second intervals the third acceleration mode and the lugging mode as defined by paragraphs (a)(5) and (7) respectively, of this section.

(2) Determine the average smoke reading during each  $\frac{1}{2}$ -second interval.

(3) Locate and record the 15 highest  $\frac{1}{2}$ -second readings during the acceleration mode of each dynamometer cycle.

(4) Locate and record the five highest  $\frac{1}{2}$ -second readings during the lugging mode of each dynamometer cycle.

(5) Examine the average  $\frac{1}{2}$ -second values which were determined in paragraphs (3) and (4) above and record the three highest values for each dynamometer cycle.

§ 86.879-14 Calculations.

(a) Average the 45 readings in § 86.879-13(d)(3) and designate the value as "A".

(b) Average the 15 readings in § 86.879-13(d)(4) and designate the value as "B".

(c) Average the nine readings in § 86.879-13(d)(5) and designate the value as "C".

15. The title to Subpart J is revised to read as follows:

**Subpart J—Emission Regulations for New 1977 and 1978 Model Year Diesel Heavy Duty Engines; Gaseous Exhaust Test Procedure**

16. Section § 86.977-1 is revised to read as follows:

§ 86.977-1 General applicability.

The provisions of this subpart apply to new 1977 and 1978 model year Diesel heavy duty engines.

[FR Doc. 76-14857 Filed 6-21-76; 8:45 am]

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# **federal register**

**MONDAY, MAY 24, 1976**



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**PART III:**

## **FEDERAL ENERGY ADMINISTRATION**

■

### **DOMESTIC CRUDE OIL ALLOCATION PROGRAM**

**Entitlement Notice for March 1976**

**V41101**

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**FEDERAL ENERGY  
ADMINISTRATION**  
**DOMESTIC CRUDE OIL ALLOCATION  
PROGRAM**

**Entitlement Notice for March 1976**

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's domestic crude oil allocation program, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners and eligible firms as to crude oil receipts, crude oil runs to stills and eligible product imports for March 1976, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4), and application of the entitlement adjustment for small refiners provided in § 211.67(e) and of Special Rule No. 6, the national domestic crude oil supply ratio for March 1976 is calculated to be .357897.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of March 1976, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .1890201 of a barrel of deemed old oil.

The issuance of entitlements for the month of March 1976 to refiners and eligible firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner and other eligible firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts; the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR § 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of March 1976 at \$7.89, which is the exact differential as reported for the month of March between the weighted average per barrel costs to refiners of old oil and of imported crude oil less the sum of 21 cents.

In accordance with 10 CFR § 211.67(b), each refiner that has been issued fewer entitlements for the month of March 1976 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of March 1976 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of March 1976 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for March 1976 and eligible firms issued entitlements shall sell such

entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through February 1976 pursuant to 10 CFR § 211.67(j)(1). No corrections for reporting errors for months prior to September 1975 are reflected in the listing as FEA will effect these corrections in future entitlement notices as provided in § 211.67(j)(2).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix gives effect to Special Rule No. 6, and the exempted volumes for all refiners benefiting from the Special Rule are shown in a separate column in the listing.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 13,756,372 barrels for March 1976. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 32,441,096 barrels.

The total number of entitlements required to be purchased and sold under this notice is 20,252,999.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for March 1976 must be made by May 31, 1976.

On or prior to June 10, 1976, each firm which is required to purchase or sell entitlements for the month of March shall file with FEA the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of March. FEA has mailed the monthly transaction report forms for the month of March to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by May 31, 1976 contact FEA at 202-254-6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to May 31, 1976, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before June 23, 1976.

Issued in Washington, D.C. on May 18, 1976.

DAVID G. WILSON,  
Acting General Counsel.

**PROPOSED RULES**

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**APPENDIX.—Entitlements for domestic crude oil, May 1976**

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position				
		Total issued	Small refiner exemption	Product entitlements	Required to buy	Required to sell
A-Johnson.....	0	140,676	0	40,603	0	140,676
Allied.....	51,049	74,958	0	0	0	23,909
Amer-Petrolina.....	1,948,560	1,819,605	0	0	128,955	0
Amerada-Hess.....	1,361,818	4,377,651	0	104,836	0	3,015,233
Amoco.....	12,550,183	8,578,968	0	11,153	4,071,233	0
APCO.....	573,508	634,294	0	0	0	50,786
ARCO.....	7,570,082	7,226,133	0	0	343,949	0
Arizona.....	33,342	33,342	19,117	0	0	10,967
Asamera.....	11,192	21,289	0	0	0	1,967,567
Ashland.....	1,873,265	3,846,832	0	0	0	301,652
Asiatic.....	0	301,652	0	301,652	0	0
Bayou.....	49,415	49,415	9,827	0	0	0
Beacon.....	284,615	284,615	113,031	0	0	86,410
Belcher.....	0	86,410	0	86,410	0	6,442
Blue-Ridge.....	0	6,442	0	6,442	0	15,667
Calumet.....	8,859	24,466	0	0	0	32,891
Cannel.....	62,983	65,874	0	0	0	0
Caribou.....	100,305	100,305	7,824	0	0	22,534
Castle.....	0	22,534	0	22,534	0	0
Champion.....	2,254,001	1,608,908	0	0	645,093	0
Charler.....	1,060,833	997,308	226,931	0	69,515	0
Ciribol.....	0	74,912	0	74,912	0	74,912
Citgo.....	4,305,479	2,846,746	0	0	1,458,733	0
Claiborne.....	7,747	13,056	0	0	0	5,309
Clark.....	395,073	1,036,301	0	0	0	642,428
Coastal.....	321,340	1,000,758	0	0	0	485,418
Colonial.....	0	47,791	0	47,791	0	47,791
Conoco.....	3,575,459	3,687,152	0	21,691	188,307	0
Cereco.....	919	1,693,219	0	0	0	1,692,300
CRA-Farmland.....	331,453	556,537	0	0	0	23,101
Cross.....	74,147	86,279	0	0	0	16,132
Crown.....	506,471	894,685	0	0	0	388,214
Crystal-Oil.....	200,262	20,262	28,290	0	0	0
Crystal-R-L.....	2,001	33,690	0	0	0	31,689
Deepwater.....	0	16,597	0	16,597	0	16,597
Delta.....	395,394	410,487	0	0	0	45,133
Diamond.....	717,225	711,537	95,961	0	2,688	0
Dismond.....	12,380	13,407	0	0	0	1,027
Dorchester.....	85,468	209,025	0	0	0	123,617
Dow.....	0	88,408	0	88,408	0	88,408
E-Seaboard.....	42,328	42,328	2,971	0	0	0
Eddy.....	468,079	468,079	317,746	0	0	0
Edgington-Oil.....	6,340	9,104	0	0	0	2,764
Edgington-OXN.....	39,847	39,847	7,619	0	0	0
Evangelina.....	14,653,803	13,290,945	0	49,878	1,353,858	0
Exxon.....	231,184	328,260	0	0	0	104,151
Fannariss.....	198,401	408,141	0	0	0	209,740
Farmers-Co.....	239,346	339,346	144,707	0	0	0
Fletcher.....	11,341	11,341	1,078	0	0	0
Flint.....	31,456	89,695	0	0	0	57,651
Gary.....	1,645,491	1,094,189	0	0	546,802	0
Getty.....	12,690	25,569	0	0	0	12,900
Giant.....	96,495	126,954	0	0	0	29,059
Gladieux.....	35,993	171,419	0	0	0	135,426
Golden-Eagle.....	330,121	339,121	103,791	0	0	0
Good-Hope.....	0	869,616	0	0	0	869,616
Guam.....	10,559,549	9,417,362	0	66,815	1,142,187	0
Gulf.....	48,879	75,293	0	0	0	26,414
Gulf-Sis.....	0	462,882	0	0	0	462,882
Hill.....	0	165,340	0	165,340	0	165,340
Howard.....	818,505	818,505	402,394	0	0	0
Howell.....	310,332	310,332	26,145	0	0	0
Hunt.....	615,088	615,088	82,436	0	0	0
Husky.....	297,838	251,036	0	20,554	0	43,198
Indiana-Farm.....	0	26,954	0	0	0	26,954
Irving.....	39,226	41,226	23,970	0	0	0
JAW.....	3,639	7,471	0	0	0	3,840
Kentucky.....	394,365	394,365	99,425	0	0	0
Kern.....	1,897,429	1,636,641	0	0	260,785	0
Kerr-McGee.....	604,909	1,329,440	0	0	0	634,531
Koch.....	575,033	575,033	210,463	0	0	39,485
Lagloria.....	3,071	42,546	0	0	0	0
Lakeside.....	119,501	119,501	41,826	0	0	0
Laketon.....	322,699	322,699	103,694	0	0	0
Little-Amyr.....	155,715	330,544	0	0	0	183,829
Louisiana-Land.....	81,436	173,983	0	0	0	95,529
Macmillan.....	3,415,233	3,415,233	0	0	131,680	0
Marathon.....	202,046	257,698	0	0	0	55,562
Marion.....	11,865	37,871	0	0	0	23,066
Mid-Amr.....	210,018	210,018	0	0	0	30,693
Midland.....	9,177,773	7,781,846	0	8,704	1,395,967	0
Mobil.....	525,131	533,071	173,253	0	0	27,940
Mohawk.....	256,080	340,078	0	0	0	83,998
Monsanto.....	7,873	7,873	393	0	0	0
Morrison.....	4,814	4,814	11	0	0	0
Mountaineer.....	1,118,602	1,028,137	0	0	90,465	0
Murphy.....	101,779	101,779	37,727	0	0	0
N-Amer-Petro.....	281,232	696,512	0	0	0	22,300
Natl-Coop.....	451,437	451,437	154,815	0	0	0
Navajo.....	0	517,964	0	517,964	0	517,964
New-Engl-Petro.....	0	102,721	0	0	0	0
Newhall.....	258,090	258,090	0	0	0	131,032
Northeast-Petro.....	28,808	37,638	0	0	0	8,239
Northland.....	0	32,133	0	32,133	0	32,133
Northville.....	1,372,758	783,450	0	0	589,308	0
Oil-Shale.....	316,015	316,015	21,519	0	0	0
OKC.....	847,418	847,418	283,169	0	0	0
Pasco.....	880,426	880,426	331,070	0	0	0
Pennzoil.....	3,827,461	4,404,855	0	0	0	577,394
Phillips.....	17,694	31,873	0	0	0	14,179
Pioneer.....	0	241,112	0	241,112	0	241,112
Pittston.....	0	458,848	0	0	0	115,738
Placid.....	343,110	343,110	0	0	0	0



## PROPOSED RULES

Reporting firm short name	Deemed old oil adjusted receipts	Entitlement position				
		Total issued	Small refiner exemption	Product entitlements	Required to buy	Required to sell
Platteau.....	131,118	131,118	2,027	0	0	0
Powerine.....	372,403	426,523	0	0	0	54,120
Pride.....	164,467	266,724	0	0	0	102,257
Quaker-St.....	110,322	244,403	0	0	0	134,481
Road-Oil.....	1,178	1,369	0	0	0	191
Rock-Island.....	515,316	515,346	113,777	0	0	0
Saber-Tex.....	42,440	114,899	0	0	0	72,429
Sabre-Cal.....	1-4,894	232,555	0	0	0	37,449
Sage-Creek.....	812	2,562	0	0	0	1,750
San-Joseph.....	248,732	248,732	136,540	0	0	0
Seminole.....	58,837	191,653	0	0	0	132,816
Shell.....	15,423,935	10,764,846	0	0	4,659,089	0
Slazmor.....	6,222	22,038	0	0	0	15,816
Skelly.....	1,121,384	612,271	0	0	209,113	0
SO-Hampton.....	19,940	162,317	0	0	0	142,357
Socal.....	10,042,462	10,781,898	0	22,500	0	689,346
Sohio.....	1,478,392	4,245,404	0	23,222	0	2,767,012
Somers-C.....	37,686	52,935	0	0	0	15,249
Sound.....	0	8,463	0	0	0	8,463
Southland.....	371,204	371,204	149,573	0	0	0
Southwestern.....	3,950	3,950	1,755	0	0	0
Sprague.....	0	136,528	0	136,528	0	136,528
Stewart.....	0	41,238	0	41,238	0	41,238
Sunland.....	160,031	160,031	44,851	0	0	0
Sunoco.....	6,472,574	5,563,539	0	0	968,635	0
Swann.....	0	113,684	0	113,684	0	113,684
Tenneco.....	1,106,571	1,020,551	0	0	176,020	0
Tesoro.....	1,089,389	1,013,039	223,494	0	76,350	0
Texaco.....	12,240,781	12,585,414	0	577,453	0	344,630
Texas-Asph.....	4,194	4,379	0	0	0	185
Texas-City.....	473,715	887,442	0	0	0	413,727
Thagard.....	125,341	125,341	80,919	0	0	0
The-Refinery.....	133,563	180,621	0	0	0	47,058
Thriftway.....	35,467	40,400	0	0	0	4,933
Thunderbird.....	119,597	165,286	0	0	0	45,689
Tonkawa.....	31,059	60,456	0	0	0	29,437
Total-Leonard.....	187,403	484,005	0	0	0	296,602
Union-Oil.....	6,498,245	4,753,978	0	0	1,744,267	0
Union-Petro.....	0	20,096	0	20,096	0	20,096
Union-Texas.....	146,073	146,073	17,643	0	0	0
Unid-Ref.....	283,925	524,866	0	0	0	260,971
US-Oil.....	30,240	149,560	0	0	0	119,260
USA-Petrochem.....	22,587	106,107	0	0	0	83,520
Vickers.....	421,805	620,136	0	0	0	198,331
Vulcan.....	0	25,586	0	0	0	25,586
Warrior.....	36,308	36,308	9,833	0	0	0
West-Coast.....	61,607	61,607	32,109	0	0	0
Western.....	96	41,415	0	0	0	41,319
Wickett.....	85,696	89,596	0	0	0	3,900
Winston.....	153,845	201,269	0	0	0	47,424
Wireback.....	602	1,534	0	0	0	932
Witco.....	104,118	104,118	12,195	0	0	0
Wyatt.....	0	43,500	0	43,500	0	43,500
Yetter.....	642	1,637	0	0	0	995
Young.....	79,020	79,020	37,455	0	0	0
Total.....	160,715,541	160,715,541	4,238,087	3,483,172	20,252,999	20,252,999

<sup>1</sup> Reflects a correction for excessive deemed old oil receipts reported for a prior month.  
<sup>2</sup> Does not include entitlements issued by virtue of the negative volume of deemed old oil receipts shown.

[FR Doc.76-15051 Filed 5-19-76; 10:51 am]

MONDAY, MAY 24, 1976



PART IV:

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PRIVACY ACT OF 1974

Systems of Records

# federal register

V41101

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# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PRIVACY ACT OF 1974

### Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (P.L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. These systems are currently ongoing and were either inadvertently omitted from past publications because of oversight or they are notices of contractor systems of records where the contracts were entered into before September 27, 1975.

Prior to the final adoption of the proposed routine uses for these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before 30 days from the publication date of this notice. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: May 13, 1976.

John Ottina  
Assistant Secretary for  
Administration and Management

#### NIH NIGMS 0317.00

**System name:** Pharmacology Research Associates  
HEW/NIH/NIGMS

**Security classification:** None.

**System location:**

National Institutes of Health  
5333 Westbard Avenue, Westwood Bldg., Room 9A-03  
Bethesda, Maryland 20015

**Categories of individuals covered by the system:** Applicants for positions as Pharmacology Research Associates with the National Institute of General Medical Sciences.

**Categories of records in the system:** Individual application forms, academic transcripts and references.

**Authority for maintenance of the system:** 42 USC 209.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** File folders.

**Retrievability:** By name of applicant. HEW uses: (1) for consideration of the applicant as a candidate for the Pharmacology Research Associate Training Program (PRAT). (2) for consideration of the applicant by other NIH Associate Programs at the applicant's request.

**Safeguards:** The records are maintained in locked cabinets with access limited to authorized personnel (system manager and his/her staff assigned to the program).

**Retention and disposal:** 1. Records of applicants who are admitted to the program are kept not more than 5 years. 2. Records of applicants who are not admitted to the program are kept for one year. Records are shredded. 3. All records are shredded after proper time has elapsed.

**System manager(s) and address:**

Executive Secretary, PRAT Program  
Pharmacology-Toxicology Program  
NIGMS - NIH  
Westwood Bldg., Room 9A-03  
Bethesda, Maryland 20015

**Notification procedure:** To determine if a file exists, write to the System Manager and provide the following information: Date of Application; Applicant's Name.

**Record access procedures:** Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

**Contesting record procedures:** Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

**Record source categories:** Information provided by applicants, university registrars, and references.

**Systems exempted from certain provisions of the act:** None.

HSA BMS 0031.00

**System name:** PHS Beneficiary-Contract Medical/Health Care Records. HEW/HSA/BMS.

**Security classification:** None.

**System location:**

1. Director, Division of Hospitals and Clinics  
Federal Center Bldg 03  
6525 Belcrest Road  
Hyattsville, MD 20782
2. Director, PHS Hospital responsible for supervision of the area (See Appendix)

**Categories of individuals covered by the system:** Individuals (primarily American seamen) who are legally entitled to medical or health care by the Public Health Service and who have received medical or health care from health professionals or facilities under contract to the Public Health Service, Bureau of Medical Services.

**Categories of records in the system:** May include any or all of the following medical history, diagnostic (laboratory/X-ray, etc.) and treatment data, sociologic information, eligibility data including employment history, master's certificate, uniformed services information (employing services, service numbers, duty station, etc.).

**Authority for maintenance of the system:** PHS Act, Sections 321, 322, 326, (42 USC 248, 249, 253) PL 88-71, Section 1 (42 USC 253a)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

1. To a non-agency physician, medical facility or laboratory for continued care of the patient.
2. To a federal, state or local governmental agency for purposes of reporting disease or injuries as required by laws or regulations of that agency.
3. To the Department of Justice for investigation or litigation in protection of the Government.
4. To Department of Transportation (U.S. Coast Guard), National Oceanic & Atmospheric Administration for reports of examination and/or treatment of that agency's personnel or dependents.
5. To the Veterans Administration to assist uniformed services personnel, retirees and veterans obtain medical care or benefits.
6. To the Coast Guard for reports of American seamen found suffering from medical conditions that are hazardous to themselves.
7. In accordance with Item (4), Appendix B, 45 CFR 5b.
8. In accordance with Item (5), Appendix B, 45 CFR 5b.
9. In accordance with Item (100), Appendix B, 45 CFR 5b.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders in file cabinets or open shelves in locked rooms accessible only to personnel with a need-to-know.

**Retrievability:** Retrieved by name, uniformed service number, and/or Z number. Used by contract professionals to provide medical care to the beneficiary and to report results of examination and/or treatment used by PHS personnel to verify eligibility and to audit care provided by the contracting professionals.

**Safeguards:** Filed in locked files or locked rooms in the contracting professional's office/facility. Records are accessible only to contractors or PHS professionals with a need-to-know for the performance of their official duties.

**Retention and disposal:** Retained in the contracting professional's facility files until the contract is terminated. Then turned over to the supervisory PHS facility for transmittal to a new contracting professional or storage at a Federal Records Center. When stored

in a Federal Records Center, active duty uniformed services personnel records are stored for 50 years, other beneficiaries' records for 25 years. Destruction at that time is in accordance with standard practices of the Federal Records Center.

**System manager(s) and address:**

Director  
Division of Hospitals and Clinics  
Federal Center Building 03  
6525 Belcrest Road  
Hyattsville, Maryland 20782

**Notification procedure:** Inquiries should be addressed to the PHS facility supervising the area where care has been obtained from a contract source. (See listing in Appendix). Individual must provide name, beneficiary category, date of birth, service number/Z number (if applicable) and name and location of source of contract care.

**Record access procedures:** Same as above. See HEW Regulations published in the Federal Register, October 8, 1975, page 47411 (45 CFR 5b.6).

**Contesting record procedures:** Same as above.

**Record source categories:** Individual, employers, other medical care providers, families and social agencies.

**Systems exempted from certain provisions of the act:** None.

Appendix

#### HOSPITAL STATES

Director, USPHS Hospital  
3100 Wyman Park Drive  
Baltimore, Maryland 21211

Delaware, District of Columbia, Illinois, Indiana, Iowa  
Maryland, Michigan, Minnesota, Ohio, Pennsylvania, West  
Virginia  
Wisconsin

Director, USPHS Hospital  
77 Warren Street  
Boston (Brighton), MA 02135

Connecticut, Maine, Massachusetts, New Hampshire, Rhode  
Island, Vermont

Director, USPHS Hospital  
4400 Avenue N  
Galveston, TX 77550

Colorado, Kansas, New Mexico, Oklahoma, Texas

Director, USPHS Hospital  
6500 Hampton Boulevard  
Larchmont  
Norfolk, VA 23508

Georgia, North Carolina, South Carolina, Virginia

Director, USPHS Hospital  
210 State Street  
New Orleans, LA 70118

Alabama, Arkansas, Canal Zone, Florida, Kentucky,  
Louisiana,  
Mississippi, Missouri, Puerto Rico, Tennessee, Virgin Islands  
Rico, Tennessee, Virgin Islands  
Director, USPHS Hospital  
15th Ave. & Lake Street  
San Francisco, CA 94118

Arizona, California, Hawaii, Nevada, Utah

Director, USPHS Hospital  
P.O. Box 3145 or  
1131 14th Avenue South  
Seattle, WA 98114

Alaska, Idaho, Montana, Nebraska, North Dakota, Oregon,  
South Dakota, Washington, Wyoming

Director, USPHS Hospital

Bay & Vanderbilt Streets  
Staten Island, NY 10304

New Jersey, New York

HSA BMS 0032.00

**System name:** PHS Beneficiary (Coast Guard) Contract Medical/Health Care Records. HEW/HSA/BMS.

**Security classification:** None.

**System location:**

1. Chief Medical Officer  
Division of Coast Guard Medical Services  
NASSIF Bldg. 400 7th Street, SW  
Washington, D. C. 20590
2. Commander  
Coast Guard District responsible for supervision of the area.  
(See Appendix).

**Categories of individuals covered by the system:** Individuals (primarily Coast Guard personnel) who are legally entitled to medical or health care by the Public Health Service and have received medical health care from health professionals or facilities under contract to the Public Health Service, Bureau of Medical Services.

**Categories of records in the system:** May include any or all of the following medical history, diagnostic (laboratory/X-ray, etc.) and treatment data, sociologic information, eligibility data including employment history, master's certificate, uniformed services information (employing services, service numbers, duty station, etc.).

**Authority for maintenance of the system:** PHS Act, Sections 321, 322, 326, (42 USC 248, 249, 253) PL 88-71, Section 1 (42 USC 253a)

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** A record in this system of records may be disclosed:

1. To a non-agency physician, medical facility or laboratory for continued care of the patient.
2. To a federal, state or local governmental agency for purposes of reporting disease or injuries as required by laws or regulations of that agency.
3. To the Department of Justice for investigation or litigation in protection of the Government.
4. To Department of Transportation (U.S. Coast Guard), National Oceanic & Atmospheric Administration for reports of examination and/or treatment of that agency's personnel or dependents.
5. To the Veterans Administration to assist uniformed services personnel, retirees and veterans obtain medical care or benefits.
6. To the Coast Guard for reports of American seamen found suffering from medical conditions that are hazardous to themselves.
7. In accordance with Item (4), Appendix B, 45 CFR 5b.
8. In accordance with Item (5), Appendix B, 45 CFR 5b.
9. In accordance with Item (100), Appendix B, 45 CFR 5b.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** Folders in file cabinets or open shelves in locked rooms accessible only to personnel with a need-to-know.

**Retrievability:** Retrieved by name, uniformed service number, Z number. Used by contract professionals to provide medical care to the beneficiary and to report results of examination and/or treatment. Used by PHS personnel to verify eligibility and to audit care provided by the contracting professionals.

**Safeguards:** Filed in locked files or locked rooms in the contracting professional's office/facility. Records are accessible only to contractors or PHS professionals with a need-to-know for the performance of their official duties.

**Retention and disposal:** Retained in contracting professionals/facility files until the contract is terminated. Then turned over to the supervising Division of the Coast Guard Medical Services District Office for transmission to new contract professional or storage in a Federal Record Center. When stored in FRC, active duty uniformed services personnel records stored for 50 years, other beneficiaries records for 25 years. Destruction at that time is in accordance with standard practices of the Federal Records Center.

**System manager(s) and address:**

Chief Medical Officer  
Division of Coast Guard Medical Services



NASSIE Building  
490 7th Street, SW  
Washington, D. C. 20590

**Notification procedure:** Inquiries should be addressed to the System Manager or to the Commander, Coast Guard District supervising the District where care has been obtained from a contract source. (Refer to Appendix). Individual must provide name, beneficiary category, date of birth, service number/Z number (as applicable) and name and location of source of contract care.

**Record access procedures:** Same as above. Refer to HEW Regulation published in Federal Register, October 8, 1975, page 47411 (45 CFR 5b.6).

**Contesting record procedures:** Same as above.

**Record source categories:** Individual, employers, other medical care providers, families and social agencies.

**Systems exempted from certain provisions of the act:** None.

#### APPENDIX

##### Listing of U.S. Coast Guard Districts\*

1st Coast Guard District  
150 Causeway Street  
Boston, Mass. 02114

2nd Coast Guard District  
Federal Building  
1520 Market Street  
St. Louis, Missouri 63103

3rd Coast Guard District  
Governors Island  
New York, N. Y. 10004

5th Coast Guard District  
Federal Building  
431 Crawford Street  
Portsmouth, Virginia 23705

7th Coast Guard District  
Federal Building, Room 1012  
51 S. W. First Avenue  
Miami, Florida 33130

8th Coast Guard District  
Customhouse  
New Orleans, La. 70130

9th Coast Guard District  
1240 East 9th Street  
Cleveland, Ohio 44199

11th Coast Guard District  
Heartwell Bldg., 19 Pine Avenue  
Long Beach, California 90802

12th Coast Guard District  
630 Sansome Street

San Francisco, California 94126

13th Coast Guard District  
618 Second Avenue  
Seattle, Washington 98104

14th Coast Guard District  
P.O. Box 48  
FPO San Francisco, California 96610

17th Coast Guard District  
FPO Seattle, Washington 98771

#### SSA HI 1375.00

**System name:** Physician/Supplier 1099 File (Statement for Recipients of Medical and Health Care Payments) HEW SSA.

**Security classification:** None.

**System location:** Carriers and intermediaries under contract to Social Security Administration (See Appendix C, Section 3 and Section 4 of the Federal Register, Vol. No. 167-Wednesday, August 27, 1975).

**Categories of individuals covered by the system:** Physician/suppliers to whom Medicare payments have been made by carriers or intermediaries.

**Categories of records in the system:** A record of total Medicare payments made to physicians and suppliers during each calendar year. It contains the name, address and social security number of the physician/provider number or supplier EIN (employer identification number).

**Authority for maintenance of the system:** 26 U.S. Code 6041 (Internal Revenue Code).

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:** This record is disclosable only to the Internal Revenue Service in connection with the determination of the individual's self-employment income.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:** The records are maintained on magnetic tape and paper.

**Retrievability:** The system is indexed by physician/provider numbers and supplier EIN (employer's identification numbers).

**Safeguards:** Records are maintained in secure storage areas accessible only to authorized personnel.

**Retention and disposal:** The records are retained for 5 years.

**System manager(s) and address:**

Director, Bureau of Health Insurance  
6401 Security Boulevard  
Baltimore, Maryland 21235

**Notification procedure:** Inquiries and requests for systems records should be directed to the intermediary or carrier who made Medicare payments to the physician/supplier.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** The record of total annual payments made to each physician/supplier is derived from the individual Medicare bill payments.

**Systems exempted from certain provisions of the act:** None. /\*

[FR Doc.76-14637 Filed 5-21-76; 8:45 am]



Latest Edition

## Guide to Record Retention Requirements

[Revised as of January 1, 1975]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 87-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long

they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

**Price: \$1.45**

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# federal register

TUESDAY, MAY 25, 1976



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### Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

### List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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# CUMULATIVE LIST OF PARTS AFFECTED DURING MAY

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## rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 40—Protection of Environment  
CHAPTER I—ENVIRONMENTAL  
PROTECTION AGENCYPART 51—PREPARATION, ADOPTION,  
AND SUBMITTAL OF IMPLEMENTATION  
PLANSMaintenance of National Ambient Air  
Quality Standards—Summary

## Correction

In FR Doc. 76-12690 appearing in the issue for Monday, May 3, 1976, on page 18388, in § 51.12(h)(1) the following date should appear within the parentheses: "May 3, 1977."

[FRL 546-5]

PART 52—APPROVAL AND PROMULGA-  
TION OF IMPLEMENTATION PLANSWashington; Approval of Implementation  
Plan Revision

● The purpose of this notice is to approve a revision to the State of Washington Implementation Plan (SIP) under section 110 of the Clean Air Act. ●

On November 6, 1975, the Governor of the State of Washington submitted a revision to § 9.05(c) of Regulation I of the Olympic Air Pollution Control Authority (APCA) as a revision to the Washington SIP.

The revision was proposed in the FEDERAL REGISTER on January 29, 1976 (41 FR 4298). No comments were received during the 30-day public comment period provided.

The revised regulation requires hog fuel boilers installed after December 3, 1969 to meet an emission limitation of 0.20 grains per standard cubic foot of gas (calculated to 12 percent carbon dioxide). It also requires that when uncombined water causes opacity in excess of 20 percent (number one on the Ringelmann Smoke Chart) the owner or operator of the source must supply valid data to show that the concentration of particulate matter is less than 0.10 grains per standard cubic foot. The presently approved regulation requires these boilers to meet an emission limitation of 0.10 grains per standard cubic foot.

The Board of Directors of the Olympic APCA stipulated, at the time they passed the revision, that it would not take effect until approved by EPA as a Plan revision.

The Administrator of EPA has carefully reviewed and evaluated the revision and has determined that it meets the requirements of 40 CFR 51.13. Implementation of the revision will not cause or contribute to a violation of the national ambient air quality standards in

the Olympic—Northwest Washington Intrastate Air Quality Control Region.

An evaluation report (Rationale for Approval) prepared by EPA on the revision is available for public inspection at the Region X Office, 1200 Sixth Avenue, Seattle, Washington 98101 and the EPA Public Information Reference Unit, Room 2922, 401 M Street SW, Washington, D.C. 20460.

The approval promulgated herein is effective June 24, 1976.

(Sec. 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).)

Dated: May 18, 1976.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## Subpart WW—Washington

In § 52.2470, paragraph (c)(15) is amended by adding the following:

§ 52.2470 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(15) Revision to § 9.05(c) of Regulation I of the Olympic Air Pollution Control Authority submitted November 6, 1975 by the Governor.

[FR Doc. 76-15135 Filed 5-24-76; 8:45 am]

[FRL 543-8]

PART 79—REGISTRATION OF FUELS  
AND FUEL ADDITIVES

## Revision of Regulations

Revised regulations for the Registration of Fuels and Fuel Additives were promulgated on November 7, 1975. These provided that Additive Manufacturer Notifications for the registration of additives for motor vehicle fuels should be submitted by February 7, 1976, and that registration of such additives should be accomplished by May 7, 1976. Experience indicates (1) that many additive manufacturers did not become aware of the registration requirements in time to file notifications on schedule, and (2) that the quantity and required investigation by EPA of the components of the additives, particularly of the large number of consumer-packaged additives, were underestimated. To provide additional time for EPA to process notifications received after February 7, 1976, and to complete investigations required for registration, the date for the registration of additives is postponed two months to July 7, 1976. This change also makes it desirable to

set back by two months the schedule for registration of motor vehicle gasoline, so that Fuel Manufacturer Notifications for Motor Vehicle Gasolines will not be required until July 7, 1976, and registration is to be accomplished by September 7, 1976.

In addition to changing the schedule for registration and submission of additive and motor vehicle gasoline notifications, minor changes to the wording of several other sections of the Fuel and Fuel Additive Registration regulations have been made to clarify the intent of these regulations and to make a minor modification to § 79.21(a)(2):

1. Section 79.4(b)(4) is changed to exempt a mixture sold only to fuel manufacturers consisting of one registered additive with one or more hydrocarbons, thereby making it consistent with the last sentence of § 79.5(b).

2. Section 79.21(a)(2) is changed to provide that a single percentage figure combining the percentages for carbon, hydrogen, and oxygen may be provided for engine oil additives instead of requiring individual percentages for these three elements. Additive manufacturers have indicated that the elemental analysis was not normally made, that it would be imprecise at best, and that it would be an unproductive expenditure of effort. EPA technical personnel concluded that it should not be required.

3. The definition of "motor vehicle" in the Act and the exclusion of motorcycle fuels and additives were included in § 79.32(a), relating to the registration of gasoline, but were inadvertently omitted from § 79.31(a), relating to the registration of additives. It is proposed to add these to § 79.31(a).

The Environmental Protection Agency finds that general notice of proposed rulemaking and the public procedure thereon are impracticable and unnecessary because the changes are (1) necessary to allow the Agency sixty (60) additional days to process the fuel and fuel additive registrations which are currently being processed; (2) necessary to clarify the original regulations; and (3) necessary to relieve engine oil additive manufacturers who are in the process of registering their engine oil additives from the burden of providing individual percentages for carbon, hydrogen, and oxygen in their additives. Therefore, these regulations are hereby promulgated and shall be effective immediately.

(Secs. 211 and 301(a) of the Clean Air Act, 42 U.S.C. 1857f-6c and 1857g.)

Dated: May 18, 1976.

JOHN QUARLES,  
Acting Administrator.



Part 79, Chapter I of Title 40 of the Code of Federal Regulations, is amended as follows:

1. In section 79.4 paragraph (b) (4) is revised as follows:

(4) If an additive manufacturer prepares for sale only to fuel manufacturers (i) a blend or mixture of two or more registered additives or (ii) a blend or mixture of one or more registered additives with one or more substances containing only carbon and/or hydrogen, he will not be required to register such blend or mixture provided he will, upon request, furnish the Administrator with the names and percentages by weight of all components of such blend or mixture.

2. Section 79.12 is revised as follows:

Whenever the Administrator determines that a notification fails to comply with the regulations of this part, he shall within 30 days of receipt of the notification (in the case of registration prior to the date prescribed for the fuel in Subpart D, by such prescribed date) inform the noncomplying fuel manufacturer of the reasons for such determination.

3. Section 79.13(a) is revised as follows:

(a) If the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular fuel, the Administrator shall, within 30 days of receipt of the notification (in the case of registration prior to the date prescribed for the fuel in Subpart D, by such prescribed date), register that fuel and notify the fuel manufacturer of such registration.

4. The first sentence of § 79.20 is revised as follows:

Except as provided in § 79.23(b), any manufacturer of a designated additive who wishes to have such additive registered shall notify the Administrator in accordance with § 79.21 at least 150 days prior to the date prescribed for such additive in Subpart D or, after such prescribed date, at least 30 days prior to the date on which such additive manufacturer proposes to begin to sell, offer for sale, or introduce into commerce such additive.

5. Section 79.21(a) (2) is revised as follows:

(2) In the case of an additive for engine oil, only the name, percentage by weight, and method of analysis of each element in the additive are required provided, however, that a percentage figure combining the percentages of carbon, hydrogen, and/or oxygen may be provided unless the breakdown into percentages for these individual elements is already known to the registrant.

6. Section 79.22 is revised as follows: Whenever the Administrator determines that a notification fails to comply

with the regulations of this part, he shall within 30 days of the receipt of the notification (in the case of registration prior to the date prescribed for the additive in Subpart D, by such prescribed date) inform the noncomplying additive manufacturer of the reasons for such determination.

7. Section 79.23(a) is revised as follows:

(a) If the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular additive, the Administrator shall, within 30 days of receipt of the notification (in the case of registration prior to the date prescribed for the additive in Subpart D, by such prescribed date), register that additive and notify the additive manufacturer of such registration.

8. The following sentences are added to § 79.31(a):

(a) \* \* \*. The Act defines the term "motor vehicle" to mean any self-propelled vehicle designed for transporting persons or property on a street or highway. For purposes of this registration, however, additives specifically manufactured and marketed for use in motorcycle fuels are excluded.

9. § 79.31(b) is revised as follows: (b) All designated additives must be registered by July 7, 1976, except as provided in § 79.23(b).

10. § 79.32(b) is revised as follows: (b) All designated motor vehicle gasoline must be registered by September 7, 1976.

[FR Doc. 76-15136 Filed 5-24-76; 8:45 am]

#### Title 38—Pensions, Bonuses, and Veterans' Relief

#### CHAPTER I—VETERANS ADMINISTRATION

#### PART 3—ADJUDICATION

##### Death Pension—Apportionment

On page 14907 of the FEDERAL REGISTER of April 8, 1976, there was published a notice of proposed regulatory development to amend § 3.460 which relates to apportionment of death pension benefits.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date: This VA Regulation is effective May 19, 1976.

Approved: May 19, 1976.

By direction of the Administrator:

ODELL W. VAUGHN,  
Deputy Administrator.

Section 3.460 is revised to read as follows:

#### § 3.460 Death pension.

Death pension will be apportioned if the child or children of the deceased veteran are not in the custody of the widow or widower. Where the widow's or widower's rate is in excess of \$70 monthly because of having been the wife or husband of the veteran during service or because of need for regular aid and attendance, the additional amount will be added to the widow's or widower's share.

(a) *Civil, Indian and Spanish-American wars.* Where pension is payable under 38 U.S.C. 532, 534, or 536 apportionment will be based on the facts in the individual case in accordance with § 3.451.

(b) *Mexican border period and later war periods.* Where pension is payable under 38 U.S.C. 541 (including laws in effect prior to July 1, 1960) apportionment will be at rates approved by the Chief Benefits Director except when the facts and circumstances in a case warrant special apportionment under § 3.451.

[FR Doc. 76-15219 Filed 5-24-76; 8:45 am]

#### Title 9—Animals and Animal Products

#### CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 78—BRUCELLOSIS

##### Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

##### BRUCELLOSIS AREAS

##### Correction

In FR Doc. 76-12504 appearing at page 18084 in the FEDERAL REGISTER of Friday, April 30, 1976, the following correction should be made:

On page 18086, first column, second paragraph under the heading "Kansas" in § 78.21(b), fifth line from the bottom, insert the county name "Rush" after "Rooks".

#### PART 78—BRUCELLOSIS

##### Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

##### Brucellosis Areas

##### Correction

In FR Doc. 76-12827 appearing at page 18086 in the FEDERAL REGISTER of Friday, April 30, 1976, the following corrections should be made: On page 18087, first column, in § 78.21(b) under the heading "Texas", the eleventh line from the bottom, second word should read "Rockwall". In the sixth line from the bottom the third word should read "Throckmorton".

#### Title 24—Housing and Urban Development CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1139]

#### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

##### Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210-212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community.

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Arkansas	Benton	Gravette, city of	May 17, 1976, emergency	May 2, 1975	660827
Missouri	Hickory	Wesbican, city of	do	Jan. 31, 1976	298034
New York	Jefferson	Worth, town of	do	Jan. 17, 1975	361409
Texas	Bell	Rogers, city of	do	Jan. 2, 1976	
New Hampshire	Strafford	Farminston, town of	May 14, 1976, emergency	Feb. 21, 1975	330147
New York	Franklin	Altamont, town of	May 18, 1976, emergency	do	1861584
Do	Chautauque	Arkwright, town of	do	do	361105
Pennsylvania	Blair	Bellwood, borough of	do	Oct. 16, 1974	1422645
Do	Jefferson	Big Run, borough of	do	July 19, 1974	424568
Do	do	Clover, township of	do	Jan. 3, 1975	422442
Do	Delaware	Media, borough of	do	Feb. 21, 1975	420421
Florida	Gulf	Wewahatcha, city of	May 19, 1976, emergency	Aug. 9, 1974	129400A
Kentucky	Eschell	Reverna, city of	do	Jan. 9, 1976	210319
Maine	Penobscot	Etna, town of	do	Jan. 17, 1975	236385
New Hampshire	Rockingham	Greenland, town of	do	Feb. 21, 1975	330210
Ohio	Noble	Unincorporated areas	do	Jan. 10, 1975	390428
Pennsylvania	Cambria	Getstown, borough of	do	do	428229
Do	Chester	West Cain, township of	do	Sept. 6, 1974	421497
Iowa	Woodbury	Anthorn, town of	May 20, 1976, emergency	Jan. 23, 1974	190286A
Kansas	Nemaha	Sabetha, city of	do	Mar. 18, 1976	
Michigan	Kalamazoo	Portage, city of	do	Sept. 19, 1975	200522
Missouri	Greene	Ash Grove, city of	do	Apr. 25, 1975	290751
New York	Orleans	Gaines, town of	do	Apr. 11, 1975	361256A
Oklahoma	Grant	Medford, city of	do	do	400403
Missouri	Mercer	Princeton, city of	May 11, 1976, suspension withdrawn	June 7, 1976	290225A
Illinois	Lee	Compton, village of	May 21, 1976, emergency	June 27, 1975	170416
Maine	Oxford	Hartford, town of	do	Apr. 11, 1975	236334
New York	Herkimer	Columbia, town of	do	Mar. 23, 1974	200790
Do	Allegany	Richburg, village of	do	Aug. 8, 1974	360032A
Ohio	Logan	Unincorporated areas	do	Jan. 23, 1976	390772
Do	Cuyahoga	Newburgh Heights, village of	do	Mar. 15, 1974	398119
Oklahoma	Muskogee	Forum, town of	do	June 28, 1974	400127A
				Nov. 28, 1975	

<sup>1</sup> New community number.



(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended 39 FR 2787, Jan. 24, 1974.)

Issued: May 13, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc. 76-15092 Filed 5-24-76; 8:45 am]

[Docket No. FI-1138]

**PART 1915—IDENTIFICATION AND  
MAPPING OF SPECIAL HAZARD AREAS**  
List of Communities With Special Hazard  
Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insur-

ance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

**§ 1915.3 List of communities with special hazard areas (FHBMs in effect).**

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Fayette	Unincorporated areas	H 010219A 01 through H 010219A 41	Chairman, County Commissioners, P.O. Box 509, Fayette, Ala. 35555.	Jan. 10, 1975.
Do.	Walker	Jasper, city of	H 010206A 01 through H 010206A 11	City Manager, Box 1589, Jasper, Ala. 36501.	May 21, 1976.
Do.	Marengo	Linden, city of	H 010158A 01 through H 010158A 04	Mayor, 211 North Main St., Linden, Ala. 36748.	June 28, 1974.
Do.	Dallas	Selma, city of	H 010065A 01 through H 010065A 08	Mayor, P.O. Box L, Selma, Ala. 36704.	May 21, 1976.
Do.	Jefferson	Tarrant City, city of	H 010131A 01 through H 010131A 02	Mayor, 1004 Ford Ave., Tarrant City, Ala. 36217.	June 28, 1974.
Do.	Macon	Tuskegee, city of	H 010150A 01 through H 010150A 05	Mayor, 214 North Main St., Tuskegee, Ala. 36083.	Aug. 16, 1974.
Do.	Lamar	Vernon, town of	H 010139A 01 through H 010139A 05	Mayor, P.O. Box 357, Vernon, Ala. 35992.	May 3, 1974.
Alaska		Golovin, city of	H 020047 01	Mayor, City Hall, Golovin, Alaska 99762.	July 16, 1976.
Do.		Wales, city of	H 020005 01	Mayor, City Hall, Wales, Alaska 99783.	Do.
Arizona	Pinal	Kearny, town of	H 040085A 01	Mayor, Town Hall, 375 Alden Rd., Kearny, Ariz. 85237.	Nov. 30, 1973.
Do.	Maricopa	Paradise Valley, town of	H 040049A 01 through H 040049A 03	Mayor, Town Hall, Paradise Valley, Ariz. 85253.	Dec. 7, 1973.
Do.	do	Youngtown, town of	H 040057B 01	Mayor, 12028 Clubhouse Sq., P.O. Box 134, Youngtown, Ariz. 85363.	Dec. 28, 1973.
Arkansas	Phillips	West Helena, city of	H 050171A 01	Mayor, City Hall, West Helena, Ark. 72390.	Apr. 5, 1974.
California	Los Angeles	Redondo Beach, city of	H 060150A 01 through H 060150A 03	Associate Civil Engineer, 415 Diamond St., Redondo Beach, Calif. 90277.	June 28, 1974.
Do.	Solano	Vacaville, city of	H 060373A 01 through H 060373A 06	Director of Public Works, P.O. Box 300, Vacaville, Calif. 94988.	May 17, 1974.
Do.	Los Angeles	Walnut, city of	H 060609 01 through H 060609 04	Minutes Secretary, 20550 East Carrey Rd., Walnut, Calif. 91789.	May 21, 1976.
Colorado	Elbert	Hayden, town of	H 080157A 01	Mayor, P.O. Box 190, Hayden, Colo. 81639.	June 28, 1974.
Connecticut	Litchfield	Kent, town of	H 090186A 01 through H 090186A 15	First Selectman, R.F.D. No. 1, Box M5, Kent, Conn. 06757.	Jan. 3, 1975.
Do.	Tolland	Union, town of	H 090190A 01 through H 090190A 09	First Selectman, Town of Union, 806 Buckley Highway, R.F.D. No. 2, Stafford Springs, Conn. 06076.	May 21, 1976.
Delaware	Kent	Kenton, town of	H 100013A 01	Mayor, P.O. Box 1, Kenton, Del. 19005.	Sept. 13, 1974.
Florida	Madison	Madison, city of	H 120152A 01	Mayor, 109 Southwest Retuladge, Madison, Fla. 32340.	Jan. 24, 1974.
Do.	Orange	Ocoee, city of	H 120185A 01	Mayor, 102 West McKey, Ocoee, Fla. 32761.	Aug. 2, 1974.

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The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin June 24, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin June 24, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Palm Beach	Royal Palm Beach, village of	H 120225A 01 through H 120225A 03	Mayor, Village of Royal Palm Beach, 684 Camellia Dr., West Palm Beach Fla. 33411.	June 28, 1974.
Do.	Jackson	Sneads, town of	H 120130A 01 through H 120130A 02	Mayor, P.O. Box 156, Sneads, Fla. 32460.	Aug. 2, 1974.
Georgia	Gwinnett	Duluth, city of	H 130058A 01 through H 130058A 04	Mayor, P.O. 624, Duluth, Ga. 30136.	May 21, 1976.
Do.	Clayton	Forest Park, city of	H 130042A 01 through H 130042A 06	Mayor, P.O. Box 60, Forest Park, Ga. 30050.	May 31, 1974.
Do.	Mitchell	Unincorporated areas	H 130438 01 through H 130438 36	Chairman, Mitchell County Commissioners Office, P.O. Box 187, Camille, Ga. 31730.	July 16, 1976.
Do.	Terrell	do	H 130400 01 through H 130400 25	Chairman, Terrell County Commissioners Office, P.O. Box 525, Dawson, Ga. 31742.	Do.
Idaho	Kootenai	Post Falls, city of	H 160063A 01 through H 160063A 03	Mayor, City Hall, 4th and Spokane, Post Falls, Idaho 83854.	Jan. 9, 1974.
Illinois	DuPage	Bloomington, village of	H 170201A 01 through H 170201A 02	Village President, 108 West Lake St., Bloomington, Ill. 61008.	Mar. 1, 1974.
Do.	Jefferson	Bonnie, village of	H 170206A 01 through H 170206A 02	Village President, Box 119, Bonnie, Ill. 62816.	Feb. 15, 1974.
Do.	Grundy	Eileen, village of	H 170260A 01	Village President, Eileen, Ill. 60416.	Mar. 8, 1974.
Do.	Madison	Glen Carbon, village of	H 170442A 01 through H 170442A 02	Village President, Box 317, Glen Carbon, Ill. 62034.	Aug. 16, 1974.
Do.	Hancock	Hamilton, city of	H 170271A 01 through H 170271A 03	Acting Mayor, 1010 Broadway, Hamilton, Ill. 62341.	Mar. 29, 1974.
Do.	Madison	Highland, city of	H 170445A 01 through H 170445A 02	Mayor, 1106 Main St., Highland, Ill. 62259.	Mar. 8, 1974.
Do.	Montrie	Lovington, village of	H 170523A 01	Mayor, Village Hall, Lovington, Ill. 61937.	June 7, 1974.
Do.	Carroll	Mount Carroll, city of	H 170620A 01	Mayor, 302 North Main St., Mount Carroll, Ill. 61053.	Mar. 22, 1974.
Do.	Clinton	New Baden, village of	H 170605A 01	Village President, P.O. Box 421, New Baden, Ill. 62246.	May 24, 1974.
Do.	Washington	Okawville, city of	H 170679A 01	Village President, Village Hall, Okawville, Ill. 62271.	Mar. 1, 1974.
Do.	Pulaski	Pulaski, village of	H 170677A 01	Mayor, Village Hall, Pulaski, Ill. 62976.	May 17, 1974.
Do.	Gallatin	Ridgway, village of	H 170249A 01	Village President, Village Hall, Ridgway, Ill. 62979.	Feb. 22, 1974.
Do.	Rock Island	Silvis, city of	H 170565A 01 through H 170565A 02	Mayor, 1040 1st Ave., Silvis, Ill. 61282.	May 31, 1974.
Do.	Macoupin	Staunton, city of	H 170434A 01	Mayor, 304 West Main, Staunton, Ill. 62088.	May 17, 1974.
Do.	Cook and Will.	Steger, village of	H 170718A 01	Village President, 3320 Emerald Ave., Steger, Ill. 60475.	May 3, 1974.
Do.	Christian	Stonington, village of	H 170037A 01	Village President, Village Hall, Stonington, Ill. 62367.	June 7, 1974.
Do.	Marshall	Toluca, city of	H 170460A 01	Mayor, City Hall, Toluca, Ill. 61369.	Apr. 6, 1974.
Do.	McLean	Towanda, village of	H 170504A 01	Village President, Village Hall, Towanda, Ill. 61776.	May 21, 1976.
Do.	Johnson	Vienna, city of	H 170319A 01	Village President, P.O. Box 516, Vienna, Ill. 62295.	Mar. 28, 1974.
Indiana	Delaware	Albany, town of	H 180314A 01	President, Town Board, 287 West State St., Albany, Ind. 47320.	Nov. 23, 1973.
Do.	Greene	Bloomfield, town of	H 180316A 01	President, Town Board, Box 411, Bloomfield, Ind. 47424.	May 21, 1976.
Do.	Vermillion	Cayuga, town of	H 180258A 01 through H 180258A 02	President, Town Board, P.O. Box 33, Cayuga, Ind. 47928.	Nov. 23, 1973.
Do.	Vanderburgh	Evansville, city of	H 180257A 01 through H 180257A 16	Mayor, 302 Civic Center, Evansville, Ind. 47708.	June 14, 1974.
Do.	Putnam	Greencastle, city of	H 180216A 01 through H 180216A 02	Mayor, City Hall, Greencastle, Ind. 46135.	May 17, 1974.
Do.	St. Joseph	Indian Village, town of	H 180225A 01	President, Town Board, Town of Indian Village, 53663 Palmer St., South Bend, Ind. 46600.	Oct. 1, 1974.
Do.	Noble	Ligonier, city of	H 180186 01 through H 180186 02	Mayor, City Hall, Ligonier, Ind. 46767.	July 16, 1976.
Do.	Greene	Newberry, town of	H 180337A 01	President, Town Board, Town Hall, Newberry, Ind. 47449.	Feb. 1, 1974.
Do.	Lake	New Chicago, town of	H 180140A 01	Chairman of the Board, Town of New Chicago, 116 Madison St., Hobart, Ind. 46342.	May 31, 1974.
Do.	Allen	New Haven, city of	H 180004A 01 through H 180004A 02	Mayor, 1235 Lincoln Highway East, New Haven, Ind. 46774.	Dec. 17, 1973.
Do.	Vermillion	Newport, town of	H 180262A 01	President, Town Board, Box 65, Newport, Ind. 47966.	May 31, 1974.
Do.	Johnson	New Whiteland, town of	H 180116A 01	Town Board, 401 Mooreland Dr., New Whiteland, Ind. 46184.	Jan. 16, 1974.
Do.	Randolph	Union City, city of	H 180219A 01	Mayor, 115 North Columbia St., Union City, Ind. 47390.	May 24, 1974.
Iowa	Franklin and Hardin	Ackley, city of	H 190886 01 through H 190886 02	Mayor, City Hall, Ackley, Iowa 50601.	July 16, 1976.
Do.	Bentler	Allison, city of	H 190644 01	Mayor, City Hall, Allison, Iowa 50602.	Do.
Do.	Audubon	Audubon, city of	H 190011A 01 through H 190011A 02	Mayor, City Hall, Audubon, Iowa 50025.	May 3, 1974.
Do.	Winnebago	Fort Atkinson, town of	H 190284A 01	Town Clerk, Town Hall, Fort Atkinson, Iowa 52144.	Jan. 17, 1975.

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Dickinson	Milford, city of	II 19038 01	Mayor, 1021 10th St., Milford, Iowa 51351	July 16, 1976.
Do.	Appanoose	Moulton, city of	II 19062 01	Mayor, 111 South Main St., City Hall, Moulton, Iowa 52572	Do.
Do.	Plymouth	Oyens, town of	II 19047 01	Mayor, City Hall, Oyens, Iowa 51045	Do.
Do.	Cerro Gordo	Plymouth, city of	II 19061 A 01	Mayor, City Hall, Plymouth, Iowa 50464	Nov. 8, 1974.
Do.	Clay	Spencer, city of	II 19071 01	Mayor, City Hall, Spencer, Iowa 51391	May 21, 1976.
Do.	Buchanan	Winthrop, city of	II 19071 04	Mayor, City Hall, Winthrop, Iowa 50582	July 16, 1976.
Kansas	Thomas	Brewster, city of	II 19030 02	Mayor, P.O. Box 271, Brewster, Kans. 67732	Do.
Do.	Clark	Englewood, city of	II 19050 01	Mayor, P.O. Box 173, Englewood, Kans. 67340	Do.
Do.	Sedgewick	Goddard, city of	II 19050 01	Mayor, 122 North Main St., Goddard, Kans. 67052	Do.
Do.	Stafford	St. Johns, city of	II 19055 01	Mayor, P.O. Box 214, St. Johns, Kans. 67576	Do.
Do.	Ellis	Victoria, city of	II 19055 01	Mayor c/o City Clerk, Victoria, Kans. 67871	Do.
Kentucky	Knox	Barbourville, city of	II 21032 B 01	Mayor, City Hall, Barbourville, Ky. 40909	Mar. 15, 1974.
Do.	Clinton	Bromley, city of	II 21033 A 01	Mayor, 228 Boone St., Bromley, Ky. 41012	Feb. 1, 1974.
Do.	Harlan	Harlan, city of	II 21012 A 01	Mayor, Box 753, Harlan, Ky. 40831	Mar. 16, 1973.
Louisiana	Morehouse	Collinston, village of	II 21012 A 02	Mayor, Village Hall, Collinston, La. 71229	July 16, 1976.
Do.	Vermilion	Maurice, village of	II 23227 01	Mayor, P.O. Box 36, Maurice, La. 70659	Do.
Do.	St. Tammany	Sidell, city of	II 23204 A 01	Mayor, City Hall, Sidell, La. 70458	Nov. 16, 1973.
Do.	Calcasieu	Vinton, town of	II 23204 A 06	Superintendent, Town Hall, 1200 Horridge St., Vinton, La. 70681	May 24, 1974.
Do.	Jefferson	Westwego, city of	II 23204 A 02	Mayor, City Hall, Westwego, La. 70094	May 21, 1976.
Do.	Jefferson	Westwego, city of	II 23204 A 01	Mayor, City Hall, Westwego, La. 70094	July 16, 1976.
Maine	Aroostook	Smyrna, town of	II 23004 A 03	Town Manager, Town of Smyrna, P.O. Box 51, Smyrna Mills, Maine 04789	Jan. 31, 1975.
Maryland	Queen Anne's	Centreville, town of	II 23031 A 12	Mayor, P.O. Box 100, Centreville, Md. 21617	May 21, 1976.
Do.	Washington	Hagerstown, city of	II 24056 A 01	Mayor, City Hall, Hagerstown, Md. 21740	July 26, 1974.
Do.	Washington	Hagerstown, city of	II 24056 A 03	Mayor, City Hall, Hagerstown, Md. 21740	May 10, 1974.
Do.	Calvert	North Beach, town of	II 24007 A 03	Mayor, P.O. Box 303, North Beach, Md. 20831	May 21, 1976.
Do.	Wicomico	Salisbury, city of	II 24007 A 01	Mayor, P.O. Box 791, Salisbury, Md. 21801	June 28, 1974.
Do.	Carroll	Union Bridge, town of	II 24007 A 03	Mayor, 101 South Main St., Union Bridge, Md. 21791	Oct. 18, 1974.
Michigan	Macosta	Big Rapids, city of	II 24007 A 01	City Manager, 228 North Michigan Ave., Big Rapids, Mich. 49307	May 21, 1976.
Do.	Macomb	Fraser, city of	II 24012 A 02	Mayor, 32000 Garfield Rd., Fraser, Mich. 48066	Nov. 16, 1973.
Do.	Macomb	Fraser, city of	II 24012 A 01	Mayor, 32000 Garfield Rd., Fraser, Mich. 48066	May 21, 1976.
Do.	Ottawa	Spring Lake, township of	II 24012 A 02	Township Supervisor, Township Hall, 106 South Buchanan St., Spring Lake, Mich. 49456	May 21, 1976.
Minnesota	Nobles	Adrian, city of	II 24012 A 04	Mayor, P.O. Box 157, Adrian, Minn. 56110	June 28, 1974.
Do.	Todd	Browerville, city of	II 24012 A 01	Mayor, City Hall, Browerville, Minn. 56438	May 21, 1976.
Do.	Mower	Brownsville, city of	II 27031 A 01	Mayor, City Hall, Brownsville, Minn. 55913	May 3, 1974.
Dakota	Ravenna	Ravenna, city of	II 27070 A 01	Chairman of the Board, City of Ravenna, 20249 Quentin Ave., Hastings, Minn. 55033	May 10, 1974.
Mississippi	Madison	Canton, city of	II 27070 A 09	Mayor, P.O. Box 53, Canton, Miss. 39046	Feb. 25, 1974.
Do.	Washington	Greenville, city of	II 28010 A 01	Mayor, P.O. Box 53, Canton, Miss. 39046	May 21, 1976.
Do.	Washington	Greenville, city of	II 28010 A 04	Mayor, P.O. Box 53, Canton, Miss. 39046	June 7, 1974.
Missouri	Buchanan	Agency, village of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	May 21, 1976.
Do.	Jackson	Blue Springs, city of	II 28010 A 05	Mayor, P.O. Box 897, Greenville, Miss. 38701	Nov. 16, 1973.
Do.	Jackson	Blue Springs, city of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	Aug. 30, 1974.
Do.	Jackson	Blue Springs, city of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	May 21, 1976.
Do.	Jackson	Blue Springs, city of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	June 28, 1974.
Do.	Jackson	Blue Springs, city of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	May 21, 1976.
Do.	Jackson	Blue Springs, city of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	July 16, 1976.
Do.	Chariton	Keytesville, city of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	Do.
Do.	Clay	Oakview, village of	II 28010 A 01	Mayor, P.O. Box 897, Greenville, Miss. 38701	Do.
Montana	Flathead	Kalispell, city of	II 30025 A 01	Mayor, P.O. Box 10766, Kansas, Mo. 64118	Do.
Do.	Flathead	Kalispell, city of	II 30025 A 01	Mayor, P.O. Box 10766, Kansas, Mo. 64118	Feb. 15, 1974.
Do.	Flathead	Kalispell, city of	II 30025 A 01	Mayor, P.O. Box 10766, Kansas, Mo. 64118	May 21, 1976.
Nebraska	Knox	Bloomfield, city of	II 31031 A 01	Mayor, City Hall, Bloomfield, Nehr. 68718	July 16, 1976.
New Hampshire	Merrimack	Salisbury, town of	II 33012 A 01	Chairman, Board of Selectmen, Town Hall, Salisbury, N.H. 03266	Feb. 21, 1976.
New Jersey	Warren	Independence, township of	II 33012 A 12	Mayor, Township of Independence, Municipal Bldg., Great Meadows, N.J. 07838	May 21, 1976.
Do.	Sussex	Lafayette, township of	II 31031 A 06	Mayor, 201 Box 911, Municipal Bldg., Route 15, Lafayette, N.J. 07848	July 20, 1974.
Do.	Sussex	Lafayette, township of	II 31031 A 01	Mayor, 201 Box 911, Municipal Bldg., Route 15, Lafayette, N.J. 07848	Dec. 20, 1974.
Do.	Sussex	Lafayette, township of	II 31031 A 07	Mayor, 201 Box 911, Municipal Bldg., Route 15, Lafayette, N.J. 07848	May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Union	Linden, city of	II 34046 01	Mayor, City Hall, Linden City, N.J. 07036	July 16, 1976.
Do.	Burlington	Palmyra, borough of	II 34046 04	Mayor, 20 West Borad St., Palmyra, N.J. 08065	Mar. 15, 1974.
Do.	Gloucester	Woodbury, city of	II 34011 A 01	Mayor, 83 Delaware St., P.O. Box 491	July 16, 1976.
New Mexico	Sandoval	Bernalillo, town of	II 34021 B 01	Mayor, 901 Camino Del Pueblo, Bernalillo, N. Mex. 87004	June 7, 1974.
Do.	Harding	Roy, village of	II 35010 01	Mayor, Village Hall, Box 36, Roy, N. Mex. 87743	May 21, 1976.
New York	Albany	Altamont, village of	II 36000 A 01	Mayor, Village Hall, Altamont, N.Y. 12009	July 16, 1976.
Do.	Franklin	Altamont, town of	II 36112 01	Town Supervisor, Town of Altamont, 41 Lake St., Tupper Lake, N.Y. 12986	Apr. 12, 1974.
Do.	Dutchess	Amenia, town of	II 36112 01	Town Supervisor, Town Hall, N.Y. 12501	July 16, 1976.
Do.	Chemung	Baldwin, town of	II 36132 A 05	Town Supervisor, Town of Baldwin, Rural Delivery 1, Erin, N.Y. 14838	Oct. 18, 1974.
Do.	Suffolk	Bellport, village of	II 36105 A 01	Mayor, P.O. Box 3, Bellport, N.Y. 11713	May 21, 1976.
Do.	Albany	Berne, town of	II 36000 A 01	Town Supervisor, Town of Berne, Town Hall, East Berne, N.Y. 12059	Nov. 1, 1974.
Do.	Columbia	Canaan, town of	II 36132 A 05	Supervisor, Town of Canaan, Town Hall, East Chatham, N.Y. 12030	May 21, 1976.
Do.	do.	Chatham, village of	II 36132 A 10	Mayor, 77 Main St., Chatham, N.Y. 12037	Nov. 1, 1974.
Do.	Otsego	Gilbertsville, village of	II 36152 A 03	Mayor, Village Hall, Gilbertsville, N.Y. 13776	Dec. 6, 1974.
Do.	Chenango	Greene, village of	II 36155 01	Mayor, P.O. Box 207, Greene, N.Y. 13778	July 16, 1976.
Do.	Madison	Hamilton, town of	II 36040 A 01	Supervisor, 4 Eaton St., Hamilton, N.Y. 13346	Feb. 20, 1976.
Do.	Niagara	Hartland, town of	II 36050 A 01	Town Supervisor, Town of Hartland, 8942 Ridge Rd., Gasport, N.Y. 14067	May 21, 1976.
Do.	Oswego	Hastings, town of	II 36050 A 18	Supervisor, Rural Delivery No. 1, Hastings, N.Y. 13076	Apr. 12, 1974.
Do.	Chemung	Horsesheds, village of	II 36053 A 06	Mayor, 202 South Main St., Horsesheds, N.Y. 14845	Nov. 1, 1974.
Do.	Cattaraugus	Ischua, town of	II 36015 A 02	Supervisor, Ischua, N.Y. 14746	May 21, 1976.
Do.	Essex and Clinton	Keesville, village of	II 36070 A 08	Mayor, Main St., Keesville, N.Y. 12944	May 31, 1974.
Do.	Orleans	Kendall, town of	II 36043 A 01	Supervisor, 1412 Centre Rd., Kendall, N.Y. 14476	May 21, 1976.
Do.	Erie	Lancaster, town of	II 36043 A 02	Town Supervisor, 21 Central, Lancaster, N.Y. 14086	Apr. 12, 1974.
Do.	Otsego	Laurens, village of	II 36024 A 05	Mayor, Box 296, Laurens, N.Y. 13796	May 24, 1974.
Do.	Albany	Menands, village of	II 36131 A 01	Mayor, 250 Broadway, Menands, N.Y. 12204	May 21, 1976.
Do.	Nassau	Rockville Centre, village of	II 36012 A 02	Mayor, Box 950, Rockville Centre, N.Y. 11571	Feb. 1, 1974.
Do.	Onondaga	Rome, city of	II 36048 A 06	Mayor, 207 North James St., City Hall, Rome, N.Y. 13340	June 28, 1974.
Do.	Wayne	Rose, town of	II 36042 A 01	Supervisor, Town of Rose, North Main St., North Rose, N.Y. 14516	May 21, 1976.
Do.	Oneida	Sangerfield, town of	II 36087 A 02	Supervisor, Town of Sangerfield, Rural Delivery No. 1, Waterville, N.Y. 13480	June 28, 1974.
Do.	Ulster	Saugerties, town of	II 36043 A 01	Supervisor, Town Hall, Main St., Saugerties, N.Y. 12477	May 21, 1976.
Do.	Cayuga	Sempronius, town of	II 36043 A 04	Supervisor, Town of Sempronius, Rural Delivery No. 3, Moravia, N.Y. 13118	May 31, 1974.
Do.	Onondaga	Whitesboro, village of	II 36012 A 02	Mayor, Town Hall, 8 Parle Ave., Whitesboro, N.Y. 13492	May 21, 1976.
North Carolina	Catawba	Brookford, town of	II 37005 A 01	Mayor, Town of Brookford, 194 20th Ave. SW., Hickory, N.C. 28601	Feb. 22, 1974.
Do.	do.	Catawba, town of	II 37005 A 01	Mayor, P.O. Box 432, Catawba, N.C. 28609	May 21, 1976.
Do.	McDowell	Old Fort, town of	II 37019 01	Mayor, P.O. Box 520, Catawba Ave., Old Fort, N.C. 27662	June 28, 1974.
Do.	Edgecombe	Rocky Mount, city of	II 37009 A 01	Mayor, P.O. Box 1180, 131-8 Northeast Main St., Rocky Mount, N.C. 27801	July 16, 1976.
Do.	Stokes	Walnut Cove, town of	II 37009 A 00	Mayor, P.O. Box 127, Walnut Cove, N.C. 27052	Mar. 1, 1974.
North Dakota	Hettinger	New England, city of	II 38024 01	Mayor, City Hall, P.O. Box 180, New England, N. Dak. 58047	May 21, 1976.
Do.	Pierce	Rugby, city of	II 38008 B 01	City Attorney, 220 Southeast 2d, P.O. Box 302, Rugby, N. Dak. 58368	Feb. 8, 1974.
Do.	Pierce	Rugby, city of	II 38008 B 12	City Attorney, 220 Southeast 2d, P.O. Box 302, Rugby, N. Dak. 58368	May 21, 1976.



State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Ohio	Hamilton	Addyston, village of	H 300205A 01 through H 300205A 04 H 300147A 01	Mayor, Main St., Addyston, Ohio 45001	Mar. 1, 1974. May 21, 1976.
Do	Delaware	Ashley, village of	H 300111A 01 through H 30003A 01	Mayor, 21 South Main St., Ashley, Ohio 43003	Jan. 23, 1974. May 21, 1976.
Do	Ashtabula	Ashtabula, city of	H 300111A 01 through H 30003A 01	City Manager, 4100 Main Ave., Ashtabula, Ohio 44001	Dec. 28, 1973.
Do	Cuyahoga	Bay Village, city of	H 30025A 03 through H 30025A 01	Mayor, 350 Dover Center, Bay Village, Ohio 44140	Apr. 12, 1974. May 21, 1976.
Do	Belmont	Bellaire, city of	H 30025A 03 through H 30025A 01	Mayor, 32d and Belmont, Bellaire, Ohio 43006	Feb. 8, 1974.
Do	Logan	Bellefontaine, city of	H 300340A 01 through H 300340A 03	Mayor, 135 North Detroit St., Bellefontaine, Ohio 43311	June 7, 1974. May 21, 1976.
Do	Belmont	Bridgeport, village of	H 30025A 01	Mayor, Municipal Bldg., Bridgeport, Ohio 43012	Feb. 8, 1974. May 21, 1976.
Do	Crawford	Bucyrus, city of	H 30004A 01 through H 30004A 02	Mayor, 500 South Sandusky Ave., Bucyrus, Ohio 44820	Nov. 16, 1973. May 21, 1976.
Do	Champaign	Byesville, village of	H 30019A 01	Mayor, 236 Main Ave., Byesville, Ohio 43723	Mar. 29, 1974.
Do	Franklin and Fairfield	Canal Winchester, village of	H 300169B 01 through H 300169B 02	Mayor, 10 North High St., Canal Winchester, Ohio 43110	Feb. 1, 1974.
Do	Morrow	Cardington, village of	H 30052A 01	Mayor, Village Hall, Park Ave., Cardington, Ohio 43315	Mar. 29, 1974. May 21, 1976.
Do	Carroll	Carrollton, village of	H 30048A 01 through H 30048A 02	Mayor, 80 2d St. SW., Carrollton, Ohio 44615	Jan. 16, 1974. May 21, 1976.
Do	Elie	Castalia, village of	H 30048A 02	Mayor, 106 South Ave., Castalia, Ohio 41824	Mar. 29, 1974. May 21, 1976.
Do	Greoga	Chardon, village of	H 30019A 01 through H 30019A 03	Mayor, Village Hall, Chardon, Ohio 44024	Jan. 9, 1974.
Do	Mauroe	Charington, village of	H 30040A 01 through H 30040A 02	Mayor, Box 215, Charington, Ohio 43015	Sept. 6, 1974. May 21, 1976.
Do	Summit	Clinton, village of	H 300105A 02	Mayor, 7805 2d Ave., Clinton, Ohio 41216	Feb. 8, 1974. May 21, 1976.
Do	Lawrence	Coal Grove, village of	H 30033A 01 through H 30033A 06	Mayor, 400 Marion Pike, Coal Grove, Ohio 45638	June 14, 1974. May 21, 1976.
Do	Jackson	Coalton, village of	H 300291A 01	Mayor, Village Hall, Coalton, Ohio 45621	Feb. 1, 1974. May 21, 1976.
Do	Columbiana	Columbiana, village of	H 300077A 01 through H 300077A 02	Mayor, 28 West Friend St., Columbiana, Ohio 44408	May 3, 1974. May 21, 1976.
Do	Putnam	Columbus Grove, village of	H 300165A 01	Mayor, 113 East Sycamore St., Columbus Grove, Ohio 45830	Feb. 8, 1974.
Do	Van Wert	Convey, village of	H 300350A 01 through H 300350A 02	Mayor, Box 311, Convey, Ohio 45822	May 31, 1974.
Do	Warren	Corwin, village of	H 300355 01 through H 300355 02	Mayor, Village of Corwin, 811 Corwin Ave., Waynesville, Ohio 45068	July 16, 1976.
Do	Coshocton	Coshocton, city of	H 300080A 01 through H 300080A 08	Mayor, City Office Bldg., 225 West Main St., Coshocton, Ohio 43812	Jan. 23, 1974. May 21, 1976.
Do	Wood	Cygnut, village of	H 300584A 01	Mayor, Village Hall, Cygnut, Ohio 43413	May 10, 1974.
Do	Carroll	Dellroy, village of	H 30049A 01	Mayor, Village Hall, Dellroy, Ohio 44820	Aug. 9, 1974.
Do	Fulton	Delta, village of	H 300183A 01	Mayor, Village Hall, 401 Main St., Delta, Ohio 43515	May 31, 1974.
Do	Noble	Dexter City, village of	H 300431A 01	Mayor, Box 103, Dexter City, Ohio 45727	Aug. 23, 1974. May 21, 1976.
Do	Clark	Donnelsville, village of	H 300061A 01	Mayor, 15 South Hampton St., Donnelsville, Ohio 45319	Feb. 1, 1974.
Do	Putnam	DuPont, village of	H 300467A 01	Mayor, Box 55, DuPont, Ohio 45337	Aug. 9, 1974.
Do	Columbiana	East Palestine, city of	H 300079A 01	Mayor, 75 East Main St., East Palestine, Ohio 44413	Jan. 16, 1974. May 21, 1976.
Do	Do	East Rochester, village of	H 300080A 01	Mayor, 317 Main St., East Rochester, Ohio 44445	Sept. 13, 1974.
Do	Stark	East Sparta, village of	H 300653A 01	Mayor, 1841 Pine St. SE., East Sparta, Ohio 44626	Apr. 5, 1974.
Do	Cuyahoga	Fairview Park, city of	H 300108A 01 through H 300108A 03	Mayor, 2077 Lorain Rd., Fairview Park, Ohio 44126	Jan. 16, 1974.
Do	Hancock	Findlay, city of	H 300244A 01 through H 300244A 08	Mayor, Municipal Bldg., Findlay, Ohio 45810	Jan. 23, 1974. May 21, 1976.
Do	Henry	Florida, village of	H 30023A 01	Mayor, Village of Florida, Route 2, Napoleon, Ohio 43545	Aug. 9, 1974.
Do	Mercer	Fort Recovery, village of	H 300383A 01	Mayor, 207 East Boundary, Fort Recovery, Ohio 45641	June 7, 1974.
Do	Wayne	Fredericksburg, village of	H 300576A 01	Mayor, Box 278, Fredericksburg, Ohio 44627	Jan. 16, 1974.
Do	Putnam	Gilboa, village of	H 300469A 01	Mayor, Village Hall, Gilboa, Ohio 45847	Aug. 9, 1974.
Do	Trumbull	Girard, city of	H 300536A 01 through H 300536A 02	Mayor, 100 West Main Girard, Ohio 44420	Jan. 23, 1974.
Do	Do	Glenford, village of	H 300442A 01	Mayor, Box 22, Glenford, Ohio 43739	Aug. 23, 1974.
Do	Athens	Glouster, village of	H 300018A 01	Mayor, 16 1/2 Front St., Glouster, Ohio 45732	May 17, 1974. May 21, 1976.
Do	Marion	Green Camp, village of	H 300374A 01	Mayor, Box 57, Green Camp, Ohio 43322	Nov. 16, 1973.
Do	Hamilton	Greenhills, city of	H 300210A 01	Mayor, City Hall, Greenhills, Ohio 45213	Jan. 25, 1974.
Do	Columbiana	Hanoverton, village of	H 300062A 01	Mayor, Box 9, Hanoverton, Ohio 44423	Aug. 9, 1974.
Do	Hamilton	Harrison, village of	H 300230A 01 through H 300230A 02	Mayor, 200 Harrison Ave., Harrison, Ohio 45030	Feb. 15, 1974.
Do	Licking	Hebron, village of	H 300333A 01	Mayor, 116 West Main St., Hebron, Ohio 43025	May 3, 1974. May 21, 1976.
Do	Delance	Hicksville, village of	H 300145A 01	Mayor, 111-3 South Main St., Hicksville, Ohio 43526	May 17, 1974.
Do	Franklin	Hilliard, city of	H 300175A 01 through H 300175A 04	Mayor, 8900 Waterworks Dr., Hilliard, Ohio 43036	June 7, 1974. May 21, 1976.
Do	Highland	Hillsboro, city of	H 300259A 01 through H 300259A 04	Mayor, 108 Governor Trindle, Hillsboro, Ohio 45133	May 17, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Henry	Holgate, village of	H 300286A 01	Mayor, Village Hall, Holgate, Ohio	May 3, 1974.
Do	Lucas	Holland, village of	H 300840A 01	Mayor, 1245 Clarion, Holland, Ohio 43628	Apr. 12, 1974. May 21, 1976.
Do	Trumbull	Hubbard, city of	H 300587A 01 through H 300587A 02	Mayor, 33 West Liberty, Hubbard, Ohio 44425	Apr. 12, 1974. May 21, 1976.
Do	Jackson	Jackson, city of	H 300292A 01	Mayor, Municipal Bldg., Jackson, Ohio 45640	May 17, 1974.
Do	Fayette	Jeffersonville, village of	H 300165A 01 through H 300165A 02	Mayor, P.O. Box 7, Jeffersonville, Ohio 54138	May 17, 1974. May 21, 1976.
Do	Hancock	Jenara, village of	H 300165A 01	Mayor, P.O. Box 74, Jenara, Ohio 15841	Aug. 9, 1974.
Do	Ashland	Jeromesville, village of	H 300008A 01	Mayor, Village Hall, Jeromesville, Ohio 44840	May 3, 1974. May 21, 1976.
Do	Harrison	Jewett, village of	H 300259A 01 through H 300259A 04	Mayor, Box 60, Jewett, Ohio 43066	May 24, 1974.
Do	Holmes	Killbuck, village of	H 300279A 01	Mayor, Box 162, Killbuck, Ohio 44637	May 3, 1974.
Do	Logan	Lakeview, village of	H 300341A 01	Mayor, Village Hall, Lakeview, Ohio 43331	Do.
Do	Hocking	Laurelville, village of	H 300273 01	Mayor, Village Hall, Laurelville, Ohio 43135	July 16, 1976.
Do	Highland	Leesburg, village of	H 300270A 01	Mayor, 57 South Fairfield, Leesburg, Ohio 45139	Apr. 5, 1974.
Do	Carroll	Leesville, village of	H 300050A 01	Acting Mayor, Town Hall, Leesville, Ohio 44838	Sept. 29, 1974.
Do	Columbiana	Leetonia, village of	H 300084A 01	Mayor, Main St., City Hall, Leetonia, Ohio 44431	May 3, 1974.
Do	Henry	Liberty Center, village of	H 300619A 01	Mayor, P.O. Box 92, Liberty Center, Ohio 43532	Oct. 18, 1974.
Do	Allen	Lima, city of	H 300008A 01 through H 300008A 04	Mayor, 219 East Market, Lima, Ohio 45801	Jan. 16, 1974.
Do	Sandusky	Lindsey, village of	H 300494A 01 through H 300494A 02	Mayor, Village Hall, Lindsey, Ohio 43442	Mar. 15, 1974. May 21, 1976.
Do	Columbiana	Lisbon, village of	H 300085A 01	Mayor, Village Hall, Nelson Ave., Lisbon, Ohio 44482	Apr. 12, 1974.
Do	Stark	Louisville, city of	H 300516A 01 through H 300516A 03	City Manager, 215 South Mill St., Louisville, Ohio 44641	Mar. 17, 1974. May 21, 1976.
Do	Mahoning	Lowellville, village of	H 300320A 01	Mayor, City Bldg., Liberty St., Lowellville, Ohio 44436	Apr. 5, 1974. May 21, 1976.
Do	Washington	Lower Salem, village of	H 300570A 01	Mayor, Village Hall, Lower Salem, Ohio 45745	Aug. 30, 1974.
Do	Highland	Lynchburg, village of	H 300271A 01 through H 300271A 02	Mayor, 180 Lin-Kar Dr., Lynchburg, Ohio 45142	Mar. 29, 1974.
Do	Washington	Macksburg, village of	H 300571A 01	Mayor, Village Hall, Macksburg, Ohio 45746	Aug. 23, 1974.
Do	Morgan	Malta, village of	H 300421A 01	Mayor, P.O. Box 309, Malta, Ohio 43758	Apr. 5, 1974.
Do	Carroll	Malvern, village of	H 300052A 01	Mayor, City Hall, Public Sq., Malvern, Ohio 44644	Jan. 23, 1974.
Do	Adams	Manchester, village of	H 300002A 01 through H 300002A 02	Mayor, 808 East 8th St., Manchester, Ohio 45144	Apr. 5, 1974.
Do	Meigs	Middleport, village of	H 300088A 01	Mayor, 237 Race St., Middleport, Ohio 45760	May 31, 1974. May 21, 1976.
Do	Erie	Milan, village of	H 300153A 01 through H 300153A 02	Mayor, Town Hall, Park St., Milan, Ohio 44846	Apr. 12, 1974. May 21, 1976.
Do	Union	Millford Center, village of	H 300662A 01	Mayor, P.O. Box 153, Millford Center, Ohio 43045	Mar. 29, 1974.
Do	Holmes	Millersburg, village of	H 300280A 01	Mayor, 104 West Jackson St., Millersburg, Ohio 44664	Feb. 1, 1974. May 21, 1976.
Do	Williams	Montpelier, village of	H 300581A 01	Mayor, 211 North Jonesville, Montpelier, Ohio 43543	May 31, 1974.
Do	Monroe	Mount Blanchard, village of	H 300248A 01	Mayor, Village Hall, Mount Blanchard, Ohio 45667	Aug. 9, 1974.
Do	Morrow	Mount Gilead, village of	H 300424A 01 through H 300424A 02	Mayor, 72 West High St., Mount Gilead, Ohio 43338	Apr. 5, 1974. May 21, 1976.
Do	Hamilton	Mount Healthy, city of	H 300229A 01	Mayor, City of Mount Healthy, 7700 Perry St., Doerger, Ohio 45231	June 7, 1974.
Do	Clermont	Neville, village of	H 300041A 01	Mayor, P.O. Box 183, Neville, Ohio 45156	Nov. 23, 1973.
Do	Scioto	New Boston, village of	H 300497A 01	Mayor, 4259 Oak St., New Boston, Ohio 45662	May 31, 1974.
Do	Cuyahoga	Newburgh Heights, village of	H 300119A 01	Mayor, 4071 East 49th St., Newburgh Heights, Ohio 44108	Mar. 15, 1974. May 21, 1976.
Do	Tuscarawas	Newcomerstown, village of	H 300544A 01 through H 300544A 02	Mayor, 124 West Church St., Newcomerstown, Ohio 43842	May 17, 1974.
Do	Butler	New Miami, village of	H 300043A 01	Mayor, 268 Whitaker Ave., New Miami, Ohio 45011	Feb. 8, 1974.
Do	Tuscarawas	New Philadelphia, city of	H 300544A 01 through H 300544A 05	Mayor, 166 East High Ave., New Philadelphia, Ohio 44663	Mar. 15, 1974. May 21, 1976.
Do	Columbiana	New Waterford, village of	H 300663A 01	Mayor, 3099 East Main St., New Waterford, Ohio 44445	Apr. 5, 1974. May 21, 1976.
Do	Stark	North Canton, city of	H 300521A 01 through H 300521A 05	Mayor, 145 North Main St., North Canton, Ohio 44720	May 17, 1974. May 21, 1976.
Do	Lorain	Oberlin, city of	H 300333A 01 through H 300333A 02	Mayor, City Hall, Oberlin, Ohio 44074	Jan. 9, 1974. May 21, 1976.
Do	Franklin	Obetz, village of	H 300176A 01 through H 300176A 02	Mayor, 50 Obetz Ave., Obetz, Ohio 43207	Feb. 15, 1974.
Do	Darke	Osgood, village of	H 300141A 01	Mayor, P.O. Box 126, Osgood, Ohio 45351	Aug. 30, 1974.
Do	Paulding	Paulding, village of	H 300438A 01	Mayor, 208 North Williams St., Paulding, Ohio 46679	May 10, 1974. May 21, 1976.
Do	Do	Payne, village of	H 300439A 01	Mayor, 412 West Oak St., Payne, Ohio 45880	May 3, 1974.
Do	Huron	Plymouth, village of	H 300287A 01 through H 300287A 02	Mayor, 25 Sandusky St., Plymouth, Ohio 44865	Do.
Do	Meigs	Racine, village of	H 300090A 01	Mayor, Village Hall, Racine, Ohio 45771	Apr. 5, 1974. May 21, 1976.
Do	Scioto	Rarden, village of	H 300499A 01	Mayor, Village Hall, Rarden, Ohio 45671	Aug. 23, 1974. May 21, 1976.
Do	Brown	Ripley, village of	H 300036A 01	Mayor, 12 North 2d St., Ripley, Ohio 45167	May 31, 1974.
Do	Meigs	Rutland, village of	H 300070A 01	Mayor, P.O. Box 297, Rutland, Ohio 45775	Nov. 8, 1974. May 21, 1976.



State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Butler	7 Mile, village of	H 390045A 01	Mayor, Village Hall, 7 Mile, Ohio 45062	June 14, 1974
Do.	Belmont	Shadyside, city of	H 390031A 01	Mayor, Route No. 1, Shadyside, Ohio 43947	Nov. 23, 1973
Do.	Champaign	St. Paris, village of	H 390050A 01	Mayor, 411 East Main St., St. Paris, Ohio 43072	June 7, 1974
Do.	Clinton	Wilmington, city of	H 390059A 03 H 390075A 01 H 390075A 03	Mayor, 66 West Locust St., Wilmington, Ohio 45177	May 17, 1974 May 21, 1976
Oklahoma	Grady	Chickasha, city of	H 400234A 01 H 400234A 08 H 400234A 01	Mayor, 6th and Chickasha Ave., City Hall, Chickasha, Okla. 73018	May 24, 1974 May 21, 1976
Do.	Tulsa	Jenks, city of	H 400209A 14 H 400209A 01	Mayor, 123 East Main St., City Hall, Jenks, Okla. 74037	Jan. 9, 1974 May 21, 1976
Do.	Wagoner	Moffett, town of	H 400196 01	President, Town Hall, Moffett, Okla. 74046	July 16, 1976
Do.	McClain	Newcastle, town of	H 400103A 01	President, Town Hall, South Carr St., Newcastle, Okla. 73065	June 7, 1974
Do.	Pottawatomie	Shawnee, city of	H 400178A 13 H 400178A 01	City Manager, P.O. Drawer 1418, Shawnee, Okla. 74801	Dec. 27, 1974 May 21, 1976
Do.	Lincoln	Stroud, city of	H 400417 01	Mayor, City Hall, 220 West 2d St., Stroud, Okla. 74079	July 16, 1976
Do.	Cotton	Temple, town of	H 400418 01	Chairman of the Board, P.O. Box 446, Temple, Okla. 73388	Do.
Do.	Wagoner	Tulahassee, town of	H 400218 01	Mayor, P.O. Box 1222, Tulahassee, Okla. 74166	Do.
Do.	Washington	Vera, town of	H 400335 01	Mayor, Vera, Okla. 74082	Do.
Do.	Grady	Welch, town of	H 400451 01	Mayor, Town Hall, Welch, Okla. 74369	Do.
Oregon	Harney	Hines, city of	H 410085A 01	Mayor, City Hall, Hines, Oreg. 97738	Nov. 30, 1973
Do.	Folk	Independence, city of	H 410189A 01	Mayor, City Hall, Independence, Oreg. 97351	May 21, 1976
Do.	Washington	North Plains, city of	H 410270 01	Mayor, P.O. Box 616, North Plains, Oreg. 97133	Dec. 28, 1973
Do.	Tillamook	Rockaway, city of	H 410201A 01	Mayor, City Hall, Rockaway, Oreg. 97136	May 21, 1976
Pennsylvania	Blair	Allegheny, township of	H 420611A 01 H 420611A 09 H 421925A 01	Chairman, Township of Allegheny, Municipal Bldg., Duncansville, Pa. 16835	Aug. 2, 1974 May 21, 1976
Do.	Northampton	Allen, township of	H 421925A 01	Chairman, Township of Allen, Township Supervisors, Rural Delivery No. 3, Northampton, Pa. 18067	Sept. 6, 1974 May 21, 1976
Do.	Payette	Belle Vernon, borough of	H 421925A 01	Mayor, 325 Main St., Belle Vernon, Pa. 15012	Jan. 16, 1974 May 21, 1976
Do.	Perry	Bloomfield, borough of	H 420748A 01	Mayor, Borough of Bloomfield, Borough Bldg., New Bloomfield, Pa. 17068	Apr. 12, 1974
Do.	Berks	Caernarvon, township of	H 421055A 01 H 421055A 02	Chairman of Board of Supervisors, Township of Caernarvon, Morgantown, Pa. 15043	June 28, 1974 May 21, 1976
Do.	Washington	Canton, township of	H 421201A 01 H 421201A 03	Chairman, Board of Supervisors, Township of Canton, Rural Delivery No. 3, Washington, Pa. 15301	Sept. 20, 1974 May 21, 1976
Do.	Indiana	Center, township of	H 420456A 01 H 420456A 11	Chairman, Township of Center, P.O. Box 28, Coral, Pa. 15731	Mar. 29, 1974 May 21, 1976
Do.	Warren	Clarendon, borough of	H 421221A 01	Mayor, 12 Brown Ave., Clarendon, Pa. 16813	Sept. 6, 1974 May 21, 1976
Do.	Lancaster	Clay, township of	H 421761A 01	Chairman, Township of Clay, Rural Delivery No. 1, Ephrata, Pa. 17522	May 3, 1974 May 21, 1976
Do.	Mercer	Coolspring, township of	H 421761A 07 H 421863A 01	Chairman, Township of Coolspring, Rural Delivery No. 4, Mercer, Pa. 16137	Sept. 20, 1974 May 21, 1976
Do.	Potter	Condersport, borough of	H 421863A 04 H 420761A 01	Mayor, 201 South West St., Condersport, Pa. 16915	July 19, 1974 May 21, 1976
Do.	Tioga	Deerfield, township of	H 420761A 05 H 421176A 01	Chairman, Township of Deerfield, Rural Delivery No. 1, Knoxville, Pa. 16028	Aug. 30, 1974 May 21, 1976
Do.	Lancaster	Drumore, township of	H 421176A 13 H 421761A 01	Chairman, Township of Drumore, Rural Delivery No. 1, Holtwood, Pa. 17532	Oct. 18, 1974 May 21, 1976
Do.	Bucks	Durham, township of	H 421766A 14 H 420186A 01	Chairman, Township of Durham, Rural Delivery No. 1, Riegelsville, Pa. 18077	Apr. 13, 1973 May 21, 1976
Do.	Lancaster	East Donegal, township of	H 420186A 04 H 421766A 03	Chairman, Township of East Donegal, Rural Delivery No. 1, Marietta, Pa. 17547	May 31, 1974 May 21, 1976
Do.	Westmoreland	East Huntingdon, township of	H 421766A 01 H 421884A 01	Chairman, Township of East Huntingdon, Box 9, Alverton, Pa. 15612	Sept. 20, 1974 May 21, 1976
Do.	Chester	East Pikeland, township of	H 421884A 06 H 421483A 01	Chairman, Board of Supervisors, Township of East Pikeland, Bescon Dr. West, Phoenixville, Pa. 19460	Sept. 6, 1974 May 21, 1976
Do.	Luzerne	Exeter, township of	H 421483A 02 H 420608A 01	Chairman, Township of Exeter, Rural Delivery No. 1, Pittetown, Pa. 18043	June 28, 1974 May 21, 1976
Do.	Westmoreland	Fairfield, township of	H 420608A 05 H 422189A 01	Chairman, Township of Fairfield, Rural Delivery No. 1, Bolivar, Pa. 15923	Sept. 6, 1974 May 21, 1976
Do.	Carbon	Franklin, township of	H 422189A 06 H 421014A 01	Chairman, Township of Franklin, Rural Delivery No. 4, Lehigh, Pa. 18235	Apr. 12, 1974 May 21, 1976
Do.	Armstrong	Gilpin, township of	H 421014A 02 H 421306A 01	Chairman, Board of Supervisors, Township of Gilpin, Rural Delivery No. 1, Leechburg, Pa. 15656	Sept. 20, 1974 May 21, 1976
Do.	Cambria	Hastings, borough of	H 421306A 06 H 420300A 01	Mayor, Spangler St., Hastings, Pa. 16646	July 26, 1974 Jan. 23, 1974
Do.	Northumberland	Herndon, borough of	H 420735A 01	Mayor, Borough Bldg., Herndon, Pa. 17830	May 21, 1976
Do.	Blair	Holidaysburg, borough of	H 420162A 01	Mayor, 401 Blair St., Holidaysburg, Pa. 16648	Oct. 12, 1973 May 21, 1976
Do.	Crawford	Hydetown, borough of	H 420350A 01 H 420350A 04	Mayor, Township of Hydetown, 1541 Hydetown Rd., Titusville, Pa. 16351	Aug. 2, 1974 May 21, 1976
Do.	Northumberland	Jackson, township of	H 421938A 01 H 421938A 05	Chairman, Township of Jackson, Rural Delivery, Herndon, Pa. 17830	Sept. 20, 1974 May 21, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Indiana	Jacksonville, borough of	H 420602A 01	Mayor, Borough of Jacksonville, Kent, Pa. 15752	Dec. 12, 1974
Do.	Allegheny	Kennedy, township of	H 421072A 01	President of Commissioners, Township of Kennedy, 310 Forest Grove Rd., Coraopolis, Pa. 15108	May 21, 1976
Do.	Chester	Kennett Square, borough of	H 421072A 04 H 420280A 01	Mayor, West State St., Kennett Square, Pa. 19348	Sept. 20, 1974
Do.	Armstrong	Kiskiminetus, township of	H 421206A 01	Chairman, Board of Supervisors, Township of Kiskiminetus, Star Route, Apollo, Pa. 15613	Dec. 28, 1973
Do.	do.	Kittanning, borough of	H 421206A 01 H 420006A 01	Mayor, 1310 North Grant, Kittanning, Pa. 16201	May 21, 1976
Do.	Bucks	Langhorne, borough of	H 420006A 03 H 421074A 01	Mayor, 306 Station Ave., Langhorne, Pa. 19047	May 21, 1976
Do.	Berks	Lower Heidelberg, township of	H 421074A 01 H 421074A 01	Chairman, Township of Lower Heidelberg, Rural Delivery No. 3, Sinking Spring, Pa. 18088	May 31, 1974
Do.	Lancaster	Martle, township of	H 421074A 01 H 421074A 01	Chairman, Township of Martle, Rural Delivery No. 1, Pocono, Pa. 17655	Nov. 8, 1974
Do.	Schnylkill	Minersville, borough of	H 421074A 01 H 421074A 01	Mayor, East Sunbury St., Minersville, Pa. 17954	May 21, 1976
Do.	do.	New Ringgold, borough of	H 421074A 01 H 421074A 01	Mayor, P.O. Box 104, New Ringgold, Pa. 17960	June 28, 1974
Do.	Allegheny	Osborne, borough of	H 421074A 01 H 421074A 01	Mayor, Borough of Osborne, 1306 Linden St., Sewickley, Pa. 15143	Oct. 28, 1974
Do.	Tioga	Osceola, township of	H 421074A 01 H 421074A 01	Chairman, Osceola, Pa. 16942	May 21, 1976
Do.	Chester	Oxford, borough of	H 421074A 01 H 421074A 01	Mayor, 45 Western Ter., Oxford, Pa. 19363	Sept. 20, 1974
Do.	Berks	Perry, township of	H 421074A 01 H 421074A 01	Mayor, 45 Western Ter., Oxford, Pa. 19363	July 26, 1974
Do.	Allegheny	Plum, borough of	H 421074A 01 H 421074A 01	Chairman, Township of Perry, Rural Delivery No. 1, Shoemakersville, Pa. 14555	May 21, 1976
Do.	McKean	Port Allegany, borough of	H 421074A 01 H 421074A 01	Mayor, Borough of Plum, 456 New Texas Rd., Pittsburgh, Pa. 15222	June 28, 1974
Do.	Northampton	Portland, borough of	H 421074A 01 H 421074A 01	Mayor, 313 Catlin Ave., Port Allegany, Pa. 16743	May 21, 1976
Do.	Allegheny	Port Vue, borough of	H 421074A 01 H 421074A 01	Mayor, Borough of Port Vue, 18391	June 28, 1974
Do.	Schnylkill	Pottsville, city of	H 421074A 01 H 421074A 01	President of the Council, 1191 Rounne Ave., Port Vue, Pa. 15133	Jan. 19, 1974
Do.	Tioga	Richmond, township of	H 421074A 01 H 421074A 01	Mayor, 401 North Center St., Pottsville, Pa. 17901	May 21, 1976
Do.	Berks	Robesonia, borough of	H 421074A 01 H 421074A 01	Chairman, Township of Richmond, Rural Delivery No. 1, Box 255, Mansfield, Pa. 16633	Aug. 2, 1974
Do.	Allegheny	Roslyn Farms, borough of	H 421074A 01 H 421074A 01	Mayor, 221 North Church St., Robesonia, Pa. 19551	May 3, 1974
Do.	Venango	Rouseville, borough of	H 421074A 01 H 421074A 01	Mayor, Borough of Roslyn Farms, Winthrop Rd., Carnegie, Pa. 15106	May 21, 1976
Do.	Lehigh	Salisbury, township of	H 421074A 01 H 421074A 01	Mayor, 18 Mechanic St., Rouseville, Pa. 16344	Jan. 23, 1974
Do.	Lycoming	Salladashburg, borough of	H 421074A 01 H 421074A 01	President of Commissioners, Township of Salisbury, 3000 South Pike Ave., Allentown, Pa. 18103	May 21, 1976
Do.	Montgomery	Schwenksville, borough of	H 421074A 01 H 421074A 01	Mayor, Borough of Salladashburg, Rural Delivery No. 3, Jersey Shore, Pa. 17746	Aug. 9, 1974
Do.	Northumberland	Shamokin, township of	H 421074A 01 H 421074A 01	Mayor, 700 Main St., Schwenksville, Pa. 19473	Oct. 25, 1974
Do.	Mercer	Sharpsville, borough of	H 421074A 01 H 421074A 01	Chairman, Township of Shamokin Rural Delivery No. 1, Paxinos, Pa. 17860	May 21, 1976
Do.	Lawrence	Shenango, township of	H 421074A 01 H 421074A 01	Borough Manager, Municipal Bldg., Sharpsville, Pa. 16150	July 26, 1974
Do.	Crawford	Sparta, township of	H 421074A 01 H 421074A 01	Chairman, Board of Supervisors, Township of Shenango, 900 Allegheny Ave., New Castle, Pa. 16101	May 21, 1976
Do.	Bucks	Springfield, township of	H 421074A 01 H 421074A 01	Chairman, Township of Sparta, Rural Delivery No. 2, Spartansburg, Pa. 16434	Jan. 17, 1975
Do.	Westmoreland	Sutersville, borough of	H 421074A 01 H 421074A 01	Chairman, Township of Springfield, Township Bldg., Quakertown, Pa.	Dec. 28, 1973
Do.	Crawford	Union, township of	H 421074A 01 H 421074A 01	Mayor, Route 1, Box 408, Sutersville, Pa. 15083	May 21, 1976
Do.	do.	do.	H 421074A 01 H 421074A 01	Chairman, Township of Union, Rural Delivery No. 5, Meadville, Pa. 16335	Jan. 23, 1974

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Butler	Washington, township of.	H 43024A 01 through	Chairman, Township of Washington, West Sunbury, Pa. 18061.	Sept. 13, 1974. May 21, 1976.
Do.	Carbon	Weatherly, borough of.	H 43024A 03 through	Mayor, East Main St., Weatherly, Pa. 18255.	May 31, 1974. May 21, 1976.
Do.	Northumberland	West Cameron, township of.	H 43025A 02 through	Chairman, Township of West Cameron, Rural Delivery No. 2, Box 257, Shamokin, Pa. 17872.	Sept. 20, 1974. May 21, 1976.
Do.	Crawford	West Mead, township of.	H 43034B 01 through	Chairman of Borough Council, Township of West Mead, P.O. Box 491, Meadville, Pa. 15335.	Aug. 31, 1973. Mar. 29, 1974. May 21, 1976.
Do.	Westmoreland	West Newton, borough of.	H 43036H 04 through	President of Council, 112 South Water St., West Newton, Pa. 15089.	Jan. 9, 1974. May 21, 1976.
Do.	Hucks	West Rockhill, township of.	H 43040A 03 through	Chairman, Township of West Rockhill, Township Hall, Sellersville, Pa. 18600.	Sept. 13, 1974.
Do.	Allegheny	West View, borough of.	H 43123A 02 through	President of Council, 442 Perrysville Ave., West View, Pa. 15229.	May 31, 1974.
Do.	Hair	Williamsburg, borough of.	H 43008A 03 through	President of Council, 306 2d St., Williamsburg, Pa. 16693.	Nov. 30, 1973. May 21, 1976.
Do.	Allegheny	Wilmerding, borough of.	H 43009A 01	Mayor, 1100 Airbrake, Wilmerding, Pa. 15148.	May 3, 1974. May 21, 1976.
Do.	Cambria	Wilmore, borough of.	H 43024A 01	Mayor, Box 71, Wilmore, Pa. 15662.	Aug. 9, 1974. May 21, 1976.
Do.	Bedford	Woodbury, borough of.	H 43135A 01	Mayor, Box 143, Woodbury, Pa. 16695.	Jan. 21, 1975. May 21, 1976.
Do.	Clinton	Woodward, township of.	H 43037A 01 through	Chairman, Township of Woodward, Box 672, Lock Haven, Pa. 17745.	Oct. 26, 1973. May 21, 1976.
Do.	Orangeburg	Rowesville, town of.	H 43037A 07 through	Mayor, P.O. Box 146, Rowesville, S.C. 29133.	Sept. 20, 1974. July 16, 1976.
Do.	McPherson	Eureka, city of.	H 430173 01	Mayor, City Hall, Eureka, S. Dak. 57437.	Do.
Do.	Minnehaha	Hartford, city of.	H 430150 01	Mayor, Hartford, S. Dak. 57033.	Do.
Do.	Hurley	Hurley, town of.	H 430119 01	Mayor, Town Hall, Hurley, S. Dak. 57036.	Do.
Do.	Jackson	Kadoka, city of.	H 430185 01	Mayor, P.O. Box 96, Kadoka, S. Dak. 57543.	Do.
Do.	Franklin	Cowan, city of.	H 47005A 01 through	Mayor, P.O. Box 338, Cowan, Tenn. 37318.	June 14, 1974. May 21, 1976.
Do.	Brazoria	Brazoria, city of.	H 47005A 03 through	Mayor, City Hall, Brazoria, Tex. 77422.	Jan. 9, 1974. May 21, 1976.
Do.	Brown	Brownwood, city of.	H 48006A 02 through	Mayor, City Hall, 110 South Greenleaf, Brownwood, Tex. 76301.	May 24, 1974. May 21, 1976.
Do.	Callahan	Clyde, town of.	H 48006A 06 through	Mayor, Town Hall, P.O. Box 466, Clyde, Tex. 79510.	July 18, 1976. May 21, 1976.
Do.	Cameron	Combes, town of.	H 48072A 02 through	Mayor, Town Hall, Combes, Tex. 78535.	May 10, 1974.
Do.	Montgomery	Conroe, city of.	H 48010A 02 through	Mayor, City Hall, Conroe, Tex. 77301.	June 14, 1974. May 21, 1976.
Do.	Kaufman	Crandall, city of.	H 48048A 04 through	Mayor, City Hall, P.O. Box 277, Crandall, Tex. 75114.	Mar. 8, 1974. May 21, 1976.
Do.	Robertson	Franklin, town of.	H 48048A 02 through	Mayor, P.O. Box 385, Franklin, Tex. 77856.	July 16, 1976. Do.
Do.	Hutchinson and Moore	Fritch, city of.	H 480675 01 through	Mayor, P.O. Box 788, Fritch, Tex. 49036.	Do.
Do.	Van Landt	Fruitvale, city of.	H 480675 02 through	Mayor, P.O. Box 68, Fruitvale, Tex. 75127.	Do.
Do.	Nacogdoches	Garrison, town of.	H 481041 02 through	Mayor, P.O. Box 207, Garrison, Tex. 75946.	Mar. 1, 1974. May 21, 1976.
Do.	Gregg and Upshur	Gladewater, city of.	H 48026A 06 through	Mayor, City Hall, Gladewater, Tex. 77550.	May 21, 1976.
Do.	Goliad	Goliad, city of.	H 480628 01	Mayor, P.O. Box 408, Goliad, Tex. 77063.	July 16, 1976. Do.
Do.	Noian	Roscoe, city of.	H 480501 01	Mayor, City Hall, 115 Cypress St., Roscoe, Tex. 79545.	Apr. 5, 1974. May 21, 1976.
Do.	Bastrop	Smithville, city of.	H 480024A 01 through	Mayor, City Hall, 317 Main St., Smithville, Tex. 78957.	May 21, 1976.
Do.	Palo Pinto	Strawn, city of.	H 48024A 02 through	Mayor, City Hall, Strawn, Tex. 76475.	July 16, 1976. Do.
Do.	Wilson	Wilson, town of.	H 480622 01	Mayor, Town Hall, Wilson, Tex. 79881.	Feb. 1, 1974. May 21, 1976.
Do.	Springville	Springville, city of.	H 490163A 01 through	Mayor, City Hall, Springville, Utah 84663.	May 21, 1976.
Do.	Orange	Orange, town of.	H 50023A 01 through	Chairman, Orange Planning Commission, East Barre, Vt. 05649.	Jan. 31, 1974. May 21, 1976.
Do.	Clifton Forge	Clifton Forge, city of.	H 510038A 01 through	Mayor, Box 681, Clifton Forge, Va. 24422.	Feb. 8, 1974. May 21, 1976.
Do.	Charlotte	Drakes Branch, town of.	H 510032A 01 through	Mayor, Box 191, Drakes Branch, Va. 23937.	Aug. 9, 1974. May 21, 1976.
Do.	Rockingham	Mount Crawford, town of.	H 510032A 02 through	Mayor, Municipal Bldg., Mount Crawford, Va. 22841.	Aug. 16, 1974. Nov. 1, 1974.
Do.	Prince William	Quantico, town of.	H 510232A 01	Mayor, Box 162, Quantico, Va. 22134.	May 21, 1976.
Do.	Radford	Radford, city of.	H 510127 01 through	Mayor, 619 2d St., Radford, Va. 24141.	July 16, 1976.
Do.	Fauquier	Remington, town of.	H 510056A 01 through	Mayor, Box 185, Remington, Va. 22734.	Nov. 15, 1974. May 21, 1976.
Do.	Isle of Wight	Smithfield, town of.	H 510081A 01 through	Mayor, Box 246, Smithfield, Va. 23130.	June 21, 1974. May 21, 1976.
Do.	Roanoke	Vinton, town of.	H 510131A 01 through	Mayor, Box 388, Vinton, Va. 24179.	July 19, 1974. May 21, 1976.
Do.	Wythe	Wytheville, town of.	H 510131A 02 through	Mayor, Drawer 533, Wytheville, Va. 24382.	June 28, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Washington	Chelan	Cashmere, town of.	H 530016A 01	Mayor, Town Hall, 101 Woodring St., Cashmere, Wash. 98815.	Apr. 5, 1974. May 21, 1976.
Do.	Cowlitz	Castle Rock, city of.	H 530277 01	Mayor, Box 396, Castle Rock, Wash. 98611.	July 16, 1976.
Wisconsin	Portage	Amhurst, village of.	H 53032A 01	Village President, P.O. Box 19, Amhurst, Wis. 54408.	Jan. 9, 1974. May 21, 1976.
Do.	Grant	Bagley, village of.	H 550145A 01	Village President, P.O. Box 212, Bagley, Wis. 53801.	Aug. 30, 1974. May 21, 1976.
Do.	Bayfield	Bayfield, city of.	H 550017 01	Mayor, City Hall, Bayfield, Wis. 54814.	May 21, 1976.
Do.	Shawano	Bonduel, village of.	H 550414 01	Village President, Route 2, Bonduel, Wis. 54107.	July 16, 1976.
Do.	Lafayette	Belmont, village of.	H 550225A 01	Village President, Box 192, Belmont, Wis. 53510.	Do.
Do.	Jackson	Black River Falls, city of.	H 550186A 01	Mayor, Box 229, Black River Falls, Wis. 54615.	May 17, 1974. May 21, 1976.
Do.	Chippewa	Bloomer, city of.	H 550186A 02 through	Mayor, 1503 Main St., Bloomer, Wis. 54721.	May 24, 1974. May 21, 1976.
Do.	Marathon	Brokaw, village of.	H 550247A 01	Village President, Village Hall, Brokaw, Wis. 54417.	Dec. 17, 1973. May 21, 1976.
Do.	Calumet	Chilton, city of.	H 550037A 01	Mayor, 42 School St., Chilton, Wis. 53014.	Apr. 12, 1974. May 21, 1976.
Do.	Chippewa	Cornell, city of.	H 550045A 01 through	Mayor, City Hall, Cornell, Wis. 54732.	May 21, 1976.
Do.	Dane	De Forest, village of.	H 550082A 01	Village President, Village Hall, De Forest, Wis. 53532.	Dec. 7, 1973. May 21, 1976.
Do.	Waupaca	Embarrass, village of.	H 550495A 01	Village President, Box 101, Embarrass, Wis. 54633.	Dec. 17, 1973. May 21, 1976.
Do.	Milwaukee	Fox Point, village of.	H 550274A 01 through	Village President, 7200 North Santa Monica Blvd., Fox Point, Wis. 53215.	Mar. 1, 1974.
Do.	Oconto	Gillett, city of.	H 550295A 01	Mayor, City Hall, Gillett, Wis. 54124.	Apr. 12, 1974. May 21, 1976.
Do.	Sauk	Ironton, village of.	H 550293A 01	Village President, Box 97, Ironton, Wis. 53088.	Aug. 16, 1974.
Do.	Washington	Jackson, village of.	H 550320A 01	Village President, Village Hall, Jackson, Wis. 53037.	Dec. 28, 1973.
Do.	Waukesha	Lannon, village of.	H 550482A 01	Village President, Village Hall, Lannon, Wis. 53406.	Dec. 28, 1973. May 21, 1976.
Do.	Oconto	Lena, village of.	H 550296A 01	Village President, Village Hall, Lena, Wis. 54139.	June 28, 1974.
Do.	Richland	Lone Rock, village of.	H 550349A 01	Village President, Village Hall, Lone Rock, Wis. 53556.	May 17, 1974.
Do.	Pierce	Malden Rock, village of.	H 55037A 01	Village President, Village Hall, Malden Rock, Wis. 54750.	July 19, 1974. May 21, 1976.
Do.	Marathon	Marathon City, village of.	H 550252A 01	Village President, Village Hall, Marathon, Wis. 54448.	Nov. 30, 1973.
Do.	Waukesha	Merton, village of.	H 550484A 01 through	Village President, 6941 Main St., Merton, Wis. 53056.	Dec. 28, 1973. May 21, 1976.
Do.	Grant	Muscoda, village of.	H 550484A 02 through	Village President, Village Hall, Muscoda, Wis. 53578.	May 10, 1974.
Do.	Marquette	Niagara, village of.	H 550282A 01	Village President, 837 Main St., Niagara, Wis. 54191.	Feb. 1, 1974. May 21, 1976.
Do.	Price	Phillips, city of.	H 550262A 02 through	Mayor, Box 21, Phillips, Wis. 54555.	Jan. 9, 1974. May 21, 1976.
Do.	Sauk	Rock Springs, village of.	H 55045A 02 through	Village President, Village Hall, Rock Springs, Wis. 53961.	Dec. 17, 1973. May 21, 1976.
Do.	Portage	Rosholt, village of.	H 550341A 01	Village President, Rosholt, Wis. 54473.	Aug. 30, 1974. May 21, 1976.
Do.	Fond Du Lac	St. Cloud, village of.	H 550142A 01	Village President, Village Hall, St. Cloud, Wis. 53079.	Dec. 28, 1973. May 21, 1976.
Do.	Marathon	Stratford, village of.	H 550256A 01 through	Village President, Village Hall, Stratford, Wis. 54484.	Dec. 17, 1973. May 21, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 84 F.R. 2680, Feb. 27, 1969.)

Issued: May 13, 1976.

J. ROBERT HUNTER,  
Acting Federal Insurance Administrator.

[FR Doc. 76-15093 Filed 5-24-76; 8:45 am]

#### Title 7—Agriculture

#### CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

#### PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS, INSPECTION, CERTIFICATION AND STANDARDS

#### United States Standards for Grades of Fresh Fruits, Vegetables, Nuts and Other Special Products<sup>1</sup>

On October 6, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 46115) concerning issuance of policy on establishing

<sup>1</sup> Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

uniform grade nomenclature for United States standards for grades of fresh fruits, vegetables, nuts and other special products (7 CFR § 51.100) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

#### STATEMENT OF CONSIDERATIONS LEADING TO THE ISSUANCE OF POLICY ON UNIFORM GRADE NOMENCLATURE

For a number of years there has been interest and concern on the part of industry groups, legislators, consumers and

the Department in the variations in grade names used in the grade standards for fresh fruit and vegetables. In January 1975 the General Accounting Office recommended to Congress that the Secretary of Agriculture "revise existing regulations to make grade designations more uniform and easier for consumers and industry to understand." The National Association of State Departments of Agriculture has urged the Department to develop uniform grade names. Members of the 94th Congress has introduced legislation calling for uniform grade nomenclature for all foods and for mandatory grading and grade labeling.

The first fresh fruit and vegetable grade standards established were for potatoes in 1917. Since then standards have been established for many commodities. At present there are 152 grade standards covering 82 different fresh fruits and vegetables. These grade standards are



voluntary and were developed in consultation with representatives of producers, receivers and consumers, following three basic principles: (1) There must be a need for the standards; (2) There must be interest and support for the use of the standards; and (3) The standards must be practical to use.

In developing grade standards for a commodity the full range of quality produced is considered. The number of grades provided depends to a large extent on the number of distinct gradations of quality that the industry makes which is usually governed by the relative value of the product. The new policy would not preclude the existing practice of providing only the number of grades in standards necessary to describe the full range of quality for that commodity.

As the grade standards were developed or revised over the years, it was usually members of the particular commodity industry concerned, like the potato growers, shippers and the apple packers, who had the most influence on what grade terminology was selected. There are good reasons why the grade terminology evolved that way. But as marketing becomes more complex it is much more important to have a system of simplified nomenclature that everyone can easily understand and use.

It is the industry's responsibility as well as the Department's to help consumers get the quality they desire. A simplified uniform grade nomenclature that consumers and everyone in the marketing system could understand will help consumers select the quality they want.

Following publication of the proposal in the FEDERAL REGISTER copies were widely distributed to individuals and to industry and consumer groups and organizations. Information concerning the proposal was carried on television and radio and in newspapers and trade publications.

The period for comments ended on February 15, 1976, and 224 letters of comment were received in response to the proposal. Most comments were from consumers or organizations representing them. Of the remainder of comments, most were from growers, shippers and industry organizations representing them.

Some consumer organizations and consumers in general expressed unqualified approval of the proposal. Most consumer organizations and some consumers supported the concept of uniform nomenclature but suggested that U.S. No. 1 as the top grade would be less confusing than U.S. Fancy. However, the U.S. Fancy grade represents premium quality and covers only the top quality range produced, while U.S. No. 1, the chief trading grade, represents good average quality that is practical to pack under commercial conditions and covers the bulk of the quality range produced.

Many industry members and organizations expressed complete disapproval of the proposal, as in their opinion, the proposal would be of little or no benefit

to the consumer and would create substantial and costly confusion within the selling and buying framework of industry. Some industry organizations specified that the proposal was acceptable if certain existing grade subclassifications could be retained under the policy.

The Department recognizes that in certain situations strict compliance might be inappropriate and, accordingly, has provided for exceptions that would be consistent with declared policy and the promotion of consumer interests. Exceptions might include retaining grade subclassifications such as the "U.S. Export No. 1" grade in some standards and making minor changes in the standards necessary to keep them compatible with current marketing practices such as the bulk handling of commodities which may require minor changes in the application of tolerances requirement.

After consideration of all relevant matters presented by interested persons, including the proposal set forth in the aforesaid notice, the following policy on establishing uniform grade nomenclature for United States standards for grades of fresh fruits, vegetables, nuts and other special products is hereby promulgated pursuant to the Agricultural Marketing Act 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

The new subpart shall read as follows:

**Support—United States Standards for Grades of Fresh Fruits, Vegetables, Nuts and Other Special Products**

#### UNIFORM GRADE NOMENCLATURE

§ 51.100 Uniform grade nomenclature.

When new U.S. standards for grades for fresh fruits, vegetables, nuts and other special products, except for raw products for processing, are issued, or when existing grade standards are revised or amended, the following grade nomenclature shall be used:

Grade name	Definition
U.S. Fancy-----	Premium quality; covers only the top quality range produced.
U.S. No. 1-----	The chief trading grade; represents good average quality that is practical to pack under commercial conditions; covers the bulk of the quality range produced.
U.S. No. 2-----	Intermediate quality between U.S. No. 1 and U.S. No. 3; noticeably superior to U.S. No. 3.
U.S. No. 3-----	The lowest merchantable quality practical to pack under normal conditions.

The foregoing shall apply except in situations that compliance would be considered inappropriate or unreasonable.

The policy contained in this subpart shall become effective July 1, 1976.

(Secs. 203, 205 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622-1624).)

Dated: May 20, 1976.

DONALD E. WILKINSON,  
Administrator.

[FR Doc.76-15175 Filed 5-24-76;8:45 am]

### CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Japanese Beetle; Regulated Areas

##### Correction

In FR Doc. 76-14100 appearing at page 19960 in the FEDERAL REGISTER of Friday, May 14, 1976 the following corrections should be made in § 301.48-2a:

1. On page 19961, second column under "Rock Island County", ninth line, the word "Road" should read "Route".
2. On page 19962, first column, immediately above the paragraph headed "Starke County" insert "St. Joseph County, The entire county."
3. On page 19962, third column, in paragraph headed "Macomb County", the fourth line, last letter should read "E".
4. On page 19962, third column, in paragraph headed "Monroe County", the third line, first word should read "S<sup>1</sup>/<sub>4</sub>".
5. On page 19963, second column, under heading "Ohio", the eleventh line, first word should read "Carroll".

### CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

#### PART 401—FEDERAL CROP INSURANCE Regulations for the 1969 and Succeeding Crop Years

##### Appendix

#### COUNTY DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to the authority contained in 7 CFR § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on January 9, 1976 (41 FR 1578), which were designated for sugar beet crop insurance for the 1977 crop year:

##### Riverside - CALIFORNIA

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516).)

Dated: May 20, 1976.

M. R. PETERSON,  
Manager, Federal  
Crop Insurance Corporation.  
[FR Doc.76-15174 Filed 5-24-76;8:45 am]

### CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

#### [Avocado Regulation 18]

#### PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

##### Quality and Maturity Requirements

Avocado Regulation 18 prescribes during the period May 31, 1976, through April 30, 1977, the following grade and maturity requirements for fresh avocados grown in South Florida: Avocados

shipped to destinations outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (maturity requirements). Avocados shipped to destinations within the production area are exempted from all grade requirements, if packed in containers other than those authorized for shipments outside such area, but such avocados must also meet maturity requirements. The requirements are issued in the interest of producers and consumers and are designed to help keep immature and defective fruit off the market. Immature avocados will not ripen satisfactorily and would be unacceptable in taste.

On April 28, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 17748), regarding a proposed regulation to be made effective on May 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Such proposed regulation was recommended by the Avocado Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice allowed interested persons until May 10, 1976, to submit written data, views, or arguments in connection with the proposed regulation. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation hereinafter set forth is based upon an appraisal of current and prospective crop and market conditions. Total 1976-77 season fresh shipments of Florida avocados is estimated at 950,000 bushels, as compared with fresh shipments of about 1,097,000 bushels in the 1975-76 season. If realized, 1976-77 shipments would be the second largest quantity of record. The regulation is designed to assure shipment of fruit of a quality and maturity acceptable to consumers in the respective distribution areas in the interest of consumers and producers consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public

interest to give further notice and postpone the effective date of this regulation until June 24, 1976 (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as herein-after set forth in that (1) shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on April 7, 1976, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (41 FR 17748); (4) the regulation herein specified, except for one minor correction, is the same as the proposed regulation.

#### § 915.318 Avocado Regulation 18.

(a) Order. (1) During the period May 31, 1976, through April 30, 1977, no

handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That avocados which fall to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915; 40 F.R. 52605), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in subparagraphs (10) and (11) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), (6), (7), (8), and (9) hereof.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel.....	5-31-76	16 oz	6-14-76	13 oz	6-28-76	10 oz	7-12-76
Arue.....	5-31-76	16 oz	6-14-76	14 oz	7-19-76		
Roland 22.....	6-14-76	22 oz	6-28-76	20 oz	12-27-76		
J. M. Peropat.....	6-28-76	17 oz					
Fuchs.....	6-21-76	14 oz	7- 5-76	12 oz	7-19-76	10 oz	8- 9-76
K-5.....	6-28-76	18 oz	7-12-76	14 oz	7-26-76	2 1/4 in	
Dr. DuPuis #2.....	6-21-76	16 oz	7- 5-76	14 oz	7-19-76		
Hardee.....	7- 5-76	16 oz	7-12-76	14 oz	8- 2-76		
Pollock.....	7- 5-76	18 oz	7-19-76	16 oz	8- 2-76		
Simmonds.....	7- 5-76	16 oz	7-19-76	14 oz	8- 2-76		
Nadir.....	7- 5-76	14 oz	7-12-76	12 oz	7-19-76	10 oz	8- 2-76
Katherine.....	7- 5-76	16 oz	7-19-76	14 oz	8- 2-76	2 1/4 in	
Haile.....	7- 5-76	20 oz	7-19-76	16 oz	7-26-76	14 oz	8-16-76
Ruehle.....	7-19-76	18 oz	7-26-76	16 oz	8- 2-76	14 oz	8-30-76
Dawn.....	7-15-76	12 oz	8- 2-76	10 oz	8-16-76	3 1/2 in	
Webb 2.....	7-19-76	18 oz	8- 2-76	16 oz	8-16-76		
Blanco.....	8- 2-76	15 oz	12-27-76				
Cash.....	7-19-76	16 oz	12-27-76				
Peterson.....	7-26-76	14 oz	8- 9-76	10 oz	8-23-76	8 oz	9- 6-76
Gretchen.....	8- 2-76	14 oz	8-16-76	12 oz	8-30-76	2 1/4 in	
Trapp.....	8-16-76	14 oz	8-30-76	12 oz	9-13-76		
Waldin.....	8-16-76	16 oz	8-30-76	14 oz	9-13-76	12 oz	9-27-76
Pinell.....	8- 2-76	18 oz	8-16-76	16 oz	8-30-76	3 1/2 in	
Miguel.....	8- 2-76	22 oz	8-16-76	20 oz	8-30-76	18 oz	9-13-76
Nesblitt.....	8- 2-76	22 oz	8-16-76	20 oz	8-23-76	16 oz	9-13-76
Beta.....	8-16-76	18 oz	8-23-76	16 oz	9-13-76	3 1/2 in	
K-9.....	8-16-76	16 oz	9- 6-76	14 oz			
Tower 2.....	8-16-76	14 oz	8-30-76	12 oz	9-27-76		



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TABLE I—Continued

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Shula	8-16-76	22 oz	9-6-76	12 oz	9-13-76	10 oz	9-20-76
Tonnage	8-30-76	3 3/4 in	9-6-76	3 3/4 in	9-27-76	2 3/4 in	10-4-76
Palmerd	8-30-76	16 oz	9-13-76	14 oz	9-27-76	12 oz	
Nirody	8-30-76	2 3/4 in	9-13-76	3 3/4 in	9-27-76	3 3/4 in	
Black Prince	9-18-76	25 oz	9-27-76	16 oz	10-18-76		
Catalina	9-13-76	24 oz	9-20-76	22 oz	10-4-76		
Csonka	9-20-76	22 oz	12-27-76				
Guatemalan Seedling	9-20-76	15 oz	10-18-76	13 oz	12-20-76		
Blair	9-13-76	16 oz	9-27-76	14 oz	10-18-76		
Collinson	9-27-76	16 oz	10-25-76				
Chica	9-27-76	2 3/4 in	10-11-76	10 oz	10-25-76		
Rue	9-27-76	3 3/4 in	10-4-76	3 3/4 in	10-18-76	18 oz	11-1-76
Brooks 1978	10-11-76	10 oz	10-18-76	8 oz	12-27-76		
Booth 5	10-4-76	16 oz	10-25-76				
Hickson	10-4-76	3 3/4 in	10-18-76	12 oz	10-25-76		
Simpson	10-4-76	3 3/4 in	10-25-76				
Vaca	10-4-76	16 oz	10-25-76				
Sherman	10-4-76	16 oz	10-18-76	14 oz	11-1-76	10 oz	11-22-76
Marcus	10-4-76	16 oz	11-15-76				
Booth 10	10-11-76	3 3/4 in	11-8-76				
Booth 7	9-27-76	18 oz	10-11-76	16 oz	10-25-76	14 oz	11-8-76
Avon	10-11-76	3 3/4 in	11-1-76	3 3/4 in			
Booth 11	10-11-76	16 oz	11-1-76				
Leona	10-11-76	18 oz	10-25-76				
Winslowson	10-11-76	18 oz	11-1-76				
Nelson	10-11-76	14 oz	10-25-76	12 oz	11-8-76	10 oz	11-29-76
Haft	10-11-76	26 oz	10-25-76	20 oz	11-8-76	3 3/4 in	
Lula	10-18-76	18 oz	11-1-76	14 oz	11-15-76		
Choquette	10-18-76	24 oz	11-1-76	20 oz	11-22-76		
Monroe	11-15-76	4 1/4 in	11-29-76	20 oz	12-13-76		
Herman	10-18-76	16 oz	11-1-76	14 oz	11-15-76		
Murphy	10-18-76	16 oz	11-1-76	14 oz	11-15-76	11 oz	12-6-76
Ajax (B-7-B)	10-26-76	18 oz	11-15-76				
Booth 1	11-22-76	16 oz	12-13-76				
Booth 3	10-25-76	16 oz	11-15-76				
Taylor	10-25-76	14 oz	11-8-76	12 oz	11-22-76		
Dunedin	11-8-76	16 oz	11-22-76	14 oz	12-6-76	10 oz	12-27-76
Byars	11-15-76	16 oz	12-6-76	3 3/4 in			
Linda	11-15-76	18 oz	12-6-76				
Nabal	11-15-76	14 oz	12-6-76				
Zio	11-29-76	12 oz	12-13-76	10 oz	12-27-76		
Wagner	12-6-76	12 oz	12-29-76	10 oz	1-3-76		
Maya	12-27-76	13 oz	1-10-77	11 oz	1-24-77		
Brookslate	1-10-77	11 oz	1-17-77		2-7-77	10 oz	2-21-77
Schmidt	1-17-77		1-24-77	12 oz			
Jusama	2-14-77						

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs

at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) No handler shall handle (i) prior to August 23, 1976, any Lisa variety avo-

cados, (ii) during the period August 23, 1976, through August 29, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (iii) during the period August 30, 1976, through September 5, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, (iv) during the period September 6, 1976, through September 12, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, (v) during the period September 13, 1976, through September 19, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 9 ounces;

(7) No handler shall handle (i) prior to September 13, 1976, any Booth 8 variety avocados, (ii) during the period September 13, 1976, through October 3, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3 3/4 inches in diameter, or (iii) during the period October 4, 1976, through October 17, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 3/4 inches in diameter, or (iv) during the period October 18, 1976, through October 31, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3 3/4 inches in diameter, or (v) during the period November 1, 1976, through November 14, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3 3/4 inches in diameter.

(8) Except as otherwise provided in paragraphs (a) (10) and (11) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 5, 1976.

(ii) From July 5, 1976, through August 1, 1976, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 2, 1976, through September 5, 1976, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 6, 1976, through October 3, 1976, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(9) Except as otherwise provided in paragraphs (a) (10) and (11) of this section, varieties of avocados not covered by paragraphs (a) (2) through (8) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 20, 1976.

(ii) From September 20, 1976, through October 17, 1976, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 18, 1976, through December 19, 1976, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(10) Notwithstanding the provisions of paragraphs (a) (2) through (9) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (a) (6), (7), (8), and (9). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(11) The provisions of paragraphs (a) (2) through (10) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida avocados (7 CFR 51.3050-51.3069).

(c) The provisions of this regulation shall become effective May 31, 1976.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 20, 1976, to become effective May 31, 1976.

CHARLES R. BRADER,  
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-15245 Filed 5-24-76; 8:45 am]

## Title 20—Employees' Benefits

## CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations Nos. 1 and 5]

## PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

## PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965—)

Disclosure of Information Where Physician Frequently Submits Erroneous Certifications or Inappropriate Plans of Treatment; Presumed Coverage of Post-Hospital Services

On July 9, 1975, there was published in the FEDERAL REGISTER (40 FR 28810) a Notice of Proposed Rule Making with

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proposed amendments to Regulations No. 1 and Subparts A and P of Regulations No. 5 of the Social Security Administration (20 CFR Parts 401, 405). The proposed amendments implement section 228 of Pub. L. 92-603, the Social Security Amendments of 1972 which provides for limited periods of presumed coverage of post-hospital extended care and post-hospital home health services for those individuals who have those specific medical conditions designated in the regulations and whose physicians submit the required certifications and plans of treatment. The amendments also provide authority to disclose the name of a physician whose certifications or plans of treatment have been found not to be acceptable for purposes of the presumed coverage provision to any provider, claimant, or prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest. However, the proposed amendments provide that such a physician must be afforded a reasonable opportunity for an administrative hearing before such a finding is implemented.

Interested parties were given the opportunity to submit in writing on or before August 8, 1975, and subsequently extended to August 23, 1975, any data, views, or arguments pertaining to the proposed amendments. Comments were received from a variety of sources including representatives of national, State, and local organizations. The comments and suggestions received, responses thereto, and changes made in the regulations as proposed are discussed below.

1. A large group of comments received mistakenly interpreted the regulations as placing new limitations on post-hospital coverage or expressed the fear that the regulations would result in such limitations unless it was made very clear to intermediaries that the periods of guaranteed coverage are not the maximum period allowable under Medicare. To avoid such limitations, some of the comments recommended that the regulations include an additional provision to guarantee payment for more home health visits or skilled nursing facility days than those specified in the regulations where an individual patient's condition warrants. Since the law directs that the time periods guaranteed for the various medical conditions should be the minimum generally required for such conditions, this approach could not be adopted. However, the regulations have been modified to clearly emphasize that the presumed number of skilled nursing facility days or home health visits are not the maximum number for which payment will be made and that additional days or visits are reimbursable where the patient's condition indicates that the additional care is required. The operating instructions which are being prepared for providers and intermediaries will also make this point clear.

2. Many of the comments received expressed concern over the requirement that the physician's certification and plan of treatment for home health serv-

ices be submitted in writing prior to the first home health visit. The comments stated that this requirement would be extremely difficult, if not impossible, to meet in cases in which the physician orders care to start immediately upon discharge from the institution but the home health agency is not notified of the patient's need for services until the day of discharge from the hospital or skilled nursing facility. It was, therefore, suggested that the regulations be revised to permit oral compliance with this requirement prior to the first visit to be followed as soon as practical by written compliance. The Department recognizes the merit of the concerns expressed. However, it is felt that a presumption of eligibility before services begin should be based on written evidence and that without written documentation the possibility of erroneous payment exists. The only way to assure that correct payment is being made for a condition listed in the regulations is for the physician to submit the necessary documentation in writing prior to the first chargeable visit. Thus, the requirement that the physician's certification and plan of treatment be submitted in writing prior to the first visit, while not specifically stated in the statute, is considered an inherent requirement of the statute and, therefore, must be retained.

3. Many of the comments received also expressed concern with the statement in the regulations that the number of home health visits designated is predicated on the assumption that the length of such visits will be the usual and customary time for a skilled visit, i.e., that the required skilled service can be furnished in one hour or less. It was stated that because of the amount and variety of services that are performed by nurses during a nursing visit such visits may require more than an hour. This statement in the regulations has been modified to indicate that the length of time for visits should be the usual and customary time needed for such services.

4. A number of the comments received viewed the regulations as restricting or discouraging a home health agency from furnishing the presumed visits on a daily basis or more frequently than specified in the medical conditions. It is not the intent of the regulation to in any way restrict the way a plan of treatment may allocate the number of visits shown for any given condition within the presumed period. Accordingly, the regulations have been revised to make clear the flexibility with which the guaranteed visits may be allocated.

5. Some comments expressed the opinion that the method followed in the regulations of giving only the largest number of home health visits where a patient requires several types of nursing services may not allow sufficient time for adequate treatment of home health patients with multiple or secondary medical conditions. It was suggested, therefore, that the total number of visits for each type of nursing service required should be



granted. This comment was not accepted. It was recognized that patients having multiple conditions may require care over a longer period of time than those with a single condition. However, it was felt that where an individual needed several types of nursing service in most instances he would need to receive them simultaneously. Therefore, since various types of nursing services can be provided during a single visit even though the services are for different purposes, it was felt that allowing the longer of the two periods was equitable and consistent with the intent of the law that payment be guaranteed for only the minimum period for which covered care may be presumed to exist for a particular medical condition.

6. Many comments expressed the view that the presumed coverage periods are too narrow with respect to the number of home health visits and the time frames in which the visits are presumed to be covered. As a result of the reevaluation of the presumed periods in light of these comments some changes have been made in both the time frames and the number of visits guaranteed for some services.

7. Some comments suggested that additional medical conditions be added to the final regulations and that for certain of the conditions already listed in the regulations additional sub-categories be included. It would require considerable time to complete the identification and development of additional medical conditions. Since this would delay the adoption and implementation of these regulations, it was decided not to make such changes at this time. However, the Department agrees that it is desirable to add to the medical conditions listed in the regulations, and the regulations will be revised periodically in the future for this purpose. In addition, the Department will examine from time to time those conditions listed in the regulations with a view to determining whether the descriptions or the time frames established for the conditions should be modified on the basis of additional program experience and changes in medical care practice.

8. The comment was made that certain intermediaries have already devised presumed coverage plans which are superior to that provided for in the regulations, i.e., are more liberal. While intermediaries may apply preliminary screening parameters to identify cases in which payment will very probably be made, these regulations provide the only procedures by which payment may be guaranteed in advance.

9. Many of the comments suggested that (a) presumed coverage for home health services not be limited to Part A but be extended to Part B as well; (b) the requirement which stipulates that the physician has the responsibility for developing and establishing and signing the plan of treatment be modified to permit other health professionals such as the licensed nurse, occupational therapist, or physical therapist to establish the plan of treatment; and (c) presumed

coverage for home health services be extended to occupational therapy, home health aide visits and medical social services. Because these are specific statutory requirements or limitations these suggestions could not be adopted.

10. Some comments suggested that the regulations be revised to indicate whether the use of the presumed coverage provision is optional or mandatory. The regulations have been modified to make it clear that use of the provision is optional with the physician and is dependent upon his certifying that his patient has one of the listed medical conditions for which program payment can be guaranteed and submitting the necessary plan of treatment.

11. A few comments suggested that there should be a clear-cut delineation, as there is in state licensure practice acts, between physical therapy and nursing services, where the regulations specify that the skilled services the patient needs would be covered as either a skilled nursing or physical therapy visit. Since professional advice received indicates that the skilled services with respect to which such a choice is provided are those which are legally and appropriately a function of either discipline and could be performed by either one, these comments were not adopted. Which professional will be used depends on the physician's plan of treatment.

12. Comments were also received which expressed the view that the subject regulations penalize those patients living in regions where shorter hospital stays are the norm by not allowing correspondingly more post-hospital care. Although the length of hospital stays was taken into consideration in developing the presumed coverage periods, the variations in lengths of hospital stays were not considered significant since the presumed periods were developed with the objective of guaranteeing program payment for minimum periods of time.

13. Other comments included the opinion that skilled nursing facilities are receiving a greater share of the presumed coverage benefit than home health agencies and that this favoritism will encourage transfer of patients to skilled nursing facilities and discourage home health utilization. In a similar vein, the comment was made that because of the limited number of proposed medical conditions and the limited number of visits allowed, the regulations will tend to produce longer institutionalization and consequently reduce home care. The Department does not agree with these comments. Since coverage of care in a skilled nursing facility is contingent upon the patients requiring daily skilled care which as a practical matter can only be provided on inpatient basis in a skilled nursing facility, it is not possible to equate the skilled nursing facility benefit with the home health benefit and make valid comparisons between lengths of stay and number of visits.

14. One comment expressed the view that the number of home health visits proposed for an aphasic patient is not

adequate for a patient who has not had post-hospital extended care. Since the presumed coverage period established is the minimum number of visits generally needed by patients irrespective of whether or not the patient has had post-hospital extended care prior to his discharge to his home, this comment was not accepted.

15. Another comment suggested that a physician found to have been submitting, with some frequency, erroneous certifications or inappropriate treatment plans should receive an administrative hearing prior to any determination by the Secretary. The regulations have been modified to indicate that a physician will receive a notice of the proposed determination and will be given the opportunity to request an administrative hearing before such determination becomes effective. After the hearing, or based on the evidence on the record if a hearing is not requested, the physician will be sent written notice of the determination at least 15 days before the effective date of such determination.

16. Several comments expressed concern regarding the relatively short time frame within which the physician must request a hearing in view of the uncertainty of the mails. This comment was adopted. The time limit for requesting an administrative hearing has been extended from 10-working days to 30-calendar days from the mailing date of such notice of proposed determination.

17. Comments were also received suggesting that the term "with some frequency" as it is used in connection with the Secretary's determination that a physician is submitting erroneous certifications or inappropriate plans of treatment be defined. The Department agrees there is a need for criteria to be used to determine whether a physician is submitting "with some frequency" erroneous certifications or inappropriate plans of treatment. However, since additional time is required to ensure the establishment of valid criteria for this purpose, the Department felt that issuance of these regulations should not be delayed pending completion of the development of such criteria. When developed they will be issued as amendments to these regulations.

18. A comment was received which suggested that the regulations be revised to protect providers from retroactive denials in cases where the Secretary has determined a physician's certifications or plans of treatment to be unacceptable for purposes of the presumed coverage provision by authorizing payment until the provider has been properly notified of the Secretary's decision. Although the instructions to be issued to all intermediaries and providers will make provision for timely notice to providers in these cases, the statute is not broad enough to provide a guarantee of payment under those circumstances.

19. Another comment suggested the elimination of the requirement that the physician who establishes the home health plan of treatment must also be

the same person who signs the certification. This suggestion was not adopted. As the regulations indicate, the Secretary is charged with the responsibility of determining whether a physician is submitting with some frequency erroneous certifications or inappropriate plans of treatment in connection with the presumed coverage provision. Since the plan of treatment in effect documents the physician's certification that the individual needs the covered care for a condition set out in the regulations, it is felt that the statute contemplates these functions be performed by the same physician. These requirements complement and reinforce each other. If the physician's responsibility for the plan of treatment and certification were separated, the Secretary would find it very difficult to make the determination as to whether a physician is in fact submitting with some frequency erroneous certifications or inappropriate plans of treatment. In addition, with respect to home health care, it would be unusual to have more than one physician with a detailed knowledge of a patient's condition. Since the same principle applies to presumed coverage cases involving post-hospital extended care services, the regulations have been modified to state that in such cases, the same physician who submits the certification must also establish the plan of treatment.

20. Comments were also received which expressed concern that the regulations will result in increased paperwork or administrative costs due to the belief that in order to receive further home health reimbursement after the presumed period, the physician will have to recertify the patient's need for continuing care and establish a new plan of treatment. It was felt that physicians may be unwilling to go to this extra effort and as a result may stop referring patients for home health care. The regulations have been revised to make it clear that it is not necessary for the physicians to recertify the patient's need for continuing care and establish a new plan of treatment at the end of the presumed coverage period but rather that the usual 60-day recertification requirement applies. Additionally, the regulations have been revised to indicate that when the physician establishes the original plan of treatment he must specify all the services to be provided, irrespective of the fact that all of these services may not be guaranteed under the presumed coverage provision; e.g., if the patient requires home health aide services or medical social services the physician plan of treatment must so indicate.

21. One comment objected to the provision for termination of a presumed coverage period when a utilization review committee determines that the stay or further stay is not medically necessary and argued that the inclusion of this requirement is inconsistent with the intent of the presumed coverage provision, which is to encourage the use of post-hospital services without the fear of retroactive denial. This comment further stated that if the patient meets the cri-

teria for presumed coverage established in the regulations, there should be no retroactive denial for the period specified for any reason. The utilization review committee provision is included in the regulations to reflect and be consistent with section 1814(a)(7) of the Act, which provides that payment may not be made in any cases where the utilization review committee of a skilled nursing facility determines, in the course of a sample or other review of admissions, that post-hospital extended care services are not medically necessary. The Department believes it would be inconsistent to presume that the patient still requires posthospital extended care services, and inappropriate to continue to pay for that care, after a medical judgment has been made by a utilization review committee that such care is not medically necessary. The presumed coverage amendment did not intend that the Medicare program should pay for an entire presumed coverage period of skilled nursing facility care notwithstanding the fact a utilization review committee has determined that the care was noncovered upon admission, or that due to a change in the beneficiary's medical condition covered care is no longer required. Moreover, since there would be no retroactive denials in such situations, in that the law provides that payment may be terminated only prospectively in cases involving an adverse utilization review committee decision, i.e., 3 days following notice to the provider of the decision, the Department believes that the termination of payment in such cases is not inconsistent with the intent of the presumed coverage provision and the requirement has therefore been retained. A question was also raised as to whether a skilled nursing facility's utilization review committee is required to review each presumed coverage case upon admission to the skilled nursing facility and whether the physician would have an opportunity to defend his position in the event of an adverse decision by the utilization review committee. As the cross reference in § 405.133(a)(4) indicates, the regulatory requirements relating to adverse decisions made by a skilled nursing facility's utilization review committee are set out in §§ 405.166 and 405.1137 (e) of the regulations. As § 405.1137(e) indicates, a skilled nursing facility's utilization review committee is required only to review a sample of admissions. Accordingly, a skilled nursing facility's utilization review committee is not required to review all presumed coverage cases. However, the utilization committee is required to notify the physician of a proposed adverse decision and give him the opportunity to present his views. Therefore, if a utilization review committee proposes to make an adverse decision on any presumed coverage case reviewed as part of the committee's sample review of admissions, the physician will be notified of the proposed decision and be given an opportunity to present his views.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Secs. 205, 1102, 1106, 1814 (h) and (i), and 1871, 49 Stat. 624 as amended, 49 Stat. 647 as amended, 53 Stat. 1398, as amended, 86 Stat. 1407 and 79 Stat. 331 (42 U.S.C. 405, 1302, 1306, 1395f (h) and (i), and 1395hh).)

Effective date: These amendments shall be effective June 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: March 12, 1976.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: May 12, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

#### PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

1. Section 401.3 is amended by adding thereto new paragraph (w) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

(w) To any provider, claimant or prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest, the name of any physician who has been found by the Secretary to have been submitting, with some frequency, in connection with title XVIII claims falling within the scope of § 405.133 of this chapter:

(1) Certifications that erroneously indicate that the patient's medical condition is among those listed in § 405.133(c) or § 405.133(d); or

(2) Plans for providing services which are inappropriate and do not reflect a level of care which would qualify an individual for post-hospital extended care services or post-hospital home health services, i.e., a covered level of care (see § 405.133(a)); except that the name of any such physician shall not be disclosed pursuant to such a finding unless such physician has first been afforded a reasonable opportunity for an administrative hearing before the Secretary's finding becomes effective (see § 405.133(b)).

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

2. § 405.133 is added to read as follows:

§ 405.133 Post-hospital extended care and post-hospital home health services; presumed coverage procedure.

(a) *Eligibility for presumed coverage.* To qualify for extended care benefits upon admission to a skilled nursing facility a beneficiary must need on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided



in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services prior to transfer to the skilled nursing facility (see §§ 405.126-405.128(a)). To qualify for part A home health benefits upon admission to care by a home health agency following a qualifying inpatient stay a beneficiary must be confined to his home, under the care of a physician and must be in need of skilled nursing care on an intermittent basis, physical therapy or speech therapy (speech pathology) for a condition for which he received medically necessary inpatient hospital services or post-hospital extended care services. An individual who has a medical condition listed in paragraph (c) of this section (in the case of post-hospital extended care services) or paragraph (d) of this section (in the case of post-hospital home health services) is presumed to require this level of care for the period of time or number of visits specified for such condition provided:

(1) A physician submits in writing the required certification (see §§ 405.165, 405.170, 405.182, and 405.183) to the provider prior to or at the time of such individual's admission to a skilled nursing facility or in a timely fashion prior to the first chargeable post-hospital home health visit made to the individual;

(2) The certification indicates that the individual's medical condition is a condition set out in paragraph (c) or paragraph (d) of this section;

(3) The physician's certification is accompanied by a written plan of treatment for providing the required post-hospital extended care services or the post-hospital home health services;

(4) There is no adverse finding by the skilled nursing facility's utilization review committee that the stay or any further stay is medically unnecessary (see §§ 405.165 and 405.1137(e)); and

(5) The Secretary has not determined for purposes of the presumed coverage provision that the physician is submitting, with some frequency, erroneous certifications or plans for providing services which are inappropriate (see paragraph (b) of this section).

Where any of these requirements are not met, i.e., the physician does not submit a certification because the individual does not have a medical condition described in the regulations or the physician does not elect to certify to one of the medical conditions contained in the regulations, or one of the other requirements listed is not met, the individual is not eligible for a presumed period of coverage. However, although payment cannot be guaranteed in advance in such cases, payment under the program would nevertheless be made in such cases where the facts in the individual case establish a need for covered post-hospital extended care services or post-hospital home health services. In any case all other pertinent requirements for entitlement to post-hospital extended care or post-hospital home health benefits must

be met. (See §§ 405.120 and 405.131). An individual is not eligible for more than one period of presumed coverage for each skilled nursing facility admission or admission to care by a home health agency following a qualifying inpatient stay. The periods of presumed coverage which have been established for the medical conditions designated in the regulations are not intended to encompass the entire period of care an individual may require. Individuals who require covered care beyond the presumed coverage period (or within the presumed coverage period, in the case of individuals who require additional those included in the visits specified in the regulations for their medical conditions) would be eligible to have payment made for such care where the facts show in the individual case that the care needed is the type which would qualify an individual for post-hospital extended care benefits or post-hospital home health benefits. The medical conditions designated in the regulations represent an initial listing of those conditions which generally require a covered level of extended care services or home health services following hospitalization, taking into account such factors as the medical severity of such conditions, the degree of incapacity, the type of services required and the minimum length of stay in a skilled nursing facility or the minimum period of home confinement generally needed for such conditions. These regulations will be revised periodically to include additional medical conditions which subsequent program experience indicates are the type which require covered care.

(b) *Unacceptable physician certifications and plans of treatment.* Where the Secretary determines that a physician is submitting with some frequency:

(1) Certifications that erroneously indicate that the patient's medical condition is among those listed in paragraph (c) or paragraph (d) of this section, or

(2) Plans for providing services which are inappropriate and do not reflect a level of care which would qualify an individual for post-hospital extended care services or post-hospital home health services, i.e., a covered level of care (see paragraph (a) of this section), certifications and plans of treatment executed by such a physician on or after the effective date of the notice to the physician of the Secretary's final determination will not be acceptable for purposes of the presumed coverage provision.

(i) *Notice of proposed determination.* Whenever the Secretary proposes, on the basis of appropriate evidence, to make a finding that a physician has submitted with some frequency erroneous certifications or inappropriate treatment plans, as outlined in paragraph (b) (1) and (2) of this section, he shall give written notice to the physician of his intention not to accept the physician's certifications and treatment plans for purposes of the presumed coverage provision, and to disclose the physician's name to any provider, claimant, prospective claimant for benefits or payments, his duly authorized

representative, and to other parties in interest within the provisions of Regulation No. 1 (20 CFR 401.3(w)). Such notice of the proposed determination shall be mailed to the physician's last known address. It shall state the reasons for the proposed determination and advise the physician that he may, within 30-calendar days from the mailing date of such notice of proposed determination, submit a written request for an administrative hearing; and that he may submit any pertinent evidence as to why the proposed determination should not be put into effect. The notice shall inform the physician that should he not request a hearing within the time period prescribed, the proposed determination of the Secretary shall become the final determination.

(ii) *Conduct of the administrative hearing.* The administrative hearing shall be conducted before a hearing officer of the Social Security Administration who has not had any involvement in the proposed determination. The hearing officer shall inquire fully into the matter at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material. The physician shall be entitled to examine and question the evidence and to present and cross-examine witnesses. The physician may be represented by counsel or any other qualified representatives.

(iii) *Hearing officer's decision.* As soon as practicable after the close of an administrative hearing, the hearing officer shall make a decision in the case which shall be based upon the evidence adduced at the hearing or otherwise included in the hearing record. The decision shall be made in writing and contain findings of fact and statement of reasons. A copy shall be mailed to the physician at his last known address. If the hearing officer determines that the proposed determination not to accept the physician's certifications and plans of treatment is correct, the hearing decision shall indicate that it shall be effective 15 days from the date of notice thereof.

(iv) *Notice of final determination.* In those cases in which a hearing is requested, the hearing officer's decision, described in paragraph (b) (2) (iii) of this section, shall constitute the final determination of the Secretary. In those cases where no hearing is requested within the 30-day period described in paragraph (b) (2) (i) of this section, the Secretary shall send the physician final notice of the decision after the 30-day period has elapsed. The notice shall state that the determination of the Secretary is now final and that it shall be effective 15 days after the date of the notice.

(v) *Effect of final determination.* A determination shall remain in effect until the Secretary finds that there is reasonable assurance that the reasons for his determination will not recur.

(c) *Medical conditions eligible for presumed coverage of post-hospital extended care services.* An individual whose eligibility for post-hospital extended care services is based on one of the following

medical conditions and who meets all of the requirements of paragraph (a) of this section is presumed, to require on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpa-

tient basis, for the period of time specified below for each condition. Where an individual has more than one of the conditions specified below, the individual is eligible for the presumed period of coverage for the condition which presumes the longest period of coverage for extended care services.

	Presumed period of covered skilled nursing facility care (days)
<i>Medical condition:</i>	
1. Acute cerebrovascular accident (CVA) resulting from hemorrhage, thrombosis, embolism, brain injury, or tumor (CVA reason for qualifying hospital stay or occurred during hospital stay). <i>Qualifying criteria:</i> Hemiplegia and/or aphasia which requires on a daily basis skilled nursing care, physical therapy, occupational therapy, speech therapy (speech pathology), or a combination thereof—admitted directly from the hospital to skilled nursing facility.	15
2. Fracture of femur—neck or shaft, and/or fracture of pelvis or acetabulum. <i>Qualifying criteria:</i> Nonweight bearing stage following surgery or reduction, complicated by presence of infection, delayed union or aseptic necrosis; and/or a complicating secondary medical condition(s), necessitating daily skilled nursing observation and/or skilled management—admitted directly from hospital to skilled nursing facility.	15
A. Open reduction	15
B. Closed reduction	21
3. Post-arthroplasty of hip with prosthetic device (surgery performed during the hospitalization immediately prior to admission to skilled nursing facility)—admitted directly from hospital to skilled nursing facility.	15
4. Malignancies. <i>Qualifying criteria:</i> Admitted directly from hospital to skilled nursing facility for:	
A. Administration of anticarcinogenic chemotherapeutic agents	14
B. Postoperative care	10
C. Terminal care—Patient in terminal stage of illness and is unable to function outside of skilled nursing facility because of need for skilled management of care required on a daily basis.	14
5. Diabetes Mellitus <i>Qualifying Criteria:</i> Admitted directly from hospital to skilled nursing facility with:	
A. Presence of gangrene, ulceration, or unstable peripheral neuropathy	14
B. Below knee amputation requiring prosthesis (amputation performed during the hospitalization immediately prior to admission to skilled nursing facility)	14
C. Above knee amputation requiring prosthesis (amputation performed during the hospitalization immediately prior to admission to skilled nursing facility)	21
6. Disease of digestive system which required colostomy, ileostomy, or gastrostomy. <i>Qualifying criteria:</i> Admitted directly from hospital to skilled nursing facility for: Diet control and training required (surgery performed during hospitalization immediately prior to admission to skilled nursing facility)	10
7. Congestive heart failure complicated by disorders of rhythm and/or requiring additional drug or anticoagulant stabilization—admitted directly from hospital to skilled nursing facility	10
8. Myocardial infarction with recurring bouts of angina and/or complicated by disorders of rhythm and/or congestive heart failure—admitted directly from hospital to skilled nursing facility	14
9. Chronic obstructive pulmonary disease complicated by acute respiratory infection and/or congestive heart failure—admitted directly from hospital to skilled nursing facility	14

(d) *Medical conditions eligible for presumed coverage of post-hospital home health services.* An individual whose eligibility for post-hospital home health services is based on the need for one of the skilled services described below for the treatment of his medical

condition and who meets all of the requirements of paragraph (a) of this section is presumed to require skilled nursing care on an intermittent basis or physical therapy or speech therapy (speech pathology) for the number of home health visits designated below. The



number of home health visits designated is predicated on the assumption that the length of such visits will be the usual and customary time for such visits. Where an individual's medical condition necessitates more than one of the types of skilled services specified below, and each type requires the same kind of visit, e.g., both require nursing visits, the individual is eligible for the presumed number of visits for the skilled service which presumes the largest number of home health

visits. However, where each type of skilled service needed requires different kinds of visits, e.g., skilled nursing and speech therapy (speech pathology) visits, the individual is eligible for the presumed number of visits for each type of skilled services (see § 405.133(a)). The number of visits designated may be allocated in any combination so long as the visits do not exceed the total number of visits shown or the total time frame specified.

Skilled services	Presumed number of covered home health visits
1. Skilled observation for any unstabilized condition characterized by significant fluctuations in vital signs or marked edema or elevated blood sugar levels.	Nine skilled nursing visits in a 3-week period.
2. Application of dressings involving prescription medications and aseptic techniques because of the presence of open wounds, extensive decubitus ulcers, or other widespread skin disorders.	Ten skilled nursing visits in a 2-week period.
3. A. Instructions in colostomy, ileostomy, or gastrostomy care. B. Instructions in the routine care of an indwelling catheter. C. Instruction in tube feeding technique.	Five skilled nursing visits in a 2-week period. Three skilled nursing visits in a 2-week period. Six skilled nursing visits in a 1-week period.
D. Instruction of a newly diagnosed diabetic in a diabetic regimen, i.e., training in diet, the administration of insulin injections, urine tests, skin care, etc.	Eight skilled nursing visits in a 3-week period.
E. Instruction of a recent hip fracture patient, or family member, in an exercise program and/or in the use of crutches, a walker, or a cane.	Four skilled nursing or four physical therapy visits in a 2-week period.
F. Instruction of a recent post-arthroplasty of hip patient or a recent above or below knee amputation patient in the use of a prosthetic device.	Four skilled nursing or four physical therapy visits in a 2-week period.
G. Instruction of a patient who requires respiratory therapy in the use of special equipment such as an IPPB machine or oxygen units.	Three skilled nursing visits in a 2-week period.
H. Instruction in postural drainage procedures and pulmonary exercises.	Three skilled nursing or three physical therapy visits in a 2-week period.
I. Administration of anticarcinogenic chemotherapeutic agents.	Four skilled nursing visits in a 2-week period.
4. Skilled physical therapy services and/or speech therapy (speech pathology) services to restore functions impaired by a recent cerebrovascular accident resulting in hemiplegia and/or aphasia.	Five physical therapy and/or five speech therapy (speech pathology) visits in a 2-week period.

<sup>1</sup> Recent means the medical condition was either the reason for the qualifying hospital or skilled nursing facility stay or occurred during the qualifying stay.

3. § 405.165 is revised to read as follows:

§ 405.165 Payment for post-hospital extended care services; conditions.

Payment may be made under this Subpart A for post-hospital extended care services only if:

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished; and

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis:

(1) For any of the conditions with respect to which he was receiving inpatient hospital services (or services which

would constitute inpatient hospital services if the institution had met the necessary requirements relating respectively to a utilization review plan (see § 405.1035) and such other requirements as the Secretary finds necessary in the interest of health and safety (see § 405.1001 et seq. for qualification as a "hospital")) prior to transfer to the skilled nursing facility; or

(2) For a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of any of the conditions for which he was receiving such inpatient hospital services; and

(c) In the case of a presumed period of coverage of post-hospital extended care services the requirements of § 405.133 are met; and

(d) The prohibitions against payment, described in §§ 405.166 and 405.167, are not applicable.

4. § 405.170 is amended by revising paragraphs (b) (3) and (b) (4) and adding new paragraph (c) to read as follows:

§ 405.170 Payment for post-hospital home health services; Conditions.

Payment may be made under this Subpart A for post-hospital home health services only if:

(b) When required a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that:

(3) A written plan for furnishing such services to such individual has been established and is periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody);

(4) The services were furnished while the individual was under the care of a physician (other than a doctor of podiatry or surgical chiropody); and

(c) In the case of presumed coverage of post-hospital home health visits the requirements of § 405.133 are met.

5. In § 405.1632, paragraphs (a) and (c) are revised to read as follows:

§ 405.1632 Post-hospital extended care services; certification and recertification.

(a) Certification. (1) The required physician's statement should certify that: (i) Post-hospital extended care services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services (see § 405.116) or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405) except those relating to utilization review and health and safety requirements, prior to transfer to the skilled nursing facility; and (ii) in a presumed coverage case (see § 405.133) that the medical condition of the individual is a condition designated in regulations.

(2) The certification should be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the skilled nursing facility or the physician who is available in case of an emergency who has knowledge of the case. In a presumed coverage case (see § 405.133), the physician certification must be submitted to the skilled nursing facility prior to or at the time of admission to the skilled nursing facility and must be accompanied by a written plan of treatment for providing the required post-hospital extended care services, established by the same physician who makes the required certification. In all other cases the physician's certification should be obtained at the time of admission, or as soon thereafter as is reasonable and practicable.

(c) Timing of recertification. In cases not involving a period of presumed coverage (see § 405.133), the first recertification is required no later than as of the 14th day of extended care services. A skilled nursing facility may, at its option, provide for the first recertification to be made earlier, or it can vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. Subsequent recertifications are to be made at intervals not exceeding 30 days. Such recertifications may be made at shorter intervals as established by the utilization review committee and the skilled nursing facility. At the option of the skilled nursing facility, review of a stay of extended duration, pursuant to the facility's utilization review plan, may take the place of the second and any subsequent physician recertifications. The skilled nursing facility should have available in its files a written description of the procedure it adopts with respect to the timing of recertifications—that is, the intervals at which recertifications are required, and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the second or subsequent recertifications. In cases involving a period of presumed coverage, the timing of the first recertification will depend upon the length of the presumed period of coverage. Where the presumed period of coverage is 13 days or less the recertification requirements are the same as those for cases not involving a period of presumed coverage. However, where the presumed period of coverage is 14 days or more the first recertification is required no later than as of the last day of the presumed period of coverage with subsequent recertifications being required at intervals not exceeding 30 days.

6. In § 405.1633, paragraphs (a) (2) and (b) are revised to read as follows:

§ 405.1633 Home health services; certification and recertification

(a) \* \* \*

(2) In addition, for post-hospital home health services under the hospital insurance program, the required physician's statement should certify that the services were needed to treat any of the conditions for which the beneficiary received inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405), except those relating to utilization review and health and safety), or post-hospital extended care services during the related hospital or skilled nursing facility stay (see § 405.131) and, in a presumed coverage case, that the medical condition of the individual is a condition designated in regulations (see § 405.133). The certification should be signed by the same physician who establishes the plan of treatment. In a presumed coverage case the physician certification must be submitted in a timely fashion (see § 405.131)

to the home health agency prior to the first chargeable post-hospital home health visit made to the patient and be accompanied by a written plan of treatment showing not only the home health services to be furnished which are covered under the presumed coverage provision but all other covered home health services required as well (see § 405.133). In all other cases the physician's certification should be obtained at the time the plan is established or as soon thereafter as possible.

(b) A recertification is required at intervals of at least once every two months, should be signed by the physician who reviews the plan of treatment and should preferably be obtained at a time when the plan of treatment is reviewed. The recertification statement should indicate the continuing need for services and should estimate how long home health services will be needed. Recertifications in connection with care furnished after a period of presumed coverage (see § 405.133) would also have to be made at the same intervals.

[FR Doc. 76-15061 Filed 5-24-76; 8:45 am]

#### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[FRL 648-1; FAP4H5053/T15]

#### PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

##### 2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuranyl Methanesulfonate

On February 11, 1975, the Environmental Protection Agency (EPA) announced (40 FR 6325) that in response to a petition (FAP 4H5053) submitted by Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730, a food additive regulation had been established (21 CFR 561.235) permitting the use of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate on growing sugarbeets with a tolerance of 0.5 part per million (ppm) for residues of the herbicide and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2-hydroxy-2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugarbeet molasses, in accordance with a temporary permit that was issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This experimental program expired February 4, 1976. On March 11, 1976 the Agency announced (41 FR 10426) that the expiration date of this experimental program had been extended for two months and was to expire April 4, 1976.

Fisons Corp. has requested a one-year renewal of this tolerance both to permit continued testing to obtain additional data and to permit the marketing of sugarbeet molasses produced from sugarbeets treated in accordance with three

experimental use permits (the original temporary permit which is to be renewed as an experimental use permit), and two which are to be issued, concurrently under FIFRA.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permits issued under FIFRA. It has further been determined that since residues of the pesticide may result in sugarbeet molasses from the agricultural uses provided for by the experimental use permits, the one-year renewal of the food additive regulation, 21 CFR 561.236, requested by the petitioner should include a tolerance limitation.

Accordingly, a food additive regulation is established as set forth below. Any person adversely affected by this regulation may on or before June 24, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in triplicate and should specify both provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective June 24, 1976, § 561.235 is revised as set forth below.

Dated: May 19, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

(Sec. 409(c) (1) and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 (c) (1) and (4)).)

Section 561.235 is revised to read as follows:

§ 561.235 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate.

(a) A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2-hydroxy-2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugarbeet molasses resulting from application of the herbicide to growing sugarbeets. Such residues may be present therein only as a result of application of the herbicide in accordance with the provisions of three experimental use permits that expire May 17, 1977.

(b) Residues in sugarbeet molasses not in excess of 0.5 part per million resulting from use described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered to be actionable if the herbicide is legally applied

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during the term of and in accordance with the provisions of the experimental use permits and feed additive tolerance.

(c) Pisens Corp. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 76-15134 Filed 5-24-76; 8:45 am]

## CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

### PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

#### Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by, and in accordance

with, Regulations of the Department of Justice (Title 28 of the Code of Federal Regulations, Part 0), the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hoffmann-La Roche, Inc.	Abuscreen™ Radio-immunoassay for Cocaine Metabolite I antigen reagent.	Glass vial: 30 ml and 500 ml.	Feb. 6, 1976
Do.	Abuscreen™ Radio-immunoassay for Cocaine Metabolite Positive Urine Control.	Glass vial: 6 ml and 500 ml.	Do.
Nuclear Medical Laboratories, Inc.	Thyroidbinding Globulin T-4-121.	French square bottle: 2 oz; Boston round bottle: 16 oz.	Jan. 20, 1976
Do.	T-4 Antiserum (Rabbit) and T-4 RIA Diluent.	Boston round clear bottle: 4 oz; clear bottle: 7 dr and 1 dr.	Do.
Do.	Liothyronine-T3-121.	Boston round amber bottle: 2 oz and 16 oz.	Do.
Stan-Tech Laboratories.	Acid Phosphate Substrate, catalog No. 6101055.	Bottle: 4 oz, 8 oz, 12 oz, and 32 oz.	Mar. 8, 1976
Do.	Alkaline Phosphatase Substrate, catalog No. 6101100.	do.	Do.
Do.	Thymol Buffer, catalog No. 6120015.	do.	Do.
Do.	Barbital Buffer 0.1M pH 8.5.	do.	Do.
Do.	Tris Barbital Buffer pH 8.5.	do.	Do.
Do.	Hematoxylin, Mayer.	do.	Do.

#### b. By amending § 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hoffmann-La Roche, Inc.	Abuscreen™ Radio-immunoassay for Cocaine Metabolite I antigen reagent.	Glass vial: 20 ml and 500 ml.	Feb. 6, 1976
Do.	Abuscreen™ Radio-immunoassay for Cocaine Metabolite Positive Urine Control.	Glass vial: 4 ml and 100 ml.	Do.
Nuclear Medical Laboratories, Inc.	Thyroidbinding.	French square bottle: 2 oz; Boston round bottle: 16 oz.	Jan. 20, 1976
Do.	T-4 Antiserum (Rabbit).	Boston round clear bottle: 4 oz; clear bottle: 7 dr and 1 dr.	Do.

Effective date: This order is effective May 25, 1976. Any person interested may file written comments on or objections to the order on or before July 19, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: May 13, 1976.

PETER B. BENSINGER,  
Administrator,  
Drug Enforcement Administration.  
[FR Doc. 76-15071 Filed 5-24-76; 8:45 am]

### Title 47—Telecommunications CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION PART 0—COMMISSION ORGANIZATION

Reorganization of the Rules, Standards and Research and Education Divisions of the Broadcast Bureau

1. On March 19, 1976, the Commission adopted changes in the organization and functions of several divisions in the

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.  
(1) . . . . .

Broadcast Bureau designed to strengthen the bureau's policy development activities and improve its efficiency. A new Policy & Rules Division with additional functions was created in place of the Rules & Standards Division. This new division will be responsible in addition to other responsibilities, for analyzing social and economic problems relating to broadcasting and conducting or monitoring studies necessary for the development of new or revised policies. The Research and Education Division was abolished. The research functions were reassigned to the Policy & Rules Division and the educational broadcasting functions were reassigned to the Broadcast Facilities Division. The reorganization took place May 1, 1976. Part 0 of the Rules & Regulations, which describes the organization of the Commission, is being amended to reflect those changes.

2. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. In view of the foregoing, *It is ordered*, effective May 28, 1976, That Part

0 of the rules and regulations is amended as set forth below.

Adopted: May 18, 1976.

Released: May 19, 1976.

(Secs. 4, 5, 303, 48 Stat., as amended, 1966, 1968, 1962; 47 U.S.C. 154, 163, 305.)

### FEDERAL COMMUNICATIONS COMMISSION, R. D. LICHTWARDT, Executive Director.

1. Section 0.72 is amended to read as follows:

§ 0.72 Units in the Bureau.

- (a) Office of the Bureau Chief.
- (b) Broadcast Facilities Division.
- (c) Renewal & Transfer Division.
- (d) Hearing Division.
- (e) Policy & Rules Division.
- (f) License Division.
- (g) Office of Network Study.
- (h) Complaints & Compliance Division.

2. § 0.74 is amended to read as follows:

§ 0.74 Broadcast Facilities Division.

The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to standard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in §§ 0.75, 0.76, 0.77, and 0.81, and advises Bureau & Commission with respect to the development and promotion of the educational broadcasting services.

3. Section 0.77 is amended to read as follows:

§ 0.77 Policy & Rules Division.

The Policy & Rules Division is responsible for all functions indicated in the statement contained in § 0.71 insofar as such functions relate to the development or revision of rules and standards, engineering and legal support involving international agreements relating to the broadcasting and conducts studies necessary and economic problems relating to broadcasting and conducts studies necessary for development of new or revised policies.

§ 0.79 [Reserved]

4. Section § 0.79 is deleted.

[FR Doc. 76-15185 Filed 5-24-76; 8:45 am]

[Docket No. 20480, RM-2519; Docket No. 20518, RM-2530, RM-2569]

### PART 73—RADIO BROADCAST SERVICES Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Kalkaska, Michigan) and amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Charlevoix and Traverse City, Michigan).

1. The Commission herein consolidates for consideration its Notice of Proposed Rule Making in Docket No. 20480,<sup>1</sup> and

<sup>1</sup> 40 FR 22002, May 20, 1975.

its Notice of Proposed Rule Making in Docket No. 20518.<sup>2</sup> Consolidation of the two dockets is deemed both necessary and expeditious inasmuch as certain of the proposals and counter proposals in the latter proceeding are mutually exclusive with the proposal advanced in the former.

2. In Docket No. 20480 (RM-2519), the petitioner, Roy E. Henderson ("Henderson"), sought the assignment of Channel 249A to Kalkaska, Michigan, as a first FM assignment to the community. The assignment would be of the "drop-in" variety and would require no other change in the FM Table of Assignments. In Docket No. 20518 (RM-2530, RM-2569), New Broadcasting Corporation, licensee of AM station WVOY,<sup>3</sup> Charlevoix, Michigan ("WVOY"), sought the assignment of Channel 290 to Charlevoix as a first FM assignment to the community. In response to the issuance of the Notice in Docket No. 20518, Radio Station WCCW, Inc. ("WCCW"), licensee of Station WCCW and WCCW-FM, Channel 221A, Traverse City, Michigan, submitted a "Petition for Rule Making and Issuance of Show Cause Order" proposing the assignment of Channel 290 to Traverse City and the modification of petitioner's existing license to specify operation on Channel 290 rather than Channel 221A. In accordance with the cutoff procedures utilized by the Commission (and set forth in the Appendix to the Notice), WCCW's petition will be considered as a counterproposal.<sup>4</sup> Since, under the Commission's minimum mileage separation requirements,<sup>5</sup> Channel 290 cannot be assigned to both Charlevoix and Traverse City,<sup>6</sup> the proposals of WVOY and WCCW to assign Channel 290 to Charlevoix or Traverse City, respectively, must be considered as being mutually exclusive. In subsequent pleadings filed in Docket No. 20518, WCCW pointed to the possibility of allocating Class C channels to both Charlevoix and Traverse City by assigning Channel 248 to Charlevoix and Channel 290 to Traverse City as originally requested. WCCW added that this alternative would require the assignment of Channel 240A rather than Channel 249A at Kalkaska (as requested by Henderson) and the substitution of Channel 240A for unoccupied and unapplied for Channel 249A at Rogers City, Michigan.<sup>7</sup> Thus, the alternative suggestion mentioned by WCCW conflicts with Henderson's proposal advanced in Docket No. 20480.

Henderson filed comments in Docket No. 20518 opposing WCCW's alternative suggestion that Channel 240A instead of Channel 249A be assigned to Kalkaska. 3. The deadlines for the filing of comments and reply comments in Docket No. 20480 were July 7, 1975, and July 28, 1975, respectively. No extensions of time for the filing of comments were granted. Nevertheless, on February 19, 1976, some five and a half months after the expiration of the reply comment deadline in Docket No. 20518, WCCW filed a "Petition for Leave to File Supplement to Reply Comments" with the Commission. Thereafter, Henderson submitted comments opposing WCCW's petition<sup>8</sup> and WVOY filed a "Motion to Strike or in the Alternative Petition to Accept Further Statement." WCCW responded with reply comments.

4. In urging the Commission to accept its "Supplement to Reply Comments," WCCW asserted first, that certain of the parties did not properly perceive WCCW's position, and secondly, that it had become aware of what it said were certain factual errors within the record. With regard to the former, WCCW emphasized that it continued to believe that the assignment of a Class C channel to Charlevoix was unwarranted. WCCW said it merely brought to the Commission's attention the technical feasibility of assigning Class C channels to both communities (Channel 290 to Traverse City and Channel 248 to Charlevoix) as a means of accommodating the desires of both WCCW and WVOY. WCCW said it did not propose such an allocation to Charlevoix. As for the second point, WCCW noted that its earlier preliminary engineering estimate of 1 mV/m service to be provided by a Channel 290 assignment at either Traverse City or Charlevoix required some revision in that the earlier 1 mV/m service to be provided by the assignment of Channel 290 at Charlevoix was now predicted to cover 68,000 persons instead of 57,000 persons as previously projected. The projection of 1 mV/m coverage for 110,000 persons with a Channel 290 assignment at Traverse City remained unchanged. Despite the revision, said WCCW, it was still apparent that the assignment of Channel 290 at Traverse City would result in a more efficient use of the channel. Finally, WCCW, seeking

<sup>4</sup> 40 FR 26046, June 20, 1975.

<sup>5</sup> On September 25, 1975, the Commission granted authority to New Broadcasting for unlimited-time operation on WVOY (BP-19672).

<sup>6</sup> A Public Notice to that effect was issued by the Commission on July 25, 1975.

<sup>7</sup> See Section 73.207(a) of the Commission's Rules.

<sup>8</sup> The minimum mileage separation is 180 miles for stations operating on the same channel. Charlevoix and Traverse City are less than 60 miles apart.

<sup>9</sup> Under WCCW's alternate suggestion, Channel 249A could not be assigned to Kalkaska since it would be short-spaced with the proposed Channel 248 assignment at Charlevoix.

<sup>10</sup> Henderson asserts that since WCCW's "Petition for Rule Making" was not timely filed prior to July 7, 1975, the cut-off date for comments in Docket No. 20480 (the "Kalkaska" proceeding), the counterproposal cannot be properly considered. This overlooks the fact that WCCW's "Petition for Rule Making" was, in fact, timely filed in Docket No. 20518, the proceeding in which the assignment of Channel 290 was in question. We must therefore deny Henderson's request that we exclude the WCCW petition from consideration.



to reemphasize the importance of Traverse City as a regional center for comprehensive planning and development, submitted materials describing the origin, objectives, and activities of the Northwest Michigan Regional Planning and Development Commission. Urging the Commission to deny the "Petition for Leave to File Supplement to Reply Comments," WVOY responded by contending that WCCW had "totally failed to present good cause for filing its untimely comments" and asserted that the fact that WCCW had "ineptly framed its position in previous pleadings is clearly not a basis for filing additional comments."

5. We will deny WCCW's "Petition for Leave to File Supplement to Reply Comments." As we have said before,<sup>9</sup> though the public interest test is paramount, "[n]evertheless we need to be concerned with procedure as well as substance in determining what best serves the public interest. Unless the applicable procedural requirements are observed, we would face difficulties in exercising our regulatory responsibilities, hardly a situation to benefit the public." "[D]eviations can be warranted but requests for such special relief must adequately demonstrate the presence of an overriding public interest justification and adequately explain the failure to observe the applicable procedural requirements." WCCW demonstrates no overriding public interest which compels acceptance of the late-filed pleading; further, no explanation is offered as to why some five and a half months elapsed before the information was proffered.<sup>10</sup>

6. In support of its petition to assign Channel 249A to Kalkaska (pop. 1,478),<sup>11</sup> Henderson describes the community (which is the county seat of Kalkaska County (pop. 5,272)) as being located fifty-five miles south of the Mackinaw Bridge which connects the "Northern Neck" of Michigan with the lower peninsula of Northern Michigan. Further, Kalkaska lies approximately 20 miles east of Traverse City. Though located in a remote area, Henderson cites recent population growth in Kalkaska and attributes that growth to the exploration and discovery of oil and gas deposits in

the area. Henderson also notes that the Kalkaska area continues to be known for its sports and recreational activities. Kalkaska has no local aural service and must rely instead on distant signals from radio stations located in other communities. Henderson argues that Kalkaska has a need for its own broadcast station to serve as an outlet for expression about local needs and problems.

7. Charlevoix (pop. 3,519), the county seat of Charlevoix County (pop. 16,541), is situated on the shores of Lake Michigan, 160 miles north of Grand Rapids, Michigan, and 200 miles northeast of Milwaukee, Wisconsin. Originally a community whose economy rested primarily on lumbering, WVOY says Charlevoix's economy is now based on a combination of fruit production, general farming, and tourism. Local aural service at Charlevoix is provided by the petitioner's AM station WVOY. The population of Charlevoix is said to have increased nearly twenty-eight percent in the decade from 1960 to 1970. It is contended that the wide-area coverage of a Class C facility is needed at Charlevoix in order to provide service to the widely scattered population pockets in the area, and also to overcome the severe terrain features which, it is asserted, would impede satisfactory FM radio reception. WVOY also urges that a Class C station is needed at Charlevoix in order to provide a second FM service to persons residing in the Beaver Islands, a sizeable collection of islands located approximately twenty-four miles northwest of Charlevoix in Lake Michigan.

8. Traverse City (pop. 18,048), the county seat of Grand Traverse County (pop. 39,175), is located approximately 120 miles due north of Grand Rapids. In support of its petition, WCCW submits substantial amounts of data demonstrating that Traverse City is an economic, commercial, and industrial center as well as a regional location for many state and federal agencies. WCCW also points to the role played by agricultural production, area educational institutions, tourism, and the community's medical facilities. Traverse City is presently served by five radio stations including two AM facilities (one of which is licensed to the petitioner) and three FM outlets (the petitioner's facility, WCCW-FM, Channel 221A; WLOR, Channel 270, licensed to Great Northern Broadcasting System, Inc.; and WTCM-FM, Channel 278, licensed to Midwestern Broadcasting Co.). Other outlets for local expression include two local TV stations and one daily newspaper.

9. Inasmuch as the Notices in both dockets have discussed the merits of the two initial proposals (RM-2519 and RM-2530), we shall place those matters to the side for the time being and focus instead on the counterproposal and alternative suggestion submitted by WCCW which raise the basic conflicts among the three parties. Henderson's request for the assignment of Channel 249A to Kalkaska does not conflict with WCCW's counterproposal in Docket

20518 to assign Channel 290 to Traverse City and both assignments could therefore be made. However, a conflict does arise between Henderson's request to assign Channel 249A to Kalkaska and WCCW's alternative suggestion to assign Channel 290 to Traverse City, Channel 248 to Charlevoix, and Channel 240A to Kalkaska. Henderson, planning to co-locate a Channel 249A transmitting antenna on an existing cable television receiving antenna tower in Kalkaska, says that if Channel 240A is assigned, the transmitter site will have to be located outside of the community necessitating what Henderson implies would be a prohibitive outlay of financial resources. As a result, says Henderson, should Channel 240A rather than Channel 249A be assigned to Kalkaska, he can offer no assurances that an application for operation of a station on the channel would be filed. WVOY is even more specific, asserting that if Channel 248, rather than Channel 290, is assigned to Charlevoix, it will not apply for authority to operate a station on that channel. WVOY says its decision is prompted by the fact that a transmitter site for a station operating on Channel 248 would have to be located some 15 miles northeast of Charlevoix across the bay in the vicinity of Harbor Springs, Michigan, and would require traveling 28 miles by land route and that the use of such a site would pose substantial financial and technical difficulties. Thus it appears that if we adopted the alternative suggestion mentioned by WCCW, Traverse City would be assigned a third Class C channel while Kalkaska and Charlevoix would continue to be left without local FM service—a wholly unacceptable result. We therefore conclude that the alternative suggestion is without merit since it would result in little, if any, benefit to the public interest.

10. We turn now to a consideration of the merits of Henderson's proposal. Upon review of the record, it is clear that Kalkaska is in need of a first FM channel. Further, demand for a channel has been expressed and a party has stepped forward indicating that it will seek broadcast authority if the channel is assigned. Thus, we think Channel 249A should be assigned to Kalkaska. Such an assignment is consistent with the Commission's channel assignment priorities<sup>12</sup> and would enhance the public interest by providing the community with its first local aural service and a first aural outlet for local expression.

11. Preclusion created by the assignment of Channel 249A to Kalkaska affects a sizeable land area north and east of Kalkaska, however, alternate channels are available for assignment to those communities located in the area of pre-

<sup>12</sup> See Anamosa and Iowa City, Ia., supra, citing Further Notice of Proposed Rule Making, Docket No. 14185, adopted July 25, 1962 (FCC 62-887) and incorporated by reference in para. 25 of the Third Report and Memorandum Opinion and Order, 40 F.C.C. 747 (1963).

clusion that do not presently have FM channels.

12. Due to the Commission's minimum mileage separation rules, the assignment of Channel 249A to Kalkaska proscribes the assignment of Channel 248 to Charlevoix, as proposed by WCCW. We are left, therefore, with the task of determining whether Channel 290 should be assigned to Traverse City or to Charlevoix.

13. Assigning Channel 290 to Traverse City provides the Commission with an opportunity to remove an existing "intermixture" situation and the alleged competitive imbalance which is said to result from that "intermixture." WCCW also notes that Channel 290 is the last Class C channel available for assignment to Traverse City. On the basis of Roanoke Rapids/Anamosa showings submitted by WCCW, the assignment would provide a second FM service to 195 persons and a third service to nearly 20,000 persons in the Traverse City area. On the other side of the balance sheet, no first FM service would be provided. Moreover, the assignment of Channel 290 would result in the placement of three Class C FM facilities in a community of slightly over 18,000 persons, a result that does not accord with established Commission policies.<sup>13</sup>

14. The assignment of Channel 290 to Charlevoix would provide that community with both a first local FM service and a second fulltime aural service. Though no first FM service would result, a second FM service would be provided to some 317 persons in an area of approximately 90 square miles consisting principally of the Beaver Islands.<sup>14</sup> WCCW's principal objection to the assignment of Channel 290 to Charlevoix is premised on our policy (to which we have on occasion made exceptions) of declining to assign Class C channels to communities the size of Charlevoix.

15. We conclude that the public interest would be better served by assigning Channel 290 to Charlevoix. First, the assignment is more consistent with the mandate of Section 307(b) of the Communications Act of 1934, as amended, which requires this Commission to effectuate a "fair . . . and equitable" distribution of radio services among the states and communities. Traverse City

<sup>13</sup> Further Notice of Proposed Rule Making, Docket 14185, and incorporated by reference in para. 25, Third Report and Memorandum Opinion and Order, 40 F.C.C. 747 (1963).

<sup>14</sup> WVOY submitted Roanoke Rapids showings which suggested that a Channel 290 assignment at Charlevoix would create a second FM service for 2,218 people in an area of 255.3 square miles, however, a staff engineering analysis indicates that the showings were not properly made since they failed to consider the operating facilities of certain stations at reasonable facility values and relied instead on existing operating values which are lower. Since the purpose of a Roanoke Rapids study is the projection of future coverage, reasonable facility values must be used even though the stations involved are presently operating below such values.

is, in our estimation, amply served by its current complement of assignment broadcast outlets; Charlevoix is not. Further, the assignment to Charlevoix is, in our estimation, amply served by its current complement of assigned priorities<sup>15</sup> which accord substantial importance to assignments which will provide a first local FM service. We believe these factors, whether considered individually or as a whole, outweigh the benefits which, it is said, would result if the assignment of Channel 290 was made to Traverse City. The elimination of a "competitive imbalance" at Traverse City does not, in our opinion, outweigh the public interest to be gained in providing Charlevoix with its first local FM service. Nor can we say that the assignment of Channel 290 to Traverse City outweighs the public benefits to be derived from the fact that both the residents of the Beaver Islands and the sizeable transient population that visits the area will receive a second source of FM broadcast programming.

16. In arguing that a Class C channel should not be assigned to Charlevoix, WCCW contends that Charlevoix is not a sufficiently important community, that the existence of widely-scattered sparse population and hilly terrain is not of such weight as to compel the assignment, and that population located in the "grey" (underserved) area that would be served by the assignment of Channel 290 at Charlevoix bears little relationship to the community of Charlevoix. We are not persuaded by these arguments. Besides being the county seat of Charlevoix County, Charlevoix is the largest city in the county and is surrounded by a number of smaller communities, the citizens of which could reasonably be expected to look to Charlevoix for a variety of goods and services as well as news and information. Charlevoix, as the focus of a large rural county whose economy rests on farming and fruit production, is clearly isolated from any large population centers.<sup>16</sup> We have made assignments of higher power Class B or Class C facilities to smaller communities in order to assure that citizens living in remote areas near those communities will have access to one or more sources of local aural programming.<sup>17</sup> We have also made assignments of Class B or Class C channels so that there will be sufficient signal strength to overcome adverse terrain features.<sup>18</sup> We believe the detailed topographic data supplied by WVOY in its engineering report consti-

tutes a sufficient showing that a "potential for extreme shadowing" exists and that Class C facilities are needed to overcome the "shadowing" problem. The assignment to Charlevoix of a Class C channel with its greater power and antenna height represents, in our estimation, the more preferable method of assuring that listeners in the Charlevoix area will be provided with a dependable broadcast signal of acceptable quality. Finally, we believe that those persons located in the "underserved" area of the Beaver Islands do have common social, economic and political ties to Charlevoix. The principal means of access to the islands consists of commercial boat and charter aircraft transportation from Charlevoix. Further, highway maintenance, law enforcement, and schools in the Beaver Islands are provided by Charlevoix County. Moreover, WVOY notes that the citizens of the Beaver Islands have two representatives on the Charlevoix County Township Board of Supervisors and vote for other elected county positions. It seems clear, therefore, that the residents of the Beaver Islands do have a special interest in receiving a local FM service from Charlevoix. With the assignment to Charlevoix of Class C Channel 290 it is possible to obtain what we believe are significant public interest benefits.

17. The assignment of Channel 290 at Charlevoix will create preclusion on the U.S. side of the U.S.-Canadian border on Channels 288A, 289, 290, 291 and 292A. In all cases the affected communities located within the preclusion areas have local FM assignments or receive FM service from nearby communities.

18. Canadian concurrence in the assignment of Channel 249A to Kalkaska and Channel 290 to Charlevoix has been obtained.<sup>19</sup>

19. Accordingly, *it is ordered*, That effective June 30, 1976, § 73.202(b) of the Commission's Rules (the FM Table of Assignments) is amended to read as follows for the communities designated below:

City:	Channel No.
Charlevoix, Mich.	290
Kalkaska, Mich.	249A

<sup>15</sup> Any application for this channel must specify an effective radiated power of 100 kW and antenna height of 500 feet above average terrain or equivalent.

20. *It is further ordered*, That the "Petition for Rule Making" submitted by Roy E. Henderson is granted.

21. *It is further ordered*, That the "Petition for Rule Making" submitted by New Broadcasting Corporation is granted.

22. *It is further ordered*, That the "Petition for Rule Making and Issuance of Order to Show Cause" submitted by Radio WCCW, Inc. is denied.

<sup>16</sup> Pursuant to the 1947 U.S.-Canadian FM Working Agreement all FM channel assignments made within 250 miles of the U.S.-Canadian border must have the concurrence of the Canadian Government.

<sup>9</sup> Anamosa and Iowa City, Iowa, 46 F.C.C. 2d 520, 521 (1974).

<sup>10</sup> We have, in our discretion, reviewed the material submitted by WCCW in its "Supplement to Reply Comments." We find WCCW's reiteration of its position with regard to the assignment of a Class C channel at Charlevoix and its submission of materials relating to the Northwest Michigan Regional Planning and Development Commission to be repetitious and cumulative. Moreover, with regard to the information relating to the Planning Commission, it is clear that Attachments 2 and 3 of Appendix B were available and could have been submitted within the filing period. With respect to the engineering statement containing WCCW's upward revision of the mV/m projection for coverage on Channel 290 at Charlevoix, we find the information to be decisively insignificant.

<sup>11</sup> All population statistics are cited from the 1970 U.S. Census.

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23. *It is further ordered*, That this proceeding is terminated.  
(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, 47 U.S.C. 154, 303, 307.)

Adopted: May 13, 1976.

Released: May 20, 1976.

**FEDERAL COMMUNICATIONS COMMISSION,**

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 76-15214 Filed 5-24-76; 8:45 am]

[Docket No. 20578; FCC 76-448]

**PART 76—CABLE TELEVISION SERVICES**  
Technical Changes Regarding Franchise Fees

1. On August 13, 1975, the Commission released a Notice of Proposed Rulemaking in Docket 20578, FCC 75-961, 40 Fed. Reg. 34613, FCC 2d \_\_\_\_\_ (1975), in which it proposed to change the wording of Section 76.31(b) of its Rules so that applications for certificates of compliance containing franchise fees inconsistent with the Rules, might be processed with less unnecessary delay. The rulemaking proposal grew out of the Report and Order in Docket 20272, FCC 75-897, 54 FCC 2d 855 (1975), in which the Commission addressed the problem of duplicative and excessive over-regulation of the cable television industry. Only four comments were filed in this proceeding, all representing operators of cable television systems. They unanimously support adoption of the proposed rule change.

2. In the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972), the Commission determined that franchise fees imposed on operators of cable television systems should not exceed 3-5 percent of gross subscriber revenues. This was codified as Section 76.31(b) of the Commission's Rules. The limitation, it was felt, would "insure reasonableness" in that federal goals could be achieved while allowing adequate revenues to defray the costs of local regulation. Presently, applicants for certificates of compliance whose franchise fee exceeds those limits are required to return to their franchising authority and renegotiate their franchise before receiving certification. Often this leads to prolonged delay in the certifying process and, as a result, in the initiation of cable service to the community. In the majority of instances, however, the franchise eventually is amended to conform with the Rules and the certificate is issued.<sup>1</sup>

Similarly, cable service provided by existing systems is subject to interruption at those communities where the local franchising authority may be hesi-

tant or unwilling to accept a fee within the prescribed limits.

3. In Docket 20272, the Commission recognized its responsibility to review its regulatory procedures as part of the total effort toward reducing excessive or burdensome regulations on the cable television industry. It determined that "some of the most significant delays" in processing certificate of compliance applications occur when franchises are submitted that do not comply with the Rules. Thus, processing procedures were changed so that certificate applications no longer are held pending excision of the inconsistent franchise provisions by the franchising authority. Instead, certificates are issued, but the violative provisions are "considered null and void, having been preempted by federal regulations." However, due to technical language in Section 76.31(b), the new procedure was not applied to inconsistent franchise fees. Therefore, this rulemaking proceeding was initiated to change that language to allow for uniform application of the processing procedures.

4. The proposed change will enable the Commission to treat as "null and void" any franchise fee to the extent it violates the limit imposed by § 76.31(b) of the rules and for which a waiver is not obtained. As is the case with other inconsistent franchise provisions, both the franchisee and the local authority will be notified of the inconsistent fee, and an opportunity will be provided for them to either seek a waiver of the rule or to furnish a justification. If neither occurs, or if the waiver is denied, the Commission will grant the certificate of compliance but declare the inconsistent portion of the fee to be null and void. In those cases where the local franchising authority deems the action so material as to affect the continuing validity of the franchise agreement it would be a matter of local law as to the actions it might then decide to take. The net effect of the rule will remain unchanged, but the Commission will be able to uniformly and efficiently process franchises containing fee provisions inconsistent with § 76.31(b) of the rules.

5. The comments unanimously favor adoption of the proposed rule change.

<sup>1</sup> At paragraph 15 of Docket 20272, the exact processing procedure is detailed as follows:

Upon receipt of an application with a franchise that contains provisions inconsistent with the federal rules we will continue, as we do now in appropriate cases, to inform the applicant and the franchising authority, by letter, of the inconsistencies and the need for justifications or waivers. Both parties will also be notified that if supported waiver requests are not forthcoming in a time specified, the Certificate will be issued but the violative provisions will be considered null and void, having been preempted by federal regulations. Similarly, if waiver requests are denied relating to federally preempted provisions we will grant the requested Certificate but notify both the applicant and the franchising authority of the preempted provisions.

They argue that present processing procedures lead to unnecessary and protracted delays while the franchising authority excises the inconsistent provision. The amended rule on the other hand, would enable the Commission to eliminate inconsistent provisions without delaying cable service in the community. They add that no significant differences exist between an inconsistent franchise fee provision and other provisions inconsistent with the rules which justify different processing procedures, and that a dual set of procedures causes confusion and uncertainty. Even more important, they say, is the situation in which an existing cable system applies for certification. If the local authority refuses to amend the franchise fee, the system operator will be faced with the alternative of continuing to operate illegally and risking a cease and desist order, or terminating his operations and selling the system for scrap value. The proposed rule, it is argued would eliminate the operator's vulnerability to such a situation.

6. We have concluded that the proposed rule change should be adopted. In our Report and Order in Docket 20272, supra, we expressed our desire to eliminate the unnecessary delays incurred by applicants with franchises containing provisions inconsistent with our rules. Our experience declaring "null and void" inconsistent provisions in the areas of "pay cable," technical standards, access, and other federally preempted areas indicates that the process works well and aids in avoiding unnecessary delays. We will be able to act directly to eliminate inconsistent fee provisions and thereby foster prompt cable television service to subscribers. Having carefully considered the comments submitted in response to our Notice we believe the new processing procedure effected by the rule change will serve the public well.

7. We also have determined that another slight change in the wording of § 76.31(b) will make clearer our position with respect to what constitutes a "reasonable" fee. The rule permits fees in excess of three percent of gross subscriber revenues upon proper justification but in no case beyond five percent. Therefore, it should be understood that any fee exceeding five percent of gross subscriber revenues is generally inconsistent with § 76.31(b). An explanation of the type of justification required for fees exceeding 3 percent of a system's gross subscriber revenues is contained in the Clarification, FCC 74-384, 46 FCC 2d 175 (1974).

8. Although the changes adopted herein are procedural in nature and do not constitute a change in the permissible level of franchise fees that may be collected by state and local authorities, we think it important to reiterate briefly why we have felt it necessary to adopt such limitations. Congress enacted the Communications Act of 1934 in order, among other things, to facilitate rapid, efficient, nation-wide and world-wide

wire and radio communication service with adequate facilities at reasonable charges. 47 U.S.C. 1. Pursuant to the provisions of the federal statute, cable television is regulated by the Commission with a view not merely to protect but to promote the objectives for which the Commission has been assigned jurisdiction over broadcasting. "(T)o define the Commission's power in terms of the protection, as opposed to the advancement, of broadcasting objectives would artificially restrict the Commission in the achievement of its statutory purposes and be inconsistent with our recognition in Southwestern that it was precisely because Congress wished 'to maintain, through appropriate administrative control, a grip on the dynamic aspects of radio transmission,' . . . that it conferred upon the Commission a 'unified jurisdiction' and 'broad authority.'" (Citation omitted.) *United States v. Midwest Video Corp.*, 408 U.S. 648, 665 (1972); cf. *United States v. Southwestern Cable Co.*, 392 U.S. 157 (1968).

9. When § 76.31(b) was adopted, we noted that franchise fees as high as 36 percent were being levied on cable operations. We noted that such fees levied an indirect and regressive tax on cable subscribers and that such fees were inconsistent with federal objectives in the regulation of cable television to the extent they rendered cable systems economically unable to carry out their part in our national communications policy. We indicated that the rules adopted were intended to strike a balance "that permits the achievement of federal goals and at the same time allows adequate revenues to defray the costs of local regulation." Cable Television Report and Order, supra at paragraph 185. See also Clarification, FCC 74-384, 46 FCC 2d 175 (1974), paragraph 91 et seq. We continue to regard § 76.31(b) as a reasonable method of assuring that unduly burdensome franchise fees do not result in the frustration of national goals for cable television and believe that the revisions adopted herein will aid in the administration of its provisions and eliminate some of the delay presently associated with its implementation. Accordingly, we are adopting the amendment to § 76.31(b) substantially as proposed.

Authority for the adoption of the rules is contained in sections 2, 3, 4 (1) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That Part 76 of the Commission's Rules and Regulations, *is amended*, effective June 24, 1976, as set forth below. *It is further ordered*, That this proceeding *is terminated*.

Adopted: May 12, 1976.

Released: May 17, 1976.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083,

1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.)

**FEDERAL COMMUNICATIONS COMMISSION,**  
[SEAL] VINCENT J. MULLINS,  
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 76.31(b) is revised to read as follows:

§ 76.31 Franchise Standards.

(b) Franchise fees shall be no more than 3 percent of the franchisee's gross subscriber revenues per year from cable television operations in the community (including all forms of consideration, such as initial lump sum payments). If the franchise fee is in the range of 3 to 5 percent of such revenues, the fee shall be approved by the Commission if reasonable upon showings: (1) by the franchisee, that it will not interfere with the effectuation of federal regulatory goals in the field of cable television, and (2) by the franchising authority, that it is appropriate in light of the planned local regulatory program. With respect to a cable television system that was in operation prior to March 31, 1972, the provisions of this paragraph shall not be effective until the end of a system's current franchise period, or March 31, 1977, whichever occurs first.

[FR Doc. 76-15184 Filed 5-24-76; 8:45 am]

**Title 49—Transportation**  
**CHAPTER X—INTERSTATE COMMERCE COMMISSION**  
**SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS**  
[No. 36126]

**Confidential Annual Report Supplement for Class I Carriers and Revision to the Railroad Annual Report**

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 9th day of April 1976.

Consideration having been given to the matters involved in this proceeding and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

*It is ordered*, That Parts 1241, 1249, 1250 and 1251 of Title 49 of the Code of Federal Regulations be, and they are hereby revised to read as shown below.

*It is further ordered*, That the prescribed revisions shall be effective for the year ended December 31, 1975.

*And it is further ordered*, That, service of this order be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the

general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER. (49 U.S.C. 12, 20, 220, 313, 412.)

By the Commission.

ROBERT L. OSWALD,  
Secretary.

**REPORT OF THE COMMISSION**

By notice of proposed rulemaking dated April 4, 1975, served May 9, 1975, and published in the FEDERAL REGISTER on May 22, 1975 (40 CFR 22466), we announced that we had under consideration certain revisions to the annual, special and periodic reports of Class I or Class A Railroads, Electric railways, Common and contract motor carriers of passengers, Common and contract motor carriers of property, Inland and coastal waterways carriers, Freight forwarders, and Express companies, Pipeline carriers, Refrigerator car lines, and Maritime carriers with annual operating revenues of \$1 million or more.

All interested parties were given the opportunity to submit their views in writing by June 13, 1975. The response date was subsequently extended until July 14, 1975.

**BACKGROUND**

The confidential reporting technique was an outgrowth of legal proceedings concerning certain provisions of the Commission's report and order in Annual Reports of Class I Railroad Companies, 341 I.C.C. 205 (1972). These provisions called for disclosure of Federal income tax information in the railroad annual report. The Commission's Order was set aside by a United States District Court order which ruled that such information should not be available to public inspection due to its confidential nature *Assn. of American Railroads v. United States*, 371 F. Supp. 114 (D.C. D.C. 1974).

Federal income tax information presently provided in annual reports has proven to be insufficient to enable the Commission to effectively evaluate the tax transactions which affect the financial stability of carriers. We believe the proposed confidential annual report supplement provides complete information about the relationship between the reporting carrier and its affiliates as it may affect the tax liability of the carrier. As a result, the true impact of the affiliation on the tax situation of the carrier can be determined.

**REPRESENTATIONS OF THE PARTIES**

The public notification of the proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views or arguments. Comments were received from three industry associations, thirteen pipeline companies, one railroad, eleven motor carriers of



property, three waterways carriers and one state regulatory commission. Their comments are summarized below. Respondents and other persons submitting views are referred to using their short titles as shown in Appendix Q<sup>1</sup> of this report.

**Maintenance of confidentiality.**—AAR, Okan, Mobil, Exxon, Nu-Car, Pinto, Texas, Continental, Colonial, CRA, Atchison, Gates, Sun, and Gulf objected to the proposal, citing an alleged inability of the Commission and its personnel to guarantee that information submitted on a confidential basis will remain confidential. They contend there is a distinct possibility that information contained in the files of the Commission might be made available to sources outside the Commission in proceedings where such information is relevant and material. They also request notice of procedures to be employed to insure confidentiality.

Tax information should be verified through the audit process.—AAR, Colonial, Warrior, DSI and Ohio believe the Commission's auditors should review and verify the required information during carrier audits. This will allow carriers to provide underlying data and explanations on complex transactions and eliminate concern about the Commission's ability to keep the information confidential.

The proposed schedules appear excessive, burdensome and their usefulness is questionable.—MAPCO, Warrior, Sun, Ohio, Georgia, Exxon, Nu-Car, Pinto, IML, Leaseway, Puget and NAFC object to the excessive and burdensome nature of the report. They question the purpose of the required disclosures and their use in fulfilling the regulatory responsibilities of the Commission.

The proposed rules are outside the scope of the Commission's statutory authority and in direct conflict with the Internal Revenue Code.—NAMBO, Atchison, ARCO, Texas, Marathon, Gates, CRA, Amoco, Mobil and NAFC contend the Commission is acting outside its statutory authority in requiring disclosure of confidential tax information, particularly from non-regulated entities.<sup>2</sup> They also contend the proposed rules circumvent the provisions of the Internal Revenue Code.

Need for schedule and instruction revisions.—NAFC, Shippers, Texas, AAR and MAPCO recommend that the proposed schedules and instructions be revised to accommodate certain tax rules. DSI contends Schedule C and parts of Schedule B are not applicable to carriers filing under Section 1552(A)(2) of the Internal Revenue Code. Texas recommends that a line item for the preference tax be

inserted where appropriate, and Shippers questions the applicability of the proposed report to carrier partnerships.

**Objective of proposed schedules.**—NAFC, EFL, Garrett and American contend the proposed schedules do not accomplish the Commission's objective. They believe the schedules should emphasize financial relationships rather than complex tax calculations. NAFC presented alternative schedules emphasizing financial relationships and comparing tax rates among members of the consolidated group.

#### DISCUSSION AND CONCLUSIONS

The following discussion is organized according to the principal arguments made by the various respondents.

#### MAINTENANCE OF CONFIDENTIALITY

We realize the right to protection of confidential tax information is an essential part of the income taxation scheme. The policy of confidentiality for income tax data encourages full disclosure of income and expenses by individuals and corporations and assures them the general public and competitors will not be apprised of sensitive information.

The respondents contend there are no assurances that the privacy and confidentiality of tax information reported to the Commission will be maintained. Atchison stated the Commission has no experience to rely upon in protecting the confidentiality of the information, and Commission employees do not appear to be covered by any statutory prohibitions against disclosure.

#### USEFULNESS AND PURPOSE OF REPORT

The respondents questioned the usefulness and purpose of the proposed report. They contend the proposed report is excessive, burdensome, and unnecessary for fulfillment of the Commission's regulatory responsibilities. These contentions are without merit.

Effective regulations and administration of responsibilities is dependent upon access to all types of financial data. In the long run, the consequences of informative disclosure benefit the economic and financial fitness of all carriers. In this respect, these regulations will not only benefit the Commission by providing it with the necessary data in a compact form on a confidential basis and with the consequent reductions in its day-to-day tasks, but it will, more importantly, provide respondents with definitive guidelines in complying with Commission regulations. Sound regulatory principles demand that the regulated carrier be made aware, where feasible, of its obligations prior to taking any action rather than after the fact.

The tax information request has been found to be readily available from tax returns and supporting information. Our auditors have prepared the proposed schedules for several railroads and motor carriers on a test basis. The auditors experienced little difficulty in obtaining the information and preparing the report which tends to discredit the respondents' contention.

The objective of the proposed schedules is to determine the benefits or inequities attributable to filing a consolidated tax return. The schedules enable the Commission to determine, in terms of actual tax liability, the true effect of the consolidation on the tax situation of the carrier.

The Commission will use the information disclosed to effectively evaluate and interpret the financial condition of responding carriers. The information will also facilitate early detection and resolution of questionable accounting procedures in the area of income taxes. This information will be used in considering the advisability of proposing rules regarding carrier participation in consolidated tax returns.

The Commission reevaluated the applicability of the reporting requirement to certain carriers. We determined that the reports' objectives can be achieved by further limiting the applicability of the reporting requirement. We have decided that only carriers with annual operating revenues of \$10 million or more need comply with the reporting requirement. This limitation will ease the reporting burden of smaller carriers and insure only significant tax information is reported.

#### VERIFICATION THROUGH THE AUDIT PROCESS

Respondents' recommendation that the tax information be reviewed and verified through the audit process is not a workable alternative. We have determined that in order to be effective and meet established objectives the required disclosures should be obtained on an annual basis. The frequency of audits on carriers subject to the proposed rules varies. For example, the largest Class I railroads are audited annually whereas electric railways, pipeline and maritime carriers are audited on three and six year cycles, respectively. To adopt the respondents' proposal, audits of carriers subject to the proposed rules would have to be performed on annual cycles. This procedure would be a disruptive burden on carriers subject to the proposed regulations.

#### SCHEDULE OBJECTIVES

We believe the schedules in the confidential report accomplish the objective of the proceeding which is to enable us to determine, in terms of actual taxes paid by regulated carriers, the advantages or disadvantages of being affiliated with a group that files a consolidated tax return. The amended schedules in appendices F through O also complement the tax disclosures in annual reports filed with us.

NAFC recommends the adoption of alternative schedules. However, NAFC's major revision to Schedule C of the report is unacceptable and defeats the objective of the report. NAFC proposes to disclose the percentage relationship between the provision for taxes including deferred taxes and pretax accounting income. A variance between this percentage and the normal corporate tax percentage will initiate further investigation. This

revision ignores the actual effect of the consolidation on the carriers tax liability which is our major concern. As a result, we cannot accept this part of NAFC's recommendation and Schedule C will remain unchanged. The NAFC recommendation for prescribing consolidated reporting rules in the instructions is adopted.

The respondents' contentions are erroneous in both respects. The Commission has experience in the accumulation and retention of confidential information and strictly enforces internal rules and procedures to maintain confidentiality of this information. Piggy-back traffic statistics, quarterly reports on additions and betterments and supplemental filing of freight commodity statistics are presently reported on a confidential basis to the Commission. These reports are segregated from reports open to public inspection. The Commission strictly scrutinizes the use and retention of this data by Commission employees.

Adequate safeguards presently exist to protect the confidentiality of information reported. The Criminal Code, 18 U.S.C. Section 1905, prohibits Federal employees from disclosing business data or trade secrets received in the course of their official duties. In addition, 49 CFR Part 1001.4 provides specific procedures which must be followed to request permission to inspect Commission records not considered public information. Finally, 26 U.S.C. Section 7213 makes it unlawful for a Federal employee to divulge data contained in a tax return, copy of return or any book containing abstracts or particulars thereof.

We believe the internal rules and regulations and statutory penalties applicable to Federal officials and employees are more than adequate protection for the confidentiality guaranteed carriers. Our record and experience in dealing with other forms of confidential information further support this contention.

#### COMMISSION AUTHORITY

The respondents contend the Commission lacks specific statutory authority to compel reporting of Federal income tax information and, therefore, the provisions provided in the Internal Revenue Code, 26 U.S.C. Section 6103, should govern. Section 6103 prescribes formal procedures Federal agencies must follow to obtain Federal income tax information.

This Commission is authorized by the Interstate Commerce Act to require regulated carriers to disclose directly to us such information as we deem necessary or proper to aid in fulfilling our responsibilities under the provisions of the Act. Advancement of sound economic and financial conditions in the transportation industry is aided by the disclosure of Federal income tax information.

Section 6103 was enacted to prevent the wholesale revelation of confidential information to persons having no legitimate interest. This provision for confidentiality should not be interpreted to apply to a Federal agency whose sole function is to preserve sound economic

conditions in the transportation industry. Carriers cannot have legitimate interests in denying information, crucial to their financial solvency, to the regulatory body charged with overseeing them.

Whether Section 6103 was intended to be the exclusive means of granting access to tax information filed with the Internal Revenue Service is the central issue in the respondents' argument. There are no judicial precedents to date addressing the limitations of Section 6103 in the regulatory context.

Mobil cited the cases of *Federal Savings and Loan Insurance Corporation v. Kreuger*, 555 F.R.D. 512 (D.C.N.D. Ill. 1972), and *Association of American Railroads v. The United States*, 371 F. Supp. 114 (D.C.D.C. 1974), in support of its contention that Section 6103 is exclusive. However, reliance on decisions in these cases is misplaced.

Mobil contends the *Kreuger* case centered on the court's refusal to permit a Federal agency to compel reproduction of tax information because the agency had an alternative means of obtaining the information under Section 6103. However, the court found the Federal agency was acting as a receiver for private interests and had not established good cause to invoke the discovery process. The decision in this case is not relevant to the Commission's proposal since the case involved essentially private litigants who failed to establish good cause and a relevant need for the information. *The Association of American Railroads* case concerned whether the prohibition in Section 6103 applies to only the original return or to copies of the return as well. The court ruled the prohibitions applied to both the original and copies of the return. However, the court emphasized disclosure to a Federal agency was not at issue, but rather disclosure to the public in general. The question of whether the agency might acquire these data through confidential reports was expressly left open.

The Interstate Commerce Act provides us with authority to prescribe confidential disclosure of Federal income tax information. The absence of a judicial precedent in this regard and the decisions in the aforementioned cases lend further support to this contention.

#### SCHEDULE REVISIONS

We thoroughly reviewed the respondents' recommendations for revisions to the proposed report, and adopted those revisions which facilitate schedule and instruction interpretations and enhance the objectives of the proposal. AAR's recommendation to exclude carriers subject to Internal Revenue Code regulation 1552(A)(2) from completing Schedule C and parts of Schedule B was not adopted. AAR contends that carriers subject to Section 1552 consolidated tax reporting rules are allocated a consolidated tax liability equal to the liability they would have borne filing separate tax returns; therefore, the tax affiliation has little, if any, impact on the tax situation of the regulated carrier.

Section 1552(A)(2) states, "The tax liability of the group shall be allocated to the several members of the group on the basis of the percentage of the total tax which the tax of such member if computed on a separate return would bear to the total amount of the taxes for all members of the group so computed". The AAR's interpretation of this regulation is only valid under certain circumstances where no tax benefits are contributed to the consolidation. This appears to be the exception rather than the rule. Affiliated groups are formed to take advantage of the tax benefits available in consolidated tax reporting rules. When members of an affiliated group contribute tax benefits such as capital losses, tax credits or net operating losses, the consolidated tax liability allocated to each member of the group can be both greater or less than the separate return basis liability of each member. As a result, we cannot accept the AAR's contention and, therefore, will not exempt carriers filing under section 1552(A)(2) from completing the proposed schedules.

Consolidated reporting rules, as described in Internal Revenue Code regulations 1501 through 1563, are prescribed in the instructions at the recommendation of NAFC. This will eliminate laborious computations and assure uniform and consistent reporting. DSI contends the October 31 due date is unreasonable. We established this date to insure information would be received on a timely basis. In order to maximize effective use of this information the due date cannot be revised. However, in cases where the tax return filing date is changed or extended and complying with the October 31 due date causes an undue hardship or burden, carriers may file for relief with the Commission. In addition, the instructions have been revised to provide for disclosure of the preference tax, and to exempt carrier partnerships from complying with the reporting regulations.

#### FINDINGS

We find the amended revisions to the Commission's reporting regulations, concerning the establishment of a confidential annual report supplement for disclosure of Federal income tax information and reinstatement of information in the railroad annual report, reflected in the appendices hereto, should be approved and adopted effective for the year ended December 31, 1975. Commencing with the report for the year ending December 31, 1975, carriers will file the report by October 31 of the following year.

We further find this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.<sup>3</sup>

<sup>3</sup> Dissenting statements by Chairman Stafford and Commissioner Gresham filed as part of the original document.

<sup>1</sup> Appendices P through Q filed as part of the original document.

<sup>2</sup> On March 18, 1976, the Commission in its Part No. 320, Investigation into the Management, Business Inter-Relationships and Transactions of the Below-Named Railroads, Their Controlling Holding Companies and Affiliated Companies, instituted an investigation relating to conglomerate activities. See also, P.L. 94-210, Section 903.

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## APPENDIX A

## PART 1241—ANNUAL, SPECIAL OF PERIODIC REPORTS: CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

1. Section 1241.11 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1241.11 Forms prescribed for Class I railroads.

(a) Commencing with the year . . .

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further order, all railroads, with annual operating revenues of \$10 million or more, as described in § 1240.1 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement R-1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement R-1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

2. Section 1241.21 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1241.21 Annual reports of electric railroads.

(a) Commencing with reports . . .

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all electric railroads, with annual operating revenues of \$10 million or more, as described in § 1240.3 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement R-5(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement R-5(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

3. Section 1241.31 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1241.31 Annual reports of express companies.

(a) Commencing with the year . . .

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further order, all express companies, with annual operating revenues of \$10 million or more, subject to the provision of the Interstate Commerce Act, shall be required to file Annual Report Supplement H(a). Such annual report supplement shall be of confidential nature and not available for public inspection. Annual Report Supplement H(a) shall be filed in duplicate with the

Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

4. Section 1241.61 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1241.61 Annual reports of carriers by pipeline.

(a) Commencing with the year . . .

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further order, all pipeline carriers, with annual operating revenues of \$10 million or more, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement P(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement P(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

5. Section 1241.70 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1241.70 Annual reports of refrigerator car lines owned or controlled by railroad companies.

(a) Commencing with reports . . .

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further order, all refrigerator car lines, with annual operating revenues of \$10 million or more, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement B-1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement B-1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

## APPENDIX B

## PART 1249—REPORTS OF MOTOR CARRIERS

1. Section 1249.1 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1249.1 Annual reports of class I carriers of property.

(a) Commencing with reports . . .

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all carriers of property, with annual operating revenues of \$10 million or more, subject to the provisions of the Interstate Commerce Act, shall be required to file An-

ual Report Supplement M-1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement M-1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

## APPENDIX C

2. Section 1249.5 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1249.5 Annual reports of class I carriers of passengers.

(a) Commencing with reports . . .

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all carriers of passengers, with annual operating revenues of \$10 million or more, as described in § 1240.4 subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement MP-1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement MP-1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

## APPENDIX D

## PART 1250—REPORTS OF WATER CARRIERS

1. Section 1250.10 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1250.10 Annual reports of class A and B water carriers on inland and coastal waterways.

(a) Commencing with the year . . .

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all inland and coastal waterway carriers, with annual operating revenues of \$10 million or more, as described in § 1240.2 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement W-1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement W-1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

2. Section 1250.20 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1250.20 Form prescribed for maritime carriers.

(a) Commencing with the year . . .

(b) Commencing with reports for the year ended December 31, 1975, and

thereafter, until further order, all maritime carriers, with annual operating revenues of \$10 million or more, subject to the provisions of Section 313, Part III, of the Interstate Commerce Act, shall be required to file Annual Report Supplement M(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement M(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

## APPENDIX E

## PART 1251—REPORTS OF FREIGHT FORWARDERS

Section 1251.1 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

## § 1251.1 Annual reports of Class A freight forwarders.

(a) Commencing with reports . . .

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all freight forwarders, with annual operating revenues of \$10 million or more, as described in § 1240.6 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement F-1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement F-1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

[FR Doc.76-15248 Filed 5-24-76;8:45 am]

Title 5—Administrative Personnel  
CHAPTER I—CIVIL SERVICE COMMISSION

## PART 213—EXCEPTED SERVICE

## Federal Deposit Insurance Corporation

Section 213.3333 is amended to show that one position of Secretary to a Member of the Board of Directors is excepted under Schedule C.

Effective May 25, 1976, § 213.3333(h) is added as set out below:

## § 213.3333 Federal Deposit Insurance Corporation.

(h) One Secretary to a Member of the Board of Directors.  
(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1956 Comp., p. 218.)

## UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc.76-15413 Filed 5-24-76;10:56 am]

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## proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

##### [ 50 CFR Part 17 ]

#### ENDANGERED AND THREATENED WILDLIFE AND PLANTS

##### Proposal To List 27 Species of Primates as Endangered or Threatened Species; Correction

In FEDERAL REGISTER Document 76-11189, appearing at page 16466 of the issue for Monday, April 19, 1976, the following change should be made:

In the second column on page 16468, delete the words "sale or" appearing on the 10th line and on the 11th line of the paragraph headed "Effects of the Proposed Rulemaking." The sentence should now read "There would, however, be no restrictions on interstate movement of these species if such movement is not in the course of . . . ."

Dated: May 18, 1976.

GEORGE W. MILLAS,  
Acting Director,  
Fish and Wildlife Service.

[FR Doc. 76-15357 Filed 5-24-76; 8:45 am]

### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

##### [ 7 CFR Part 330 ]

#### REQUIREMENTS FOR INSPECTION OF VESSELS AND AIRCRAFT AND OF PRODUCTS AND ARTICLES THEREON

##### Extension of Time To Submit Written Comments

● Purpose: To extend comment period date from May 24 to June 24 on proposal to amend 7 CFR Part 330. ●

Notice is hereby given pursuant to the administrative procedure provisions of 5 U.S.C. 553, that the time for submitting written comments with respect to the proposal to amend 7 CFR Part 330 by adding a new subpart, "Notification and Documents Presentation Requirements for Inspection of Vessels and Aircraft and of Products and Articles Thereon," as published in the FEDERAL REGISTER, April 23, 1976 (41 FR 16970), is hereby extended to June 24, 1976.

Airline associations have requested such extension in order to have sufficient time for their membership to complete discussions and make comments on the proposal. Since the Department is interested in receiving meaningful comments, these circumstances are considered sufficient justification for an extension of time originally allotted for filing comments.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, by June 24, 1976.

All written submissions made pursuant to this notice will be made available for public inspection in Room 633, Federal Building, Hyattsville, Maryland 20782, during regular hours of business, unless the person makes the submission to the Regulatory Support Staff, Plant Protection and Quarantine Programs, and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Done at Washington, D.C., this 20th day of May 1976.

J. W. GENTRY,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 76-15356 Filed 5-24-76; 8:45 am]

#### Rural Electrification Administration

##### [ 7 CFR Part 1701 ]

#### EQUAL EMPLOYMENT OPPORTUNITY IN CONSTRUCTION FINANCED WITH REA LOANS

##### REA Policy and Procedures on Employment Data and Proposed Guidelines for Developing and Implementing an Affirmative Action Program

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 20-15: 320-15, "Equal Employment Opportunity in Construction Financed with REA Loans." The purpose of the revised bulletin is to delete annual employment data requirements and to propose a set of guidelines for developing

and implementing an Affirmative Action Program. On issuance of the revised bulletin, Appendix A to part 1701 will be modified accordingly.

Persons interested in this revision may submit written data, views, or comments to the Civil Rights Coordinator, Rural Electrification Administration, Room 4313 South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or by June 24, 1976. All written submissions made pursuant to this notice will be made available for inspection by interested parties.

A copy of the proposed revision of REA Bulletin 20-15: 320-15 may be secured in person or by written request from the Civil Rights Coordinator.

A summary of proposed substantive changes in REA Bulletin 20-15: 320-15 is as follows:

1. Section IV G (page 6), Submission of Employment Data to REA by Borrowers, will be deleted. Future requests for employment data will be at five-year intervals beginning in 1980.

2. Section IV H, Affirmative Action Compliance Program, will now become "Section IV G." This section has been revised to reflect editorial changes such as deleting the word "sample" in the Affirmative Action Program and revising the last sentence to make it more definitive. The last paragraph in this section is new. The revision reads as follows:

**Borrowers:** Each borrower, unless exempt, having 50 or more employees is required to develop and carry out a written affirmative action program. Guidelines for developing such a program are set forth in Appendix F. A report of the results of the program shall be compiled annually, and the program updated at that time. The affirmative action program and its accomplishments shall be readily available for inspection. The evaluation of the program is an integral part of the compliance review activities.

In addition, REA believes that it is good business for all borrowers to develop and implement an affirmative action program.

3. Appendix F, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," has been changed to Appendix E. Appendix E, "Suggested Approaches for Developing an Affirmative Action Program," has been changed to Appendix F. Appendix F (formerly Appendix E) has been revised in detail in order to provide more definitive information and guidelines to the borrower for use in developing and implementing an affirmative action program. The revision of this Appendix is as follows:

#### SUGGESTED APPROACHES FOR DEVELOPING AN AFFIRMATIVE ACTION PROGRAM

An Affirmative Action Program consists of a detailed plan which is "results-oriented" to the extent that when implemented in good faith, it will bring about the full utilization of minorities and women at all levels and in all categories of the work force.

#### THE CONTENTS OF AN AFFIRMATIVE ACTION PROGRAM

I. **Policy commitment by the Board of Directors.**—Unless the board of directors sets forth a strong and effective policy, identifying its attitude toward equal employment opportunity, and directs management to move forthrightly in bringing this effort to fruition, nothing meaningful in the equal employment opportunity program will be accomplished.

II. **Responsibility and authority.** A management official should be assigned the responsibility and given the authority for developing and implementing the Affirmative Action Program. The official should:

A. Develop policy statement and set forth procedures for communicating this statement internally and externally.

B. Assist department managers in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve those goals.

C. Design, implement, and monitor internal audit and reporting systems to measure the effectiveness of the program and identify areas of strong and weak points and take needed action to strengthen the weak areas.

D. Report quarterly to the manager on the progress made in each level of employment category.

E. Serve as liaison between the organization and the government, minority group and women organizations and other community groups.

III. **Analyze present work force and identify problem areas.** In order to analyze the work force and identify problem areas, the following steps should be taken:

A. List each job title as it appears in the collective bargaining agreement or payroll records.

B. Rank employees from the lowest to the highest paid in each department or similar organizational unit including department or unit supervision personnel.

C. Where there are separate work units or lines of progression within a department, provide a separate list for each work unit or line including unit supervisors.

D. For lines of progression, show the order of jobs in the line through which an employee can move to the top of the line. Where there are no formal progression lines or usual promotional sequences, list job titles by department, or job "families," in order to wage rates or salary ranges.

E. For each job title, give the total number of incumbents, the number of

male and female incumbents, and the number of male and female incumbents in each of the following groups: Blacks, Spanish-surnamed Americans, American Indians, and Orientals.

F. Give the wage rate or salary range for each job title.

G. List all job titles, including all managerial job titles.

IV. **Utilization analysis.** After the work force analysis is presented, jobs should be grouped for further analysis. A job group is one or a group of jobs having similar content, wage rates and opportunities. Job groups should relate to the data contained in Manpower Information for Affirmative Action Programs obtained from the local state employment security agencies. When data on detailed skills is available, more detailed job groups can be used.

In making the utilization analysis, the borrower should:

A. Conduct such analysis separately for minorities and women. The analysis should include specific percentages of minority persons and women (minority and non-minority) from the state employment security agency. Percentages should be stated separately for Blacks, Spanish-surnamed Americans, American Indians and Orientals whenever any of these groups exceeds two percent or more of the population in the labor area.

B. Prepare a separate analysis for each job group.

C. Check with the local Security Employment Agency serving the county where headquarters of the organization is located and from which it draws its work force to determine the following population information:

1. Total population	-----
(Number)	(Number)
2. Total minority population	-----
(Percent)	(Percent)
3. Total female population	-----
(Number)	(Number)
4. Total labor force	-----
(Number)	(Number)
5. Total female labor force	-----
(Number)	(Number)
6. Total minority labor force	-----
(Number)	(Number)
7. Unemployment rate	-----
(Percent)	(Percent)
8. Minority unemployment rate	-----
(Percent)	(Percent)
9. Female unemployment rate	-----
(Percent)	(Percent)

In establishing goals, the borrower should consider the percent that employed minorities and women is to the total employed population in the area where the headquarters is located and from which the system draws its labor force.

D. In determining whether minorities are being underutilized in any job group,

#### PROPOSED RULES

the borrower should consider at least the following factors:

1. The minority population of the labor area surrounding facility.

2. The size of the minority unemployment force in the labor area surrounding the facility.

3. The percentage of the minority work force as compared with the total work force in the immediate labor area.

4. The general availability of minorities having requisite skills in the immediate labor area. (Consider data from the appropriate labor market area on occupations of employed persons, unemployed persons and job applicants for factors 4 and 5.)

5. The availability of minorities having requisite skills in an area in which the borrower can reasonably recruit.

6. The availability of promotable and transferable minorities within the borrower's organization.

7. The existence of training institutions capable of training persons in the requisite skills.

8. The degree of training which the borrower is reasonably able to undertake as a means of making all jobs available to minorities.

E. In determining whether women are being underutilized in any job group, consider at least the following factors:

1. The size of the female unemployment force in the labor area surrounding the facility.

2. The percentage of the female work force as compared with the total work force in the immediate labor area.

3. The general availability of women having requisite skills in the immediate labor area. (Consider data on occupations of employed and unemployed persons for factors 3 and 4.)

4. The availability of women having requisite skills in an area in which the borrower can reasonably recruit.

5. The availability of women seeking employment in the labor or recruitment area of the borrower. (Consider data on job applicants obtained from the local state employment service.)

6. The availability of promotable and transferable female employees within the borrower's organization.

7. The existence of training institutions capable of training persons in the requisite skills.

8. The degree of training which the borrower is reasonably able to undertake as a means of making all job classes available to women.

In both the analysis for minorities and the analysis for women, data regarding promotable and transferable employees, community training facilities should be prepared by the borrower and related to the locality for factors 6, 7 and 8.

Underutilization is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability. Availability is determined by considering at least the eight factors for minorities and the eight factors for women in the utilization analysis for each job group. At no time should availability be deter-



mined by considering only one factor such as occupations or opportunities through training and recruitment.

Whenever the percentage of any minority group exceeding two percent or more of the population in the labor area, or of women, is lower than the percentage of such persons determined to be available, the affirmative action program should specifically state the underutilization exists in that job group.

V. *Establishment of goals and timetables.* A. Specific goals and timetables should be established separately for minorities and women considering at least the factors cited in the utilization analysis. Goals, timetables and affirmative action commitments should be designed to correct any identifiable deficiencies.

B. A long range goal should be established for each job group in which underutilization exists and should be designed to completely correct the underutilization. The goal should be stated as a percentage of the total employees in the job group and should be equal to the percentage of minorities or women available for work in the job group in the applicable labor market.

1. A single goal for minorities is acceptable unless through the company's evaluation it is determined that one minority group is underutilized in a substantially disparate manner.

2. Separate goals and timetables for such minority groups may be established individually, and where appropriate, separate goals may be established within the minority groups by sex.

C. For each job group in which underutilization exists, a specific timetable should be established for reaching the ultimate goal in the minimum feasible time period. In establishing timetables, the borrower should consider the anticipated expansion, contraction, and turnover of the work force, as well as the number of jobs to be filled through upgrading.

D. For each job group in which underutilization exists, the borrower should establish annual rates of hiring and/or promoting minorities and women until the ultimate goal is reached. These rates should be the maximum rates that can be achieved through putting forth every good faith effort, including the use of available recruitment and training facilities, and should not be lower than the percentage rate set in the ultimate goal. Numerical goals based on projected openings should be established but should not be used in place of percentage goals. Goals should be stated both as actual numbers and as percentages for backup goals. For example, a borrower may establish a goal of ten women based on an expected 20 vacancies for hires or promotions, but actual vacancies may vary. As a contingency, the percentage goal (e.g., 50 percent of hires) would apply if opportunities exceed current estimates.

E. Support data for the required analysis and program should be compiled and maintained as part of the borrower's

affirmative action program. This data should include but not be limited to progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

F. Copies of affirmative action programs and/or copies of support data must be made available to the compliance agency or the Office of Federal Contract Compliance, at the request of either, for such purposes as may be appropriate to the fulfillment of their responsibilities under Executive Order 11246, as amended.

#### THE COMPLIANCE STATUS

No borrower's compliance status shall be judged alone by whether or not it

reaches its goals and meets its timetables. Rather, each borrower's compliance posture shall be reviewed and determined by reviewing the contents of its program, the extent of its adherence to this program, and its good faith efforts to make its program work toward the realization of the program's goals within the timetables established by the borrower for completion.

4. A new Appendix G, "Suggested Steps for Developing an Affirmative Action Program," will be added in order to provide the borrower with a suggested format to be used in writing up an affirmative action program. (See below.)

Dated: May 18, 1976.

RICHARD F. RICHTER,  
Acting Administrator.

#### APPENDIX G.—Suggested steps for developing an affirmative action program

Item	Action needed	By whom	When
I. Purpose.....	State the purpose of the AAP.....	Board of directors.....	Immediately
II. Policy.....	Make an effective and strong statement that the corporation will not discriminate in any of its employment practices.....	.....do.....	Do.
III. Responsibility for implementation of policy.....	Give the name and state the authority of such person who will have to implement the policy.....	.....do.....	Do.
IV. Dissemination of policy.....	State how policy will be disseminated to all employees (internally) and nonemployees (externally).....	Personnel supervisor <sup>1</sup> or manager.....	Do.
V. Initiating and implementing the AAP.....	1. Publish statement about corporation's policy and intent on equal employment opportunity.....	Board of directors.....	Do.
	2. Distribute corporation's policy statement and intent to all employees and applicants for employment.....	Personnel supervisor <sup>1</sup> or manager.....	Do.
	3. Include information on corporation's policy and intent on equal opportunity employment in corporation's publications.....	.....do.....	Do.
	4. Include "An Equal Opportunity Employer" statement in all advertisements.....	.....do.....	Do.
	5. Write letters to all recruitment sources advising them of the corporation's policy on equal opportunity employment.....	.....do.....	Annually.
	6. Conduct recruitment visits to include schools with substantial or predominate members of minority group students.....	.....do.....	Continuing.
	7. Maintain liaison with public and private agencies serving minority groups and women and keep record of contacts.....	.....do.....	Continuing.
	8. Make periodic reports to the board of directors on corporation's progress in achieving the goals of AAP.....	.....do.....	Continuing.
VI. Development and promotion of qualified employees.....	1. Inform minority group and women employees on available on-the-job training programs.....	Personnel supervisor <sup>1</sup> and department heads.....	Immediately and update annually.
	2. Determine if job descriptions, entrance qualifications and qualification standards for promotion are discriminatory to minority groups and women.....	.....do.....	Continuing.
	3. List type of kind of training needed and where such training can be secured to achieve corporation's objective in obtaining minority group and women representation.....	.....do.....	Immediately and update annually.
	4. List by ethnic category persons who have been upgraded, promoted, transferred, or dismissed, or who have left your employment during the last 12 months.....	.....do.....	Do.
VII. A. Work force analysis.....	1. List each job title as it appears on the payroll, ranking from lowest to highest paid in each department, including supervisors.....	Personnel supervisor.....	Do.
	2. Make separate list when work units are separate or where there are lines of progression within a department.....	.....do.....	Do.
	3. For each job title, give the total number of incumbents; the total number of male and female incumbents; the wage rate or salary range by job title and ethnic category.....	.....do.....	Do.
B. Group jobs.....	List jobs together that have similar content, wage rates and opportunities.....	.....do.....	Do.
VIII. Availability analysis.....	From the State employment agency serving the county or area concerned, secure: a. Total population ..... (number). b. Total minority population ..... (number) ..... (percent). c. Total female population ..... (number) ..... (percent). d. Total labor force ..... (number). e. Total female labor force ..... (number) ..... (percent). f. Total minority labor force ..... (number) ..... (percent).	.....do.....	Do.

Footnote at end of table.

#### APPENDIX G.—Suggested steps for developing an affirmative action program—Continued

Item	Action needed	By whom	When
	g. Unemployment rate ..... (percent)..... h. Minority unemployment rate ..... (percent)..... i. Female unemployment rate ..... (percent)..... Secure the above percentages by ethnic category when such category exceeds 2 percent of the total population in the labor force area (see app. F).	.....do.....	Do.
IX. Underutilization analysis.....	1. Turn to app. E to see items needed for evaluation.....	.....do.....	Do.
	2. Show the evaluation in numbers and percentages.....	.....do.....	Do.
X. New hires and terminations.....	1. Show the percentage of new employees needed.....	.....do.....	Do.
	2. Develop schedule showing new hires for the past 12 months by jobs and ethnic category.....	.....do.....	Do.
	3. Develop schedule showing termination by jobs and ethnic category for the past 12 months.....	.....do.....	Do.
XI. Establish goals and timetables.....	1. Develop schedule showing or projecting new hires for the next 12 months.....	.....do.....	Do.
	For each job title where there are underutilization of minority groups and women, give the percentage of the goal you hope to achieve during the next 12 months.....	.....do.....	Do.

<sup>1</sup> If the organization does not have a position for personnel supervisor, designate individual who ordinarily performs such duties.

[FR Doc.76-15141 Filed 5-24-76;8:45 am]

#### CIVIL SERVICE COMMISSION

##### [5 CFR Part 890]

##### HEALTH BENEFITS

#### Application for Approval of Health Benefits Plans

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to amend §§ 890.203(a), 890.301(d) and 890.306(c) of 5 CFR Part 890 to provide for a semi-annual review of applications submitted by comprehensive medical plans seeking to participate in the Federal Employees Health Benefits Program.

It is the opinion of the Civil Service Commission that such amendments to the existing health benefits regulations are necessary to facilitate access to the Federal Employees Health Benefits Program by qualified comprehensive medical plans.

Carriers and other interested persons may submit written comments, objections or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, Room 4445, U.S. Civil Service Commission, Washington, D.C. 20415, on or before June 24, 1976.

Accordingly, it is proposed to amend 5 CFR Part 890 as follows:

1. By amending paragraph (a) of § 890.203 to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefit plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the U.S. Civil Service Commission, Washington, D.C. 20415. This letter application is to be accompanied by such descriptive material, financial data and documentation as the Commission may require in its review process and in the format specified by the Commission. Participation of an approved plan becomes effective either on the January 1st or on the July 1st which is (1) at

least nine months after the Commission receives the application and (2) at least six months after the Commission receives all evidence to demonstrate that the plan has met all requirements for approval.

2. By amending paragraph (d) of § 890.301 to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

(d) *Open season.* (1) During the period November 15, 1975, through December 31, 1975, and the period November 15 through November 30 of each year thereafter beginning with 1976, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his or her enrollment from one plan or option to another, or from self only to self and family, or both.

(2) The Commission may announce and conduct special open seasons for newly approved comprehensive medical plans, except that enrollment during a special open season shall be limited to approved comprehensive medical plans which have qualified under subpart B of this part for public participation effective July 1, 1977, or any July 1 thereafter. During a special open season, which shall take place at such time as the Commission may specify, an enrolled employee or annuitant living in the enrollment area of a newly approved plan may change his or her enrollment from the plan in which he or she is already enrolled to the newly approved plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment unless a change of type is otherwise authorized by this part. The Commission shall determine the effective date of a change in enrollment elected during a special open season.

3. By amending paragraph (c) of § 890.306 as follows:

§ 890.306 Effective dates.

(c) (1) The effective date of a change in enrollment under section 890.301(d) (1) is the first day of the first pay period which begins in January of the next following year, except that a change in enrollment for the open season for employees ending April 14, 1972, and for annuitants ending April 30, 1972, is effective on the first day of the first pay period which begins after April 14, 1972.

(2) The effective date of a new enrollment under section 890.301(d) (1) is the first day of the first pay period which begins in the next following year and which follows a pay period during any part of which the employee is in pay status, except that the effective date of a new enrollment for the open season ending April 14, 1972, is the first day of the first pay period which begins after April 14, 1972, and which follows a pay period during any part of which the employee is in pay status.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.76-15348 Filed 5-24-76;8:45 am]

#### COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR Parts 51-3, 51-4, and 51-5]

##### WORKSHOPS FOR THE OTHER SEVERELY HANDICAPPED

#### Designation of Central Nonprofit Agencies

In 1971, Public Law 92-28 extended the priority previously afforded blind workshops to workshops serving the other severely handicapped. Under the provision of Section 2(c) of that Act, the Committee designated six national organizations as central nonprofit agencies to represent workshops for the other severely handicapped. On October 1, 1974, the Committee designated the National Industries for the Severely Handicapped as a central nonprofit agency representing workshops serving the other severely handicapped. The National Industries for the Severely Handicapped was created to replace the six national organizations and eventually to assume responsibility for representing all non-blind workshops. In the interim period since October 1, 1974, the Committee has continued to recognize the six other national organizations as central nonprofit agencies. Effective July 1, 1976, the central nonprofit agency functions for all non-blind workshops is being transferred exclusively to the National Industries for the Severely Handicapped and the designation of the six other national agencies as central nonprofit agencies in § 51-3.1 is being withdrawn.

Changes in wording in § 51-3.3, paragraphs (b) and (d) of § 51-4.1, and para-



## PROPOSED RULES

graph (b) of § 51-5.1-2 are also required to reflect the fact that the Committee will be dealing with only two central nonprofit agencies, the National Industries for the Blind and the National Industries for the Severely Handicapped. Other minor changes in wording in these sections have been incorporated for clarification.

The above changes are proposed to become effective July 1, 1976.

Comments and views regarding this proposed change may be filed with the Committee no later than June 24, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

1. Section 51-3.1 is proposed to read as follows:

§ 51-3.1 General.

Under the provisions of section 2(c) of the Act, the following are designated central nonprofit agencies:

- (a) To represent the workshops for the blind: National Industries for the Blind.
- (b) To represent the workshops for other severely handicapped: National Industries for the Severely Handicapped, Inc.

2. Paragraphs (b) and (d) of § 51-3.3 are revised to read as follows:

§ 51-3.3 Assignment of commodity or service.

(b) Within 60 days after notification by the Committee that a commodity or service has been proposed for development by a workshop, Federal Prison Industries, Inc. (for commodities only), and National Industries for the Blind (for commodities and services proposed by National Industries for the Severely Handicapped) shall notify the Committee of their decision to exercise or waive their priorities on the commodity or service.

(d) When National Industries for the Blind exercises its priority for a commodity or service requested by National Industries for the Severely Handicapped, the Committee shall assign the commodity or service to National Industries for the Blind. If National Industries for the Blind has not completed the essential steps to place the commodity or service on the Procurement List within nine months after assignment, the Committee shall reassign it to National Industries for the Severely Handicapped. The nine-month period may be extended for a reasonable period of time when National Industries for the Blind has been delayed by conditions beyond its control.

3. Section 51-4.1 is revised to read as follows:

§ 51-4.1 General.

To participate under the Act, a workshop shall be represented by the appropriate central nonprofit agency. The designation of the central nonprofit agency shall not be changed without prior written approval of the Committee.

4. Paragraph (b) of § 51-5.1-2 is revised to read as follows:

§ 51-5.1-2 Allocations and orders.

(b) Letter requests for allocation shall be submitted to the appropriate central nonprofit agency listed below:

Agency	Agency Symbol
National Industries for the Blind, 1511 K St., Suite 1043, Washington, D.C. 20005.	IB
National Industries for the Severely Handicapped, 4350 East-West Highway, Suite 1120, Washington, D.C. 20014.	SH

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 76-15221 Filed 5-24-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 547-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

The State of New York submitted to the EPA, Region II Office, on March 16, 1976, proposed revisions to the New York State implementation plan. This revision request was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51. The proposed revisions consisted of administrative orders signed by the commissioner of the New York State Department of Environmental Conservation which establish three special limitations under 6 NYCRR 225.2(b) and three special limitations under 6 NYCRR 225.2(c). These orders and the limitations contained therein become effective upon EPA approval. In addition to copies of the administrative orders establishing the special limitations, the State also submitted a technical analysis which attempted to show that contravention of national standards for sulfur oxides would not occur when the fuel specified in the special limitations was utilized.

The sources and areas granted the special limitations are as follows:

- (a) Pursuant to section 225.2(b): (i) Southern Tier East AQCR;
- (ii) Central AQCR; and
- (iii) Northern AQCR, with the exception of all sources in the City of Glens Falls and sources with total rated heat input capacities greater than 100 million Btu/hr in the Town of Queensbury.
- (b) Pursuant to § 225.2(c): (i) LILCO Port Jefferson Power Plant, units 3 and 4;
- (ii) LILCO Northport Power Plant; and
- (iii) Niagara Mohawk Oswego Power Plant.

Section 225.2(b) allows the Commissioner to grant special limitations to the applicable sulfur in fuel limitation to sources not having a rated total heat input in excess of 250 million Btu/hr and § 225.2(c) allows the issuance of special limitations to individual sources which have rated heat input capacities of greater than 250 million Btu/hr. In both cases, the maximum permissible sulfur in fuel limitations are 3.0%, by weight, for oil and 2.8 pounds per million Btu gross heat content for coal usage.

The technical analysis submitted by the State utilizes diffusion modeling for the three power plants and proportional modeling for the three AQCRs in question. The Regional Office has preliminarily determined that the power plant analysis is adequate in that it is conservative in nature and does not show contravention of national standards for sulfur oxides when the fuel specified in the special limitations is utilized. The special limitations, if approved by EPA, will allow the sale, offering for sale, purchase and use of fuel with the following sulfur in fuel content, by weight:

- (i) LILCO Port Jefferson Power Plant, units 3 and 4—2.8%;
- (ii) LILCO Northport Power Plants, units 1 and 2—2.5%;
- (iii) Niagara Mohawk Oswego Power Plant, units 1-5—2.8%.

The special limitations are to extend until May 31, 1977. In addition, the administrative orders adopting the special limitations require the affected sources to institute a program of continuous monitoring and fuel switching if national ambient air quality standards for sulfur oxides are exceeded.

The technical analysis for the three AQCRs, on the other hand, is not adequate since the State did not utilize diffusion modeling but used proportional modeling. The proportional modeling technique is incapable, except in very limited areas, of accurately estimating the anticipated air quality impact. In addition, this method is never capable of estimating short term air quality impacts. The conditions necessary for its accurate use, which are not satisfied, are the following:

- (1) A very dense sulfur oxide monitoring network;
- (2) A homogeneity of contributing sources; and
- (3) A nonindependence of impact upon wind direction.

In order for the special limitations for the AQCRs to be found approvable to EPA some type of diffusional analysis would have to be performed.

The Regional Office has notified the State of New York as to what would constitute an acceptable technical justification for the three AQCRs in question. If this justification is submitted during the 15-day public comment period, it is the intention of the Regional Office to make this information available to the public. Should the justification be submitted after the close of the public comment period, the Regional Office will provide additional time for comment by the public.

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted on whether the proposed revision should be approved or disapproved. Only comments received during the 15-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan will be based on whether such revision meets the requirements of Section 110 (a) (2) (A)-(H) and EPA regulations in 40 CFR Part 51.

The Agency finds that there is good cause for establishing a 15-day comment period. This is because of the extensive public participation that has already occurred at the State level and the need for prompt administrative action to allow the affected facilities to learn at the earliest reasonable time what special sulfur in fuel limitations will apply.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: May 13, 1976.

G. M. HANSLER,  
Regional Administrator,  
Environmental Protection Agency.  
[FR Doc. 76-15137 Filed 5-24-76; 8:55 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20802 RM-2518]

CIRCULAR OR ELLIPTICAL POLARIZATION

Transmission Standards and Changes

In the matter of amendment of Subpart E, Part 73, of the Commission's Rules and Regulations, to permit Television Broadcast Stations to Employ Circular or Elliptical Polarization.

1. The Commission has before it a Petition for Rule Making filed by American Broadcasting Companies, Inc. (ABC) (RM-2518) requesting amendment of § 73.682(a)(14) of the Commission's rules and regulations to permit the use, on a permissive basis, of circular or elliptical polarization for television broadcast.

As ABC notes, linear (horizontal or vertical) polarization and circular polarization are special instances of "elliptical polarization." In the former case, the polarization ellipse has no minor axis and is linear; in the latter, the major and minor axes are identical, making the ellipse circular. While true "circular" polarization is not necessarily achievable in practice, ABC uses that

## PROPOSED RULES

cast transmissions, much as is presently permitted, and generally used in the FM broadcast service.

2. Before examining the merits and ramifications of the ABC proposal, it is appropriate to review the historical genesis of horizontal polarization. The rules presently provide that all television broadcast stations employ horizontal polarization. This provision was incorporated into the TV technical standards upon the recommendation of the National Television System Committee (NTSC), in a report to the Commission, January 27, 1941. At that time, the NTSC was considered either vertical (as employed in AM broadcasting) or horizontal polarization. Confronted with a meager amount of measured data, which was not conclusive, a unanimous agreement of the Committee could not be attained. Horizontal polarization became a standard for lack of better information.

3. It is well documented at this Commission, by the broadcast industry, and the viewing public, that horizontal polarization is an inappropriate means for minimizing such problems as reflections (ghosts), spotty coverage, and multipath interference. Furthermore, horizontal polarization requires critical antenna orientation for maximum signal and minimum distortion. We are cognizant that the above deficiencies have proven to be a source of serious viewer consternation. For this reason, the overall public interest requires expeditious action on the ABC Petition; we are therefore opening this proceeding with the objective of revising the television rules to permit circular polarization.

4. In its Petition as filed February 12, 1975 and as supplemented by its May 1975, Report on Field Test of Circular Polarization in Television conducted on WLS-TV, Chicago, Illinois, ABC contends that the theoretical advantages of circular polarization over horizontal polarization are indeed observed in practice. More specifically, from data based in large measure on the experiments conducted under Commission authorization at WLS-TV, channel 7, Chicago, ABC makes the following points:

A. The use of circular polarization does not appreciably change a station's service area (based on the horizontal transmission component, the approach used in FM broadcasting).

term to differentiate the proposed technique from the conventional (linear) technique.

Section 73.316(a) of the rules provides in pertinent part, "It shall be standard to employ horizontal polarization; however, circular or elliptical polarization may be employed if desired."

As attachments A and B to its Petition, ABC submitted an interim engineering report on the results of tests conducted at WLS-TV, Chicago, Illinois, under an experimental authorization granted by the Commission in 1973, and a paper on "Circular Polarized TV Transmissions", written by Dr. M. S. Sukola of RCA.

B. The use of circular polarization does not appreciably change a station's interference impact on co-channel stations operating with conventional polarization, and where both stations operate with circular polarization, a decrease in interference can be expected.

C. The use of circular polarization is beneficial for two reasons. First, it tends to eliminate or reduce visible ghosts on the receiver screen if the viewer employs a circularly polarized receiving antenna. Second, even with a conventional receiving antenna, reception may be improved, due to the additional energy radiated in the vertical plane (which might be received by certain portions of a conventional receiving antenna, particularly where that antenna has not been properly mounted and/or connected).

5. The Association of Maximum Service Telecasters (AMST) has filed comments strongly supporting the concept of circular polarization, but raising certain engineering matters on which further data, partially covered by ABC's subsequent reports, were deemed advisable.

6. The Commission is of the view that the instant proposal is one meriting industry comments, on both its technical and economic aspects. From a theoretical standpoint the alleged benefits are logical to expect, and no significant adverse effects should result. Even though administered on a permissive basis, circular polarization can be implemented only through substantial broadcast station expenditure. However, we are ready to accept the proposal based on the belief that the broadcaster will not implement it without good reason. Here, our experience with FM circular polarization has shown that broadcasters have adopted the approach almost as a standard. Throughout a station's service area, the freedom of its signal from distortion and other aberrations may provide a significant competitive advantage. Circular polarization appears promising as a state-of-the-art method to reduce station reception difficulties. Thus, we are satisfied that a competitive incentive will be generated by the instant proposal; thereby, assuring significant benefits to a substantial number of viewers.

7. On this basis, it is herein proposed that § 73.682(a)(14) of the Commission's rules be modified, as ABC suggests, to read as follows:

It shall be standard to employ horizontal polarization. However, circular or elliptical polarization may be employed if desired, where clockwise (right-hand) rotation shall be used. The supplemental vertically polarized, effective radiated power resulting from circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

8. In addition, to preclude any ambiguity in the determination of antenna height above average terrain, it is proposed to add the following sentence to the definition of antenna height above average terrain, contained in § 73.681:



Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

9. General comments on this proposal are accordingly requested. Further, based upon the comments of AMST and the advice of the FCC staff, the Commission specifically requests information and knowledgeable views on the following matters:

A. Experimental data is presently available largely from WLS-TV, channel 7, Chicago, Illinois. Recently received from the Jampro Antenna Company is a report on the results of circular polarization using the facilities of KLOC-TV, channel 19, Modesto, California. The Jampro report corroborates the conclusions drawn by ABC, thus implementation in the UHF band appears an immediate and viable reality. At this time, low-band VHF has not had similar experimental testing. Although we would anticipate no deviation from the data collected by KLOC-TV and WLS-TV, we would welcome theoretical or laboratory information on this subject.

B. As yet, no field data has been submitted regarding the effects of circular polarization in instances where indoor, home receiving antennas are employed. While it is expected that improved reception would result, the extent and nature of the improvement achievable in practice has yet to be established for the record.

C. The data presently on file in connection with the WLS-TV experiments represent the observations made along a single radial, and the effects of ghosting were observed at only six locations along that radial. Additional measurement data would be welcomed.

D. Even though the WLS-TV data suggest that no increase in the interference received by a conventional, horizontally polarized antenna would result from circular polarization, the added vertical-signal component might be expected to be picked up by the antenna's downlead. It appears that information on this subject is needed for a proper evaluation of potential receiver effects.

E. The WLS-TV data show that the horizontal pattern of a circularly polarized receiving antenna in a circularly polarized field is similar to a cardioid, with a broad beam-width and a single, deep null approximately opposite the point of maximum field. If such a pattern would be typical of such receiving antennas, this would indeed be a significant advantage, in that antenna orientation would be less critical and interfering signals arriving from the rear of the antenna could be effectively "nulled-out." However, the performance of the

\*Certain previous experimental data is also available in our files, resulting from earlier testing at WTA-TV, channel 10, Altoona, Pennsylvania.

antenna employed by WLS-TV was checked at only one location. Given the many variables which could effect such performance, additional data on that antenna would be useful. In fact since the full value of circular polarization can be seen only where a circularly polarized receiving antenna is employed, the Commission believes it important to receive information on such receiving antennas and to what extent various designs would achieve the desired results. Specifically, information on cost, size, electrical characteristics and estimated availability is desired.

F. Two unexpected findings are included in the WLS-TV measurement data. First, ABC notes that an improvement in picture quality for a given value of receiver input voltage seemed to result with circular polarization, even with a conventional receiving antenna. ABC is unable to explain this result, and further data is logically needed. Second, ABC shows that the location variation factor is not improved by circular polarization, which is counter to expectation. Further data on this subject would be useful.

10. Comments are also requested on the possible impact of the instant proposal on the UHF band. Preliminary engineering specifications on file from broadcast antenna manufacturers seem to indicate that circularly polarized UHF antennas will have less gain than their VHF counterparts. Similarly, a doubling of transmitter output power as an alternative for high gain antenna may be unrealistic to expect of UHF licensees. We note, however, that the proposed rule amendment allows a station latitude in choosing the amount of power radiated vertically, up to the maximum effective radiated power authorized. On the other hand, it has been suggested that a one-to-one relationship between horizontal and vertical ERP be required. Prototype antennas appear designed with an axial ratio as low as the state-of-the-art permits, thus equal power distribution would maximize the ghost reducing benefits to the public, provided, circularly polarized receiving antennas are employed. Although this approach is not favored, we welcome any discussion on the above issues.

11. Further, as stated above, we are inclined to agree with ABC that the proposed rule should parallel that now contained in the Commission's FM rules, except that "right-hand" circular polarization should be specified.<sup>5</sup> We believe there would be no useful purpose in specifying further limitations on the employment of circularly polarized transmission (axial ratio, polarization ratio, etc.), since such details are often a function of the physical factors associated with a

\*In FM broadcasting, while right-hand circular polarization has become the industry standard, the direction of rotation is not critical in that service. In television, however, such consistency is necessary to the effectiveness of the system, and must be formalized.

particular antenna design. However, the proposed rule will allow elliptical polarization as well, achievable in practice by adjusting the magnitude of the horizontal and vertical components. As indicated in paragraph 10 supra, equivalent ERP in both planes is not considered necessary, but the commission is considering that time and space phase quadrature be required of the two components, in order to maximize the partial circular polarization benefits. We recognize, though, that parties may have opposing views, and we wish to receive them.

12. The above points are not intended to limit discussion on this proposal. Instead, they are intended to delineate the particular areas of concern in the matter, and all pertinent information on the subject will be welcomed.

13. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before June 24, 1976, and reply comments on or before July 6, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments involved in this Notice.

14. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C. 20554.

Adopted: May 11, 1976.

Released: May 25, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
(SEAL) VINCENT J. MULLINS,  
Secretary.

1. It is proposed to add the following sentence to the definition of antenna height above average terrain contained in § 73.681:

§ 73.681 Definitions.

Antenna height above average terrain . . . . .

Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

2. It is proposed to amend § 73.682(a) (14) to read as follows:

§ 73.682 Transmission standards and changes.

(a) . . . . .  
(14) It shall be standard to employ horizontal polarization. However, circular or

elliptical polarization may be employed if desired, where clockwise (right-hand) rotation shall be used. The supplemental vertically polarized, effective radiated power resulting from circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

(FRC Doc. 76-15216 Filed 5-24-76; 8:45 am)

[47 CFR Part 73]

(Docket No. 20811, RM-2681)

# FM BROADCAST STATIONS TABLE OF ASSIGNMENTS Billings, Montana

1. *Petitioner, Proposal and Comments:* (a) Petition for rule making filed September 2, 1975, by Radio Billings, Inc. ("RBI") licensee of AM Station KBMY, Billings, Montana, proposing the assignment of Channel 223 to Billings as a fifth FM assignment.<sup>1</sup>

(b) The channel may be assigned without affecting any existing FM assignments.

(c) The transmitter site for Channel 223 must be located at least 6 miles south of Billings to meet the spacing requirement to Station KPQX(FM) (Channel 223), Havre, Montana.<sup>2</sup>

2. *Demographic Data:* (a) *Location:* Billings, the seat of Yellowstone County, is located approximately 220 miles south of the Canada-United States border and approximately 175 miles southeast of Great Falls, Montana.

(b) *Population:* (1970 U.S. Census)—Billings, 61,581; Yellowstone County, 87,367. Billings is included in the Billings Urbanized Area (pop. 71,197) and the Billings SMSA (made up of Yellowstone County) (pop. 87,367).

(c) *Present aural services:* Local service is provided by five AM stations—KBMY (Class IV, unlimited-time), licensed to petitioner; KGHJ (Class III, unlimited-time); KOOK (Class III, unlimited-time); KOYN (Class III, daytime-only); KURL (Class II, daytime-only) and three FM stations—KOYN-FM (Channel 227); KURL-FM (Channel 246); and KBMS (Channel 253). Additionally, Channel 275 has recently been assigned and is not yet occupied.

(d) *Economic considerations:* Petitioner states that Billings is the largest city in Montana and has become one of the fastest growing areas in the country due to its coal reserve and industry po-

<sup>1</sup>RBI submitted this proposal as a counterproposal in Docket No. 20644 in which a proposed fourth Class C FM channel for Billings was adopted. We decided to pursue this proposal to assign a fifth channel to Billings in a separate proceeding rather than consolidate the two proposals for reasons stated in that Docket and which are repeated herein, para. 5.

<sup>2</sup>The minimum mileage separation requirements for co-channel Class C channels is 180 miles under Section 73.207(a) of the Commission's Rules.

tenial, especially in energy production. Billings is also the major trade center for its region, according to petitioner. In addition, petitioner notes that the Commission's market data shows that the stations comprising the Billings radio market have shown net profits of \$98,730, \$168,316 and \$65,251 for the years 1971, 1972 and 1973, respectively.

3. *Additional considerations:* Petitioner concedes that Billings would not qualify for a fifth FM channel under the Commission's population guidelines.<sup>3</sup> However, it argues that the criteria should not be rigidly applied in light of the combined factors of the competitive market conditions, population and economic growth trends and projections, and the abundance of channel assignments available to precluded areas.

4. In the attached engineering report, petitioner proposes a facility operating at 100 kW at 750 feet HAAT, which it claims would provide a first FM service to 2,511 persons and a second FM service to 3,476 persons in an area of 5,987 square miles. It should be noted that our Roanoke Rapids criteria is based upon the reasonable values of 75 kW and 500 feet for a Class C station. According to the engineering study, preclusion would occur on Channels 221A, 222, 223 and 224A. However, Channel 223 represents one of the more efficient assignments from the standpoint of preclusion relative to other available channels, especially in the higher frequencies. Should any communities in the precluded areas express an interest in a channel, a number of assignments could be made.

5. We have treated this proposal in a separate rule making proceeding contrary to petitioner's wishes to include it in Docket No. 20544, adopted May 6, 1976, 41 Fed. Reg. 20172 (1976), where a fourth FM channel (Channel 275) was assigned to Billings. We did so to elicit comments on the need for a fifth FM channel at Billings in light of our population criteria, the areas of preclusion and the suggestion that this proposal was made in part to avoid a comparative hearing. It is our policy to require that submitted proposals result in a fair and equitable distribution of available facilities and that a proposed assignment which merely seeks to avoid a comparative hearing will not normally be considered a sufficient showing. Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

6. As it now stands, both petitioner and the proponent for Channel 275 at Billings in Docket No. 20544, Mattco, Inc., have expressed an intent to apply for Channel 275 after its assignment becomes effective. Petitioner has also stated its interest in applying for Channel 223, if assigned. In the event an applicant should obtain a construction permit on

<sup>3</sup>Further Notice of Proposed Rule Making in Docket No. 14185, 27 Fed. Reg. 7797 (1962), incorporated by reference in Third Report, Memorandum Opinion and Order in Docket No. 14185, Para. 26, 40 F.C.C. 747, 758 (1968).

Channel 275 before Channel 223 is assigned, we might not have a party interested in pursuing a construction permit for Channel 223. To avoid that possibility we would expect a clear statement of intent from either petitioner herein, Mattco, Inc., or any other interested person as to whether they would file an application for Channel 223, if assigned, and as the case may be, would concurrently withdraw their application for Channel 275, if it is still pending. In addition, should either be unsuccessful in obtaining Channel 275 at the time Channel 223 is assigned, each should state whether it would then file an application for Channel 223.

7. Since Billings is within 250 miles of the Canada-United States border, this proposal is subject to Canadian approval under the provisions of the Working Arrangement under the Canada-United States FM Agreement of 1947.

8. In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the community listed, as follows:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Billings, Mont.	227, 246, 253, 275	223, 227, 246, 253, 275

9. The Broadcast Bureau's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

10. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 13, 1976; released May 19, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

## APPENDIX

(Docket No. 20811, RM-2681)

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build



the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule-making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 76-15186 Filed 5-24-76; 8:45 am]

#### [ 47 CFR Part 73 ]

[Docket No. 20810, RM-2580]

#### FM BROADCAST STATIONS TABLE OF ASSIGNMENTS Pinckneyville, Illinois

1. The Commission has for its consideration a petition filed by the Du Quoin Broadcasting Company (Du Quoin), licensee of Stations WQDN and WQDN-FM in Du Quoin, Illinois, on May 16, 1975, for rule making to delete Channel 280A from Pinckneyville, Illinois (1970 pop. 3,377). This petition is opposed by Coalbelt Broadcasters (Coalbelt), not presently a licensee, but the original petitioner for this channel, and present applicant before the Commission for an FM construction permit which proposes operation on the channel. Du Quoin has filed a reply to Coalbelt's opposition. We shall also consider in this proceeding the pleadings filed by the parties in both the application proceeding (BPH-9320) and the original rule making proceeding (Docket No. 19963; RM-2290; sub nom.

Johnstown, Ohio, et al.). An appendix is attached which summarizes the history of the Pinckneyville assignment.

2. Du Quoin contends that the Commission acted upon misleading information as to the availability of a transmitter site in making the original channel assignment. Du Quoin seeks deletion of what it claims is an erroneous and defective assignment. Coalbelt denies Du Quoin's contention, but has requested a waiver of Section 73.207, the minimum mileage separation rule, in the application proceeding because of changed circumstances since the original assignment. Coalbelt states in the application that a non-short-spaced transmitter site is not available at the present time.

3. The Commission's unvarying policy is that FM channel assignments fully comply with our minimum mileage separation requirements. We would not intentionally make a short-spaced assignment. FCC Rule 73.208(a)(4) states:

(4) Where the distance between the reference point in a community to which a channel is proposed to be assigned and the reference point in another community or communities does not meet the minimum separation requirements of § 73.207, the channel may be assigned to such community upon a showing that a transmitter site is available that would meet the minimum separation requirements of § 73.207 and the minimum field intensity requirements of § 73.315.

The Commission made the assignment to Pinckneyville, over Du Quoin's objections, based upon a showing by Coalbelt that its amended "reference site" met minimum separation and coverage requirements. Since a showing of an available transmitter site is one of the requirements of assignment, we took Coalbelt's "reference site" to be its intended (and available) transmitter site, since no other site was named. While Du Quoin's objections raised a question in the proceeding of site availability, we felt sufficiently assured of availability to make the assignment and resolve the issue in the application proceeding.

4. Now, however, Coalbelt itself says (in its replies to Du Quoin's petition and Du Quoin's opposition to the application) that its "reference site" was not an intended transmitter site, but "was used only to determine minimum mileage separations." If so, the Commission misunderstood Coalbelt's assertions in the rule making proceeding with regard to transmitter site availability. Had we known that no available transmitter site had been specified by Coalbelt, we would not have assigned the channel. In light of Coalbelt's statements that a non-short-spaced transmitter site is now unavailable, and that it did not specifically identify one in the rule making proceeding, the Commission will re-examine the Pinckneyville assignment.

5. If the assignment was defective for lack of identifying an available transmit-

<sup>1</sup> Du Quoin's allegations of misrepresentation and lack of candor against Coalbelt are matters for later consideration in an application or hearing context, if still in issue.

ter site, we would prefer to remedy the defect rather than delete the channel. Therefore, even in view of Coalbelt's failure to provide the Commission with the information, we would be inclined to uphold the assignment if it could be shown that a specific transmitter site was available at the time of the assignment that met the spacing and coverage requirements. Unless otherwise convinced, it appears to us that Coalbelt was put on notice that its amended "reference site" was not an available transmitter site at the time of the rule making, because the site was owned by a coal company that refuses to sell or lease its land. We have not been informed as to whether Coalbelt knew or should have known that other non-short-spaced transmitter sites were unavailable due to the airport plans at the time of the rule making.

6. Therefore, we ask that the parties specifically address, in detail, the matter of the availability of a non-short-spaced transmitter site at the time of the assignment, including the specific dates on which petitioner knew or should have known that specific sites had become unavailable. We are still of the view that Pinckneyville is in need of an FM channel, but we will adhere to our minimum separation requirements in rule making proceedings. Therefore, we invite comments on the proposal to delete FM Channel 280A from Pinckneyville, Illinois, amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the community listed below:

#### § 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Pinckneyville, Ill.	280A	

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix B and are incorporated herein.

8. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 11, 1976; released May 20, 1976.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.  
APPENDIX A  
BACKGROUND

1. Coalbelt originally petitioned the Commission to assign Channel 280A to Pinckneyville, Illinois on November 8, 1973, promising to construct a facility at or near its proposed transmitter location and reference point. The Commission issued a Notice of Proposed Rule Making (Docket 19963; adopted March 7, 1974; released March 12, 1974) stating that the transmitter site must be located at least 8 miles from Pinckneyville to meet the minimum mileage separation requirements and questioning the

availability of a suitable site from which the station would be able to provide the requisite city grade signal over the community.

2. The comments of Coalbelt on April 12, 1974, contained a letter from a real estate agent stating that land was available for sale in sections 28, 29, 32, and 33 of Township 8 S., Range 2 W., of Perry County, "which is the area in question relative to a site at or very near the reference point." Du Quoin filed comments in opposition on the same day demonstrating that the proposed transmitter location would not enable a station to place the requisite city grade signal over the entire community. By reply comments of May 8, 1974, it presented a letter from an attorney for United Electric Coal Company (owner of some of the land in the reference area) stating that it was the owner's policy not to sell or lease any of the properties in Sections 28 and 29.

3. Upon learning that its proposed transmitter site could not provide the requisite signal over all of the community, Coalbelt on May 9, 1974, by reply comment, changed its reference site to a point which met minimum separation requirements and provided the requisite coverage. Neither party addressed the issue of whether a transmitter site was available at or near this reference site. (Coalbelt in its application pleadings now indicates that this reference site is in Township Section 21 and that land is owned by the United Electric Coal Company and therefore not available for sale or lease.)

4. The Commission assigned the channel in its Report and Order of July 9, 1974 (47 F.C.C. 2d 887) finding that the public interest would be thereby served. The Commission considered the question of whether the site was legally available to be marginal, and a matter more capable of resolution in the application proceeding.

5. Coalbelt, on January 17, 1975, filed its application for a construction permit requesting a waiver of the Commission's minimum mileage separation requirements stating that it could not obtain the property at its reference site which was owned by the United Electric Coal Company. Coalbelt stated that it had attempted to locate other property which would comply with the Commission's requirements, however, a new airport plan for Pinckneyville made all other non-short-spaced sites unavailable. Coalbelt has amended its waiver request and now seeks a site 0.6 miles short-spaced to KMOX-FM, St. Louis, Missouri, and 1.2 miles short-spaced to WNOI(FM), Flora, Illinois. Du Quoin has opposed the Coalbelt application for construction permit and in the alternative has required a hearing on the issues in that proceeding. The Commission asked for and received a letter from the managing partner of Coalbelt to support its claim that considerable effort was expended in searching for another site which would not involve short-spacing and that no such sites were available.

#### APPENDIX B

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-

submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 76-15188 Filed 5-24-76; 8:45 am]

#### [ 47 CFR Part 73 ]

[Docket No. 20812, et al.]

#### FM BROADCAST STATIONS TABLE OF ASSIGNMENTS

Saegertown, Pennsylvania, et al.

1. The Commission has under consideration four petitions which propose amending § 73.202(b) of the rules, the FM Table of Assignments, by assigning a first FM channel to each of the above-mentioned communities. None of these four communities is located near an urbanized area. All of the proposed channels could be assigned to the respective communities in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned FM channels. No oppositions were filed to any of the proposals. All petitioners state that, if their proposed assignment is made by the Commission, they will promptly apply for the facility and, if authorized, will construct a station. The specific channel

that has been proposed for each locality and the identity of the respective petitioners are as follows:

RM-2647 Channel 232A to Saegertown, Pennsylvania (Corry Broadcasting, Inc.)  
RM-2660 Channel 269A to Carpinteria, California (Israel Sinofsky)  
RM-2671 Channel 269A to Two Harbors, Minnesota (FM Station Atlas)  
RM-2672 Channel 221A to Grass Valley, California (Mother Lode Broadcasting Co.)

A brief description of each petition follows:

2. *Saegertown, Pennsylvania (RM-2647).* Corry Broadcasting, Inc. (petitioner) filed a petition on January 28, 1976, proposing the assignment of Channel 232A to Saegertown, Pennsylvania. Saegertown (pop. 1,348)<sup>1</sup> is located in Crawford County (pop. 81,342) and is situated in the northwestern part of Pennsylvania. It has no local broadcast transmission service.

3. *The Canadian Government has given its concurrence to the assignment of Channel 232A to Saegertown, Pennsylvania.*

4. *Petitioner states that Saegertown's principal industries are component parts for radio and television, electrical components, soft drinks, bolt and screw parts molding and equipment, manufacturing of bonded adhesives, and tool and die operations. It adds that the proposed assignment would serve as a local outlet for public expression since the only other local media in the Saegertown area is the Meadville Tribune. In review of the need for a first full-time local service in Saegertown we believe the proposal for the assignment of a first Class A FM channel to Saegertown merits consideration in a rule making proceeding.*

5. *Carpinteria, California (RM-2660).* Israel Sinofsky (petitioner) filed a petition on February 26, 1976, proposing the assignment of Channel 269A to Carpinteria, California. Carpinteria (pop. 6,982) is located in Santa Barbara County (pop. 264,324) and situated 78 miles northwest of Los Angeles and 11 miles southeast of Santa Barbara. It has no local broadcast transmission service.

6. *Petitioner states that, between 1960 and 1970, the population of Carpinteria increased from 4,998 to 6,982, and that a recently completed Master Plan for the city calls for a planned growth to a population of 18,000 in 1995. He notes that the major employers in Carpinteria include Electro-Optics Division of Infra-red Industries, Inc. and Sambo's restaurant training and service center with the economic spotlight focusing on the burgeoning horticulture industry that employs more than 800 people with an annual payroll of more than \$5.5 million. Petitioner adds that the proposed assignment will afford the city and surrounding area a first local radio source for information, expression and advertising. He also points out that a community need now exists for over-the-air reports of local events, referendums, city council meetings, and school information. In view of*

<sup>1</sup> All population data are taken from the 1970 U.S. Census.



## PROPOSED RULES

the above, we believe consideration of the proposal for the assignment of Channel 269A to Carpinteria, California, is warranted.

7. *Two Harbors, Minnesota (RM-2671).* FM Station Atlas (petitioner) filed a petition on March 12, 1976, proposing the assignment of Channel 269A to Two Harbors, Minnesota. Two Harbors (pop. 4,437) the seat of Lake County (pop. 13,351), is located approximately 18 miles northeast of Duluth, Minnesota. There is no local broadcast transmission in Two Harbors or Lake County.

8. In support of its request, petitioner states that industry in Two Harbors is diversified, encompassing arts and crafts manufacturing, the manufacturing of heavy equipment used in logging, and year-round dock loading facilities for Great Lakes shipping of ore pellets called Taconite. It points out that, because of severe winter weather in this part of northeastern Minnesota, it is desirable to have a local radio station on the air to announce school closings and to broadcast city council meetings or news. In view of the foregoing information and the fact that there is no local broadcast service in Two Harbors or Lake County, we believe the above proposal to assign Channel 269A to Two Harbors, Minnesota, merits exploration in a rule making proceeding.

9. *Grass Valley, California (RM-2672).* Mother Lode Broadcasting Co. (petitioner) filed a petition on March 16, 1976, proposing the assignment of Channel 221A to Grass Valley, California. Grass Valley (pop. 5,149), is located in Nevada County (pop. 26,346) and situated about 50 miles northeast of Sacramento. There is no local broadcast transmission service in Grass Valley or Nevada County.

10. Petitioner states that Green Valley has experienced a population increase of 5.6% since 1960. It adds that Grass Valley and Nevada County have several large industries and retail and service establishments. Petitioner further states that the addition of a locally programmed FM broadcast station to this city would provide a medium through which critical community needs such as earthquake warnings, weather alerts, etc. could be met. In view of the above, we believe consideration of the proposal for the assignment of Channel 221A to Grass Valley, California, is warranted.

11. Since Two Harbors, Minnesota, is within 250 miles of the U.S. Canadian border, the assignment of the channel to this community requires coordination with the Canadian Government. Carpinteria, California, is within 199 miles of the Mexican-U.S. border and therefore requires coordination with the Mexican Government.

12. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations as follows with regard to the communities listed:

## § 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Carpinteria, Calif.	269A	269A
Grass Valley, Calif.	221A	221A
Two Harbors, Minn.	269A	269A
Sagertown, Pa.	232A	232A

13. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

14. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 13, 1976; released May 20, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

## APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on be-

half of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-15190 Filed 5-24-76; 8:45 am]

## [47 CFR Part 73]

[Docket No. 20809, RM-2651]

TELEVISION BROADCAST STATIONS  
TABLE OF ASSIGNMENTS  
Cheyenne, Oklahoma

1. The Commission has under consideration a petition for rule making filed by the Oklahoma Educational Television Authority (OETA). The petition seeks the amendment of Section 73.606(b) of the Commission's Rules, the Television Table of Assignments, by the assignment of Channel 12 to Cheyenne, Oklahoma. Reservation of the channel for noncommercial educational use is requested.

2. Petitioner is the Oklahoma governmental entity charged with providing educational television service to the residents of that state. As such, it presently is the licensee of noncommercial educational television stations KETA-TV (Channel \*13), Oklahoma City, and KOED-TV (Channel \*11), Tulsa. In addition, the Commission recently assigned Channel \*3 to Eufaula, Oklahoma, at the request of OETA (Report and Order in Docket 20583, released December 3, 1975).<sup>1</sup>

3. In conjunction with CATV systems within the state, we are told, approximately 85% of the Oklahoma population receives service from OETA's Tulsa and Oklahoma City stations. The Cheyenne assignment is sought to provide service to significant unserved areas of the western portion of the state, petitioner notes, including the western panhandle.

4. The Community of Cheyenne (pop. 892) is the seat of Roger Mills County (pop. 4,452) and is located approximately 110 miles west of Oklahoma City and 20 miles east of the Oklahoma-Texas border. It was selected as the site for the proposed assignment on the basis of meeting the Commission's mileage separation requirements and permitting

<sup>1</sup> An application for the use of the Eufaula assignment has been submitted by OETA.

rendition of service to the western area of the state. (Analogous criteria was employed by OETA in selecting Eufaula.)

5. A transmitter site approximately 2.3 miles south of Cheyenne has been selected by OETA in order to meet the Commission's spacing requirements to all pertinent co- and adjacent channel stations. A change in the carrier offset of one existing station will be required, however, if the proposed Cheyenne assignment is to maintain the triangular grid pattern associated with co-channel assignments. The affected station is KFDW-TV in Clovis, New Mexico. Assuming a positive offset for the proposed assignment, the offset of the Clovis station must be modified from positive to negative. No other offset changes are required.

6. As a result of our consideration of the OETA petition, we are requesting comments on the proposal to assign Channel \*12 to Cheyenne. Petitioner is specifically requested to comment upon its willingness to reimburse the licensee of KFDW-TV for all reasonable expenses that may be incurred in modifying its offset if the Commission decides to assign Channel \*12 to Cheyenne. In view of the foregoing, we therefore propose to consider the following revision in the Television Table of Assignments (Section 73.606(b) of the Rules), with respect to the cities listed below:

## § 73.606 [Amended]

City	Channel No.	
	Present	Proposed
Cheyenne, Okla.	12+	*12+
Clovis, N. Mex.	12+	12-

7. *It is ordered,* That pursuant to section 316 of the Communications Act of 1934, as amended:

(a) Bass Broadcasting Co., licensee of Station KFDW-TV, Clovis, New Mexico, shall show cause why its license should not be modified to specify operation on Channel 12— instead of Channel 12+ if the Commission in this proceeding finds it in the public interest to assign Channel \*12+ to Cheyenne, Oklahoma, and to substitute Channel 12— for Channel 12+ at Clovis, New Mexico; this Order being made with the understanding that the permittee of Channel \*12+ at Cheyenne, Oklahoma, will pay reasonable reimbursement of expenses incurred in the change of channel offset of Station KFDW-TV at Clovis, New Mexico.

(b) Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station KFDW-TV, Clovis, New Mexico, may, not later than July 22, 1976, request that a hearing be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Bass Broadcasting Co. may, not later than July 22, 1976, file a written statement showing with particularity why its license should not be modified as proposed in this Order

## PROPOSED RULES

to Show Cause. In this case, the Commission may call on Bass Broadcasting Co. to furnish additional information, designate the matter for hearing, or issue without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Bass Broadcasting Co. will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

8. *It is directed,* That the Secretary of the Commission shall send a copy of this Notice of Proposed Rule Making by certified mail, return receipt requested, to Bass Broadcasting Co., Clovis, New Mexico, the party to whom the Order to Show Cause is directed.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

10. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 13, 1976; released May 19, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

## APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.606 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial

comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-15189 Filed 5-24-76; 8:45 am]

## [47 CFR Part 73]

[Docket No. 20781, RM-2585]

TABLE OF ASSIGNMENTS, TELEVISION  
BROADCAST STATIONS  
Huntsville, Alabama

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Huntsville, Alabama).

1. On April 19, 1976, the Commission adopted a notice of proposed rule making in the above-entitled proceeding (41 F.R. 17785). The dates for filing comments and reply comments are presently June 3 and June 23, 1976, respectively.

2. On May 10, 1976, counsel for Tennessee Valley Radio and Television Corporation (Tennessee Valley), requested that the time for filing comments be extended to and including July 2, 1976. Counsel states Tennessee Valley is represented by a small law firm which faces pre-existing business and personal commitments between now and the present due date for comments. He adds that this two-man law firm is scheduled for hearings in June on other matters and in view of the intense scheduling the requested additional time is necessary in order to prepare adequate comments in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including July 2 and July 22, 1976, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act

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of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: May 18, 1976.

Released: May 20, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.  
[FR Doc.76-15215 Filed 5-24-76;8:45 am]

# FEDERAL ENERGY ADMINISTRATION [10 CFR Part 430] ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Extension of Public Hearings, Extension of Written Comment Period, and Intent to Publish Further Notice of Proposed Rulemaking Regarding Energy Efficiency Improvement Targets

On May 10, 1976, the Federal Energy Administration (FEA) issued proposed energy efficiency improvement targets for ten types of appliances, pursuant to Part B of Title III (42 U.S.C. 6291-6309) of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The proposed targets were set forth in a notice appearing in 41 FEDERAL REGISTER 19977 et seq., May 14, 1976. This notice provided an opportunity for written comment through June 7, 1976 and an opportunity to make oral presentations at public hearings from May 24 through June 1, 1976.

On May 21, 1976, in Civil Action No. 76-911, the United States District Court for the District of Columbia ordered:

- (1) That the conducting of public hearings scheduled to commence on May 24, 1976 commence on that date;
- (2) That these hearings continue through June 9, 1976; and
- (3) That the period for written comment continue through June 15, 1976.

Pursuant to this order and as set forth below, FEA is commencing the public hearings on May 24, 1976 as originally scheduled; is extending the date for submission by interested persons of written data, views, or arguments; and is scheduling additional dates for public hearings in addition to those announced in the notice appearing in the FEDERAL REGISTER of May 14, 1976.

The date for submission by interested persons of written data, views, or arguments is extended until 4:30 p.m., e.d.t., June 15, 1976. Procedures for such submissions set forth in the May 14 FEDERAL REGISTER notice pertain as applicable.

The public hearings on the additional days will be held, from June 2, 1976 to June 9, 1976, beginning each day at 9:30 a.m. in Room 3000A, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. The schedule for such hearings is as follows:

June 2, 1976—Clothes dryers and clothes washers  
June 3, 1976—Dishwashers and water heaters  
June 4, 1976—Refrigerators and refrigerator-freezers and freezers  
June 7, 1976—Kitchen ranges and ovens

June 8, 1976—Room air conditioners and television sets  
June 9, 1976—Home heating equipment, not including furnaces

Procedures regarding public hearings set forth in the May 14 FEDERAL REGISTER notice pertain to these further public hearing dates as well, with the following exceptions. The written request for an opportunity to make an oral presentation must be received before 4:30 p.m., e.d.t., on May 28, 1976. The agency will also receive until this time oral requests for an opportunity to make an oral presentation if a written request is subsequently received at any time prior to the hearing in question. Such oral requests should be directed to Linda Hagge, (202) 254-5201. A person making a request for an opportunity to make an oral presentation should give a phone number where he or she can be reached through June 15, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.d.t., June 1, 1976, and must submit 100 copies of his or her statement before 4:30 p.m., e.d.t., June 1, 1976. Any interested person may submit questions, to be asked of any person making a statement at the hearing, before 4:30 p.m., e.d.t., June 1, 1976. The opportunity, pursuant to section 336(a) (1) (B) of the Act, for any interested person to question employees of the United States who have made written presentations may be availed of by submission of written questions which must be received by June 18, 1976.

After completion of these hearings and subsequent to the close of the written comment period, FEA intends to publish in the FEDERAL REGISTER a further notice of proposed rulemaking regarding energy efficiency improvement targets for these ten types of appliances, with further opportunity for written and oral comment. (Energy Policy and Conservation Act, Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 231851.)

Issued in Washington, D.C., May 24, 1976.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

[FR Doc. 76-15433 Filed 5-24-76;12:01 pm]

# FEDERAL TRADE COMMISSION [16 CFR Part 437] FOOD ADVERTISING

Change of Dates for the Washington, D.C. Hearings on Proposed Trade Regulation Rule

On March 2, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 F.R. 8980) Final Notice of proposed trade regulation rulemaking proceedings concerning Food Advertising. The Notice included a schedule of dates and places of public hearings to be held in that proceeding.

As published in such Final Notice the date set for commencement of the hearings in Washington, D.C. was June 7, 1976. This date has now been changed

to November 15, 1976. Thus, public hearings will be held commencing on November 15, 1976 at 9 a.m. in Washington, D.C., Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C.

Since it is now anticipated that the Washington D.C. hearings will be of longer duration than those of the other sites selected, persons desiring to present their views orally in Washington should so inform the Commission's representative listed below no later than September 21, 1976:

Ms. Lois Dimore [202-724-1489], Division of National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

All other provisions of the Final Notice of March 2, 1976, including the dates and places of the other hearings, remain the same and the instructions and requirements set forth therein should be observed.

Issued: May 20, 1976.

WILLIAM D. DIXON,  
Presiding Officer.

[FR Doc.76-15172 Filed 5-24-76;8:45 am]

# POSTAL SERVICE [39 CFR Part 111] BULK THIRD CLASS

Reporting on or Segregating Local Mail; Extension of Comment Period

This notice extends the period for comments to the notice, published April 20, 1976 (41 FR 16579), proposing to require mailers of third-class bulk mail at certain post offices to use Postal Service Form 3602 to report separately the number of pieces in each mailing that are addressed for delivery by the post office where the permit imprint was issued. Alternatively, such mailers could segregate this local mail from the rest of the mailing in separate trays, so that the accepting postal employee could easily ascertain and record the weight of the local component of the mailing.

A request for an extension of time was submitted by Associated Third Class Mail Users (ATCMU), which requested that the comment period be extended to June 19, 1976. ATCMU stated that the proposed new rule on the reporting and segregating of local bulk third-class mail would have a substantial impact on its approximately 600 members, who are users of bulk third-class mail, and that additional time was needed to confer with these members and prepare comments. ATCMU stated that the requested extension would provide adequate time to do this.

The Postal Service has decided to grant the request for an additional comment period, and thus the comment period is hereby extended to June 19, 1976. The original closing date was May 20, 1976.

(39 U.S.C. 401)

ROGER P. CRAIG,  
Deputy General Counsel.

[FR Doc.76-15155 Filed 5-21-76;11:44 am]

## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12453; File No. SR-CBOE-1976-9]

### CHICAGO BOARD OPTIONS EXCHANGE, INC.

#### Self-Regulatory Organizations; Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT BY EXCHANGE OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE PRIVATELY COMMUNICATED PRICE INFORMATION

Rule 4.19. No member or person associated with a member, for an account in which such member or person has an interest, or for an account with respect to which such member or person exercises investment discretion, shall engage in the practice of entering orders or making bids or offers for options on the basis of price information as to a trade in the underlying security obtained by such member or person by or through any private communication system set up, designed or utilized for the purpose of obtaining such information in advance of the time such information is publicly disseminated via a tape or communications network, until such information has been so disseminated.

#### INTERPRETATIONS AND POLICIES

01 Rule 4.19 prohibits members and persons associated with members from knowingly engaging in the practice of trading in options on the basis of price information concerning transactions in underlying securities transmitted to them via telephone or other private communications arrangements from the floor of an exchange (or other market) on which the underlying securities are traded in advance of the time such information is publicly available. Public outcry on the floor of the Exchange shall not be deemed to make such information publicly available for purposes of this Rule, except in unusual circumstances with the advance approval of a Floor Official. Rule 4.19 is not addressed to market information obtained other than by private communication from the market in which the underlying security is traded. In respect of nonpublic market information not covered by this Rule, members should be aware of Rule 4.18 covering nonpublic information concerning block transactions.

#### STATEMENT BY EXCHANGE OF BASIS AND PURPOSE

The purpose of proposed Rule 4.19 and the related interpretation is to stop the activity commonly known as "tape racing" from taking place on the floor of CBOE.

This activity takes advantage of the fact that there is inevitably some delay between the time a transaction in an underlying security takes place on the floor of the New York Stock Exchange and the time it is reflected on the last sale price display on the floor of CBOE. This delay presents an opportunity for certain members to establish their own private communications links between the two exchanges (utilizing such techniques as combinations of hand signals and telephone lines) and thereby receive on the CBOE floor information concerning transactions on NYSE prior to the time this information is generally available.

Once a member of CBOE is in possession of nonpublic price information concerning NYSE transactions, it may be used by him in several ways. First, the member may be able to conclude that certain bids or offers currently being made on the CBOE floor by or on behalf of persons not privy to this information do not accurately reflect the true value of the option in light of the latest price, and that opportunities exist to buy or write these options at advantageous prices. The member would thus be in a position to accept those bids or offers which he believes to be attractively priced in advance of the time the person making the bid or offer was aware of the NYSE transaction. Such bids or offers could be those of market-makers, those of floor brokers representing the bids and offers of customers, or bids and offers in the Board Broker's book.

Nonpublic market information of this sort can also be used to facilitate the execution of spread orders, since a member on the floor holding a spread order who knows that the price of the underlying stock had just increased on NYSE would execute the long side of his spread prior to the time the NYSE transaction prints, and then would execute the short side after the transaction prints. Where the advance information from NYSE reflects a downtick in the underlying stock, the spread would be executed in reverse—first the short side and then the long.

Although CBOE recognizes the value of arbitrage transactions in keeping prices in line between markets, where such arbitrage is based upon nonpublic price information privately communicated to the CBOE floor, it has the following undesirable consequences. First, market-makers are reluctant to fulfill their obligations to make bids or offers knowing that they may be selectively accepted by other members on the basis of information not available to the market-makers. Second, floor brokers are unable to compete, particularly in the execu-

tion of customers' spread orders or orders contingent upon the price of the underlying stock. Third, Board Brokers find it difficult to administer their posts in the situation where bids and offers in the crowd tend to follow the lead of the member known to have advance NYSE prices, rather than to reflect the diverse opinions of competing market-makers trading on the basis of equal information. For these reasons, CBOE is proposing Rule 4.19 to put an end to this practice.

Although representations have been made to CBOE that the recent installation of a high speed communication line from the NYSE floor to various display devices, including those on the CBOE floor, has so reduced the interval between the time a transaction takes place on NYSE and the time it is reported on the CBOE floor as to make tape racing not practical, CBOE's own studies show that this is not the case. The high speed line has undoubtedly improved the timeliness of price reporting, but tests made with the cooperation of dual member firms show that, depending upon the physical location of the member's communication booth on the NYSE floor in relation to the post where a particular stock is traded, it is possible to communicate last sale price information to the CBOE floor an average of about two minutes before the information appears on the high speed line. Of course, the best evidence that the time delay is sufficient to permit tape racing to take place is the observation of CBOE floor members that tape racing does in fact continue to occur in at least one stock on a regular basis. CBOE remains hopeful that continued improvements in the speed of communicating last sale information from the NYSE floor will in time make successful tape racing impractical. Until then, however, CBOE believes that proposed Rule 4.19 is an appropriate measure to deal with the present situation.

It is important to note that proposed Rule 4.19 has as its purpose only the limited one of eliminating tape racing as described above. The Rule is not directed at other questions concerning the use of nonpublic market information, nor is it intended to interfere with bona fide arbitrage transactions, except in the limited circumstance where such arbitrage depends upon private communication of price information to the CBOE floor in advance of its public dissemination. CBOE recognizes that the general subject of nonpublic market information raises many complex and difficult questions, and by proposing Rule 4.19, CBOE does not intend to take any position concerning these other questions.



Proposed Rule 4.19 has as its basis under the Act the provisions of Section 6(b) (5) requiring that exchange rules be designed "to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, . . . and, in general, to protect investors and the public interest."

Comments of members concerning proposed Rule 4.19 generally fall into two categories. On the one hand, certain members, mostly those performing one or more floor functions, have urged the adoption of a rule directed broadly at uses of nonpublic market information. On the other hand, certain members whose activities commonly include arbitrage transactions, with or without involvement in options, have expressed concern that any rule adopted by CBOE in this area would interfere with legitimate arbitrage activity to the detriment of securities markets generally. Although the latter category of commenting members do not necessarily engage in or support tape racing, they urge that on balance the problems presented by tape racing are not of sufficient magnitude to justify the risks to legitimate arbitrage which they believe will follow from adoption of an anti-tape racing rule. CBOE has attempted to reflect the interests of both groups of members in adopting a rule of narrow scope which will effectively end tape racing but will not restrict bona fide arbitrage.

No burden of competition is or will be imposed by proposed Rule 4.19.

On or before June 29, 1976 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 18, 1976.

[FR Doc. 76-13301 Filed 5-24-76; 8:45 am]

[Release Nos. 33-5707 and 34-12454]

#### CORPORATE DISCLOSURE

##### Request for Comments on Issues

At the request of the Advisory Committee on Corporate Disclosure (the "Committee"), the Securities and Exchange Commission today published the Committee's "Solicitation of Public Comments on Issues to be Addressed."

The Commission wishes to note that this solicitation is being made by the Committee and that the Commission is merely providing its facilities to assist the Committee in soliciting public comment.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 18, 1976.

On February 2, 1976, Chairman Rodrick M. Hills of the Securities and Exchange Commission announced the appointment of an Advisory Committee on Corporate Disclosure to examine the "corporate disclosure system that has developed in this country." As a result of formal public meetings held on February 24th and April 20th of this year, the Advisory Committee authorized a questionnaire case study of thirty public companies and the disseminators, financial analysts and investment decision-makers that utilize and process information regarding those companies. The case study, which has been announced, will be conducted through the use of detailed questionnaires (copies of which are available to interested persons or organizations) and followup interviews by members of the staff of the Advisory Committee.

The Advisory Committee believes it is most important that it be apprised of the viewpoints on corporate disclosure of all persons and entities associated with and affected by the corporate disclosure system, including members of the general public, individual investors, publicly owned companies, interested professionals, members of the investment community, members of the financial media and associations. At various stages in the course of its study, the Advisory Committee intends directly to solicit the views of all interested parties. This constitutes the first such invitation of written views on certain specific issues the Advisory Committee intends to address in the course of its study.

Accordingly, the Advisory Committee hereby invites all interested parties to submit their views, in writing, on any or all of the issues set forth below or, indeed, on any other corporate disclosure matter which the writer would care to address. To the extent feasible within its limited budget, the Advisory Committee will provide multiple copies of the release to organizations wishing to distribute it to their members. Because of time constraints affecting the Committee's work schedule, it is requested that the position statements be submitted not later than September 30, 1976.

If at all possible, the written response to any particular issue should begin on a new sheet of paper. All responses should be submitted to: Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549.

ISSUES TO BE ADDRESSED IN POSITION STATEMENTS

1. What should the objectives of a corporate disclosure system be?

2. How should the standard of "materiality" be defined under the federal securities laws?

3. Should the SEC require corporate filings to set forth more forward-looking and analytical information regarding the company's business operations? (Please consider the legal liability and competitive problems associated with such a requirement, and whether such information should be reviewed by auditors.)

4. Should the SEC require corporate filings to set forth more information regarding general economy and industry factors that relate to the company's business operations? (Please consider the possibility of requiring this information in a statistical and/or analytical format.)

5. Should the SEC require corporate filings to contain more information regarding environmental and other socially-significant matters not traditionally considered of direct relevance to investment or shareholder voting decisions? (Please consider what criteria should be utilized by the SEC in determining which such information to require in corporate filings.)

6. Should the concept of "differential disclosure" be further incorporated into the federal securities laws, for example, by requiring SEC corporate filings to be bifurcated into "summary" and "detailed" portions with the "summary" portion being the document distributed to the public, such "summary" portion containing an undertaking by the company to furnish at its expense the "detailed" portion to investors who request it? (Please consider the legal liability problems that may be associated with such a requirement, and the kinds of information that should be included in the "summary" portion of the respective filings.)

7. Should the SEC put more emphasis on the continuous reporting obligations of companies under the 1934 Act so that when a security offering is made under the 1933 Act, the registration statement would incorporate by reference all documents on file with the SEC and contain only data regarding the particular offering and such other information as is necessary to make the documents incorporated by reference not misleading?

8. What information does the SEC presently require in corporate filings that is not useful to investment or shareholder voting decisions? (You may wish to examine typical corporate filings such as 10-K Annual Report to Shareholders, Proxy Statement, 1933 Act Registration Statement and 10-Q Quarterly Report, and mark those sections of the filings you do not consider useful to investment decisions and those sections you do not consider useful to shareholder voting decisions.)

9. A. What information not presently required in SEC corporate filings would be useful to investment decisions?

B. What revisions could be made to the disclosure requirements of the SEC proxy rules and regulations to assist shareholders in making voting decisions?

10. How could the proxy rules be revised to improve the process by which shareholders participate in the corporate electoral process?

("corporate democracy")? You may wish to consider matters such as how stockholders participate in routine and contested elections of directors and stockholder and management proxy proposals.

11. How could the corporate disclosure system be improved to make information regarding companies available to all interested persons on a more equitable basis? (Please consider both the kinds of information available and the timing of information availability.)

12. How could the federal securities laws be revised to improve the corporate disclosure system?

[FR Doc. 76-15200 Filed 5-24-76; 8:45 am]

[Release No. 19532; (70-5851)]

#### DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Short-Term Notes to Banks and/or Commercial Paper to a Dealer in Commercial Bidding and Exception From Competitive Bidding

MAY 18, 1976.

Notice is hereby given that Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware, 19899, ("Delmarva"), a registered holding company and a public-utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rules 50(a) (2) and 50(a) (5) (C) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue from time to time until December 31, 1977, short-term securities in an aggregate principal amount not to exceed \$75,000,000 outstanding at any one time. The company requests that for a period ending on December 31, 1977, the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) thereof, relating to the sale of short-term notes, be increased so as to permit the issuance and sale of said \$75,000,000 of short-term securities. On April 17, 1973, Delmarva, at its annual meeting of stockholders, obtained the consent of the holders of preferred stock and common stock, voting separately as classes, to amend its Certificate of Incorporation to liberalize the unsecured debt limitation to permit issuance, without further consent of preferred stockholders, of up to 20% of capitalization as long as no more than 10% of such indebtedness has maturities of less than ten years. At the same meeting, the company obtained the consent of preferred stockholders to waive the 10% limitation on indebtedness with maturities of less than ten years until June 30, 1977, and then only for unsecured debt maturing before January 1, 1978, provided the total unsecured debt does not exceed 20% of capitalization.

The proposed securities will be in the form of short-term notes issued to banks or commercial paper issued to a dealer in such securities. The notes to banks will be limited to an aggregate of \$75,-

000,000 outstanding at any one time. The commercial paper will be limited only to the extent that, when added to short-term notes to banks actually outstanding on the date of issuance, the total will not exceed the \$75,000,000 of proposed borrowings. The proceeds of the proposed bank notes and commercial paper will be used to finance part of Delmarva's 1975 and 1976 construction program of about \$258,123,000, including an allowance for funds used during construction of \$15,-782,000. Delmarva intends to repay such borrowings from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to December 31, 1977.

The bank notes will be unsecured, will bear interest at the prime rate in effect at the lending bank on the date of issue and adjusted from time to time as required by the bank, and will be prepayable at any time without premium or penalty except that the company may not prepay any note in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. The notes will mature not more than 270 days from the date of issue and in any event not later than June 30, 1978. The purpose of the bank lines of credit is to establish an alternative source of credit to back up the company's commercial paper. Delmarva expects to borrow from the following banks up to the maximum amount listed:

	In thousands
Wilmington Trust Co., Wilmington, Del.	\$5,560
Bank of Delaware, Wilmington, Del.	\$3,800
Farmers Bank of the State of Delaware, Wilmington, Del.	\$1,500
Delaware Trust Co., Wilmington, Del.	\$2,000
First National Bank of Baltimore, Salisbury and Baltimore, Md.	\$8,050
Irving Trust Co., New York, N.Y.	10,000
Manufacturers Hanover Trust Co., New York, N.Y.	15,000
Bankers Trust Co., New York, N.Y.	5,000
Chemical Bank, New York, N.Y.	5,000
The Fidelity Bank, Philadelphia, Pa.	2,000
First National Bank of South Jersey, Pleasantville, N.J.	2,000
Continental Illinois National Bank & Trust Co. of Chicago, Ill.	2,250
Maryland National Bank, Salisbury, Md.	5,000
American Security & Trust Co., Washington, D.C.	2,000
Provident National Bank, Philadelphia, Pa.	2,000
Mid Atlantic National Bank/South, Englewood, N.J.	2,000
Truckers & Savings Bank, Salisbury, Md.	600
The Equitable Trust Co., Baltimore, Md.	500
Peoples Bank & Trust Co., Wilmington, Del.	350
Baltimore Trust Co., Seabrook, Del.	300
Atlantic National Bank, Ocean City, Md.	90
	75,000

Delmarva will be required to maintain balances in the above banks to the extent of 10 percent of unused bank lines and 20 percent of such lines when in use. Substantially all of the balance requirements for those lines marked with an asterisk above will be provided through

operating balances which are part of the company's normal operating funds. If all of the necessary balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such bank lines of credit when fully utilized, assuming a 6% percent prime rate, would be 8.44 percent.

Delmarva also proposes to issue and sell, from time to time to mature not later than December 31, 1977, commercial paper in the form of short-term promissory notes to a dealer in commercial paper, A. G. Becker & Co., Incorporated ("dealer"), of up to \$75,000,000 face amount to be outstanding at any one time. The total amount of commercial paper and bank loans outstanding at any one time will not exceed \$75,000,000. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue. Such notes, in denominations of not less than \$50,000 and not more than \$1,000,000, will be issued and sold by Delmarva directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of like maturity sold by issuers thereof to commercial paper dealers. The application states that no commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds that at which Delmarva could borrow from banks.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealer, as principal, will reoffer such notes at a discount of 1/2 of 1 percent per annum less than the prevailing discount rate to Delmarva. The notes will be reoffered in a manner which will not constitute a public offering to no more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer.

Delmarva requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraphs (a) (2) and (a) (5) thereof. Delmarva also requests authority to file certificates under Rule 24 with respect to the proposed transactions within 30 days after the end of each calendar quarter.

The application states that fees and expenses related to the proposed transactions are estimated at \$11,000, including legal fees of \$2,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy



of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-15203 Filed 5-24-76; 8:45 am]

[File No. 500-1]

#### ENERGY RESERVE, INC.

##### Suspension of Trading

MAY 19, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Energy Reserve, Inc. being treated on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:40 p.m. (EDT) on May 19, 1976 through May 28, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-15204 Filed 5-24-76; 8:45 am]

[Rel. No. 19635; (70-5864)]

#### INDIANA & MICHIGAN ELECTRIC CO.

##### Proposed Agreement With Municipal Authority for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds

MAY 19, 1976.

Notice is hereby given that Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana, 46801 ("I&M"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission designating sections 9(a) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is

summarized below, for a complete statement of the proposed transactions.

I&M states that in order to comply with prescribed environmental quality control standards of the State of Indiana it has been and will be necessary to construct certain high efficiency electrostatic precipitators ("Project") for particulate emission control and related facilities at its Tanners Creek Plant. By resolution of October 15, 1973, the City of Lawrenceburg, Indiana ("City"), determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") to finance the cost of engineering, design, acquisition, and construction of the Project and to reimburse or repay I&M in connection with I&M's expenditures relating to the Project.

I&M proposes to enter into an agreement of sale ("Agreement") with the City whereby the City will construct and equip the Project. To finance the Project, the City will issue Revenue Bonds in an initial principal amount of \$25,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed \$71,000,000, sufficient to cover construction costs of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the City with the Trustee ("Trustee") under an indenture to be entered into between the City and such Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the project. The Agreement also will provide for the sale of the Project to I&M, the payment by I&M of the purchase price of the Project in semi-annual installments over a term of years, and the assignment and pledge to the Indenture Trustee of the City's interest in, and of the monies receivable by the City under, the Agreement.

The Agreement will provide that each installment of the purchase price for the Project payable by I&M will be in such an amount (together with other monies held by the Trustee under the Indenture for the purpose) as will enable the City to pay, when due, (i) the interest on the Revenue Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Revenue Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Revenue Bonds, any additional bonds or any refunding bonds. The Agreement also obligates I&M to pay the fees and charges of the Trustee, as well as certain administrative expenses of the City. The Agreement further provides that I&M may prepay the purchase price of the Project (i) by paying, under certain conditions, amounts sufficient to redeem all the Revenue Bonds then outstanding and all other amounts payable under the Indenture or (ii) at any time by depositing in the Indenture's Bond Fund or delivering

to the Trustee amounts sufficient to provide for the release of the Indenture. Upon prepayment, I&M may terminate the Agreement.

I&M proposes to convey equipment previously constructed (the "Existing Facilities"), subject to I&M's First Mortgage Lien to the City and I&M will receive out of the Revenue Bond proceeds, an amount equal to I&M's original cost of the Existing Facilities. The Existing Facilities will be included in the Project which I&M will repurchase from the City pursuant to the Agreement. The proceeds realized from the sale of the Existing Facilities will be used to retire unsecured short-term debt of I&M, including the financing of part of its construction program. As of May 6, 1976, there were notes payable to banks and commercial debt outstanding in the amount of \$80,600,000 and it is expected that I&M will have short-term debt outstanding not to exceed \$100,000,000 at the time of the transfer of the Existing Facilities. The estimated cost of I&M's construction program for 1976 is \$140,000,000, exclusive of construction costs in connection with the Donald C. Cook Nuclear Plant by I&M's wholly owned subsidiary, Indiana & Michigan Power Company. Said costs for the Cook plant are estimated at \$80,000,000 for 1976. I&M had expended \$22,900,000 for the Existing Facilities as of March 31, 1976, it is estimated that it will have expended \$35,000,000 at the time of the transfer of these facilities.

It is contemplated that the Revenue Bonds will be sold by the City pursuant to arrangements with a group of underwriters represented by E. F. Hutton & Company, Inc. In accordance with the laws of the State of Indiana, the interest rate to be borne by the Revenue Bonds will be fixed by the common council of the City. While I&M will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the City shall be satisfactory to I&M.

I&M has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½ percent to 2½ percent lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the City within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

The declaration states that the fees and expenses incident to the proposed disposition of the Existing Facilities and

the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the City payable out of the proceeds of such sale) will be supplied by amendment. It is stated that the execution of, delivery of and performance under the Agreement of I&M, the disposition of the Existing Facilities and the acquisition of the Project is possibly subject to the jurisdiction of the Michigan Public Service Commission and the Public Service Commission of Indiana, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-15206 Filed 5-24-76; 8:45 am]

[Release No. 19633; (70-5863)]

#### MIDDLE SOUTH UTILITIES, INC.

##### Proposed Issue and Sale of Short-Term Promissory Notes to Banks Under a Revolving Credit Agreement

MAY 18, 1976.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South proposes, under a revolving credit agreement with a group of banks headed by Manufacturers Hanover Trust Company of New York ("MHTC"), to issue and sell its unsecured short-term promissory notes in an aggregate amount not to exceed \$218,500,000 outstanding at any one time.

The initial borrowing under the credit agreement will be used for the payment of \$97.5 million of short-term notes issued by Middle South to MHTC and various commercial banks under a prior credit agreement dated May 1, 1975, as amended, which borrowings were approved by this Commission (HCAR No. 19035). Such borrowings were utilized by Middle South to purchase, at various times, the common stocks of certain of its subsidiary companies. Subsequent borrowings under the new credit agreement will be used by Middle South to purchase additional common stock of its subsidiaries. The issuance, sale, and acquisition of such common stock will be the subject of separate filings with this Commission.

Under the terms of the revolving credit agreement, Middle South may borrow and reborrow until June 30, 1977, up to an aggregate of \$218,500,000 outstanding at any one time, to be evidenced by its unsecured promissory notes payable 90 days from the date of issuance thereof, but in no event later than June 30, 1977. The names of the banks joining in the credit agreement and their respective participation are as follows:

Name of bank:	Maximum amount to be borrowed and designation	
Manufacturers Hanover Trust Co., New York, N.Y.	\$61,300	B
The First National Bank of Chicago, Chicago, Ill.	35,000	A
Bank of America National Trust & Savings Assn., Los Angeles, Calif.	25,000	B
Continental Illinois National Bank & Trust Co. of Chicago, Ill.	20,000	B
The First National Bank of Boston, Mass.	15,000	B
The Northern Trust Co., Chicago, Ill.	11,100	A
Irving Trust Co., New York, N.Y.	11,100	B
Morgan Guaranty Trust Co. of New York, N.Y.	10,000	A
North Carolina National Bank, Charlotte, N.C.	10,000	B
First Pennsylvania Bank, N.A., Philadelphia, Pa.	5,000	A
The Fidelity Bank, Philadelphia, Pa.	5,000	A
Crocker National Bank, San Francisco, Calif.	5,000	A
Union Bank, Los Angeles, Calif.	5,000	A
Total	218,500	

Each borrowing and each payment by Middle South will be made *pro-rata* among the lending banks according to their original commitment, with appropriate adjustment for the interest rate differential. The notes issued to those banks designated as A banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to

110 percent of the commercial loan rate of MHTC from time to time in effect on borrowings having a 90-day maturity by its most responsible and substantial domestic corporate borrowers ("MHTC Rate"); and the notes issued to those banks designated as B banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to 122 percent of the MHTC rate.

Middle South will pay quarterly to each participating bank a commitment fee for the period from and including June 1, 1976 to June 30, 1977 (or any earlier date of termination of the commitments), computed at the rate of ½ of 1 percent per annum on the average daily unused portion of the commitments in effect during the period for which payment is made.

It is stated that, based on a 6½ percent prime rate, the effective interest cost of the A and B banks assuming balances of 10 percent on the borrowing from the A banks, would be 8.24 percent and 7.43 percent, respectively.

Middle South presently intends to repay the principal of the notes out of the proceeds of the sale of additional shares of its common stock. The notes will be prepayable at any time on two business days' notice in whole or in part without premium. Middle South will have the right at any time on three business days' notice to the participating banks to terminate or, from time to time, to reduce the commitments.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No special or separate expenses are anticipated in connection with the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if



ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-15207 Filed 5-24-76; 8:45 am]

[Rel. No. 19631; (70-5857)]

**JERSEY CENTRAL POWER & LIGHT CO.**  
**Proposed Issuance and Sale of First**  
**Mortgage Bonds at Competitive Bidding**  
**MAY 18, 1976.**

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$35,000,000 aggregate principal amount of First Mortgage Bonds, to mature in not less than 5 years and not more than 30 years. The interest rate (which will be a multiple of 1/4 of 1 percent) and the price (which will be not less than 98 percent and not more than 101 percent of the principal amount of the Bonds, plus accrued interest from June 1, 1976, to the date of delivery) will be determined by competitive bidding. The bidding procedure will not establish a minimum or maximum interest rate within which bids may be submitted. The bonds will be issued under the Indenture, dated as of March 1, 1946, between Jersey Central and Citibank, Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Thirtieth Supplemental Indenture to be dated as of June 1, 1976. None of the bonds may be redeemed at the option of Jersey Central prior to June 1, 1981, if the funds for such redemption are obtained at an interest cost lower than the yield of the Bonds, except under certain circumstances. Jersey Central shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of the maturity date of the bonds.

The entire proceeds (exclusive of any premium or discount and accrued interest) from the sale of the bonds will be applied to the payment at or before maturity of a portion of Jersey Central's \$55,000,000 of short-term bank loans expected to be outstanding at the date

**NOTICES**

of sale of the bonds or for construction purposes. The estimated cost of Jersey Central's 1976 construction program is approximately \$145,000,000 (including allowance for funds used during construction). At April 30, 1976, Jersey Central had short-term bank loans outstanding of \$38,100,000.

The fees and expenses to be incurred by Jersey Central in connection with the proposed transaction and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-15208 Filed 5-24-76; 8:45 am]

[Rel. No. 19534; (70-5543)]

**NEW ENGLAND ENERGY INC. AND NEW**  
**ENGLAND ELECTRIC SYSTEM**

**Proposed Extension of Time for Holding**  
**Company To Make Investments in Sub-**  
**sidary Fuel Company and Proposed In-**  
**crease in Investments by Fuel Company**  
**Through 1979**

MAY 19, 1976.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and New England Energy Incorporated ("NEEI"), 20

Turnpike Road, Westborough, Massachusetts, 01581, a fuel subsidiary of NEES, have filed post-effective amendments to their application-declaration, as amended, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9 (a), 10 and 12 of the Act and Rules 43 and 45(a) promulgated thereunder as applicable to the following proposed transactions.

By order dated October 30, 1974 (HCAR No. 18635, 5 SEC Docket 372) issued in this proceeding, NEES was authorized to acquire the common stock of NEEI and to make subordinated loans to NEEI in a total aggregate amount not to exceed \$20,000,000. NEEI was also authorized to enter into a partnership arrangement with Samedan Oil Corporation ("Samedan") to explore for and develop oil and gas deposits. NEES and NEEI were granted an exception from the tax allocation requirements of Rule 45(b) (6) and jurisdiction was reserved over any transactions between NEEI and its associates which are subject to sections 12(f) or 13 of the Act and Rules 80-95 thereunder.

NEES has executed a Capital Funds Agreement with NEEI under which NEES has agreed to invest up to \$20,250,000 in NEEI during the period ending July 31, 1976. It is now proposed to amend this agreement to provide that NEES may invest a total of up to \$45,000,000 in NEEI to be outstanding at any one time during the period through December 31, 1979. It is anticipated that the loans to NEEI will be repaid by NEEI from its operations or from the proceeds of permanent financing or borrowing arrangements.

The agreement, as amended, will provide that the additional investment in NEEI may be in the form of common stock, capital contributions or subordinated notes. In the case of subordinated notes, as with existing loans to NEEI, each such additional loan will bear interest at an annual rate equal to (i) the overall effective interest cost being paid from time to time by NEES on its then outstanding borrowings from banks or (ii) if NEES has no outstanding bank borrowings, then 125 percent of the prime commercial rate charged from time to time during the period by The First National Bank of Boston. Based on the current prime rate of 6.75 percent, the effective interest cost equals 8.44%. Such loans will mature in not more than 20 years and are prepayable in any amount at any time without penalty.

Proceeds of the investments in NEEI are proposed to be used in the following manner: (i) to continue the Samedan project, (ii) to engage in possible additional transactions of a nature similar to Samedan with parties other than Samedan, involving the purchase of interests and/or participations in similar ventures relating to oil and gas exploration, development and production; and (iii) to enable NEEI to assume various fuel procurement and inventory activi-

ties now carried on by other NEES subsidiaries.

NEEI also requests a continuation of the exception from the consolidated tax allocation provisions of Rule 45(b) (6).

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions through December 31, 1979, are to be performed at cost by New England Power Service Company and are estimated to amount to \$11,500.

Notice is further given that any interested person may, not later than June 16, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as further amended by said post-effective amendments, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 76-15205 Filed 5-24-76; 8:45 am]

**DEPARTMENT OF LABOR**

**Employment and Training Administration**  
**ALLOCATIONS OF FUNDS TO INDIAN AND**  
**NATIVE AMERICAN SUMMER PROGRAM**  
**PRIME SPONSORS**

Notice is hereby given that the Department of Labor, Employment and Training Administration, is allocating funds for the 1976 Summer Program under Title III of the Comprehensive Employment and Training Act to the following Indian and Native American prime sponsors:

**NOTICES**

**1976 SUMMER YOUTH PRIME SPONSORS**  
**ALASKA**

Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99826, \$20,046.

**ARIZONA**

Mr. Abbott Sckaquapewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039, \$123,550.  
Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247, \$134,088.  
Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256, \$50,538.  
Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85634, \$144,841.  
Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515, \$2,901,877.  
Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344, \$32,366.  
Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014, \$63,442.  
Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box O, San Carlos, Arizona 85550, \$150,110.  
Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, White River, Arizona 85941, \$148,067.

**CALIFORNIA**

Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairman's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821, \$52,366.  
Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 95821 \$106,868.

**COLORADO**

Mr. Manuel L. Santos, Director, Training Services Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203, \$47,313.

**FLORIDA**

Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 44004-Tamiami Station, Miami, Florida 33144, \$65,559.  
Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, \$68,400.

**IDAHO**

Mr. Cornell Tahdooshnippah, Executive Director, Idaho Inter-Tribal, Policy Board, Inc., 910 Senna Building, Suite 214, Boise, Idaho 83702, \$56,130.  
Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540, \$25,484.

**KANSAS**

Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas, 66439, \$6,344.

**LOUISIANA**

Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrela Ferry Road, Baton Rouge, Louisiana 70816, \$5,269.

**MAINE**

Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473, \$24,301.

**MICHIGAN**

Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783, \$30,001.

**MINNESOTA**

Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671, \$79,400.  
Mr. Harold LaRosa, Chairman, Urban American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404, \$7,957.  
Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633, \$58,281.  
Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720, \$13,556.  
Mr. Bill Dyer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue, East, Duluth, Minnesota 55802, \$3,871.  
Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359, \$16,129.  
Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772, \$18,066.  
Mr. Reuben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591, \$41,506.

**MISSISSIPPI**

Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians, Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350, \$52,044.

**MONTANA**

Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255, \$126,900.  
Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043, \$104,000.  
Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831, \$123,900.  
Mr. Charles D. Plutage, President, Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana 59528, \$103,100.  
Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521, \$77,500.  
Mr. Patrick Stands Over Bull, Chairman, Crow Tribal Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022, \$127,000.  
Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417, \$233,900.

**NEBRASKA**

Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039, \$35,700.  
Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska 68760, \$20,500.  
Mr. Art May, Executive Director, Nebraska Indiana Inter-Tribal Development Corporation, P.O. Box 682, Winnebago, Nebraska 68071, \$51,829.



## NEVADA

Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502, \$134,700.

## NEW MEXICO

Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107, \$525,339.  
Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, \$139,647.

## NEW YORK

Mr. Russell P. Lazare, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogsburg, New York 13655, \$96,345.  
Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779, \$149,035.  
Shinnecock Reservation, \$4,624.

## NORTH CAROLINA

Mr. John A. Crowe, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719, \$116,200.  
Mr. Kenneth R. Maynor, Executive Director, Lumbee Regional Development Association, Inc., P.O. Box 68, Pembroke, North Carolina 28372, \$189,600.

## NORTH DAKOTA

Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316, \$134,100.  
Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763, \$85,600.  
Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538, \$100,800.  
Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335, \$61,400.

## OKLAHOMA

Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74456, \$69,900.

## OREGON

Mr. Ken Smith, General Manager, The Confederated Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97781, \$60,754.

## SOUTH DAKOTA

Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box C, Pine Ridge, South Dakota 57770, \$289,360.  
Ms. Elita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339, \$56,100.  
Tribal Chairman, Yankton Sioux Tribe, Route No. 3, Wagner, South Dakota 57380, \$25,592.  
Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570, \$173,000.  
Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625, \$147,600.  
Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57544, \$29,000.  
Mr. Jerry Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, R.R. No. 2, Box 144, Sisseton, South Dakota 57262, \$65,162.

## TEXAS

Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351, \$23,226.

## UTAH

Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesne, Utah 84028, \$95,400.  
Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115, \$538.

## VIRGINIA

Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219, \$2,151.

## WASHINGTON

Mr. Philip A. LaCourse, Executive Director, NOW/TSA Tribal Consortium, 3030 Wetmore Avenue, Everett, Washington 98201, \$63,442.  
Mr. Leo J. LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390, \$33,979.  
Mr. Joseph B. De La Cruz, CHE-HO-QUI-SHO Indian Consortium, Quinalt Indian Tribe, P.O. Box 1228, Taholah, Washington 98587, \$32,904.  
Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040, \$181,401.

## WISCONSIN

Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, La Du Flambeau, Wisconsin 54538, \$92,902.  
Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893, \$17,809.  
Mr. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135, \$56,775.  
Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA Office, VW—Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481, \$16,344.  
Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416, \$17,809.  
Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board, Route 2, Stond Lake, Wisconsin 54876, \$32,380.

## WYOMING

Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155, \$34,624.

Mr. Robert N. Harris, Shoshone Council Chairman; Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514, \$144,800.

Signed at Washington, D.C., this 11th day of May 1976.

ROBERT J. MCCONNOR,  
Director, Office of  
National Programs.

[FR Doc.76-15232 Filed 5-24-76; 8:45 am]

# INDIAN AND NATIVE AMERICAN PRIME SPONSORS 1976 Temporary Employment Assistance Allocations

Notice is hereby given that the Department of Labor, Employment and Training Administration is making allocations for 1976 temporary employment assistance to Indian and Native American Prime Sponsors under Titles II and VI of

the Comprehensive Employment and Training Act (CETA) of 1973, as amended. The funds are designated to assist prime sponsors to continue the employment of persons in public service employment positions currently funded under Titles II and VI of CETA. The allocations, by designated Indian Prime Sponsors, are as follows:

## TITLE II

Temporary Employment Assistance (TEA)  
Funds

## ALASKA

Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926, BASE \$16,212 plus DISC \$3,802 equals \$19,014.

## ARIZONA

Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039, BASE \$76,552 plus DISC \$19,132 equals \$95,684.

Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247, BASE \$77,902 plus DISC \$19,469 equals \$97,371.

Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa, Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256, BASE \$9,937 plus DISC \$2,483 equals \$12,420.

Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85334, BASE \$204,508 plus DISC \$51,110 equals \$255,618.

Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515, BASE \$2,093,415 plus DISC \$523,181 equals \$2,616,596.

Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344, BASE \$15,335 plus DISC \$3,832 equals \$19,167.

Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014, BASE \$39,012 plus DISC \$9,749 equals \$48,761.

Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box O, San Carlos, Arizona 85550, BASE \$70,296 plus DISC \$17,568 equals \$87,864.

Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941, BASE \$111,639 plus DISC \$27,901 equals \$139,540.

## CALIFORNIA

Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairmen's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821, BASE \$27,235 plus DISC \$6,806 equals \$34,041.

Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2989 Fulton Avenue, Sacramento, California 95821, BASE \$57,905 plus DISC \$14,474 equals \$72,379.

## COLORADO

Mr. Manuel L. Santos, Director, Training Services Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203, BASE \$30,425 plus DISC \$7,604 equals \$38,029.

## FLORIDA

Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 44004, Tamiami Station, Miami, Florida 33144, BASE \$11,532 plus DISC \$2,882 equals \$14,414.

Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, BASE \$9,321 plus DISC \$2,331 equals \$11,655.

## IDAHO

Mr. Cornell Tahdoahnippah, Executive Director, Idaho Inter-Tribal Policy Board, Inc., 910 Sanna Building, Suite 214, Boise, Idaho 83702, BASE \$73,854 plus DISC \$18,457 equals \$92,311.

Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540, BASE \$11,900 plus DISC \$2,974 equals \$14,874.

## KANSAS

Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas 66439, BASE \$22,941 plus DISC \$5,734 equals \$28,675.

## LOUISIANA

Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816, BASE \$1,472 plus DISC \$368 equals \$1,840.

## MAINE

Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473, BASE \$11,777 plus DISC \$2,944 equals \$14,721.

## MICHIGAN

Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783, BASE \$25,886 plus DISC \$6,469 equals \$32,355.

## MINNESOTA

Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671, BASE \$57,782 plus DISC \$14,441 equals \$72,223.

Mr. Harold LaRosa, Chairman, Urban American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404, BASE \$7,115 plus DISC \$1,779 equals \$8,894.

Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633, BASE \$33,001 plus DISC \$8,248 equals \$41,249.

Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720, BASE \$8,956 plus DISC \$2,238 equals \$11,194.

Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue East, Duluth, Minnesota 55802, BASE \$3,067 plus DISC \$786 equals \$3,853.

Mr. Arthur Gabbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359, BASE \$7,843 plus DISC \$1,870 equals \$9,713.

Mr. Harry Bones, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772, BASE \$7,115 plus DISC \$1,778 equals \$8,893.

Mr. Rueben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591, BASE \$35,823 plus DISC \$8,953 equals \$44,776.

## MISSISSIPPI

Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians, Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350, BASE \$17,175 plus DISC \$4,292 equals \$21,467.

## MONTANA

Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255, BASE \$50,054 plus DISC \$12,509 equals \$62,563.

Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lane Deer, Montana 59043, BASE \$29,811 plus DISC \$7,450 equals \$37,261.

Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831, BASE \$15,945 plus DISC \$3,986 equals \$19,934.

Mr. Charles D. Plumage, President, Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana 59526, BASE \$25,395 plus DISC \$6,347 equals \$31,742.

Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521, BASE \$20,242 plus DISC \$5,069 equals \$25,301.

Mr. Patrick Stands Over Bull, Chairman, Crow Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022, BASE \$30,647 plus DISC \$7,634 equals \$38,181.

Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417, BASE \$37,908 plus DISC \$9,474 equals \$47,382.

## NEBRASKA

Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039, BASE \$17,789 plus DISC \$4,446 equals \$22,235.

Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska, 68760, BASE \$5,766 plus DISC \$1,441 equals \$7,207.

Mr. Art May, Executive Director, Nebraska Indian Inter-Tribal Development Corporation, P.O. Box 682, Winnebago, Nebraska 68071, BASE \$23,186 plus DISC \$5,795 equals \$28,981.

## NEVADA

Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502, BASE \$80,235 plus DISC \$20,053 equals \$100,288.

## NEW MEXICO

Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107, BASE \$249,531 plus DISC \$62,359 equals \$311,890.

Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, BASE \$90,293 plus DISC \$22,566 equals \$112,859.

## NEW YORK

Mr. Russell P. Lazare, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogsburg, New York 13655, BASE \$22,205 plus DISC \$5,549 equals \$27,754.

Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779, BASE \$56,433 plus DISC \$14,104 equals \$70,537.

Shinnecock Reservation, BASE \$2,944 plus DISC \$738 equals \$3,682.

## NORTH CAROLINA

Mr. John A. Crowe, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719, BASE \$53,489 plus DISC \$13,368 equals \$66,857.

## NORTH DAKOTA

Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316, BASE \$41,589 plus DISC \$10,394 equals \$51,983.

Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763, BASE \$22,450 plus DISC \$5,611 equals \$28,061.

Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538, BASE \$37,663 plus DISC \$9,413 equals \$47,076.

Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335, BASE \$14,844 plus DISC \$3,710 equals \$18,554.

## OKLAHOMA

Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056, BASE \$21,960 plus DISC \$5,488 equals \$27,448.

## OREGON

Mr. Ken Smith, General Manager, The Confederated Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761, BASE \$11,164 plus DISC \$2,790 equals \$13,954.

## SOUTH DAKOTA

Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box G, Pine Ridge South Dakota 57770, BASE \$83,177 plus DISC \$20,787 equals \$103,964.

Ms. Elita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339, BASE \$19,138 plus DISC \$4,783 equals \$23,921.

Tribal Chairman, Yankton Sioux Tribe, Route No. 3, Wagner, South Dakota 57380, BASE \$25,272 plus DISC \$6,316 equals \$31,588.

Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570, BASE \$79,129 plus DISC \$19,776 equals \$98,905.

Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625, BASE \$27,358 plus DISC \$6,837 equals \$34,195.

Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548, BASE \$1,993 plus DISC \$491 equals \$2,484.

Mr. Jerry Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, R.R. No. 2, Box 144, Sisseton, South Dakota 57262, BASE \$45,269 plus DISC \$11,314 equals \$56,583.

## TEXAS

Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351, BASE \$12,268 plus DISC \$3,066 equals \$15,334.

## UTAH

Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesne, Utah 84028, BASE \$11,655 plus DISC \$2,913 equals \$14,568.

Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115, BASE \$245 plus DISC \$61 equals \$306.

## VIRGINIA

Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219, BASE \$3,558 plus DISC \$883 equals \$4,447.

## WASHINGTON

Mr. Philip A. LaCourse, Executive Director, NOW/TSA Tribal Consortium, 3030 Wetmore Avenue, Everett, Washington 98201, BASE \$59,255 plus DISC \$14,809 equals \$74,064.

Mr. Leo J. LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390, BASE \$41,221 plus DISC \$10,302 equals \$51,523.

Mr. Joseph B. DeLaCruz, CHE-HO-QUI-SHO Indian Consortium, Quinalt Indian Tribe, P.O. Box 1228, Taholah, Washington 98587, BASE \$24,536 plus DISC \$6,133 equals \$30,669.



Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040, BASE \$116,914 plus DISC \$29,219 equals \$146,133.

## WISCONSIN

Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, Lac du Flambeau, Wisconsin 54538, BASE \$18,402 plus DISC \$4,598 equals \$23,000.

Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54989, BASE \$4,416 plus DISC \$1,104 equals \$5,520.

Mrs. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135, BASE \$4,416 plus DISC \$1,104 equals \$5,520.

Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA Office, VV—Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481, BASE \$16,542 plus DISC \$4,139 equals \$20,701.

Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416, BASE \$3,680 plus DISC \$920 equals \$4,600.

Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board, Route 2, Stond Lake, Wisconsin 54876, BASE \$32,388 plus DISC \$8,094 equals \$40,482.

Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155, BASE \$12,268 plus DISC \$3,096 equals \$15,364.

## WYOMING

Mr. Rober N. Harris, Shoshone Council Chairman; Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 117, Fort Washakie, Wyoming 82514, BASE \$35,700 plus DISC \$8,922 equals \$44,622.

Signed at Washington, D.C., this 11th day of May 1976.

ROBERT J. MCCONNOR,  
Director, Office of  
National Programs.

[FR Doc.76-15231 Filed 5-24-76; 8:45 am]

Occupational Safety and Health  
Administration

## MARYLAND STATE STANDARDS

## Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrations for Occupational Safety and Health (hereinafter called the Regional Administrations) under a delegation of authority from the Assistant Secretary of Labor of Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 17844) of the approval of the Maryland plan and the adoption of Subpart 0 to 29 CFR Part 1952 containing the decision.

The Maryland plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart 0 sets forth the State's schedule for the adoption of Federal standards. By letter dated October 24, 1975 from Harvey A. Epstein, Commissioner, Maryland Division of Labor and Industry to David H. Rhone, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to the revisions, amendments, and corrections to 29 CFR Parts 1910 and 1926, as published in the FEDERAL REGISTER (40 FR 13809, 40 FR 14992, 40 FR 16221) dated May 28, 1975, June 9, 1975, June 27, 1975, and July 28, 1975. These standards were promulgated after public comment requested on August 6, 1975, hearings held on September 11, 1975, and a resolution adopted by the Commissioner on September 22, 1975, pursuant to the Maryland Occupational Safety and Health Law of 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copies during normal business hours at the following locations: Office of the Regional Administrator, Suite 15220, Gateway Bldg., 3535 Market St., Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore St., Baltimore, Maryland 21202 and Office of the Associate Assistant Secretary for Regional Programs, Room N-3603, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public Participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

7. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would not be necessary.

This decision is effective \_\_\_\_\_ (Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Philadelphia, Pennsylvania, this 8th day of March 1976.

DAVID H. RHONE,  
Regional Administrator.

[FR Doc.76-15234 Filed 5-24-76; 8:45 am]

NATIONAL ADVISORY COMMITTEE ON  
OCCUPATIONAL SAFETY AND HEALTH

## Meeting

Notice is hereby given of a meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970. The purpose of this Committee is to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will be held June 24 and 25, 1976, starting at 9:00 a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, Washington, D.C. The public is invited to attend.

Agenda items will include a Bureau of Labor Statistics presentation that will explain the types of occupational statistics available and possible uses by NACOSH. In addition, the Committee will be informed about activities of its Subgroups on Budget, Compliance, Standards, and Policy and Issues. Depending on the outcome of Subgroup meetings that will be held prior to June 24th, Subgroups will present recommendations to NACOSH on the following matters: The definition of repeated violations; funding for statistics in OSHA's FY 1978 budget; the concept of the action level which is included in several proposed health standards, and the impact of OSHA on small business.

For additional information on these items, please contact:

Nancy L. Huckle, National Advisory Committee on Occupational Safety and Health, Department of Labor—OSHA, Committee Management Office, Room N-3835, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning any agenda item which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Committee and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 18th day of May 1976.

J. GOODSELL,  
Executive Secretary.

[FR Doc.76-15233 Filed 5-24-76; 8:45 am]

## Office of the Secretary

[Secretary of Labor; Order No. 11-76]

EQUAL OPPORTUNITY IN DEPARTMENT  
OF LABOR FUNDED PROGRAMS

## Policy Statement

1. *Purpose.* To reestablish and reaffirm the policy of equal opportunity in Department of Labor funded programs.

2. *Directives Affected.* Secretary's Order 4-73 is canceled.

3. *Authority.* This Order is issued pursuant to the Act of March 4, 1913 (37 Stat. 736, 29 U.S.C. Section 551); Reorganization Plan No. 6 of 1950 (15 FR 3174, 64 Stat. 1263, 29 U.S.C. Section 551, Note); the Act of June 25, 1948 (62 Stat. 721, 18 U.S.C. Section 601); the Equal Pay Act of 1963, as amended (29 U.S.C. Section 206); the Civil Rights Act of 1964, as amended (42 U.S.C. Section 2000 d, e-2 and e-3); the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. Sections 621, 623 and 29 CFR Parts 850, 860); the Rehabilitation Act of 1973 (29 U.S.C. Section 793, 794 and 20 CFR 741); the Comprehensive Employment and Training Act of 1973 (29 U.S.C. Sections 801, 991); the Age Discrimination Act of 1975 (42 U.S.C. 6102); Executive Order 11141 (29 FR 2477); Executive Order No. 11246 (30 FR 12319), as amended by Executive Order No. 11375 (32 FR 14303); and Executive Order No. 11758 (39 FR 2075).

4. *Policy.* It is the policy of the Department to develop and promote equal opportunity in contracts, grants, and programs funded by the DOL Agencies. Discrimination based on race, color, religion, sex, national origin, age, political beliefs, or physical or mental handicap is prohibited in such contracts, grants, and programs.

5. *Assignment of Responsibility and Action Required.* DOL Agency Heads shall develop and issue such procedures and take such action as is necessary to ensure compliance with this Order for all programs within their respective jurisdictions.

W. J. USERY, Jr.,  
Secretary of Labor.

[FR Doc.76-15235 Filed 5-24-76; 8:45 am]

[TA-W-865]

## BETHLEHEM STEEL CORP.

## Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lanman Bolt plant, East Chicago, Indiana, a subsidiary of Bethlehem Steel Corp., Bethlehem, Pa. (TA-W-865). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bolts produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than \_\_\_\_\_.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-15236 Filed 5-24-76; 8:45 am]

[TA-W-761]

## CONTINENTAL COPPER

## Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-761: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing tool steel at the Continental Copper, Braeburn Alloy Steel Division, Lower Burrell, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17029). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Braeburn Alloy Steel, its customers, the U.S. De-

partment of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

*Significant total or partial separations.* Employment of production workers at the Braeburn Alloy steel plant declined 28 percent in 1975 compared to 1974. Employment declined in each quarter of 1975 compared to the like quarter in 1974.

*Sales or production, or both, have decreased absolutely.* Annual sales of tool steel at the Braeburn Alloy Steel plant increased 18 percent in quantity from 1973 to 1974. Sales declined 40 percent in quantity in 1975 compared to 1974. Annual production of tool steel increased 13 percent from 1973 to 1974. Production declined 42 percent in 1975 compared to 1974.

*Increased imports.* Imports of tool steel declined 27.8 percent in 1971 compared to 1970. Imports increased 18.1 percent in 1972 compared to 1971 and increased 44.7 percent in 1973 compared to 1972. Imports declined 36.9 percent in 1974 compared to 1973. Imports increased 39.4 percent in 1975 compared to 1974. The ratios of imports to domestic shipment and consumption increased from 12.1 percent and 11.6 percent, respectively in 1974 to 27.7 percent and 23.4 percent, respectively in 1975.

*Contributed importantly.* The Department's investigation revealed that customers of Braeburn Alloy Steel have indicated that they have reduced purchases from Braeburn and increased purchases of competitive imported products. The price differential between domestic and imported steel was the factor cited most frequently when purchases were switched from domestic to foreign suppliers.

*Conclusion.* After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tool steel produced by the Braeburn Alloy Steel plant contributed importantly to the total or

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partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of tool steel at the Continental Copper, Braeburn Alloy Steel Division located in Lower Burrell, Pennsylvania who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-15237 Filed 5-24-76;8:45 am]

[TA-W-610]

#### LADY MARLENE BRASSIERE CORP.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-610: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the Corset and Brassiere Workers' Union, Local 32, ILGWU, on behalf of former workers manufacturing brassieres and girdles at the Lady Marlene Brassiere Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10642). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the parent firm, Lady Marlene Brassiere Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, the Corset and Brassiere Workers Union, Local 32, ILGWU, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in each workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all criteria have been met.

**Significant total or partial separations.** The average number of production workers at the Lady Marlene Brassiere Corporation declined 33 percent in the first quarter of 1975 compared to the same period of 1974. All production workers were separated from employment by May 21, 1975 when the plant closed.

**Sales or production or both, have decreased absolutely.** Sales of brassieres and girdles at Lady Marlene decreased 32 percent in 1974 compared to 1973 and decreased 49 percent in the first two quarters of 1975 compared to the same period in 1974. Production ceased on May 21, 1975 when the plant closed.

**Increased imports.** Imports of brassieres increased in each year from 1970 through 1975. Imports increased from 6,187,000 dozens in 1974 to 6,921,000 dozens in 1975 or increased 11 percent. The ratios of imports to domestic production and consumption increased from 31.7 percent and 30.1 percent, respectively, in 1973 to 35.4 percent and 37.0 percent, respectively in 1974.

Imports of girdles decreased in 1971 compared to 1970, increased in 1972, decreased again in 1973 and then increased 71 percent in 1974 and 17 percent in 1975. Imports increased from 113,000 dozens in 1974 to 133,000 dozens in 1975. The ratios of imports to domestic production and consumption both increased from 1.4 percent in 1973 to 2.6 percent in 1974.

**Contributed importantly.** The Department's investigation indicated that customers of the Lady Marlene Brassiere Corporation shifted their purchases from domestic to less expensive, imported brassieres and girdles.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres and girdles produced by Lady Marlene Brassiere Corporation, New York, New York contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the act, I make the following certification:

All workers engaged in employment at Lady Marlene Brassiere Corporation, New York, New York who became totally or partially separated from employment on or after February 12, 1975 and before June 30, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc.76-15238 Filed 5-24-76;8:45 am]

[TA-W-608]

#### SPLENDORFORM BRASSIERE, INC.

#### Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-608: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed on behalf of workers formerly producing brassieres at the New York sewing plant of Splendorform Brassiere, Inc., a subsidiary of Splentex, Incorporated, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10651). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Splendorform Brassiere, Inc., its customers, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

**Significant total or partial separations.** The average number of sewing operators declined 29 percent in 1975 compared to 1974. In the second, third and fourth quarters of 1975, the average number of sewing operators declined 41 percent, 30 percent and 29 percent, respectively compared to the same quarters in 1974. All sewing operators were laid off in December 1975.

**Sales or production, or both, have decreased absolutely.** Production declined, 51 percent in 1975 compared to 1974. Production ceased in December 1975.

**Increased imports.** U.S. imports of brassieres increased in every year from 1970

through 1975. In 1975, imports were 6.9 million dozens compared to 6.2 million dozens in 1974 and 4.1 million dozens in 1970.

**Contributed importantly.** Customers of Splendorform reported that the proportion of imported brassieres among their total brassiere purchases increased during the period 1973-1975. Splendorform's parent corporation, Splentex, Incorporated reported that its imports of brassieres increased more than 200 percent in 1975 compared to 1974.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the plant of Splendorform Brassiere, Inc., located at 632 Broadway, New York, New York contributed importantly to the total or partial separation of the sewing operators of that plant. In accordance with the provisions of the Act, I make the following certification:

All sewing operators engaged in employment related to the production of brassieres at the plant of Splendorform Brassiere, Inc., located at 632 Broadway, New York, New York who became totally or partially separated from employment on or after February 12, 1975 and before December 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of May 1976.

JAMES F. TAYLOR,  
Director,  
Planning and Evaluation Staff.

[FR Doc.76-15239 Filed 5-24-76;8:45 am]

[TA-W-849]

#### TEXTRON, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fabco, West Newton, Pa., a subsidiary of Textron, Inc., Providence, Rhode Island (TA-W-849).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with washers, special and standard fasteners produced by Textron, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under

investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than \_\_\_\_\_.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-15240 Filed 5-24-76;8:45 am]

[TA-W-850]

#### VEEDER INDUSTRIES, INC.

#### Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of MAC-IT Company Division East Lancaster, Pennsylvania, a division of Veeder Industries, Inc. (TA-W-850). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special steel fasteners produced by Veeder Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under

Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than \_\_\_\_\_.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,  
Director, Office of  
Trade Adjustment Assistance.

[FR Doc.76-15241 Filed 5-24-76;8:45 am]

#### Wage and Hour Division

[Administrative Order No. 645]

#### INDUSTRY COMMITTEE FOR VARIOUS INDUSTRIES IN PUERTO RICO

#### Appointment; Convention; Notice of Hearings

On April 9, 1976, Administrative Order No. 644 was published in FEDERAL REGISTER (41 FR 15085) appointing Industry Committees to review wage rates for various industries in Puerto Rico under the Fair Labor Standards Act of 1938 as amended. Beginning January 1, 1977, the \$200,000 exemption in section 13(a) of the Act is eliminated for employees employed by a retail or service establishment in an enterprise whose annual gross volume of sales made is not less than \$250,000 as provided in section 3 of the Act. Because of the expiration of this exemption there may be some employers and employees in the motion picture theater classification who are unaware of their new coverage. To call this to the attention of this group of interested people, subpart II of subparagraph c of paragraph (2) of Administrative Order No. 644 is clarified and amended as follows:

2(c)ii. The motion picture theaters classification comprises every theater where motion pictures are exhibited, including all activities in establishments of an enterprise which have an annual dollar volume of \$250,000. The current \$200,000 exemption for establishments in an enterprise is no longer effective after December 31, 1976. The date for submitting data to be considered in this amended classification is extended to June 11, 1976.

Signed at Washington, D.C. this 21st day of May, 1976.

W. J. USERY, Jr.,  
Secretary of Labor.

[FR Doc.76-15377 Filed 5-24-76;8:45 am]



## DEPARTMENT OF STATE

(Public Notice 490)

BROWNSVILLE, TEXAS  
Request for Bridge Permit

On May 12, 1976, Cameron County, Texas filed with the Secretary of State an Application for a Presidential Permit to build an international bridge across the Rio Grande River at Brownsville, Texas. Copies of the application will be circulated to interested governmental agencies, and are available to the public at the Office of the Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State, Washington, D.C. 20520.

An assessment of environmental impact will be prepared by the Department of State, circulated to interested governmental agencies, and similarly made available to the public.

Comments on the Application should be submitted to the Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State, Washington, D.C. 20520.

PHILLIP R. TRIMBLE,  
Assistant Legal Adviser for  
Economic and Business Affairs.

May 15, 1976

[FR Doc. 76-1523 Filed 5-24-76; 8:45 am]

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms  
FIREARMS

## Granting of Relief Pursuant to Section 925(c), Title 18, United States Code

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Andrews, James Edward, Route 1, Box 37-A, Dothan, Alabama, convicted on March 29, 1963, in the Houston County Circuit Court, Alabama.

Askew, Ronnie, 1419 Johnson, Saginaw, Michigan, convicted on July 28, 1974, in the Circuit Court, Saginaw County, Michigan.

Bakos, Victor, 1327 Poplar Street, Flint, Michigan, convicted on February 16, 1948, in the United States District Court, Eastern District of Michigan.

Barbour, Harold W., Chase Avenue, Conway, New Hampshire, convicted on June 13, 1968, in the Carroll County Superior Court, Ossipee, New Hampshire.

Bollinger, Charles Gene, No. 1 Bollinger Lane, Waynesville, Missouri, convicted on February 7, 1974, in the United States District Court, Western District of Missouri, Southern Division.

Denby, Leo J., 63 Eastern Avenue, St. Johnsbury, Vermont, convicted on December 18, 1958, and November 14, 1961, in the Superior Court, Fairfield County, Bridgeport, Connecticut; and on May 9, 1960, in the Town Court, Fairfield, Connecticut.

DiGerlando, Douglas J., Post Office Box 97, Westbrookville, New York, convicted on December 18, 1958, in the Criminal Court, Queens County, New York.

Duke, George F., 5055 West 151st Street, Oak Forest, Illinois, convicted on April 22, 1939, in the Saline County Circuit Court, Illinois; and on March 17, 1949, in the United States District Court, Eastern District of Missouri.

Dunnam, Roy Ray, Jr., Route 2, Box 250, Lubbock, Texas, convicted on November 17, 1961, in the Criminal District Court, No. 3, Dallas County, Texas; on April 30, 1962, in the District Court, Third Judicial District, Wyoming; on January 28, 1963, in the United States District Court, Northern District of California, Southern Division; and on March 25, 1968, in the Superior Court of the State of California, in and for the County of Alameda, California.

Ennis, Robert S., III, 510 N.E. 98th, Seattle, Washington, convicted on December 12, 1973, in the Washington Superior Court, King County, Washington.

Gates, Patterson Robert, 5230 Guilford Road, Rockford, Illinois, convicted on September 13, 1965, in the Circuit Court of the Seventeenth Judicial Circuit, Winnebago County, Illinois.

Gibson, George Allen, 8323 Highway 365, Little Rock, Arkansas, convicted on November 17, 1958, in the United States District Court, Eastern District of Arkansas, Western Division; and on September 22, 1965, in the Pulaski Circuit Court, First Division, Arkansas.

Henon, Frederick J., 3004 Freemanburg Avenue, Easton, Pennsylvania, convicted on or about March 31, 1970, in the Quarter Sessions Court, Media, Pennsylvania.

Honneycutt, Larry J., 3158 Creasy Road, Custer, Washington, convicted on January 14, 1957, in the Lewis County Superior Court, Washington.

Horton, Pershing Q., Three Springs, Pennsylvania, convicted on September 7, 1973, in the United States District Court, Williamsport, Pennsylvania.

Howard, Kieffer Lamar, Sr., 2413 Grist Mill Road, Little Rock, Arkansas, convicted on March 4, 1974, in the United States District Court, Eastern District, Arkansas.

Jackes, Robert E., RFD No. 3, Parade Road, Laconia, New Hampshire, convicted on June 4, 1973, in the Belknap Superior Court, New Hampshire.

Jett, William L., 1204 North 11th Street, Phoenix, Arizona, convicted on April 26, 1963, in the Marion County Criminal Court, Illinois; on August 8, 1968, in the Pima County Superior Court, Arizona; and on September 3, 1968, in the United States District Court, Tucson, Arizona.

Kelly, Kenneth, 114 N. 5th Street, Desloge, Missouri, convicted on March 24, 1970, in the Circuit Court, St. Francois County, Missouri.

Kniekrehm, Albert B., 10230 Nieman Place, Overland Park, Kansas, convicted on July 11, 1975, in the United States District Court, Eastern District of Pennsylvania.

Lederhaus, Dennis A., Box 9, Medina, Wisconsin, convicted on June 8, 1973, in the Waupaca County Court, Branch II, Wisconsin.

Lipsy, Vince W., 504 North 20th Avenue, Yakima, Washington, convicted on February 13, 1965, in the Washington Superior Court, Kittitas County, Washington.

Looney, Daniel Joseph, 1838-E McKnight Mill Road, Greensboro, North Carolina, convicted on August 21, 1972, in the Guilford County Superior Court, North Carolina.

Loyd, Thomas H., 489 Highline, East Wenatchee, Washington, convicted on September 27, 1971, in the United States District Court, Eastern District of Washington.

McCall, Sheryl Diane, 506 Burke, Pasadena, Texas, convicted on February 23, 1973, in the 185th District Court, Harris County, Texas.

McCord, William R., P.O. Box 313, Cottonwood, Alabama, convicted on February 7, 1966, in the Circuit Court of Houston County, Dothan, Alabama.

McCormick, John T., Jr., 1516 Virginia Avenue, Victoria, Virginia, convicted on June 5, 1970, in the Hall County Superior Court, Georgia.

Macey, Harry E., Jr., 4608 Ferguson Lane, Richmond, Virginia, convicted on September 7, 1956, in the Circuit Court, City of Fredericksburg, Virginia.

Meyer, Marc S., 430 G Street, Bakersfield, California, convicted on or about October 14, 1969, in the Superior Court for Kern County, California.

Moore, Loyd, Sr., 405 Jenkins Street, LaGrange, Georgia, convicted on November 21, 1956, in the United States District Court, Northern District of Georgia.

Morse, Richard Clarence, 310 N. Cedar Street, Imlay City, Michigan, convicted on June 18, 1971, in the Circuit Court for the County of Lapeer, Michigan.

Novander, Richard C., P.O. Box 832, Endeavor, Wisconsin, convicted on April 8, 1971, in the Columbia County Court, Portage, Wisconsin.

Onnela, Henry Edward, 1313 N. Main, Liberty, Texas, convicted on February 3, 1961, in the United States District Court for the Western District of Missouri, Western Division.

Pimpl, John E., P.O. Box 553, Reno, Nevada, convicted on August 23, 1974, in the Nevada District Court, Second Judicial District.

Randolph, Jonathan J., 4811 Florence Avenue, Philadelphia, Pennsylvania, convicted on November 24, 1969, in the Court of Common Pleas, Philadelphia, Pennsylvania.

Rude, Michael S., 3916 California Avenue, St. Louis, Missouri, convicted on December 31, 1968, in the United States District Court, Southern District of Illinois, Southern Division.

Runge, David Paul, 1315 Garfield Avenue, Marinette, Wisconsin, convicted on or about April 21, 1958, in the Circuit Court, Oconto County, Marinette, Wisconsin.

Shriner, Stuart James, 21 Mill Lane, Malvern, Pennsylvania, convicted on August 10, 1973, in the Superior Court of New Jersey, Law Division, Criminal, Cape May County, New Jersey.

Skahan, Joseph, Jr., P.O. Box 648, Toppenish, Washington, convicted on December 7, 1944, in the Superior Court, Yakima County, Washington.

Stipes, Robert D., 2905 Downing, Bethany, Oklahoma, convicted on July 30, 1971, in the United States District Court, Western District of Oklahoma.

Stovall, Richard C., Rt. 4, Box 188, Seagoville, Texas, convicted on February 26, 1970, in the Criminal District Court of Dallas County, Texas.

Stratton, Larry, 2123 Johanna, SW, Wyoming, Michigan, convicted on July 22, 1968, in the Circuit Court of Alger County, Michigan.

Thiel, Henry A., 721 Bayside, Detroit, Michigan, convicted on March 7, 1967, in the Recorder's Court, Detroit, Michigan.

Thomson, James M., 4811-A South Congress Avenue, Austin, Texas, convicted on March 31, 1969, in the 147th Judicial District Court, Travis County, Texas; on May 3, 1971, in the 187th Judicial District Court, Travis County, Texas; and on December 12, 1974, in the 147th Judicial District Court, Travis County, Texas.

Tomlin, Jackie Russell, 820 Dorothy Drive, Jackson, Missouri, convicted on November 15, 1965, in the Superior Court, Pend Oreille County, New Port, Washington.

Turner, William Bynum, Route 4, Box 112, Albertville, Alabama, convicted on March 17, 1971, in the Putnam County Superior Court, Putnam County, Georgia.

Whitson, Raymond W., 8242 Pillsbury Avenue South, Minneapolis, Minnesota, convicted on February 8, 1958, in the Pierce County Court, Tacoma, Washington; on September 27, 1960, in the King County Court, Seattle, Washington; on May 10, 1961, and on June 12, 1962, in the Blue Earth County District Court, Mankato, Minnesota; and on November 28, 1962, in the Lane County Court, Eugene, Oregon.

Wiggers, Larry Lee, 115 Deloney Street, SW, Grand Rapids, Michigan, convicted on January 16, 1961, in the Circuit Court for the County of Muskegon, Michigan; on March 15, 1961, in the Circuit Court for the County of Ottawa, Michigan; on October 17, 1963, in the Circuit Court for the County of Ottawa, Michigan; and on November 6, 1970, in the Circuit Court for the County of Kent, Michigan.

Wilson, Clyde A., 13303 Pebblebrook, Houston, Texas, convicted on September 21, 1973, in the United States District Court, Northern District of Texas, Dallas, Texas.

Signed at Washington, D.C., this 13th day of May 1976.

REX DAVIS,  
Director, Bureau of  
Alcohol, Tobacco and Firearms.

[FR Doc. 76-15156 Filed 5-24-76; 8:45 am]

## Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 20]

SURETY COMPANIES ACCEPTABLE ON  
FEDERAL BONDS

## American Reserve Insurance Company

Resolute Insurance Company, a Rhode Island corporation, has formally changed its name to American Reserve Insurance Company, effective November 18, 1975. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds dated November 18, 1975, has been issued by the Secretary of the Treasury to American Reserve Insurance Company, under Sections 6 to 13 of Title 6 of the United States Code, to replace the certificate issued July 1, 1975 (40 FR 29256, July 10, 1975) to the company under its former name, Resolute Insurance Company. The underwriting limitation of \$342,000 previously established for the company remains unchanged.

The change in name of Resolute Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 17, 1976.

DAVID MOSSO,  
Fiscal Assistant Secretary.

[FR Doc. 76-15169 Filed 5-24-76; 8:45 am]

## Internal Revenue Service

Labor-Management Services Administration  
[Application No. D-158]

## EMPLOYEE BENEFIT PLANS

Exemption Relating to Transactions Involving the Citizens and Southern National Bank Retirement Trust, et al.

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) (A) through (D) of the Code. The pending exemption was requested in an application filed by the trustees of the Citizens and Southern National Bank Pension Trust (Pension Trust) and the trustees of the Citizens and Southern National Bank Profit Sharing Trust (Profit Sharing Trust) to exempt the sale of certain plan assets to parties in interest or disqualified persons.

The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

**Summary of Representations.** The application contains representations with regard to the pending exemption, which are summarized below. Interested persons are referred to the application on file with the Department and the Service for the complete representations of the trustees of the Pension Trust and the Profit Sharing Trust.

The Citizens and Southern National Bank (Bank) is a national banking association. The Citizens and Southern Holding Company (Holding Company) is a wholly owned subsidiary of the Bank and is subject to both federal and state banking laws. Until October 31, 1974, the Holding Company owned 5 percent of the outstanding common stock of certain correspondent associate banks in the State of Georgia (Correspondent Associates).

The Bank, the Holding Company and virtually all of the Correspondent Associates have each adopted both a qualified profit-sharing plan and a qualified pension plan (the Plans).

The trust assets held in conjunction with the Plans have been commingled for administrative and investment purposes. The assets of the profit-sharing plans are held by the Profit Sharing Trust and the assets of the pension plans are held by the Pension Trust.

In 1971, the Independent Bankers Association of Georgia (IBA) brought a suit against the Georgia Commissioner of Banking & Finance (Banking Commissioner), the Bank, the Holding Company and 10 of the Correspondent Associates contending, inter alia, that the ownership of the 5 percent interest by the Holding Company in the 10 Correspondent Associates violated the Georgia Bank Holding Company Act (Georgia Code Annotated section 13-207) and that the failure of the Banking Commissioner to take action against this violation subjected him to an action for mandamus. The Georgia Supreme Court, in an opinion dated March 5, 1973, generally upheld the contentions of the IBA. After a second appeal to the Georgia Supreme Court, a Superior Court of Georgia ordered the Banking Commissioner to bring the Holding Company into compliance with the Georgia Supreme Court's decision no later than May 24, 1975. Pursuant to the Superior Court's directive, the Banking Commissioner on May 24, 1974, ordered the Holding Company to divest itself of its 5 percent stock interests in the 10 Correspondent Associates by November 1, 1974, and in an additional 15 Correspondent Associates by February 1, 1975.

Prior to the end of 1974, and in an effort to comply with the Banking Commissioner's divestiture order, the Holding Company sold to the trustees of the Profit Sharing Trust and the Pension Trust the stock it owned in the Correspondent Associates (Divestiture Stock) and the trustees of both Trusts continue to own the Divestiture Stock.

On March 7, 1975, the Attorney General of the State of Georgia gave his opinion that the sale of the Divestiture Stock by the Holding Company to the Trustees was not an adequate divestiture because the trustees were not sufficiently independent of the Bank and the Holding Company to satisfy the Supreme Court's decision. On the basis of the Attorney General's opinion, the Banking Commissioner ordered a rescission of such sale of the Divestiture Stock. On May 22, 1975, however, the Banking Commissioner permitted the Trustees to transfer the Divestiture Stock to an escrow agent approved by the Banking Commissioner, in order to satisfy the Supreme Court's decision while not entering into a prohibited transaction under the Act and the Code by reselling the Divestiture Stock to the Holding Company. The escrow agent is George E. Manners, Sr., former Dean of the Graduate School at Georgia State University.

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Pursuant to the terms of the escrow agreement dated May 22, 1975, the escrow agent has accepted delivery of the Divestiture Stock. Furthermore, the escrow agent is expressly authorized to exercise the voting rights accorded to the Divestiture Stock at any meetings of stockholders of the issuers and he will exercise his own judgment in voting the Divestiture Stock.

The escrow agent is permitted to sell the Divestiture Stock at a price which he deems to be not less than fair market value and on terms which he deems reasonable except as otherwise limited by law or prohibited by the May 24, 1974, order of the Banking Commissioner. The escrow agent is not permitted to sell the Divestiture Stock to the Holding Company, the trustees of the Profit Sharing Trust or the Pension Trust or any person who is a party in interest as defined by the Act or a disqualified person as defined by the Code unless an exemption from the prohibited transaction provisions of the Act or the Code has been obtained. Further, the escrow agent may not sell any of the Divestiture Stock to any purchaser who fails or refuses to execute, under oath, a written statement that said purchaser is not a policy making officer or director or the spouse of such officer or director of the Holding Company or the Bank; that the sale of the Divestiture Stock does not otherwise violate the Banking Commissioner's Order of May 24, 1974; and that the purchaser does not purchase such stock for the purpose of sale or other transfer to or holding for the benefit of, and will not sell to or hold for the benefit of any such policy making officer or director, spouse thereof, or any other person who is prohibited from purchasing or acquiring beneficial interest in the Divestiture Stock.

The escrow agreement also requires the escrow agent to report all sales of the Divestiture Stock to the Banking Commissioner within 15 days of the date of such sales. Such report will identify the issuer, the number of shares sold, the purchaser, the price and such other information as the Banking Commissioner may request.

The trustees and the escrow agent attempted, but were unable to locate purchasers for shares of the Correspondent Associates stock who are not disqualified persons or parties in interest.

Accordingly, the trustees have requested an exemption to permit the sale of the stock of the Correspondent Associates to parties in interest or disqualified persons. The exemption was requested to permit the Bank, the Holding Company and the trusts to comply with the orders of the state banking authorities and to eliminate a costly and inefficient arrangement whereby certain assets of the Profit Sharing Trust and Pension Trust are held by an escrow agent, who also votes such shares of stock at his own discretion without instruction from the trustees of the Profit Sharing Trust and Pension Trust, despite the fact that such trustees are the

individuals responsible for protecting the interests of participants and beneficiaries.

In the event that it is determined that the price of the shares sold by the escrow agent to disqualified persons or parties in interest is less than the fair market value of such shares at the time of sale, the Holding Company will pay to the trusts the amount of such deficiency plus interest on such amount from the date of sale to the date of correction at the rate determined under section 6621 of the Code.

Notice of the pending exemption as published in the FEDERAL REGISTER will be published in the "Pay Day Newsletter" which is distributed semi-monthly to all employees of the Bank, the Holding Company and the Correspondent Associates. Additionally, copies of this notice will be posted for at least 30 days on the personnel bulletin board at all personnel locations of the Bank, the Holding Company, and the Correspondent Associates. This notice will also be mailed to all retired participants or beneficiaries who are receiving periodic distributions from either the Profit Sharing or the Pension Trusts.

**General Information.** The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plans and of their participants and beneficiaries, and protection of the rights of such participants and beneficiaries; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dis-

positive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or other exemption or a transitional rule.

All interested persons are invited to submit written comments on the pending exemption. All written comments (preferably six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: E:EP:PT (D-158).

In order to receive consideration, such comments must be received by the Internal Revenue Service on or before July 12, 1976. The application for exemption referred to herein and such comments will be open to public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

**Pending Exemption.** Based upon the application, hereinabove described, the Service and the Department have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, whereby the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to any sale of the Divestiture Stock made pursuant to the escrow agreement dated May 22, 1975, and pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 14th day of May, 1976.

DONALD C. ALEXANDER,  
Commissioner of Internal Revenue.

JAMES D. HUTCHINSON,  
Administrator of Pension and  
Welfare Benefit Programs,  
U.S. Department of Labor.

[FR Doc.76-15199 Filed 5-24-76; 8:45 am]

#### Office of the Secretary

#### DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM THE UNITED KINGDOM

##### Tentative Determination to Modify or Revoke Dumping Finding

A finding of dumping with respect to diamond tips for phonograph needles from the United Kingdom was published as Treasury Decision 72-91 in the FEDERAL REGISTER of April 1, 1972 (37 F.R. 6665).

After due investigation, it has been determined tentatively that diamond tips for phonograph needles produced and sold by Fidelitone International Ltd., Peebles, Scotland are no longer being, nor likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.)

#### Statement of Reasons on Which This Tentative Determination Is Based.

The investigation indicated that sales of diamond tips for phonograph needles by Fidelitone International Ltd. during a recent period of more than 2 years have been at not less than fair value. Also, the manufacturer has given written assurances that it will make no future sales at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to diamond tips for phonograph needles from the United Kingdom to exclude such merchandise produced and sold by Fidelitone International Ltd., Peebles, Scotland.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Ave., N.W., Washington, D.C. 20229, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than June 24, 1976.

This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: May 20, 1976.

JAMES B. CLAWSON,  
Acting Assistant Secretary  
of the Treasury.

[FR Doc.76-15183 Filed 5-24-76; 8:45 am]

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management ROCK SPRINGS DISTRICT MULTIPLE USE ADVISORY BOARD

#### Meeting

MAY 18, 1976.

Notice is hereby given that the Rock Springs District Multiple Use Advisory Board will meet at 8:00 a.m., June 29, 1976, and at 8:30 a.m., June 30, 1976, at the Bureau of Land Management District Office, Rock Springs, Wyoming.

The agenda will include a field tour June 29 of representative allotments in the Sandy Grazing Environmental Im-

pact Statement study area and a business meeting June 30 to discuss issues identified during the field tour and to receive public comments.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the second day of the meeting. Any interested person wishing to make an oral statement must inform the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. Time limits for oral presentations may be established by the Chairman to ensure that all will be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901.

Further information concerning the meeting may be obtained from Mr. Ronald Herdt, Public Affairs Officer, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. His telephone is (307) 362-6613.

NEIL F. MORCK,  
District Manager.

[FR Doc.76-15211 Filed 5-24-76; 8:45 am]

#### Geological Survey KNOWN GEOTHERMAL RESOURCES AREA

##### Kyle Hot Springs, Nevada

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area effective March 19, 1976.

#### (5) NEVADA

KYLE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA MT. DIAULO MERIDIAN, NEVADA T. 29 N., R. 36 E., Secs. 1 and 2, Secs. 11 and 12.

The area described aggregates 2,561 acres, more or less.

Dated: April 22, 1976.

WILLARD C. GERE,  
Conservation Manager,  
Western Region.

[FR Doc.76-15212 Filed 5-24-76; 8:45 am]

#### National Park Service

##### ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT, TEXAS

#### Negative Declaration

An environmental assessment of four alternatives for the preservation and development of the Alibates Flint Quarries and Texas Panhandle Pueblo Culture

National Monument was made available December 11, 1975. Public workshops were held January 15 and 16, 1976 in Amarillo and Borger, Texas.

As a result of the workshops and letters received commenting upon the assessment, an environmental review has been completed and an alternative plan has been selected. Recommended actions include land acquisition, access, fencing, visitor services and management support facilities, interpretive trails and signing, and a name change to Alibates Flint Quarries National Monument.

The National Park Service, based on the environmental review, has decided not to prepare an environmental statement on the general management plan for the monument.

Copies of the environmental review are on file and available upon request at the following locations: Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501; Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, Texas 79036; and National Park Service, Room 10-G-3, Fritz G. Lanham Federal Center, 819 Taylor Street, Fort Worth, Texas 76102.

The National Park Service will proceed to implement the plan.

Dated: April 21, 1976.

JOSEPH C. RUMBURG, Jr.,  
Regional Director,  
Southwest Region.

[FR Doc.76-15198 Filed 5-24-76; 8:45 am]

#### MINUTE MAN NATIONAL HISTORICAL PARK ADVISORY COMMISSION

#### Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Minute Man National Historical Park Advisory Commission will be held, commencing at 2:00 p.m. on Friday, 18 June 1976, at the North Bridge Visitor Center, off Liberty Street, in Concord, Massachusetts.

The Commission was established by Public Law 86-321 to advise the Secretary of the Interior on the development of Minute Man National Historical Park.

The members of the Advisory Commission are as follows:

The Honorable F. Bradford Morse, Chairman,  
New York, New York  
Mr. James DeNormandie, Lincoln, Massachusetts  
Mr. Donald Nickerson, Lexington, Massachusetts  
Mrs. Lucy Richardson, Concord, Massachusetts  
Mrs. Katherine S. White, Lincoln, Massachusetts

At this meeting the Superintendent will submit a report. Discussion will take place on the report of the National Park Study Committee and future policies in respect to reports of this nature.

The meeting will be open to the public; however, space is limited and it is expected that not more than 15 persons can be accommodated. Any member of the public may file with the Commission

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## NOTICES

a written statement concerning the matters to be discussed.

For further information, please contact David L. Moffitt, Superintendent, Minute Man National Historical Park at (617) 369-6993 or 484-6192. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

L. J. HEVIG,  
Acting Regional Director.

[FR Doc.76-1517 Filed 5-24-76;8:45 am]

## NATIONAL REGISTER OF HISTORIC PLACES

## Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 14, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted 10 days after publication.

JERRY L. ROGERS,  
Acting Director, Office of Archeology and Historic Preservation.

## ARIZONA

## Cochise County

Douglas, *Gadsden Hotel*, 1046 G Avenue.

## COLORADO

## Denver County

Denver, *Christ Methodist Episcopal Church* (Scott Methodist Episcopal Church), 2201 Ogden St.  
Denver, *Cornwall Apartments*, 1317 Ogden St., 912 E. 13th Ave.

## Otero County

La Junta, *Post Office*, 4th Ave. and Colorado Ave., block 36, lots 9-12.

## Pueblo County

Pueblo, *Orman-Adams House* (School Administration Building), 102 West Orman Ave.

## FLORIDA

## Escambia County

Pensacola, *Saenger Theatre*, 118 S. Palafox St.

## IOWA

## Benton County

Vinton, *Benton County Courthouse*, E. 4th St.

## Cedar County

Downey, *Downey Savings Bank*, W. Branch Front St.

## Cherokee County

Cherokee, *Bastian Site* 13 CK 28.  
Cherokee, *Simonsen Site* (13CK61), C, NE ¼, Sec. 10 T90N, R41W.

## Clayton County

Elkader, *Timothy Davis House*, 405 1st St. NW.

## Crawford County

Denison, *William A. McHenry House*, 1428 First Avenue North.

## Dartmouth County

Union Twp., *Troy Academy*, Sec. 26.

## Delaware County

Manchester, *J. J. Hoag House* (Wheat House), 120 E. Union St.

## Dubuque County

Dubuque, *J. H. Thedinga House*, 340 W. 5th St.  
Dubuque, *Shot Tower*, Commercial St. and River Front.

## Fayette County

Fayette, *College Hall* (Alexander Dickman Hall), E. Clark 200 block.

## Franklin County

Hampton, *Franklin County Courthouse*, Central Ave. and 1st St. NW.

## Jackson County

Maquoketa, *Seneca Williams Mill* (Willey's Mill), Twp. 24N R3E Sect. 20.

## Linn County

Cedar Rapids, *Seminole Valley Farmstead*, Twp. 83N., R. 8 W Sect. 13.  
Mt. Vernon, *King Memorial Chapel*, Cornell College.

## Lyon County

Rock Rapids, *Rock Rapids Depot*, Bridge No. 2834, track and hand switch, N. Story St.

## Madison County

St. Charles, *Imes Covered Bridge*.  
Winterset, *McBride Covered Bridge*, Jefferson Twp.

Winterset, *Cedar Covered Bridge*, Union Twp.

Winterset, *Cutler-Donahue Covered Bridge*, Winterset City Park.

Winterset, *Hogback Covered Bridge*, Douglas Twp.

Winterset, *Hollowell Covered Bridge*, Scott Twp. Sect. 4.

Winterset, *North River Stone Schoolhouse*, Douglas Twp., Sect. 2.

Winterset, *Roseman Covered Bridge*, Webster Twp., Sect. 14.

## Marshall County

Marshalltown, *Willard, LeRoy R., House*, 609 W. Main.

## Pottawattamie County

Council Bluffs, *Ogden House* (Ogden Hotel), 169 W. Broadway.

## Warren County

Summerset, *United Presbyterian Church* (Scotch Ridge United Presbyterian Church).

## KENTUCKY

## Carroll County

Carrollton vicinity, *Hunter's Bottom Historic District*, boundaries as shown on the U.S.G.S. Map (also in Trimble County).

## LOUISIANA

## Iberia Parish

New Iberia vicinity, *Spanish Lake Rural Historic District*, LA 182. (also in St. Martin Parish).

## Orleans Parish

New Orleans, *Iris Channel Area Architectural District*.

## MARYLAND

## Dorchester County

Cambridge, *Ayreshire Glasgow*, 1500 Ham-brooks Blvd.

## Garrett County

Bloomington, *B & O Viaduct*, Potomac River.

## MASSACHUSETTS

## Middlesex County

Weston, *Harrington House*, 555 Wellesley St.

## MISSISSIPPI

## Adams County

Natchez, *William Johnson House*, 210 State St.

## NEBRASKA

## Cass County

East Rock Bluff, *Naomi Institute*.  
Elmwood, *"The Elms"* (Bess Streeter Aldrich House).

## NEW HAMPSHIRE

## Cheshire County

Keene, *Noah Cooke House*, Daniels Hill Rd.

## NEW YORK

## Albany County

Albany, *The Albany Institute of History and Art*, 135 Washington Ave.  
New York, *Cathedral of the Immaculate Conception*, 125 Eagle St.

## Chautauque County

Busti, *The Busti Mill*, R.D. No. 1.

## Kings County

Brooklyn, *Cooble Hill Historic District*, area between Atlantic Ave., Court, Degraw, and Hicks Sts.

## Onondaga County

Syracuse, *Hanover Square Historic Dist.*, 101-203 E. Water, 120-200 E. Genesee St., 113 Salina St., 109-114 S. Warren St.

## Saratoga County

Gansevoort, *Gansevoort Mansion*.

## NORTH CAROLINA

## Wake County

Raleigh, *Agriculture Building*, E. Edenton St.

Raleigh, *N.C. School for the Blind and Deaf Dormitory*, 216 W. Jones St.

Raleigh, *Pullen Park Carousel*, Pullen Park, Western Blvd.

## OHIO

## Astabula County

West Andover, *John Henderson House*, 5248 Stanhope-Kelloggsville Rd.

## Athens County

Stewart, *Federalton*, 51 State St.

## Brown County

Georgetown, *Bailey-Thompson House*, 112 N. Water St.

Georgetown, *Ulysses S. Grant Boyhood Home*, 219 E. Grant Ave.

## Cuyahoga County

Cleveland, *Society for Savings Building*, Public Sq.

## NOTICES

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## Fairfield County

Canal Winchester vicinity, *Loucks Covered Bridge*, Dille Rd.  
Pickerington, *Hizey Covered Bridge*, Poplar Creek Rd.

## Greene County

Xenia, *Millen-Schmidt House*, 184 N. King St.

## Hamilton County

Harrison vicinity, *The Campbell, Hugh, House* (Phoenix Park), 332 Weathervane Rd.

North Bend vicinity, *Warder, John Aston, House* (Aston), Warder Lane, off Shady Lane.

## Licking County

Croton, *Belle Hall Covered Bridge*, Dutch Cross Rd.

## Mahoning County

Youngstown, *George J. Renner Jr. House*, 277 Park Ave.

## Preble County

Lewisburg vicinity, *Warnke Covered Bridge*, Swamp Creek Rd.

## Summit County

Akron, *St. Paul's Sunday School and Parish House*, E. Market and Forge Sts.

## Union County

Marysville vicinity, *Gilbert House*.

## Vinton County

Allensville vicinity, *Mt. Olive Road Covered Bridge*, Mt. Olive Rd.

## Washington County

Lawrence, *Hune Covered Bridge*, Township Road 34 just east of SR 26.

## RHODE ISLAND

## Bristol County

Barrington, *Belton Court*, Middle Highway

## Kent County

West Warwick, *Phenix Baptist Church*, 10 Fairview Ave.

## Providence County

Central Falls, *Central Falls Congregational Church*, 378 High St.

Pawtucket, *Pitcher-Goff House*, 56 Walcott St.

Pawtucket, *Slater Park Historic District*, Armistice Blvd.

Providence, *Christ Episcopal Church*, 909 Eddy St.

Providence, *The Shepard Company*, 259 Westminster Mall, 72-92 Washington St.

Woonsocket, *Cato Hill*, area bounded by Arnold, Blackstone, and Railroad Sts., Monument Sq. and Main St.

## Providence County

Woonsocket, *Harris Warehouse*, 61 Railroad St.

Woonsocket, *Stadium Building*, 329 Main St.

## Washington County

Narragansett, *Greene Inn*, 175 Ocean Rd.

## TEXAS

## Presidio County

Redford, *Tapalcomes* (Polvo, 41 PS 21), on a Blossom Hill terrace S of the Redford Cemetery.

## UTAH

## Cache County

Logan, *David Eccles Home*, 250 W. Center St.

## Salt Lake County

Salt Lake City, *First Church of Christ*, 352 E. 3rd South  
Salt Lake City, *J. A. Fritsch Block*, 158 E. 200 South  
Salt Lake City, *Salt Lake Stock and Mining Exchange Building*, 39 Exchange Pl.

## VERMONT

## Franklin County

Highgate, *St. John's Episcopal Church*, Highgate Falls Village Green

## Orange County

Bradford vicinity, *Goshen Church*, Goshen Rd.

Chelsea, *Congregational Church of Chelsea*, Chelsea Green

Wells River, *Newbury, Wells River Graded School*, Main St. U.S. 6

## Orleans County

Derby Line, Vt., and Rock Island, Quebec (Canada), *Haskell Free Library and Opera House*, Caswell Avenue.

## Rutland County

Brandon, *Brandon Village Historic District*, area between Pearl and High Sts.

## Windsor County

Bethel, *Bethel Village Historic District*, along both sides Main and Church Sts.

Bridgewater, *Bridgewater Woolen Mill*, U.S. 4.

Royalton, *South Royalton Historic Dist.*, Along Chelsea, Windsor, Railroad, and Salford Sts. and around the village Park.

## WYOMING

## Albany County

Centennial vic., *Libby Lodge*, *Snowy Range Lodge*, NE-¼ SE-¼ Section 29, T16N, R78W.

## Big Horn County

Basin, *Basin Republican-Rustler Printing Building*, 409 W. C St.

## Johnson County

Buffalo vic., *Fort McKinney*, 2 mi. W of Buffalo.

## Laramie County

Cheyenne, *Nagle Mansion, Warren Mansion, and Grounds*, 222 East 17th St.

## Lincoln County

Kemmerer, *J. C. Penney Home*, center of Railroad Park.

## Natrona County

Casper, *Fort Caspar*, 13 Caspar R.

## Sheridan County

Big Horn vic., *Quarter Circle A Ranch*, 2 mi. SW of the town of Big Horn.

## Weston County

Newcastle vic., *Cambria Casino-Park Memorial*, NW¼ Section 21, T46N, R61W.

[FR Doc.76-15195 Filed 5-24-76;8:45 am]

## PICTURED ROCKS NATIONAL LAKESHORE ADVISORY COMMISSION

## Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held June 18, 1976 at 1:00 p.m. (e.d.t.) in headquarters building of Pictured Rocks National Lakeshore, Sand Point, Munising, Michigan. The Commission was

established by Public Law 89-668 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Pictured Rocks National Lakeshore.

Members of the Commission are:

Mr. Edward N. Locke (Chairman)  
Mr. Leo Gariepy (Vice Chairman)  
Mr. Glenn C. Gregg  
Mr. David C. West  
Mr. James Becker

Matters to be discussed at the meeting include:

1. Management objectives for Pictured Rocks National Lakeshore.
2. Emergency plans for the Lakeshore.
3. Park operations for the coming summer.

The Commission will tour the Miners Castle construction area at the conclusion of the meeting.

The meeting is open to the public. It is expected that 25 persons will be able to attend the session in addition to the Commission members. Interested persons may file written statements with the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Robert L. Burns, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone (906) 387-2607. Minutes of the meeting will be available for public inspection two weeks after the meeting at Pictured Rocks National Lakeshore headquarters at Sand Point, four miles east of Munising, Michigan.

Dated: May 12, 1976.

MERRILL D. BEAL,  
Regional Director,  
Midwest Region.

[FR Doc.76-15196 Filed 5-24-76;8:45 am]

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## FLUE-CURED TOBACCO ADVISORY

## COMMITTEE

## Meeting

The Flue-Cured Tobacco Advisory Committee will meet at 1 p.m., on Thursday, June 17, 1976, in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1304 Annapolis Drive, Raleigh, North Carolina 27605.

The purpose of the meeting is to discuss marketing area opening dates and selling schedules for the flue-cured tobacco to be sold in each marketing area for the 1976 season. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members,



who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, S.W., Washington, D.C. 20250 (202) 447-2567.

Dated: May 20, 1976.

**DONALD E. WILKINSON,**  
*Administrator.*

[FR Doc 76-15247 Filed 5-24-76; 8:45 am]

**Animal and Plant Health Inspection Service  
FLEMING KEY ANIMAL IMPORT CENTER,  
KEY WEST, FLORIDA**

**Availability of Final Environmental  
Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a final environmental statement for the proposed Fleming Key Animal Import Center, Key West, Florida, USDA-APHIS-ADM-75-2-F.

This final statement was transmitted to the Council on Environmental Quality on April 27, 1976.

Copies of this statement are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Monroe County Public Library, 700 Fleming Street, Key West, Florida 33040.

USDA, APHIS, Veterinary Services, 5255 NW, 87th Avenue, Suite 110, Koger Executive Center, Miami Springs, Florida 33166.

A limited number of single copies are available, upon request, from the Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the environmental statement have been sent to various Federal, State, and local agencies in accordance with the Council on Environmental Quality Guidelines.

Dated: May 19, 1976.

**HARRY C. MUSSMAN,**  
*Acting Administrator, Animal  
and Plant Health Inspection Service.*  
[FR Doc. 76-15140 Filed 5-24-76; 8:45 am]

**VETERINARY BIOLOGICS LABORATORY,  
AMES, IOWA**

**Availability of Final Environmental  
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a final environmental statement for the proposed Veterinary

Biologics Laboratory, Ames, Iowa, USDA-APHIS-ADM-75-1-F.

This final environmental statement was transmitted to the Council on Environmental Quality on April 9, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

USDA, APHIS, Veterinary Services, R.R. 2, Dayton Avenue, Ames, Iowa 50010.

USDA, APHIS, Veterinary Services, 210 Walnut Street, Room 877, Federal Building, Des Moines, Iowa 50309.

A limited number of single copies are available upon request to Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: May 18, 1976.

**HARRY C. MUSSMAN,**  
*Acting Administrator, Animal and  
Plant Health Inspection Service.*  
[FR Doc 15182 Filed 5-24-76; 8:45 am]

**Forest Service  
CENTRAL NEVADA PLANNING UNIT  
Notice of Availability of Final  
Environmental Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Central Nevada Planning Unit, Toiyabe National Forest, Nevada. The Forest Service report number is USDA-FS-FES (Adm) R4-75-16.

The environmental statement identifies and evaluates the probable effects of land uses for the planning unit, evaluates possible alternative courses of action, and provides a summary record of public participation in development of the land use plan. The purpose of the land use plan is to allocate National Forest lands and resources to specific uses and activities; establish management objectives; provide a record of management direction and decisions for specific areas and units of land; coordinate management between different resources uses and activities; and establish protective measures and standards to keep adverse environmental effects to a minimum.

This final environmental statement was transmitted to CEQ on May 17, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84401.

Forest Supervisor, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

District Forest Ranger, Austin Ranger District, Austin, Nevada 89310.

District Forest Ranger, Tonopah Ranger District, P.O. Box 939, Tonopah, Nevada 89049.

A limited number of single copies are available upon request to Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: May 17, 1976.

**GEORGE H. ROBINSON,**  
*Acting Director,  
Regional Planning and Budget.*  
[FR Doc. 76-15145 Filed 5-24-76; 8:45 am]

**Soil Conservation Service  
THREE-MILE AND SULFUR DRAW  
WATERSHED PROJECT, TEXAS  
Availability of Final Environmental Impact  
Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Three-Mile and Sulfur Draw Watershed Project, Culberson and Hudspeth Counties, Texas USDA-SCS-EIS-WS-(ADM)-75-4-(F)-TX.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by two single purpose floodwater retarding structures and 10.4 miles of floodwater diversion.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 16-20 South Main Street, P.O. Box 848, Temple, Texas 76501.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 11, 1976.

**JOSEPH W. HAAS,**  
*Deputy Administrator for Water  
Resources, Soil Conservation  
Service.*  
[FR Doc. 76-15209 Filed 5-24-76; 8:45 am]

**CYPRESS CREEK WATERSHED PROJECT,  
ALABAMA AND TENNESSEE**

**Availability of Final Environmental Impact  
Statement**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Cypress Creek Watershed project, Lauderdale County, Alabama, and Wayne County, Tennessee, USDA-SCS-EIS-WS-(ADM)-75-2(F)-AL.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 19 floodwater retarding structures and 14.4 miles of channel work. The channel work will involve bedload removal on about 6.3 miles of existing channels, clearing and shaping on about 7.5 miles of existing channels, and 0.6 mile of new channel excavation. The channel work proposed will be on perennial streams except the new channel which will be a realignment of existing channels.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 11, 1976.

**JOSEPH W. HAAS,**  
*Deputy Administrator for Water  
Resources, Soil Conservation  
Service.*  
[FR Doc. 76-15224 Filed 5-24-76; 8:45 am]

**PEMBROKE AREA FLOOD PREVENTION  
AND DRAINAGE RESOURCE CONSERVATION  
& DEVELOPMENT (RC&D) MEASURE,  
GEORGIA**

**Availability of Negative Declaration**

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b) (3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pembroke Area Flood Prevention and Drainage Measure, Bryan County, Georgia.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the en-

vironment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure consists of a plan for watershed protection on 1,710 acres. The planned works of improvement include conservation land treatment and 2.8 miles of multiple-purpose channels for flood prevention. All but 900 feet of the channel work will be in areas in which flow is ephemeral and where no, or practically no, defined channel exists. The 900 feet will be enlargement of a man-made channel in which flow is intermittent.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until June 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: May 5, 1976.

**VICTOR H. BARRY, JR.,**  
*Deputy Administrator for Field  
Services, Soil Conservation  
Service.*  
[FR Doc. 76-15146 Filed 5-24-76; 8:45 am]

**DEPARTMENT OF COMMERCE**

**Maritime Administration**

**CITIBANK, N. A.**

**Change of Name of Approved Trustee**

Notice is hereby given that effective March 1, 1976, the First National City Bank, New York, New York changed its name to Citibank, N. A.

Dated: May 20, 1976.

**JAMES S. DAWSON, JR.,**  
*Secretary.*  
[FR Doc. 76-15252 Filed 5-24-76; 8:45 am]

**COMMERCIAL DEVELOPMENT OF THE  
OCEANS CONFERENCE**

**Revised Notice of Meeting**

In F.R. Doc. 76-13410, appearing in the FEDERAL REGISTER on May 6, 1976 (41 FR 18696), Notice was published of a conference on commercial development of the oceans to be held June 9 to June 12, 1976 and to be sponsored by the Maritime Administration and the National Oceanic and Atmospheric Administration within the Department of Commerce in cooperation with the Energy Research and Development Administration and

the Department of the Interior. It was announced that the first day of the conference was to be in the Department of Commerce Auditorium and the last three days at Airlie House, Airlie, Virginia.

Said notice is hereby revised to clarify that the conference will be open to the public. The purpose of the conference will be to discuss the technology that will be needed in the coming days to properly develop the oceans resources. The areas being considered are: Oil and Gas, Hard Minerals, Living Resources, Ocean Siting, and Municipal Services.

Any person interested in attending the conference, and any person desiring further information regarding the meeting should contact John J. Roche in Room 4884 of the Office of Market Development, Maritime Administration, Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230, telephone number 202-377-4113.

Dated: May 19, 1976.

So ordered by the Assistant Secretary of Commerce for Maritime Affairs/ Maritime Administration.

**JAMES S. DAWSON, JR.,**  
*Secretary.*

[FR Doc. 76-15253 Filed 5-24-76; 8:45 am]

**Office of the Secretary**

**PROPOSED VOLUNTARY CONSUMER  
PRODUCT INFORMATION LABELING  
PROGRAM**

**Operation and Procedures**

In his confirmation hearings, Secretary of Commerce Richardson made the following statements on the subject of consumer information:

I strongly favor the provision of consumer product testing information to consumers in those product lines where inadequate information exists. I intend to pursue the development of voluntary programs in which industry works with Government to make meaningful performance information available to the marketplace.

This notice announces the intention of the Department of Commerce to develop, in cooperation with consumers, manufacturers, producers, distributors, retailers, and other interested groups, a voluntary consumer product information labeling program, provided that substantial need and support for such a program is demonstrated at the three scheduled public hearings described later in this notice. The purpose of the program would be to facilitate consumer purchasing decisions by making available at the point of sale comparative information on key product performance characteristics and to provide manufacturers an opportunity to convey to the public the particular advantages of their products. To operate and carry out this Program, there are set out at the conclusion of this notice proposed procedures.

Presidents Kennedy, Johnson, Nixon, and Ford have affirmed that consumers have a basic right to be kept informed. In a Presidential Consumer Message in 1969, it was stated:



No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and knows what to make of that information. The fullest product description is useless if a consumer lacks the understanding or the will to utilize it.

In the same vein, the National Business Council for Consumer Affairs, in a 1973 report, made the following recommendation:

Wherever appropriate, manufacturers should promote the development of mechanisms for providing consumers with performance information on consumer durables.

The Council was also of the view that government agencies could help in assuring that appropriate product characteristics are chosen and measured in a manner that would be fair and equitable to manufacturers and consumers.

U.S. consumers today are unable in many cases to make rational and accurate marketplace decisions because of lack of comparative, easily comprehensible information at the point of sale on important product performance characteristics, including durability, capacity, and efficiency. This lack of information often results in consumer purchases being made on a trial-and-error basis or on the basis of unsubstantiated performance claims, with consequent consumer financial loss, dissatisfaction, and inconvenience.

At least eight European countries—Denmark, Finland, Norway, Sweden, France, West Germany, Netherlands, and Switzerland—are operating voluntary national information labeling programs that provide consumers with the type of information discussed above. These programs have four features in common:

1. Manufacturer participation is on a voluntary basis;
2. The programs report levels of performance but do not set minimum levels;
3. The programs deal principally with measurable performance characteristics; and
4. The programs utilize fixed labeling formats that present information to consumers in simplified form.

Three examples from these programs are set out in Appendix A to this notice.

#### Public Comments Requested

Comments are requested on this proposed Program, the proposed procedures at the end of this notice, and on the following areas of inquiry.

1. *Beneficial or adverse impacts on product cost, quality or availability.* What effects, either beneficial or adverse, could the Program be expected to have on the cost, quality or availability of consumer products? What effect is it likely to have on consumers, retailers, manufacturers, producers or the economy in general? What studies are now available that indicate the probable effects of such programs?

2. *Product selection criteria and process.* How should products that will be covered by the Program be selected? What should be the selection criteria? Would it be desirable to establish a prod-

uct selection committee(s)? If so, what criteria should be utilized to select the membership?

3. *Information label designs.* How should the effectiveness of label designs pertaining to specific product categories be evaluated? How much field testing would be necessary to determine the nature of public reaction to the labels? Could proposed label designs be effectively tested using Consumer Sounding Boards or similar consumer groups in lieu of field testing?

4. *Consumer education approaches.* What is the best way to make the public aware of this Program? Would it be feasible for the Department to cooperate in some way with the advertising departments or agencies of participating manufacturers and producers to enhance the total impact of the Program?

5. *Benefits to manufacturers.* What would be the principal advantages of this Program to manufacturers? Would a better understanding by consumers of the performance characteristics of manufacturers' products result in a reduction in the return rate of such products and in a decrease in the number of consumer complaints? Would the operation of this Program improve the ability of manufacturers to structure their model mix to meet consumer needs and desires?

6. *Methods of establishing fees to help defray program costs.* On what basis should equitable and reasonable fees be established? Would a fixed fee covering one product category discriminate against smaller manufacturers or producers who might wish to participate in the Program? Would a fee on a per unit basis as provided in the proposed procedures be administratively burdensome or constitute an unwarranted invasion of proprietary data?

7. *Monitoring and certification procedures.* How and to what extent should the Department monitor the Program? Would manufacturer and producer self-certification, or industry certification, be effective as an aid in the monitoring of this Program?

The Department also encourages the submission of any other proposals or suggestions that might better carry out a voluntary program to assist consumers in making accurate purchase decisions by providing meaningful point-of-sale information on key product performance characteristics.

Written comments should be submitted in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before (45 days from the date this notice is published). Oral comments may be made at informal hearings open to the public, in accordance with the following schedule and procedures.

#### Informal Hearings

The Department will hold three informal hearings on the proposed Program. The first hearing will be held on Wednesday, June 23, 1976, at 10 a.m. Pacific

Daylight Saving Time in Los Angeles, California. The second hearing will be held on Tuesday, June 29, 1976, at 10 a.m. Central Daylight Saving Time in Chicago, Illinois. The third hearing will be held on Wednesday, June 30, 1976, at 10 a.m. Eastern Daylight Saving Time in the Auditorium of the Department of Commerce, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C.

Meeting places for the hearings in Los Angeles and Chicago have not been finalized. However, the precise meeting place in those two cities will appear in the FEDERAL REGISTER on Wednesday, June 2, 1976, which will be three weeks before the first of the scheduled hearings is held. Anyone who misses the June 2, 1976 notice and wishes information on the precise meeting place for any of the scheduled hearings may call or write Dr. Melvin R. Meyerson, Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, telephone number (301) 921-2907 on or after June 2, 1976.

Persons desiring to testify at these hearings should notify the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, as promptly as possible, and not later than 48 hours prior to the date of the hearing at which they will testify. Persons desiring to testify should also submit to the Assistant Secretary for Science and Technology four copies of their statement, not later than 48 hours prior to the start of the hearing at which they will testify.

The following procedures are established for the informal hearings:

1. *Purpose.* The purpose of the informal hearings is to provide all interested segments of the public with the opportunity to comment on whether the Department should initiate a voluntary consumer product information labeling program.

2. *Conduct of hearings.* (a) These hearings shall be informal, non-adversary proceedings at which there will be no formal pleadings or adverse parties. Witnesses may submit written presentations for the record.

(b) The presiding officer shall have the right to apportion in an equitable manner the time available for making presentations, and to terminate or shorten the presentation of any witnesses when, in his or her opinion, such presentation is repetitive or not relevant to the purpose of the hearings.

(c) The presiding officer and other Department representatives shall have the right to question witnesses on their testimony and other matters relating to the proposed Program.

(d) The presiding officer has the right to exercise authority necessary for the equitable and efficient conduct of the hearings and to maintain order.

3. *General provisions.* (a) These informal hearings shall be open to the members of the public whether or not such members wish to testify at the hearings.

(b) A transcript will be made of the informal hearings.

(c) Copies of the transcript and all materials presented by the witnesses at the hearings as well as all written comments received shall be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Issued: May 19, 1976.

BETSY ANCKER-JOHNSON,  
Assistant Secretary for  
Science and Technology.

#### PROPOSED PROCEDURES

##### PROCEDURES FOR A VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

1. *Purpose.* The purpose of this part is to establish procedures under which a national voluntary consumer information labeling program administered by the Department of Commerce will function.

2. *Description and Goal of Program.* (a) The Department's Voluntary Consumer Product Information Labeling Program would make available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form. It would also educate consumers, distributors, and retailers in the use of the product performance information displayed and would provide manufacturers with an opportunity to convey to the public the particular advantages of their products. These objectives would be accomplished by:

- (i) Selecting or developing standardized test methods by which selected product performance characteristics could be measured;
- (ii) Developing labeling methods by which information concerning product performance could be transmitted in useful form to consumers at the point of sale;
- (iii) Encouraging manufacturers to voluntarily test and label their products according to the selected or developed methods; and
- (iv) Encouraging consumers through various informational and educational programs to utilize the product performance information provided.

(b) The Program would involve voluntary labeling by licensed participants of selected categories of consumer products with information concerning selected performance characteristics of those products. The performance characteristics selected would be only those that are of demonstrable importance to consumers, that consumers cannot evaluate through mere inspection of the product, and that can be measured objectively and reported understandably to consumers. The consumer products covered would be those for which incorrect purchase decisions can result in substantial financial loss, dissatisfaction, or inconvenience. This Program shall seek to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this Program.

(c) For selected categories of consumer products, the Program would include advertising guidelines covering situations where

quantitative performance values are stated in advertising or where qualitative comparisons are made of the performance of different products.

3. *Definitions.* (a) The term "Secretary" means the Secretary of Commerce or his designee.

(b) The term "consumer" means the first person who purchases a consumer product for purposes other than resale.

(c) The term "manufacturer" means any person engaged in the manufacturing or assembling of consumer products or in the importing of such products for resale. The term also includes private brand labelers.

(d) The term "consumer product" means any article produced or distributed for sale to a consumer for the use, consumption, or enjoyment of such consumer.

(e) The term "person" means an individual; a manufacturer; distributor; retailer; importer; government agencies at the Federal, State and local level; consumer organizations; industry and trade associations; standards writing bodies; professional societies; or any other group or organization of industries, companies, or individuals.

(f) The term "consumer product performance" means those characteristics of a consumer product such as durability, capacity, composition, color-fastness, and strength that are often difficult or impossible for consumers to evaluate or ascertain without actually buying and using the product under consideration.

4. *Finding of Need to Establish a Specification for Labeling a Consumer Product.* (a) Any person may request the Secretary to find that there is a need to label a particular consumer product with information concerning one or more specific performance characteristics of that product.

(b) Such a request shall be in writing and will, as a minimum, include the following information:

- (1) Identification of the consumer product;
- (2) Extent that the product identified in subparagraph (1) above is used by the public and, if known, what the production or sales volume is of such product;
- (3) Nature and extent of difficulty experienced by consumers in making informed purchase decisions because of a lack of knowledge regarding the performance characteristics of the identified consumer product;
- (4) Potential or actual loss to consumers as a result of an incorrect decision based on an inadequate understanding of the performance characteristics of the identified consumer product;
- (5) Extent of incidence of consumer complaints arising from or reasonably traceable to lack of knowledge regarding the performance characteristics of the identified consumer product;
- (6) If known, whether there currently exists test methods which could be used to test the performance characteristics of the identified consumer product and an identification of those test methods; and
- (7) Reasons why it is felt, in cases where existing test methods are identified in responding to subparagraph (6) above, that such test methods are suitable for making objective measurements of the performance characteristics of the identified consumer product.

(c) For selected categories of consumer products, the Program would include advertising guidelines covering situations where

quantitative performance values are stated in advertising or where qualitative comparisons are made of the performance of different products.

(d) The Secretary may ask for more information to support a request made under paragraph (a) of this section if he feels it is necessary to do so or, if he deems it to be in the public interest, may develop such information himself. If the Secretary determines that there is no need to establish a specification for labeling the requested consumer product performance characteristics, or because of a lack of resources, he will decline to act further on the request. The Secretary shall act expeditiously on all requests and shall notify the requester of his decision in writing. In those instances where the Secretary declines a request, he shall state the reasons for so declining.

(e) If the Secretary finds that a need exists to establish a specification for labeling a consumer product that would identify one or more performance characteristics of the consumer product identified in paragraph (b) of this section, he shall publish a notice in the FEDERAL REGISTER indicating that such finding is a preliminary finding. The notice shall include a statement as to the basis for the Secretary's finding and shall provide at least a thirty (30) day period for the submission of written comments thereon by interested persons. In the event that a public hearing or hearings are held on this preliminary finding as authorized under paragraph (c) of this section, the period allowed for the submission of written comments shall be extended to the date on which such hearing or hearings are held.

(f) Interested persons wanting to express their views regarding the Secretary's preliminary finding of need in an informal hearing shall notify the Secretary of that desire within fifteen (15) days after the notice is published in the FEDERAL REGISTER. Upon receipt by the Secretary of such request, informal public hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate by the Secretary, such hearings may be held at several locations within the United States. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentations.

(g) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection and copying at that location.

(h) After evaluating the comments received, the Secretary shall publish a notice in the FEDERAL REGISTER making a final finding of need made under paragraph (d) of this section. The notice shall state the basis for the Secretary's final finding of need or for the withdrawal of his preliminary finding.

(i) The Secretary may make a preliminary finding of need to establish a specification for labeling a consumer product with information concerning one or more performance characteristics of that product when such action is deemed by him to be in the public interest, notwithstanding the absence of a request from an outside source. The procedural requirements set out in paragraphs (d), (e), (f) and (g) of this section are applicable to the preliminary finding of need

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made by the Secretary under this paragraph.

5. *Development of Performance Information Labeling Specifications.* (a) If the Secretary makes a final finding of need pursuant to section 1 above, he will then proceed to develop a performance information labeling Specification. Each Specification shall as a minimum include:

(1) A description of the performance characteristics of the consumer product covered;

(2) The test methods to be used in measuring the performance characteristics. The test methods shall be methods described in existing nationally-recognized voluntary standards (preferably ANSI standards) where such methods are appropriate. Where appropriate test methods do not exist, they will be developed by the Department of Commerce in cooperation with interested parties;

(3) A prototype label and directions for displaying the label on or with the consumer product concerned; and

(4) Conditions of participation by manufacturers.

(b) The Secretary upon development of a proposed Specification shall publish in the FEDERAL REGISTER a notice giving the complete text of the proposed Specification, and any other pertinent information, and inviting any interested person to submit written comments on the proposed Specification within 45 days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary. Interested persons wanting to express their views in an informal hearing may do so if, on or before June 9, 1976, they request the Secretary to hold a hearing. Such informal hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER. A transcript shall be kept of any oral presentations.

(c) The Secretary, after consideration of all written and oral comments and other materials received in accordance with paragraph (b) of this section, shall publish in the FEDERAL REGISTER within 30 days after the final date for receipt of comments, or as soon as practicable thereafter, a notice either:

(1) Giving the complete text of a final Specification, including conditions of use, and stating that any manufacturer of consumer products desiring voluntarily to use the Department of Commerce Mark developed under section 9 of these Procedures must advise the Department of Commerce; or

(2) Stating that the proposed Specification will be further developed before final publication; or

(3) Withdrawing the proposed Specification from further consideration.

6. *Establishment of Fees and Charges.* (a) The Secretary in conjunction with the use of the Working Capital Fund of the National Bureau of Standards, as authorized under section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), for this Program, shall establish fees and charges for use of the Department of Commerce Label and Mark on each product. The fees and charges established by the Secretary, which may be revised by him when he deems it appropriate

to do so, shall be in amounts calculated to maximize the self-sufficiency of the operation of this Program. A separate notice will be published in the FEDERAL REGISTER simultaneously with the notice of each proposed Specification referred to in section 5(b). Such notice will set out a schedule of estimated fees and charges the Secretary proposes to establish. The notice would be furnished for informational and guidance purposes only in order that the public may evaluate the proposed Specification in light of the expected fees to be charged.

(b) At such time as the Secretary publishes the notice announcing the final Specification referred to in section 5(c)(1), he shall simultaneously publish a separate notice in the FEDERAL REGISTER setting forth the final schedule of fees that will be charged participating manufacturers. The effective date of such final schedule of fees shall be the same as the date on which the final Specification takes effect.

(c) Revisions, if any, to the fees and charges established by the Secretary under paragraph (b) of this section shall be published in subsequent FEDERAL REGISTER notices and shall take effect on or before June 24, 1976.

7. *Participation of Manufacturers.* (a) Manufacturers desiring to participate in this program will so notify the Secretary. The notification will identify the particular Specification to be used and the manufacturer's identification and model numbers for the products to be labeled. The notification will also state that the manufacturer will abide by all conditions contained in the Specification, agrees to pay the fees and charges established by the Secretary, and will desist from using the Department of Commerce Label and Mark if requested by the Secretary under the provisions of section 8.

(b) The conditions for participation will be set out in the Specification and will include, but not be limited to, the following:

(1) Prior to the use of a Label the manufacturer will make or have made the measurements to obtain the information required for inclusion on the Label and, if requested, will forward within 30 days such measurement data to the Secretary. Such measurement data will be kept on file by the manufacturer or his agent for two years after that product is no longer manufactured unless otherwise provided in the Specification.

(2) The manufacturer will describe the test results on the Label as prescribed in the Specification.

(3) The manufacturer will display or arrange to display, in accordance with the appropriate Specification, the Label on or with each individual product of the type covered except for units exported from the U.S. Manufacturers who utilize more than one brand name may participate by labeling some or all of the brand names. All models with the same brand name must be included in the Program unless they are for export only.

(4) The manufacturer agrees at his expense to comply with any reasonable request of the Secretary to have products manufactured by him tested to determine that testing has been done according to the relevant Specification.

(5) Manufacturers may reproduce the Department of Commerce Label and Mark in advertising provided that the entire Label, complete with all information required to be displayed at the point of retail sale, is shown legibly.

8. *Termination of Participation.* (a) The Secretary upon finding that a manufacturer is not complying with the conditions of participation set out in these Procedures or in a Specification may terminate upon 30 days notice the manufacturer's participation in the Program; Provided, that the manufacturer shall first be given an opportunity to show cause why the participation should not be terminated. Upon receipt of a notice of termination, a manufacturer may request within 30 days a hearing under the provisions of 5 U.S.C. 558.

(b) A manufacturer may at any time terminate his participation and responsibilities under this Program with regard to a specific type of product by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all consumer products of the type involved.

9. *The Department of Commerce Mark.* The Department of Commerce shall develop a Mark which shall be registered in the U.S. Patent and Trademark Office under 15 U.S.C. 1054 for use on each Label described in a Specification.

10. *Amendment or Revision of a Performance Information Labeling Specification.* The Secretary may by order amend or revise any Specification published under section 5. The Procedure applicable to the establishment of a Specification under section 5 shall be followed in amending or revising such Specification. Such amendment or revision shall not apply to consumer products manufactured prior to the effective date of the amendment or revision.

11. *Consumer Education.* The Secretary, in close cooperation and coordination with interested Government agencies, appropriate industry trade associations and industry members, organizations, and other interested persons shall carry out a program to educate consumers relative to the significance of the labeling program. Some elements of this Program shall also be directed toward informing retailers and other interested groups about the Program.

12. *Coordination with State and Local Programs.* The Secretary will establish and maintain an active program of communication with appropriate State and local government offices and agencies and will furnish and make available information and assistance that will promote uniformity in State, local and Federal programs for the labeling of performance characteristics of consumer products.

13. *Annual Report.* The Secretary will prepare an annual report of activities under the Program, including an evaluation of the Program and a list of participating manufacturers and types of consumer products.

AUTHORITY: Sec. 2, 31 Stat. 1449, as amended, sec. 1, 64 Stat. 371; (15 USC 272), Reorganization Plan No. 3 of 1946, Part VI.

# APPENDIX A Examples of European Labels

## VDN SPECIFICATIONS

Capacity: 9-10 deciliters

Temperature - retaining properties: If jug is kept closed  
boiling liquid (100°C) after 6 hours at least 80°C  
cold liquid (6°C) not more than 8°C after 17 hours at least 70°C not more than 9°C

Figures assume that jug is full and is kept in ordinary room temperature (20°C). If the jug is only half full, the change in temperature will take place more rapidly as it also will if there is a still greater difference between the temperature of the content and that of the surrounding air.

Durability of the glass container: Rating for resistance against knocks against the casing: 3 (Scale is 1 to 5, where 5 represents the greatest strength). Will not crack if boiling hot liquid is poured in without previous warming up.

Tightness: Joint between the glass container and the casing is tight. Jug will not leak

Materials: Container: Glass  
Casing: SAN-plastic. Withstands temperatures of -40°C to + 90°C.

Stopper: Precious wood with expanding rubber seal.

Care: See attached folder

## MANUFACTURER

Care: Handle With Care. Since glass may explode, keep face away from opening.

Figure 1: Typical Label used in the Swedish Institute for Informative Labeling (VDN) Program.

RAL CERTIFICATION  
from test of sample  
Vacuum Cleaner  
RAL-AGT 3S

Floor Vacuum Cleaner Make  
with suction hose, 2 vacuum pipes, rotating junction/  
suction nozzle, upholstery and groove nozzle and filter bag  
Nominal voltage, type of current, 220V, Nominal load 450W  
Electrical Safety. The equipment carries the test symbol of  
VDE (Society of German Electrical Engineers)  
The following statements are based on DIN 44956:

- Dust and fiber suction (of wool and velours carpets)  
Dust suction: low high  
Fiber suction: Complete removal of test fibers in seconds
- Capacity for reception in the dust bag through suction  
action: g test dust
- Limit of reach from electrical outlet to the nozzle: m
- Operating noise:  
faint strong  
(A number greater by 10 implies a doubled noise level)
- Suction distance under furniture (17 cm above floor) cm
- RAL + Certificate and Control Number
- Read operating instructions

RAL-TESTAT	
nach Musterprüfung	
Staubsauger RAL-AGT 3S	
Bodenstaubsauger, Marke mit Saugschlauch, 2 Saugrohren, Drehgelenkdüse/Saugdüse, Folter- und Fugendüse und Filtertüte Nennspannung, Stromart, 220 V ~, Nennaufnahme, 450 W	
● Elektrische Sicherheit: Das Gerät trägt das VDE-Prüfzeichen	
Folgende Angaben sind nach DIN 44956 ermittelt:	
● Staub- und Fäden-Aufsaugen (von Wall-Velours-Teppichen)	Staubsaugen: gering 10 30 50 70 90 hoch
● Fädenaufsaugen:	Vollständiges Aufsaugen von Prüffäden in sek.
● Aufnahmevermögen des Staubbeutels durch Saugen: g Prüfstaub	
● Reichweite von der Steckdose bis zur Düse: m	
● Betriebsgeräusch:	schwach 60 65 70 75 80 stark (Eine um 10 größere Zahl bedeutet verdoppeltes Geräusch)
● Saugreichweite unter Möbeln (bei 17 cm Bodenhöhe): cm	
RAL-TEST Nr. _____	ralkontrolliert
3 58 / 9	
Gebrauchsanleitung beachten!	

Figure 2: Typical Label used in the German Committee for Delivery Conditions and Quality Protection (RAL) Program



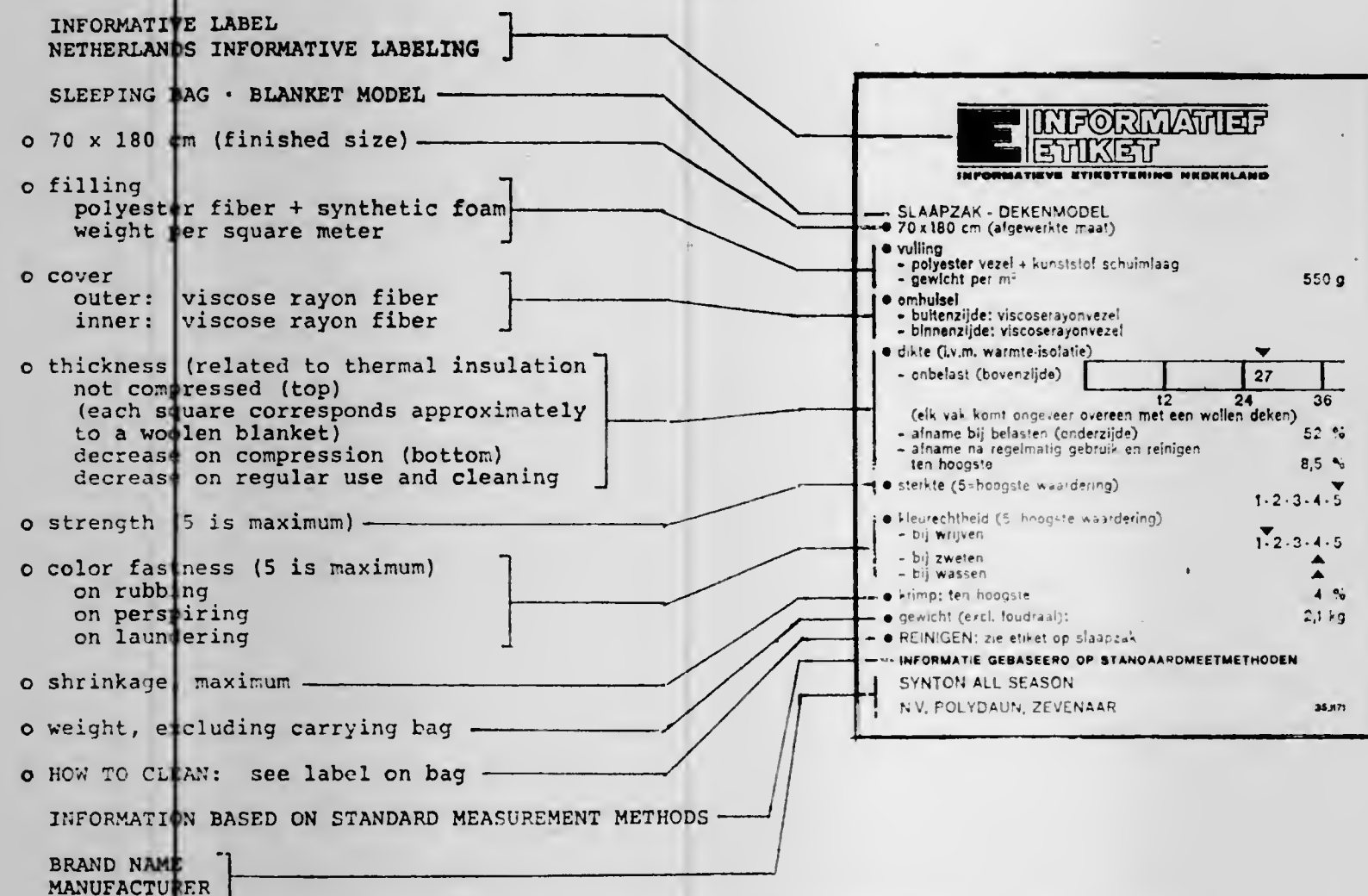


Figure 3: Typical Label used in the Netherlands Informative Labeling (IE) Program

[FR Doc.76-15123 Filed 5-19-76; 4:18 pm]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****Alcohol, Drug Abuse, and Mental Health Administration****RAPE PREVENTION AND CONTROL ADVISORY COMMITTEE****Notice of Establishment**

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix 1), the Alcohol, Drug Abuse, and Mental Health Administration announces establishment by the Secretary, Department of Health, Education, and Welfare, on May 7, 1976, of the following advisory committee:

**Designation:** Rape Prevention and Control Advisory Committee.

**Purpose:** The Rape Prevention and Control Advisory Committee shall advise the Secretary and the Director, National Institute of Mental Health, on matters regarding the needs and concerns associated with rape in the United States and make recommendations pertaining to activities to be undertaken by the Department to address the problem of rape. The Committee shall advise on the policies, priorities, and activities of the National

Center for the Prevention and Control of Rape with regard to: (1) research, demonstration, consultation and education, and information exchange; (2) propose and recommend possible creative use of grants, contracts, demonstration projects, conferences, and other resources available to the Department as effective means for increasing program knowledge concerning the problems of rape and more effective prevention and treatment efforts; (3) develop and sustain communication linkages with individuals, groups, organizations, institutions and communities, and to obtain their views on appropriate research, training, and service programs to deal with the problem of rape; and (4) interpret the needs and concerns of women and others affected by the problem of rape for presentation to the Department.

The charter for this committee is effective through May 7, 1978.

Dated: May 19, 1976.

JAMES D. ISBISTER,  
 Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-15161 Filed 5-24-76; 8:45 am]

**Office of Education****NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION****Meeting**

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held June 17, 18, 19, 20, 1976, at the Holiday Inn Southwest, 2580 South Ashland, Green Bay, Wisconsin 54304.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92-318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa and 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) To submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on June 17, 18, 19, 20, 1976, will be open to the public beginning at 9:00 a.m. and ending at 5:00 p.m. each day. These meetings will be held at the Holiday Inn Southwest.

The proposed agenda includes:

JUNE 17, 1976

(1) Committee Discussions

JUNE 18, 19, 20, 1976

- (1) Executive Director's Report
- (2) Action on previous meeting minutes
- (3) Committee Reports
- (4) Special Reports
- (5) Review of NACIE policies
- (6) Report—Search for Office of Indian Education Deputy Commissioner
- (7) Regular Council Business
- (8) "Fellowships for Indian Students" Review
- (9) Plans for future NACIE activities

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C. on May 19, 1976.

LINCOLN C. WHITE,  
 Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-15220 Filed 5-24-76; 8:45 am]

**TEACHER CORPS****Meeting**

Notice is hereby given pursuant to the authority contained in Part B-1 of the Education Professions Development Act

of 1965, as amended (79 Stat. 1255-1258 as amended, 20 U.S.C. 1101-1107a), that the Teacher Corps will hold general orientation meetings for officials from Institutions of Higher Education and State and Local Education Agencies who are interested in submitting preapplications and/or applications for Teacher Corps grants to be awarded for the school year 1977-1978 (to begin July 1, 1977).

A meeting will be held between 9:00 a.m. and 5:00 p.m. on July 26, 1976 at the Hilton Inn, Atlanta Airport, Post Office Box 691, Atlanta, Georgia 30320, phone: 404-767-0281 and repeated between those times on the dates and locations listed:

July 27, 1976. Marriott Twin Bridges Hotel, 333 Jefferson Davis Highway, Arlington, Virginia 20001, phone: 703-628-4200.

July 28, 1976. O'Hare Hilton, O'Hare International Airport, Post Office Box 66414, Chicago, Illinois 60666, phone: 312-686-8000.

July 29, 1976. Stouffers Denver Inn, Denver Airport, 3203 Quebec Street, Denver, Colorado 80207, phone: 303-321-2444.

July 30, 1976. Hilton Inn, San Francisco International Airport, San Francisco, California 94128, phone: 415-589-0770.

The orientation meeting shall be opened to the public. The proposed agenda includes:

1. Review of current Teacher Corps legislative authority.

2. Preapplication and application procedures, including the specifications for the preparation of program and fiscal information.

3. Discussions of the development of demonstrations of training and retraining within the context of Teacher Corps mission and objectives.

4. Description of application review criteria as established under the Office of Education's General Provisions.

The choice of meeting place together with names of officials expected to attend such sessions should be mailed to: Teacher Corps, U.S. Office of Education, Washington, D.C. 20202, Attention: Conference Coordinator.

Dated: May 20, 1976.

WILLIAM SMITH,  
 Director, Teacher Corps.

[FR Doc.76-15171 Filed 5-24-76; 8:45 am]

**Office of Human Development  
 FLORIDA: FISCAL YEAR 1976 STATE PLAN****Notice of Hearing**

Notice is hereby given that in accordance with Section 101(b) of Title I of the Rehabilitation Act of 1973, as amended, and 45 CFR § 1361.4 of the Federal Regulations, and the request of the Secretary of the Florida Department of Health and Rehabilitative Services thereunder, the Commissioner, Rehabilitation Services Administration, will hold a hearing to decide whether the Fiscal Year 1976 State plan submitted by the State of Florida under Section 101(a) of the Act conforms to the Federal statutory requirements which per-

tain to the organizational unit for vocational rehabilitation and its responsibility and authority for the vocational rehabilitation program in the State under Title I of the Act.

Attached is the notice of hearing from the Commissioner to the State of Florida, which

1. States the time and place for the hearing, i.e., July 12, 1976, 9:00 a.m., Room 222, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia;

2. Sets forth the issues which will be considered;

3. Advises that Mr. Edward L. Bois-sere, 602 Ojai Avenue, Sun City Center, Florida has been designated to serve as presiding officer, and Mrs. Betty Hopkins, Room 713, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia has been designated to serve as the Rehabilitation Services Administration Hearing Clerk;

4. Encloses a copy of the Rules of Practice and Procedures established by the Commissioner for this hearing; and

5. Encloses a Statement of Deficiencies in the Florida State plan for vocational rehabilitation, to which the State is required to file an answer within 20 days of receipt.

Any individual or group wishing to participate in this forthcoming hearing as a party shall file a petition with Mrs. Betty Hopkins, Room 713, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323 within 15 days after publication of this notice and shall serve a copy on each party of record at that time. Such petition shall state concisely (1) the petitioner's interest in the proceeding; (2) who will appear for the petitioner; (3) the issue on which the petitioner wishes to participate; and (4) whether the petitioner intends to present witnesses.

Individuals or groups may be recognized as parties if the issues to be considered at the hearing will cause or have caused them injury and their interest is within the zone of interests to be protected by the governing Federal statute. The presiding officer shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the presiding officer may request that all such petitioners designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners. The presiding officer shall give each petitioner written notice of the decision on his petition, and if the petition is denied, he shall briefly state the grounds for denial.

Further information on the hearing may be obtained from Dr. Stephen Cornett, Director, Office of Rehabilitation Services, Room 737-A, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Dated: May 19, 1976.

ANDREW S. ADAMS,  
 Commissioner, Rehabilitation Services Administration.



REHABILITATION  
SERVICES ADMINISTRATION,  
OFFICE OF HUMAN DEVELOPMENT,  
May 12, 1976.

WILLIAM J. PAGE, JR.,  
Secretary, Department of Health and Re-  
habilitative Services, 1323 Winewood  
Boulevard, Tallahassee, Florida 32301.

DEAR MR. PAGE: I have received your tele-  
gram of April 12, 1976, advising that the  
State of Florida requests a hearing in re-  
sponse to my March 15, 1976 letter of intent  
to disapprove the Florida Fiscal Year 1976  
State plan for vocational rehabilitation, un-  
der Title I of the Rehabilitation Act, as  
amended. I wish to notify you that I have  
scheduled the hearing for 9:00 am July 12,  
1976, to be held in Room 222 Peachtree  
Seventh Building, 50 Seventh Street, N.E.,  
Atlanta, Georgia.

I am enclosing the rules of practice and  
procedures established for this proceeding.  
These rules have been adopted from those  
published by the Social and Rehabilitation  
Service for hearings on conformity of State  
public assistance plans to Federal require-  
ments, set forth at 45 CFR Part 213.

I have designated Mr. Edward L. Boisseree,  
602 Ojal Avenue, Sun City Center, Florida  
(813) 634-5972, as the presiding officer. I have  
designated as the Rehabilitation Services Ad-  
ministration Hearing Clerk, Mrs. Betty  
Hopkins, Room 713, Peachtree Seventh Build-  
ing, 50 Seventh Street, N.E., Atlanta, Georgia  
30323. Each of these individuals shall per-  
form the duties and responsibilities set forth  
in the rules of practice and procedure.

The issue to be considered at the hearing  
is whether the Florida FY 1976 State plan  
for vocational rehabilitation meets the re-  
quirements of the Rehabilitation Act of 1973,  
as amended, 29 U.S.C. § 721, and the im-  
plementing regulations (45 CFR Part 1361).

Under Section 101(a) of the Rehabilitation  
Act, in order to receive Federal grants and  
financial participation under Title I of the  
Rehabilitation Act of 1973, as amended, 29  
U.S.C. § 701, it is necessary that a State have  
for each fiscal year a State plan approved by  
the Commissioner, RSA, as meeting the re-  
quirements specified in the Federal Act and in  
45 CFR Part 1361.

Section 101(a)(2)(A) of the Rehabilitation  
Act expressly requires that, except in the  
case of an independent State agency de-  
voted primarily to the VR or vocational and  
other rehabilitation of handicapped individ-  
uals, there must be a VR organizational unit  
within the designated sole State agency  
which: "(1) is primarily concerned with  
vocational rehabilitation, or vocational and  
other rehabilitation, of handicapped individ-  
uals, and is responsible for the vocational re-  
habilitation program of such State agency,  
(II) has a full-time director, and (III) has a  
staff employed on such rehabilitation work of  
such organizational unit all or substantially  
all of whom are employed full time on such  
work."

A number of pertinent regulations imple-  
ment this statutory language. These include  
regulations which require that the organiza-  
tional structure of the sole State agency pro-  
vide for clear lines of administrative and  
supervisory authority, and that all decisions  
affecting eligibility, the nature and scope of,  
and the provision of vocational rehabilitation  
services be made through the vocational re-  
habilitation organizational unit.

(45 CFR § 1361.6 and 1361.7)

The effect of the various statutory and reg-  
ulatory requirements as to the organizational  
unit is to establish that the administrator

of the VR unit must have responsibility and  
authority, including decision-making capac-  
ity, to direct and administer the VR program  
in the State.

As stated in my letter to Governor Reubin  
Askew, dated March 15, 1976, the FY 1976  
Florida plan for vocational rehabilitation  
does not fulfill the conditions specified in  
Section 101(a)(2)(A) of the Act because,  
under the plan, serious limitations are placed  
on the Director of the Vocational Rehabil-  
itation Program Office as the chief official of  
the organizational unit for vocational reha-  
bilitation. He is not given sufficient respon-  
sibility and authority to direct and adminis-  
ter the program. Closely tied to this deficiency  
in the Florida State plan are the diffusion  
and lack of clarity in the lines of administra-  
tive and supervisory authority for the voca-  
tional rehabilitation program. The Florida  
Reorganization Act of 1975 (Florida Statutes  
Annotated 20.19) and the FY 1976 State plan  
assign line responsibility and authority in  
areas such as personnel and budget, among  
others, to the eleven district administrators  
who are under the Assistant Secretary for  
Operations, rather than to the Director of the  
VR Program Office who reports to the As-  
sistant Secretary for Program Planning and  
Development.

The State plan does not establish whether  
the scope of the VR Program Director's re-  
sponsibility and authority to decide disputes or  
disagreements with the District Adminis-  
trators on State plan interpretation, execu-  
tion, and enforcement, extends to implement-  
ing plans, policies, and procedures, as well as  
initiating and achieving corrective action.  
Another problem is that the VR Program Di-  
rector does not have the authority to approve  
district cooperative agreements in the devel-  
oping and concluding stages for consistency  
with State VR program goals and statewide-  
ness.

The VR Program Office does not have re-  
sponsibility and authority for VR personnel  
management and budget, particularly on the  
District level.

The State plan designates the District Ad-  
ministrator as the official who selects, evalu-  
ates, and terminates the District VR Program  
Supervisor; the Director of the VR Program  
Office is limited to a concurring role in these  
actions. The Director of the Program Office  
does not have any responsibility and author-  
ity for the selection, evaluation, and termina-  
tion of the VR staff in the eleven district of-  
fices below the level of the District VR Pro-  
gram Supervisor, who is the chief VR per-  
son in each district office and operates under  
the line authority of the District Adminis-  
trator. The Director also does not have re-  
sponsibility and authority for determining  
personnel needs and the utilization of per-  
sonnel within and among districts. Lacking  
such responsibility and authority, the Direc-  
tor of the VR Program Office does not have  
control over the rehabilitation staff who de-  
liver vocational rehabilitation services.

The Director of the VR Program Office does  
not have responsibility and authority for  
VR district level budget development, ap-  
proval, and execution. Initiation and approval  
of adjustments in VR budgets within and  
among districts, during the course of the fis-  
cal year, for example, are not within the au-  
thority assigned to the VR Program Director.

Accompanying this notice is our Office of  
the General Counsel Statement of Deficien-  
cies in Florida's FY 1976 plan for vocational  
rehabilitation, which is intended to define  
further the issues to be resolved. As you will  
note, the State of Florida is required to file  
an answer to this Statement within 20 days  
of its receipt.

Should you or your counsel have any fur-  
ther questions, please contact our Regional  
Attorney, Mr. Carl H. Harper (404) 526-6381.  
Very sincerely,

ANDREW S. ADAMS,  
Commissioner of Rehabilitation Services.

ADMINISTRATIVE PROCEEDINGS IN THE DEPART-  
MENT OF HEALTH, EDUCATION, AND WELFARE  
DOCKET NO. RSA-1

In the Matter of the Florida Department of  
Health and Rehabilitative Services (Herein-  
after called "State of Florida").

The Department of Health, Education, and  
Welfare's Statement of Deficiencies in the  
Proposed Florida Vocational Rehabilitation  
Plan for Fiscal Year 1976:

You are notified and required within 20  
days from the service of this document, un-  
less such time be extended by order of the  
responsible Department official, to file with  
the Rehabilitation Services Administration  
Hearing Clerk, Department of Health, Educa-  
tion, and Welfare, Room 713, Peachtree  
Seventh Building, 50 Seventh Street, N.E., At-  
lanta, Georgia 30323, an original and two  
copies of an answer to the allegations here-  
in. An additional copy shall be mailed or de-  
livered to the attorneys in the Office of the  
General Counsel whose address is indicated  
below their signatures hereon.

Answers shall admit or deny specifically  
and in detail each allegation of this State-  
ment unless the State of Florida is without  
knowledge in which case the answer should  
so state, and the Statement will be deemed  
a denial. Allegations of fact in this Statement  
not denied or controverted by answer shall  
be deemed admitted. Failure of the State of  
Florida to file an answer within the 20-day  
period following service of the Statement  
may be deemed an admission of all matters  
of fact recited in the Statement.

The General Counsel, Department of  
Health, Education, and Welfare acting on be-  
half of said Department alleges as follows:

1. In order for a State to be eligible for  
grants for any fiscal year from the allot-  
ments of funds under Title I of the Rehabil-  
itation Act of 1973, P.L. 93-112, 29 U.S.C.  
§ 701, it is necessary for a State to submit for  
each fiscal year a State plan which must  
meet the requirements specified in 29 U.S.C.  
§ 721 and 45 CFR 1361.

2. Pursuant to the above, the State of  
Florida submitted a proposed State Voca-  
tional Rehabilitation Plan, as revised Janu-  
ary 30, 1976, for Fiscal Year 1976 to the Re-  
habilitation Services Administration within  
the Department of Health, Education, and  
Welfare for a determination of eligibility  
for Federal financial participation in the  
case of the Florida Vocational Rehabilitation  
program for Fiscal Year 1976 from the allot-  
ments of funds under Title I of the Rehabil-  
itation Act of 1973.

3. It is required by 29 U.S.C. § 721(b) that  
the Secretary of Health, Education, and Wel-  
fare shall approve any plan which he finds  
fulfills the conditions specified in subsec-  
tion (a) of 29 U.S.C. § 721, and he shall dis-  
approve any plan which does not fulfill such  
conditions.

4. On February 7, 1975, the Secretary of  
Health, Education, and Welfare delegated his  
authority to approve or disapprove such  
State plans for vocational rehabilitation un-  
der Title I of the Rehabilitation Act of 1973,  
as amended, to the Commissioner of the Re-  
habilitation Services Administration. Vol. 40  
No. 27 FEDERAL REGISTER, p. 5809.

5. Pursuant to the above-mentioned dele-  
gation of authority, the Commissioner of the

Rehabilitation Services Administration on  
March 15, 1976 issued a letter to the Hon-  
orable Reubin Askew, Governor of Florida, con-  
veying his intention to disapprove the pro-  
posed Florida State plan for Fiscal Year 1976,  
effective April 15, 1976, on the basis that it  
does not fulfill the conditions specified in  
§ 101(a)(2)(A) of the Rehabilitation Act of  
1973, as amended. Pending a decision follow-  
ing an administrative hearing, the State of  
Florida will continue to receive Federal grant  
funds under Title I of the Rehabilitation Act  
of 1973, P.L. 93-112, 29 U.S.C. § 701.

6. § 101(a)(2)(A) of the Rehabilitation  
Act of 1973 29 U.S.C. § 721(a)(2), P.L. 93-112,  
provides that when the State agency is a  
multi-program or umbrella agency such as  
the Florida Department of Health and Re-  
habilitative Services, there must be a "re-  
habilitation bureau, division or other orga-  
nizational unit which (I) is primarily con-  
cerned with vocational rehabilitation, or vo-  
cational and other rehabilitation, of handi-  
capped individuals, and is responsible for the  
vocational rehabilitation program of such  
State agency, (II) has a full-time director,  
and (III) has a staff employed on such re-  
habilitation work of such organizational unit  
all or substantially all of whom are employed  
full time on such work . . ."

The above-mentioned section of the statu-  
te is further interpreted by regulations  
which state in part:

" . . . (2) The internal structure of the  
State agency. The organizational structure  
shall provide for all the vocational rehabilita-  
tion functions for which the State agency is  
responsible, for clear lines of administrative  
and supervisory authority . . . (b) . . .  
the State plan shall . . . include a vocational  
rehabilitation bureau, division or other or-  
ganizational unit which: (1) is primarily  
concerned with vocational rehabilitation, or  
vocational and other rehabilitation of  
handicapped individuals, and is responsible  
for the administration of such State agency's  
vocational rehabilitation program, which  
must include the determination of eligibility  
for and the provision of vocational rehabili-  
tation services under the State plan; (2) has  
a full time administrator . . . (3) has a  
staff employed on such rehabilitation work  
of such organizational unit, all or substan-  
tially all of whom are employed full time on  
such work. (c) . . . in evaluating . . . the  
organizational status of the unit, the Com-  
missioner will give consideration to such  
factors as . . . the extent to which the ad-  
ministrator of the organizational unit for  
vocational rehabilitation can determine the  
scope and policies of the vocational rehabili-  
tation program; and the kind and degree of  
authority delegated to the administrator of  
the organizational unit for administration of  
the vocational rehabilitation program (45  
CFR 1361.7(a)).

The Florida legislature in providing for the  
reorganization of the Florida Department of  
Health and Rehabilitative Services pursuant  
to the Florida Reorganization Act of 1975,  
Florida Statutes Annotated 20.19, relegates  
program directors to staff positions under  
the direction of an Assistant Secretary for  
Program Planning and Development, and en-  
joins the program directors from exercis-  
ing any line authority over the operating  
staff that must execute the several categori-  
cal programs. Administration, thereby, is  
functionally severed from program policy  
making and direction. All operating staffs of  
all categorical programs are consolidated at  
the State level under the direction of an As-  
sistant Secretary for Operations and at the  
district level under the direction of a district

administrator who is accountable to the As-  
sistant Secretary for Operations, but not to  
the program directors for program direction.

Since the Vocational Rehabilitation Pro-  
gram Director is expressly enjoined by Sec-  
tion 2 of the Florida Reorganization Act  
of 1975 (Florida Statutes Annotated 20.19)  
from having line authority over service pro-  
gram operations, he has no line authority  
over the staff working at the district level  
who must carry out the program. The or-  
ganizational unit which previously adminis-  
tered and carried out the categorical voca-  
tional rehabilitation program in the Florida  
Department of Health and Rehabilitative  
Services has been horizontally dismembered.

The Rehabilitation Act of 1973, P.L. 93-112,  
29 U.S.C. 721, expressly requires that there  
be an organizational unit in the State agency  
devoted primarily to the vocational rehabili-  
tation program or vocational and other re-  
habilitation. Regulations implementing these  
statutory provisions specify that the State  
plan must provide for "clear lines of  
administrative and supervisory authority"  
45 CFR 1361.7(a)(2). Florida's State plan  
does not so provide. All decisions affecting  
eligibility for, and the scope and provision  
of rehabilitation services must be made  
through the vocational rehabilitation unit,  
45 CFR 1361.7(b)(1).

7. The foregoing requirements of the Re-  
habilitation Act of 1973, P.L. 93-112, 29  
U.S.C. 721, were communicated to Governor  
Askew of Florida and other State officials in  
a telegram from the Department of Health,  
Education, and Welfare's Regional Director,  
Dr. Frank Groschelle, dated May 1, 1975  
in advance of enactment of the Florida  
Reorganization Act of 1975.

8. The proposed Florida State Plan for  
Fiscal Year 1976, seriously limits the re-  
sponsibility and authority of the Director  
of the vocational rehabilitation organiza-  
tional unit, i.e., the Vocational Rehabil-  
itation Program Office, in administering the  
vocational rehabilitation program in viola-  
tion of Title I of the Rehabilitation Act of  
1973, P.L. 93-112, 29 U.S.C. § 721 and im-  
plementing regulations 45 CFR 1361.7 and  
1361.8 in that the program director is not  
given sufficient authority to administer the  
program and in addition no clear lines of  
authority are established in violation of 45  
CFR 1361.7.

9. The proposed Florida State Plan for  
Fiscal Year 1976 seriously limits the respon-  
sibility and authority of the Director of the  
State Vocational Rehabilitation Program Of-  
fice in the district vocational rehabilitation  
programmatic activities relating to the in-  
terpretation, execution and enforcement of  
implementing plans, policies, procedures and  
corrective action efforts since the district  
administrator is the official responsible for  
all line operations within each district in  
violation of Title I of the Rehabilitation Act  
of 1973, P.L. 93-112, 29 U.S.C. § 721 and  
implementing regulations including, but not  
limited to 45 CFR 1361.6, 1361.7 and 1361.10.

10. The proposed Florida State Plan for  
Fiscal Year 1976, Attachment 3.3(a)(A),  
page 11 of 16, fails to give the Director of  
the Vocational Rehabilitation Program Of-  
fice the responsibility and authority for the  
selection, evaluation and termination of the  
vocational rehabilitation staff in the eleven  
district offices up to and including the Dis-  
trict Vocational Rehabilitation Program  
Supervisor, who is the Chief Vocational Re-  
habilitation person in each district office and  
operates under the line authority of the  
district administrator who is under the As-  
sistant Secretary for Operations, in violation  
of Title I of the Rehabilitation Act of 1973,

as amended, P.L. 93-112, 29 U.S.C. § 721 and  
implementing regulations, including particu-  
larly 45 CFR 1361.7.

11. The proposed Florida State Plan for  
Fiscal Year 1976, Attachment 3.3(a)(A), page  
11 of 16, fails to give the Director of the Vo-  
cational Rehabilitation Program Office the  
responsibility for determining personnel  
needs and the utilization of personnel within  
and among districts so that he lacks control  
over key personnel management of the Vo-  
cational Rehabilitation staff who deliver Vo-  
cational Rehabilitation services, in viola-  
tion of Title I of the Rehabilitation Act of  
1973, as amended, P.L. 93-112, 29 U.S.C. § 721  
and implementing regulations including particu-  
larly 45 CFR 1361.7.

12. The proposed Florida State Plan for  
Fiscal Year 1976, Attachment 3.3(a)(A),  
pages 10 and 11 of 16, fails to give the Direc-  
tor of the Vocational Rehabilitation Program  
Office the responsibility and authority for  
Vocational Rehabilitation district level  
budget development, approval and execution  
as well as initiation and approval of budget  
adjustments within and among districts  
during the course of the fiscal year, in viola-  
tion of Title I of the Rehabilitation Act of  
1973, as amended, P.L. 93-112, 29 U.S.C. § 721  
and implementing regulations, including  
particularly 45 CFR 1361.7.

13. The proposed Florida State Plan for  
Fiscal Year 1976, Attachment 3.3(a)(A), page  
13 of 16, fails to give the Director of the Vo-  
cational Rehabilitation Program Office the  
authority to approve district cooperative  
agreements in the developing and concluding  
stages for consistency with State goals and  
statewide, in violation of Title I of the  
Rehabilitation Act of 1973, as amended, P.L.  
93-112, 29 U.S.C. § 721 and implementing regu-  
lations, including particularly 45 CFR  
1361.7.

Wherefore, the General Counsel prays that  
a recommendation be made to the Commis-  
sioner, RSA, finding that the proposed Flor-  
ida State Plan for FY 1976 does not meet the  
requirements of the Rehabilitation Act of  
1973, as amended, P.L. 93-112, 29 U.S.C. § 721  
and implementing regulations 45 CFR 1361.

For the General Counsel, Department of  
Health, Education, and Welfare.

CARL H. HARPER,

Attorney.

HARRY F. McDONAGH,

Assistant Regional Attorney.

EVE H. GOLDSTEIN,

Assistant Regional Attorney.

Department of Health, Education, and Wel-  
fare, Room 323, 50 Seventh Street, N.E., At-  
lanta, Georgia 30323.

CERTIFICATION OF SERVICE

We hereby certify that we caused one  
copy of the attached document to be  
mailed this date to the following persons  
at the addresses given:

William J. Page, Jr., Secretary, Florida De-  
partment of Health and Rehabilitative  
Services, 1323 Winewood Boulevard, Tal-  
lahassee, Florida 32301.

Reubin Askew, Governor, State of Florida,  
State Capitol, Tallahassee, Florida 32304.  
David St. John, General Counsel, Florida De-  
partment of Health and Rehabilitative  
Services, 1323 Winewood Boulevard, Tal-  
lahassee, Florida 32301.

Robert Shevin, State Attorney General, State  
Capitol, Tallahassee, Florida 32304.

We further certify that we caused the  
original and two copies of the aforemen-  
tioned document to be filed with:



Rehabilitation Services Administration Hearing Clerk, Department of Health, Education, and Welfare, Peachtree Seventh Building, Room 713, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Dated: May 2, 1976.

CARL H. HARPER,  
Regional Attorney.

HARRY F. McDONAGH,  
Assistant Regional Attorney.

EVE H. GOLDSTEIN,  
Assistant Regional Attorney.

Department of Health, Education, and Welfare, Room 223, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Ad Hoc Rules of Practice and Procedure for Hearings on Conformity of State Plans for Vocational Rehabilitation Services with Federal Requirements under Title I of the Rehabilitation Act of 1973, as amended.

adopted by the Rehabilitation Services Administration for hearing the appeal of the State of Florida on the intended disapproval of its proposed Fiscal Year 1976 State Plan for VR under Title I of the Rehabilitation Act of 1973, as amended.

- I. General.
- A. Scope of rules.
- B. Definition.
- C. Records to be public.
- D. Use of number.
- E. Suspension of rules.
- F. Filing and service of papers.
- II. Preliminary Matters—Notice and Parties.

A. Notice of hearing or opportunity for hearing.

- B. Answer to Statement of Deficiencies.
- C. Time of hearing.
- D. Place.
- E. Issues at hearing.

F. Request to participate in hearing.

- III. Hearing Procedures.
- A. Who presides.
- B. Authority of presiding officer.
- C. Discovery.
- D. Rights of parties.
- E. Evidentiary purpose.
- F. Evidence.
- G. Exclusion from hearing for misconduct.
- H. Unpublished written material.
- I. Official transcript.
- J. Record for decision.

IV. Posthearing Procedures, Decisions.

- A. Posthearing briefs.
- B. Decisions following hearing.
- C. Effective date of Commissioner's decision.

I. General.

- A. Scope of rules.

(1) The rules of procedure in this part govern the practice for the hearing afforded by the Commissioner, Rehabilitation Services Administration to the State of Florida pursuant to section 101(b) of the Rehabilitation Act of 1973, as amended, and section 1361.4 of the implementing regulations.

(2) Nothing in this part is intended to preclude or limit negotiations between the Rehabilitation Services Administration and the State, whether before, during, or after the hearing to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing, and are not governed by the rules in this part, except as expressly provided herein.

B. Definition.

For purposes of these rules of practice and procedure, the term "State plan" shall include either approved or proposed State plans, as appropriate.

C. Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs,

decisions, and other documents filed in the docket in these proceedings may be inspected and copied in the office of the Rehabilitation Services Administration Hearing Clerk, Inquiries may be made to Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50 Seventh Street, N.E., Room 737-A, Atlanta, Georgia 30323.

D. Use of number.

As used in these rules, words importing the singular number may extend and be applied to several persons or things, and vice versa.

E. Suspension of rules.

Upon notice to all parties, the Commissioner or presiding officer, with respect to matters pending before him and within his jurisdiction, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

F. Filing and service of papers.

All papers in the proceedings shall be filed with the RSA Hearing Clerk, in an original and two copies. Originals only of exhibits and transcripts of testimony need to be filed. All papers in the proceedings shall be served on all parties by personal delivery or by mail. Service on the party's designated attorney will be deemed service upon the party.

II. Preliminary Matters—Notice and Parties.

A. Notice of hearing or opportunity for hearing.

Proceedings are begun by mailing a notice of hearing or opportunity for hearing from the Commissioner, Rehabilitation Services Administration to the State. The notice shall include a Statement of Deficiencies. The notice shall state the time and place for the hearing, and the issues which will be considered, and shall be published in the FEDERAL REGISTER.

B. Answer to Statement of Deficiencies.

The State shall file an answer to the Statement of Deficiencies within 20 days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the Statement of Deficiencies, unless the State is without knowledge, in which case its answer should so state, and the statement will be deemed a denial. Allegations of fact in the Statement not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the State to file an answer within the 20-day period following service of the Statement of Deficiencies may be deemed an admission of all matters of fact recited in the Statement.

C. Time of hearing.

The hearing shall be scheduled by the Commissioner within a reasonable time but no more than 90 days after the date notice of the hearing is furnished to the State.

D. Place.

The hearing shall be held in the city in which the Regional Office of the Department is located or in such other place as is fixed by the Commissioner in light of the circumstances of the case with due regard to the convenience and necessity of the parties or their representatives, including accessibility of the building to the physically handicapped.

E. Issues at hearing.

(1) (a) The General Counsel of the Department may amend the Statement of Deficiencies once as a matter of course before an answer thereto is served, and the State may amend its answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of its original answer. Otherwise the Statement or answer may be amended only by leave of the presiding officer. The State shall file its answer to an amended statement within the

time remaining for filing the answer to the original statement or within 10 days after service of the amended Statement, whichever period may be the longer, unless the presiding officer otherwise orders. Amendments pursuant to this paragraph do not have to be published in the FEDERAL REGISTER.

(1) (b) If such amended Statement is furnished to the State less than 20 days before the date of the hearing, the State or any other party at its request may be granted a postponement of the hearing by the presiding officer, in accordance with Section III (B) (1) (a) of the rules.

(2) If, as a result of negotiations between the RSA and the State, the submittal of an annual State plan for vocational rehabilitation under Title I of the Rehabilitation Act, as amended or a plan amendment, any issue is resolved in whole or in part, but new or modified issues are presented, as specified by the Commissioner, the hearing shall proceed on such new or modified issues.

(3) If at any time, whether prior to, during, or after the hearing, the Commissioner finds that the State has come into conformity with Federal requirements on any issue, in whole or in part, he shall remove such issue from the proceedings in whole or in part as may be appropriate. If all issues are removed, he shall terminate the hearing.

(4) The issues considered at the hearing shall be limited to those issues of which the State is notified as provided in Section II (A) and II (E) (1) (a) of these procedures, and new or modified issues described in Section II (E) (2) and shall not include issues or parts of issues removed from the proceedings pursuant to Section II (E) (3).

(5) Prior to the removal of any issue from the hearing, in whole or in part, the Commissioner, RSA shall provide all parties other than Rehabilitation Services Administration and the State with the statement of his intention, and the reasons therefor, and a copy of the State plan or provision on which the State and he have settled, and the parties shall have opportunity to submit in writing within 15 days, for the Commissioner's consideration and for the record, their views as to, or any information bearing upon, the merits of the plan or provision and the merits of the Commissioner's reasons for removing the issue from the hearing.

F. Request to participate in hearing.

(1) The Rehabilitation Services Administration and the State are parties to the hearing without making a specific request to participate.

(2) (a) Other individuals or groups may be recognized as parties, if the issues to be considered at the hearing have caused or will cause them injury and their interest is within the zone of interests to be protected by governing Federal statute.

(2) (b) Any individual or group wishing to participate as a party shall file a petition with the RSA Hearing Clerk within 15 days after notice of the hearing has been published in the FEDERAL REGISTER, and shall serve a copy on each party of record at that time, in accordance with Section I (F) of these procedures. Such petition shall concisely state (i) petitioner's interest in the proceedings, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(2) (c) Any party may within 5 days of receipt of such petition, file comments thereon.

(2) (d) The presiding officer shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the presiding officer may request all such petitioners to designate a single representative, or he may recognize

one or more of such petitioners to represent all such petitioners. The presiding officer shall give each petitioner written notice of the decision on his petition, and if the petition is denied, he shall briefly state the grounds for denial.

(3) (a) Any interested person or organization wishing to participate as amicus curiae shall file a petition with the RSA Hearing Clerk before the commencement of the hearing. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome and may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(3) (b) An amicus curiae may present a brief oral statement at the hearing at the point in the proceedings specified by the presiding officer. He may submit a written statement of position to the presiding officer prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs, and shall serve a copy on each party.

III. Hearing Procedures

A. Who presides.

(1) The presiding officer at this hearing shall be a hearing officer designated by the Commissioner.

(2) The resignation of the presiding officer shall be in writing. A copy of the designation shall be served on all parties.

B. Authority of presiding officer.

(1) The presiding officer shall have the duty to conduct a fair hearing, avoid delay, maintain order, and make a record of the proceedings. He shall have all powers necessary to accomplish these ends including, but not limited to, the power to:

(a) Change the date, time, and place of the hearing, upon due notice to the parties. This includes the power to continue the hearing in whole or in part.

(b) Hold conferences to settle or simplify the issues in these proceedings, or to consider other matters that may aid in the expeditious disposition of the proceedings.

(c) Regulate participation of parties and amici curiae and require parties and amici curiae to state their position with respect to the various issues in the proceedings.

(d) Administer oaths and affirmations.

(e) Rule on motions and other procedural items on matters pending before him, including issuance of protective orders or other relief to a party against whom discovery is sought.

(f) Regulate the course of the hearing and conduct of counsel therein.

(g) Examine witnesses.

(h) Receive, rule on, exclude, or limit evidence or discovery.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) Certify the entire record including his recommended findings and proposed decision to the Commissioner.

(k) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551-559.

(2) The presiding officer does not have authority to compel by subpoena the production of witnesses, papers, or other evidence.

(3) The presiding officer's authority pertains to the issues of conformity by a State with Federal requirements which are to be considered at the hearing, and does not extend to the question of whether in case

of any nonconformity, Federal payments will be made with respect to the entire State plan or will be limited to categories under or parts of the State plan affected by such nonconformity.

C. Discovery.

The Rehabilitation Services Administration and any party named in the Notice issued under section II (A) or joined pursuant to section II (F), shall have the right to conduct discovery (including depositions) against opposing parties. Rules 26-37 of the Federal Rules of Civil Procedure shall apply to such proceedings; there will be no fixed rule on priority of discovery. Upon written motion, the presiding officer shall promptly rule upon any objection to such discovery action initiated pursuant to this section. The presiding officer shall also have the power to grant a protective order or relief to any party against whom discovery is sought and to restrict or control discovery so as to prevent undue delay in the conduct of the hearing. Upon the failure of any party to make discovery, the presiding officer may, in his discretion, issue any order and impose any sanction (other than contempt orders) authorized by Rule 37 of the Federal Rules of Civil Procedure.

D. Rights of Parties.

All parties may:

(1) Appear by counsel or other authorized representative, in all hearing proceedings.

(2) Participate in any prehearing conference held by the presiding officer.

(3) Agree to stipulations as to facts which will be made a part of the record.

(4) Make opening statements at the hearing.

(5) Present relevant evidence on the issues at the hearing.

(6) Present witnesses who then must be available for cross-examination by all other parties.

(7) Present oral arguments at the hearing.

(8) Submit written briefs, proposed findings of fact, and proposed conclusions of law, after the hearing.

E. Evidentiary purpose.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceedings. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, which shall be limited to statement of the party's position and what he intends to prove, may be made at the hearing.

F. Evidence.

(1) Testimony. Testimony shall be given orally under oath or affirmation by witnesses at the hearing. Witnesses shall be available at the hearing for cross-examination by all parties.

(2) Stipulations and exhibits. Two or more parties may agree to stipulations of fact. Such stipulations, or any exhibit proposed by any party, shall be exchanged at a prehearing conference or otherwise prior to the hearing if the presiding officer so requires.

(3) Rules of evidence. Technical rules of evidence shall not apply to this hearing, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the presiding officer. A witness may be cross-examined on any matter material to the proceedings without regard to the scope of his direct examination. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

G. Exclusion from hearing for misconduct. Disrespectful, disorderly, or contemptuous language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at the hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

H. Unpublished written material.

Letters expressing views or urging action and other unpublished written material regarding matters in issue in this hearing will be placed in the correspondence section of the docket of the proceedings. These data are not deemed part of the evidence or record in the hearing.

I. Official transcript.

The RSA will designate the official reporter for the hearing. The official transcript of testimony taken, together with any stipulations, exhibits, briefs, or memoranda of law filed therewith shall be filed with the RSA. Transcript of testimony in the hearing, may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the RSA and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

J. Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision, shall constitute the exclusive record for the decision.

IV. Posthearing Procedures, Decisions

A. Posthearing briefs.

The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs.

B. Decisions following hearing.

(1) The presiding officer shall no later than 30 days after submission of posthearing briefs has expired, certify the entire record, including his recommended findings and proposed decision, to the Commissioner. The Commissioner shall serve a copy of the recommended findings and proposed decision upon all parties, and amici, if any.

(2) Any party may, within 20 days, file with the Commissioner exceptions to the recommended findings and proposed decision and a supporting brief or statement. The Commissioner shall offer opportunity for all parties to appear before him and present their views on the recommended findings and proposed decision.

(3) The Commissioner shall thereupon review the recommended decision and, within 60 days of its issuance, issue his own decision.

(4) If the Commissioner concludes that a State plan does not conform with Federal requirements, he shall specify what action shall be taken including, if applicable, whether further payments will be made to the State or whether, in the exercise of his discretion, payments will be limited to categories under or parts of the State plan not affected by such nonconformity. The Commissioner may ask the parties for recommendations or briefs or may hold conferences of the parties on this question.

(5) The decision of the Commissioner under this section shall be the final decision and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 and a "final determination" within the meaning of section 101 (b) and (c) of the Act and implementing regulations. The Commissioner's decision shall be promptly served on all parties, and amici, if any.

C. Effective date of Commissioner's decision.

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If the Commissioner concludes that a State plan does not conform with Federal requirements, his decision that further payments will not be made to the State, or that payments will be limited to categories under or parts of the State plan not affected, shall specify the effective date for the withholding of Federal funds. The effective date shall not be earlier than the date of the Commissioner's decision and shall not be later than the first day of the next calendar quarter. The provisions of this section may not be waived pursuant to section I(E).

Rehabilitation Services Administration,  
Office of Human Development.

Dated: May 12, 1976.

[FR Doc.76-15344 Filed 5-24-76; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. D-76-431]

### REGIONAL COUNSEL

#### Designation and Delegation of Authority

I hereby designate the Regional Counsel, Region V, to act in my stead, with authority to receive and act upon inquiries, requests for access and requests for correction or amendment of records under the Privacy Act of 1974, enacted December 31, 1974 as PL 93-579. The authority for this designation is 40 FR 39729 (August 28, 1975), as amended by 41 FR 13917 (April 1, 1976).

Effective date: This designation and delegation shall be effective as of April 19, 1976.

DON MORROW,  
Regional Administrator,  
Region V (Chicago).

[FR Doc.76-15176 Filed 5-24-76; 8:45 am]

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on June 17, 1976, at 7:30 p.m., a public information meeting will be held in the Council Chambers at the Mishawaka City Hall, 204 East First Street, Mishawaka, Indiana. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed Mishawaka Neighborhood Development Program A-5, Area No. 2 (Central Business District) as it affects the 100 NW Block, Mishawaka, Indiana, a property included in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the property by the U.S. Department of Housing and Urban Development.

III. A statement by the Indiana State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Suite 430, Washington, D.C. 20005 (202-254-3380).

ROBERT R. GARVEY, Jr.,  
Executive Director.

[FR Doc.76-15173 Filed 5-24-76; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Order 76-5-83; Docket 27573, Agreement C.A.B. 25791 R-1 and R-2, Agreement C.A.B. 25792 R-1 through R-7, Agreement C.A.B. 25808, Agreement C.A.B. 25809 R-1 through R-3, Agreement C.A.B. 25812 R-1 through R-4, Agreement C.A.B. 25813 R-1 through R-4, Agreement C.A.B. 25816 R-1 through R-5]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Agreements Relating to Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May 1976.

### ORDER

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act)

Agreement CAB	IATA No.	Title	Application
25791: R-1.....	022b	Expedited JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).....	2/3; 1/2/3.
25792: R-2..... R-3..... R-7.....	001LL 022k 001LL	Expedited Special Currency Escape Resolution—Mid Atlantic (New)..... Expedited—JT12 (Mid Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending)..... Expedited Special Currency Escape Resolution—JT23/JT123 (New).....	1/2. 1/2. 2/3; 1/2/3.

Agreement CAB	IATA resolution
25808.....	100, 200, 300, JT12, JT23, JT31, JT123 (Mail) 513.

Agreement CAB	IATA No.	Title	Application
25809: R-1..... R-2.....	022a 0221i	TC3 Special Rules for Sales of Cargo Air Transportation (Amending)..... JT12 (Mid and South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).....	3. 1/2.
25813: R-1..... R-2.....	022b 022mm	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending)..... JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).....	2/3; 1/2/3. 2/3; 1/2/3.

2. It is not found that the following resolutions, incorporated in the agreements indicated, and which indirectly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Cargo Conference held in Geneva during March/April 1976.

The agreements would increase cargo rates within and between Traffic Conferences 2 (Europe/Middle East/Africa) and 3 (Far East/Australasia) by varying amounts through September 30, 1977, and would also amend ancillary currency adjustment resolutions in various areas. Additionally, Resolution 513 (Charges on Mixed Consignments) would be amended to provide, on a worldwide basis, that all restricted articles in a consignment be described on the face of the airway bill as well as on the extension list. We will herein approve all resolutions establishing rates between foreign points which are combinable with rates to/from U.S. points and which thus affect air transportation as defined by the Act. Jurisdiction will be disclaimed regarding non-combinable rates. The ancillary resolutions directly affecting U.S. points will be approved herein, but insofar as rate resolutions propose rate increases to/from the U.S. points Guam and American Samoa, they will be acted on at a later date in conjunction with overall trans-Pacific cargo agreements now pending before the Board.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, and which directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25792: R-1..... R-4..... R-5..... R-6.....	001LL 554b 001LL 022L	Expedited Currency Escape Resolution—TC2 (New)..... Expedited Mid Atlantic General Cargo Rates (Amending)..... Expedited Special Currency Escape Resolution—South Atlantic (New)..... Expedited JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).....	2. 1/2. 1/2. 1/2.
25812: R-1..... R-3..... R-4.....	005f 022L 501	General Increases in Cargo Rates (New)..... JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending)..... Minimum Charges for Cargo—South Atlantic (Amending).....	1/2 (South Atlantic). 1/2. 1/2.
25816: R-1..... R-2..... R-3..... R-5.....	023kk 022m 501 005ee	TC2 Special Rules for Sales of Cargo Air Transportation (Amending)..... TC2 Special Rules for Sales of Cargo Air Transportation (Amending)..... Minimum Charges for Cargo (Amending)..... TC2 General Increases in Cargo Rates (New).....	2. 2. 2. 2.

3. It is not found that the following agreements, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act to the extent they would establish rates wholly between foreign points, and thus indirectly affect air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
25791: R-2..... 25809: R-2..... R-3..... 25813: R-3..... R-1.....	555 501 005dd 501 005hh	Expedited JT23 and JT123 General Cargo Rates (Amending)..... Minimum Charges for Cargo (Amending)..... General Increase in Cargo Rates (New)..... Minimum Charges for Cargo (Amending)..... General Increase in Cargo Rates (New).....	2/3; 1/2/3. 3. 3. 2/3; 1/2/3. 2/3; 1/2/3.

4. It is not found that the following resolution, incorporated in the agreement indicated, affects air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
25816: R-1.....	521e	Shipper Packed Unit Rates (Amending).....	2

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 25791, C.A.B. 25792, C.A.B. 25808, C.A.B. 25809, C.A.B. 25812, C.A.B. 25813, and C.A.B. 25816 set forth in finding paragraphs 1 and 2 above be and hereby are approved;

2. Those portions of Agreements C.A.B. 25791, C.A.B. 25809, and C.A.B. 25813 set forth in finding paragraph 3 above be and hereby are approved insofar as they would establish rates wholly between foreign points; and

3. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25816 set forth in finding paragraph 4 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-15243 Filed 5-24-76; 8:45 am]

[Docket 28970]

### TRANS WORLD AIRLINES, INC. Enforcement Proceeding, Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in this proceeding, now scheduled to be held on May 18, 1976 (41 F.R. 15362, April 12, 1976), is hereby postponed to

June 3, 1976, at 9:30 a.m., (local time) in Room 1003, Hearing Room D, Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., May 18, 1976.

[SEAL] RONNIE A. YODER,  
Administrative Law Judge.

[FR Doc.76-15242 Filed 5-24-76; 8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS EXEMPT COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

### Officials Authorized To Issue Export Visas and Certifications

MAY 20, 1976.

On May 11, 1976, there was published in the FEDERAL REGISTER (41 F.R. 19252), a letter dated May 6, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, announcing that, effective on April 15, 1976, Mr. Park Young Dow, Chief, Quota Management Division, Ministry of Commerce and Industry, would be the official authorized by the Government of the Republic of Korea to issue export visas and certifications for exempt textile products from the Republic of Korea, replacing Mr. Yoo Ho Min. The purpose of this notice is to announce that, at the request of the Government of the Republic of Korea,

goods covered by visas or exempt certifications issued by Mr. Minn between April 15 and May 20, 1976 will not be denied entry.

Accordingly, there is published below a letter of May 20, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

ALAN POLANSKY,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MAY 20, 1976.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of May 6, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements which authorized Mr. Park Young Dow, effective on April 15, 1976, to issue export visas and certifications for exempt cotton, wool, or man-made fiber textile products exported from the Republic of Korea, replacing Mr. Yoo Ho Min.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of May 6, 1976 is hereby amended to authorize entry into the United States for consumption of goods exported from the Republic of Korea which are covered by visas or exempt certifications issued by Mr. Yoo Ho Min during the period April 15 through May 20, 1976.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15210 Filed 5-24-76; 8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on June 15, 1976



(9:00 a.m. to 5:00 p.m.) and June 16, 1976 (9:00 a.m. to 12 Noon) at the Consumer Product Safety Commission, 1750 K Street, N.W., 6th Floor Conference Room.

The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances.

The agenda for the June 15 meeting will include a discussion of outstanding petitions and the regulations covering ammonia. The afternoon session of the meeting will be devoted to further discussion of adult protocol.

On Wednesday, June 16, there will be a discussion of consumer oriented programs of the Consumer Product Safety Commission and presentation of certificates to the outgoing members of the Committee.

Persons wishing to make oral or written presentations to the Committee should notify the Secretary of the Consumer Product Safety Commission at least five days in advance of the meeting. The meeting is open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: May 19, 1976.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 76-15168 Filed 5-24-76; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 547-7; OPP-42011A]

### COMMONWEALTH OF PENNSYLVANIA

#### Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On March 4, 1976, notice was published in the FEDERAL REGISTER (41 FR 9418) of the intent of the Regional Administrator, EPA Region III, to approve, on a contingency basis, the Commonwealth of Pennsylvania State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Pennsylvania State Plan). Contingency approval was requested by the Commonwealth of Pennsylvania pending promulgation of regulations pursuant to the "Pennsylvania Pesticide Control Act of 1973". Complete copies of the Pennsylvania State Plan were made available for public inspection at the Agency's Region

III office in Philadelphia, Pennsylvania, at the Bureau of Plant Industry, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania, and at the Agency's Technical Services Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period.

The Pennsylvania State Plan will remain available for public inspection at Room 102, Agriculture Office Building, 2301 N. Cameron Street, Harrisburg, Pennsylvania.

It has been determined that the Pennsylvania State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if proposed regulations implementing the Pennsylvania Pesticide Control Act of 1973 are promulgated by the Pennsylvania Department of Agriculture. Accordingly, the Pennsylvania State Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the Pennsylvania State Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Pennsylvania State Plan as a result thereof.

Effective date: Pursuant to Section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the Pennsylvania State Plan shall be effective immediately. Neither the Pennsylvania State Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the Commonwealth of Pennsylvania. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: April 15, 1976.

A. R. MORRIS,  
Acting Regional Administrator.

[FR Doc. 76-15138 Filed 5-24-76; 8:45 am]

[FRL 548-2]

#### HEALTH RISK AND ECONOMIC IMPACT ASSESSMENTS OF SUSPECTED CARCINOGENS

##### Interim Procedures & Guidelines

In issuing the Interim Procedures and Guidelines for Health Risk and Economic Impact Assessments of Suspected Carcinogens, I think it appropriate to state once again EPA's approach to regulatory action for suspect carcinogens.

Cancer is the second ranking cause of death in this country; it has a particularly severe impact on the affected individuals and their families in terms of physical and mental suffering and economic costs. There is evidence that a substantial amount of human cancer is caused by chemical and physical agents in the environment. Bioassay programs, currently testing hundreds of substances, are beginning to show that some important industrial and agricultural chemicals are carcinogenic for animals and are, therefore, candidates for regulatory action.

The EPA, by law, has responsibility to regulate many agents which may either cause or promote the development of cancer. At present, EPA is charged with the responsibility to prohibit or restrict the use of carcinogenic pesticides. EPA also has authority to regulate those carcinogens which are emitted directly to the outside air by stationary sources (such as factories) and motor vehicles, or discharged into water from point sources, or found in drinking water. Other agencies such as the Occupational Safety and Health Administration and the Food and Drug Administration also have responsibilities to regulate carcinogens. It is important to emphasize that there are serious regulatory gaps which permit understandable exposure of the public to carcinogens. I have strongly advocated the passage of a toxic substances bill to help close those gaps.

Regulatory action against chemical carcinogens is relatively new. Until the late 1950's, no agents, either chemical or physical, had been regulated in this country on the basis of their carcinogenic action with the sole exception of ionizing radiation, which had been known to cause cancer since the turn of the century. Standards of permissible exposure to ionizing radiation were set by the arbitrary use of safety factors applied to exposure levels that were known to have produced damaging health effects. It was not assumed that these permissible exposure standards were safe but rather that they represented upper limits of exposure with the understanding that actual exposures were to be kept as low as possible. In the debate over the health effects of radioactive fallout from atomic weapons in the 1950's, the evidence for a no-threshold concept for cancer induction emerged, which supported the idea that there is no such thing as a completely safe dose; in other words any exposure, however small, will confer some risk of cancer on the exposed population.

Evidence has accumulated that indicates that the no-threshold concept can also be applicable to chemical carcinogens. On the basis of this concept, the first significant regulatory legislation relating to chemical carcinogens, the Delaney Clause of the Pure Food and Drug Act, imposed a complete ban on any food additive that showed evidence of tumorigenic activity for humans or animals. This statutory requirement represents the approach of eliminating all risk. However, it has become increasingly clear that in many areas risks cannot

be eliminated completely without unacceptable social and economic consequences.

Consonant with this view, the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), which is the enabling legislation for the control of health hazards for pesticides, requires a balancing of risks and benefits as the basis for final regulatory action. We, thus, have a comparable conceptual basis for the regulation of chemicals as for ionizing radiation where the philosophy has been to eliminate or reduce exposure to the greatest extent possible consistent with the acceptability of the costs involved.

I believe that it is important to emphasize the two-step nature of the decision-making process with regard to the regulation of a potential carcinogen. Although different EPA statutory authorities have different requirements, in general two decisions must be made with regard to each potential carcinogen. The first decision is whether a particular substance constitutes a cancer risk. The second decision is what regulatory action, if any, should be taken to reduce that risk.

With respect to the first decision—whether a particular substance constitutes a cancer risk—in very few cases is it possible to "prove" that a substance will cause cancer in man, because in most instances the evidence is limited to animal studies. In this regard, a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals. However, the decision that a cancer risk may exist does not mean that the EPA will automatically take regulatory action. In the case of pesticides, the decision that a presumptive cancer risk exists will trigger the detailed and independent risk and economic assessments that form the basis for the second decision, namely, what, if any, regulatory action to take to eliminate or restrict the use of the pesticide. In other regulatory areas, for example those under the Clean Air Act, the Federal Water Pollution Control Act, or the Safe Drinking Water Act where a large number of suspect carcinogens may exist in the atmosphere or public water supplies, the detailed risk benefit assessment will, because of limited Agency resources, necessarily have to be carried out on a priority basis in terms of which agents appear to be the most important.

Once the detailed risk and benefit analyses are available, I must consider the extent of the risk, the benefits conferred by the substance, the availability of substitutes and the costs of control of the substance. On the basis of careful review, I may determine that the risks are so small or the benefits so great that no action or only limited action is warranted. Conversely, I may decide that the risks of some or all uses exceed the benefits and that stronger action is essential.

In considering the risks, it will be necessary to view the evidence for carcinogenicity in terms of a warning signal, the

strength of which is a function of many factors including those relating to the quality and scope of the data, the character of the toxicological response, and the possible impact on public health. It is understood that qualifications relating to the strength of the evidence for carcinogenicity may be relevant to this consideration because of the uncertainties in our knowledge of the qualitative and quantitative similarities of human and animal responses. In all events, it is essential in making decisions about suspect carcinogens that all relevant information be taken into consideration.

In my opinion, the current guidelines represent a significant improvement in the Agency's approach to the processes of decision-making for carcinogens by providing improved procedures for making risks and benefit assessments while providing the maximum opportunity for public review of the Agency's deliberations. However, while these guidelines should improve Agency procedures, I do not view them as representing a change in the Agency's cancer policy. Earlier regulatory decisions involving various pesticides were also based in each case on a comprehensive evaluation of the scientific evidence and a careful weighing of risks and benefits. These decisions in every instance resulted in selective control measures rather than a complete prohibition of use.

I want to emphasize that I will not permit these new procedural guidelines to unduly delay regulatory decision-making. I will be closely reviewing them to assure that they do not do so. If they do cause undue delay, they will be revised. I would like to point out that these guidelines provide a means of organizing available information rather than requirements for the acquisition of new information.

I believe that the approach presented here is a significant step toward the objective of achieving real benefits in improved public health while avoiding the burden of undesirable regulatory action. I recognize that the aspect of cancer research dealing specifically with the issues involved in decision-making is relatively undeveloped, but hopefully the commitment of this Agency and other Federal agencies to the development of new knowledge in this area will improve the scientific basis for regulatory decisions and that the Interim Procedures and Guidelines will thereby benefit from periodic revision.

I consider it extremely important that the leading government agencies work closely with each other and with experts outside the government in the field of carcinogenicity in the development of government procedures and policies concerning cancer. I am publishing these interim procedures and the guidelines in the FEDERAL REGISTER not only to provide public notice of the approach which EPA will be following in our current activities but also to stimulate commentary from all sources upon that approach. I am also furnishing copies of these Interim Procedures and Guidelines to and requesting the views of the Secretaries of Health,

Education, and Welfare, Interior, Labor, Commerce and Agriculture and also the Council on Environmental Quality, the National Academy of Sciences, the National Science Foundation, EPA's Pesticide Policy Advisory Committee and EPA's Science Advisory Board, among others. I also plan to meet personally with leading authorities in this area as part of a continuing process to discuss these cancer policies and exchange information and views.

RUSSELL TRAIN,  
Administrator.

MAY 19, 1976.

#### INTERIM ADMINISTRATIVE PROCEDURES FOR REGULATORY DECISIONS INVOLVING SUSPECTED CARCINOGENS

Procedures described in this paper provide a more uniform Agency approach to regulatory decisions involving cancer risk. Procedure A applies to pesticide decisions involving the cancellation, suspension and registration of potentially carcinogenic pesticides. Procedure B applies to other selected Agency decisions where the pivotal factor in the decision is cancer risk.

The purpose of these procedures is to assure that appropriate analyses of the risks and benefits of suspected carcinogenic chemicals are performed as part of the regulatory process. Appendices I and II establish guidelines for risk assessment and economic impact analyses. These guidelines are procedural guidelines and are not intended to affect the substantive regulatory standards of any statute. Therefore, the assessment of the risk posed by potentially carcinogenic substances will be made pursuant to the individual standards of the applicable statute and regulations. Furthermore, these analyses will be carried out within the constraints of Agency resources and will not delay actions by the Agency to address urgent environmental problems.

The Cancer Assessment Group (CAG) is an advisory body comprised of senior scientists from within the Agency with a liaison member from the Department of Health, Education and Welfare. It will also utilize, as appropriate, expert consultants and advisors from various Federal Agencies and the private sector. The CAG will conduct analyses of data related to risk and make recommendations to the lead program office and the appropriate Working Group concerning the risk associated with each suspect carcinogen. These analyses will be directed towards risk assessment and will be conducted independently of economic impact analyses. The CAG will also review the final risk assessment portion of the regulatory package.

##### APPLICABILITY

For all decisions involving the cancellation, suspension, reregistration and registration of potentially carcinogenic pesticides, Procedure A will be followed inclusive of the preparation of (1) a risk assessment pursuant to the interim guidelines contained in Appendix I and (2) an economic impact analysis pursuant to the interim guideline contained in Appendix II.

For the following rulemaking, where the pivotal factor in the decision is cancer risk, the procedures outlined in EPA Order 1000.6 will be followed, and in addition, a risk assessment pursuant to Appendix I will be prepared and will be reviewed in accordance with Procedure B:

1. Proposed regulations to augment the current list of toxic substances published



pursuant to Section 307(a) of the FWPCA and any standard proposed under this augmented list.

2. Primary drinking water regulations or revisions thereof under Section 1412 of SDWA.

3. Additions to or revisions of the water quality criteria (pursuant to Section 304(a) of FWPCA) currently pending publication, except that detailed exposure patterns and estimates of cancer risk need not be prepared.

4. Proposed technology-based regulations or revisions pursuant to Sections 301, 304, 305 307(b) and 307(c) of the FWPCA (proposed after April 1, 1977), and Section 111 of the CAA, except that detailed exposure patterns and estimates of cancer risk need not be prepared.

For all other rulemaking under existing legislation which involves the regulation of a potential carcinogen(s), and which is not currently under development, the determination of whether and to what extent to use Appendix I and Procedure B will be made at the time the Administrator approves the plan for such rulemaking.

Where the development of a surrogate parameter is being proposed to regulate one or more potential carcinogens and perhaps other pollutants (e.g., a total organic carbon standard for drinking water), the risk assessment, as required above, will address at least one of the potential carcinogens and should address, to the extent feasible, as many of the others as possible.

All risk assessments need only be based on currently available information. These procedures do not require the undertaking of research or monitoring to expand the available data base.

A. Procedure for pesticide decisions involving potential carcinogens. This procedure is similar to the current procedure for informal rulemaking set forth by EPA Order 1000.6.

1. Formation of the working group. The Deputy Assistant Administrator for Pesticides, in cooperation with the Office of Planning and Management, establishes a working group.

2. OPP working group responsibility. The Office of Pesticide Programs (OPP), in consultation with the Working Group, is responsible for developing a Data Summary Report, a Position Document (including health risk assessment and the economic impact analysis) and a proposed Federal Register notice at the appropriate points in the regulatory process. Guidelines for health risk assessment and economic analysis are included as Appendices I and II.

3. Review of a suspect chemical prior to reregistration or the issuance of a rebuttable presumption against registration (RPAR).

a. Data relevant to the carcinogenicity of a pesticide is submitted to the CAG for review and comment. Following review by the CAG, a Data Summary Report is prepared by OPP and the Working Group. This report includes a summary of all available data relevant to carcinogenicity.

b. A draft Position Document including the Data Summary Report, a summary of the issues surrounding potential regulatory actions, and a proposed Federal Register notice are presented to the Pesticide Chemical Review Committee (PCRC) which includes a representative from the CAG.

c. On the basis of PCRC comments, the OPP and the Working Group revise the draft Position Document and the Federal Register notice. The PCRC reviews the revised package.

d. The package recommending a reregistration or the issuance of a RPAR goes to the Deputy Assistant Administrator for Pesticide Programs for a final decision.

4. Post-RPAR: Issuance of a notice of intent to cancel, suspend or reregister.

a. After a RPAR is issued, and rebuttal information if any is submitted, the OPP and the Working Group develop a final Position Document. This document includes a summary of all information available in rebuttal of the RPAR, a recommended finding on whether or not the presumption against registration has been rebutted (including the risk assessment), economic impact analysis as necessary, a summary of the issues surrounding potential regulatory actions, and a draft Federal Register notice.

b. The final Position Document is reviewed by PCRC and the risk assessment is reviewed by CAG.

c. If the decision is to reregister the product, a notice to this effect is published in the Federal Register.

d. If the decision is to cancel or suspend the product, the proposed notice of intent to cancel or suspend is forwarded to USDA and the Scientific Advisory Panel for comment, pursuant to the 1975 amendments to Section 6(b) of FIFRA. However, if it is determined that suspension of the pesticide is necessary to prevent an imminent hazard to humans, the 1975 amendments provide for waiver of the requirement for consultation with USDA and the Scientific Advisory Panel.

The notice of intent to register, cancel or suspend, including the risk assessment and economic impact analyses, is circulated for General Counsel and Assistant Administrator concurrence and forwarded to the Administrator for a final decision.

B. Other rulemaking to regulate carcinogens. All other Agency decisions involving carcinogenesis as the pivotal factor will follow EPA Order 1000.6 with the following additions:

1. The CAG will review the relevant data during the development of the rulemaking and make recommendations to the lead office and the working group regarding the interpretation of the data and provide other advice, as appropriate, concerning the risk assessment.

2. The CAG will review that portion of the rulemaking package containing the risk assessment. CAG comments will be presented to the Steering Committee.

C. External scientific review. In addition to the external reviews required by statute and the 1000.6 process, other external scientific review will be obtained in appropriate cases as determined by the lead program office. This review may take place at any time in the development of the regulatory package.

While risk and economic impact analyses may be reviewed externally, regulatory recommendations will not normally be submitted for external review. Reviewers for risk analyses may be from the Science Advisory Board, National Cancer Institute, or other appropriate institutions.

#### APPENDIX I

##### INTERIM GUIDELINE FOR CARCINOGEN RISK ASSESSMENT

1.0 Introduction. This preliminary guideline describes the general framework to be followed in developing an analysis of carcinogen risks and some salient principles to be used in evaluating the quality of data and formulating judgments concerning the nature and magnitude of the cancer hazard from suspect carcinogens.

This guideline is to be used within the policy framework already provided by applicable statutes and does not alter such policies. The guideline provides a general format for analyzing and organizing available data. It does not imply that one kind of data or another is prerequisite for regulatory action to control, prohibit, or allow the use of a carcinogen. Also, the guideline does not change any statutory-prescribed standards as to which party has the responsibility of remonstrating the safety, or alternatively the risk, of an agent.

The analysis of health risks will be carried out independently from considerations of the socio-economic consequences of regulatory action.

The risk assessment document will contain or identify by reference the background material essential to substantiate the evaluations contained therein.

2.0 General Principles Concerning the Assessment of Carcinogenesis Data. The central purpose of the health risk assessment is to provide a judgment concerning the weight of evidence that an agent is a potential human carcinogen and, if so, how great an impact it is likely to have on public health.

Judgments about the weight of evidence involve considerations of the quality and adequacy of the data and the kinds of responses induced by the suspect carcinogen. The best evidence that an agent is a human carcinogen comes from epidemiological studies in conjunction with confirmatory animal tests. Substantial evidence is provided by animal tests that demonstrate the induction of malignant tumors in one or more species including benign tumors that are generally recognized as early stages of malignancies.

Suggestive evidence includes the induction of only those nonlife shortening benign tumors which are generally accepted as not progressing to malignancy, and indirect tests of tumorigenic activity, such as mutagenicity, in-vitro cell transformation, and initiation-promotion skin tests in mice. Ancillary reasons that bear on judgments about carcinogenic potential, e.g., evidence from systematic studies that relate chemical structure to carcinogenicity should be included in the assessment.

When an agent is judged to be a potential human carcinogen, estimates should be made of its possible impact on public health at current and anticipated levels of exposure. The available techniques for assessing the magnitude of cancer risk to human populations on the basis of animal data only are very crude due to uncertainties in the extrapolation of dose-response data to very low dose levels and also because of differences in levels of susceptibility of animals and humans. Hence, the risk estimates should be regarded only as rough indications of effect. Where appropriate, a range of estimates should be given on the basis of several modes of extrapolation.

Expert scientific judgments in the areas of toxicology, pathology, biometry, and epidemiology are required to resolve uncertainties about the quality, adequacy, and interpretation of experimental and epidemiology data to be used for the risk assessment.

3.0 Format of the Risk Analysis.

3.1 Exposure Patterns. This section should summarize the known and possible modes of exposure attendant to the various uses of the

This health risk assessment is part of the risk-benefit analyses. In actions taken to regulate pesticides, this assessment is made after a determination that a health risk exists.

agent. It should include or identify by reference available data on factors relevant to effective dosage, physical and chemical parameters, e.g., solubility, particle size for aerosols, skin penetration, absorption rates, etc. Interaction of agents which may produce a synergistic or antagonistic effect should also be indicated, if available.

3.2 Metabolic Characteristics. This section should summarize known metabolic characteristics including transport, fate and excretion, and biochemical similarities to other known classes of carcinogens at high and low dose levels and should provide comparisons between relevant species as well as variations in different strains of certain species.

3.3 Experimental Carcinogenesis Studies. Available experimental reports should be summarized. If some experiments are to be rejected for the risk assessment, give reasons for doing so. Reprints of key papers and reports should be included as appendices to the analysis.

Judgments should be provided on the quality of the experimental data and their interpretations for each study on the basis of (a) experimental protocols, (b) survival rates in controls particularly in relation to acceptance of negative results, (c) incidence of spontaneous tumors in the control compared to general laboratory experience for the same species or strain, (d) diagnostic criteria and nomenclature used for tumor characterization (additional evaluation of histological material should be obtained when appropriate), and (e) observed results of positive controls (i.e., a test group given a standardized exposure to a known carcinogen) in light of expected results.

3.4 Epidemiological Studies. Summarize epidemiological studies, together with critiques of the work with respect to its limitations and significance. Summarize other published critiques whether supportive or at variance with the judgement made here.

3.5 Cancer Risk Estimates.

3.5.1 Exposure Patterns. Describe likely exposure levels with respect to long-term temporal trends, short-term temporal patterns, and weighted averages for both the total exposed populations and for subgroups whose exposure patterns may be distinctly different from the average. Characterize, to the extent possible, the size of the exposed population for each of the above categories with an indication of whether the exposures are likely to involve children and pregnant women. Discuss the adequacy of the methods used to estimate exposures and indicate the range of uncertainty in the estimates.

3.5.2 Dose-Response Relationships. Both human and animal data should be used as available. Include available human data, even if inadequate for a characterization of the actual magnitude of risk, where such data could be helpful in interpreting animal responses in relation to human sensitivity.

3.5.3 Estimates of Cancer Risk. The procedure will involve a variety of risk extrapolation models, e.g., the linear non-threshold model and the log-probit model. Analyses will be done separately for all suitable experimental data and human epidemiological data. The results should be presented in terms of excess lifetime incidence, or average excess cancer rates; life-shortening estimates should also be made when the data permit. The uncertainty in the data and extrapolation techniques should be clearly indicated. The results predicted for humans should be presented in relationship to the current cancer experience in the assumed target organ(s).

Some judgements should be included regarding the relevance of the mode of exposure used in animal studies to that associated with human exposure.

4.0 Summary. The summary section of the risk assessment should provide a statement which encompasses answers to the following questions: (1) How likely is the agent to be a human carcinogen? (2) If the agent is a human carcinogen, what is the estimated impact on human health?

#### APPENDIX II

##### INTERIM GUIDELINE FOR ECONOMIC IMPACT ANALYSIS OF PROPOSED REGULATORY ACTIONS TO CONTROL CARCINOGENIC PESTICIDES

The purpose of this guideline is to define the factors to be considered and the procedures to be utilized in assessing the economic impact resulting from future regulatory actions, (as described below) affecting carcinogenic pesticides. Economic impact assessment for other regulatory actions to control environmental carcinogens will follow established agency procedures.

The principal concern in the economic analysis will be the assessment of economic impacts on pesticides users and on the consumers of the products of the users. The impacts on pesticide manufacturers are not germane to this type of regulatory decision, in which the risk of the use of a pesticide is compared to the benefit of those uses.

As used in this guideline the economic impact of the regulation is equated to the anticipated loss in benefit from use of the pesticide. For agricultural pesticides the analysis will focus on the impacts on farmers, farm productivity, and consumer costs associated with farm productivity. Similarly, analyses of other pesticides will focus on the impacts on other user groups and related effects on the economy.

Regulatory procedures. The purpose of this section of the guidelines is to define how the economic impact analysis fits into the regulatory framework for pesticide-related actions.

If a pesticide meets or exceeds criteria defined in 40 CFR 162.11, a Rebuttable Presumption Against Registration (RPAR) will be issued. The Agency will analyze any rebuttal information that is submitted; it may also take into account other available information to determine whether the RPAR has been rebutted. At the conclusion of this risk assessment, the Administrator will be presented with sufficient evidence to determine if the use of a pesticide poses the risk of a significant adverse effect. If such is the case, then the Administrator must determine what type of regulatory response is warranted.

In making that decision, 40 CFR 162.11 provides that the Administrator will be provided with a preliminary assessment of the benefits of the use of the pesticide. Furthermore, § 162.11 essentially provides: (1) That if the risks appear to outweigh the benefits, the Administrator will issue a notice of intent to cancel, which may lead to a full adjudicatory hearing on the question of whether the pesticide causes or will cause unreasonable adverse effects on the environment, or (2) if the benefits appear to outweigh the risks, the Administrator will either issue a notice of intent to hold a hearing (adjudicatory or non-adjudicatory) or a notice of intent to register. Such notice of intent to register provides an opportunity for a hearing upon request (accompanied by submission of a statement of factual reasons) of an interested party that a hearing is warranted. The decision to cancel reached at this time will not result in the removal of a product from the market if the decision is contested. Instead, any such regulatory action will be preceded by a hearing to weigh fully the risks and benefits of the uses of a product.

The benefit evidence provided to the Administrator at this stage is by definition a preliminary staff analysis. A specific effort will be made by the Agency to contact parties that have an interest in the use of the pesticide and to attempt to solicit their comments on the benefits of the pesticide under review. In particular, EPA intends that the U.S. Department of Agriculture will be heavily relied upon from the earliest stages of review to provide its special expertise and data resources on uses.

Because of the many variables surrounding the multiple uses of different pesticides, the benefit or economic impact analysis must of necessity be done on a case-by-case basis. All relevant economic considerations raised in criticisms of the preliminary benefit analysis will be addressed prior to final action.

#### Content of the economic impact analyses

Based upon all the available information, a preliminary analysis will be developed. Such analysis will be organized in the following manner:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. Preliminary identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.

3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the use of providing equivalent pesticide treatment with any available substitute products.

5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticide.

6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

[FR Doc. 76-15254 Filed 5-24-76; 8:45 am]

[FRL 547-8; PP4G1495; T59]

#### RENEWAL OF A TEMPORARY TOLERANCE

##### 2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuranyl Methanesulfonate

On March 11, 1976, the Environmental Protection Agency (EPA) announced (41 FR 10476) that in response to a request from the Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730, the temporary tolerances which were established in response to pesticide petition (PP 4G1495) (40 FR 6389) for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the raw agricultural commodities sugarbeet tops at 1 part per million (ppm), sugarbeet roots at 0.1 ppm, and in the meat, fat, and meat by-products cattle, goats, hogs, horses, and sheep at 0.03 ppm, were extended until April 4, 1976.

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Fisons Corp. has requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with three experimental use permits, the original temporary permit that is being renewed as an experimental use permit, and two which are to be issued, concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that these tolerances are adequate to cover residues resulting from the proposed experimental use and that a renewal of these temporary tolerances will protect the public health.

It has been concluded, therefore, that the temporary tolerances should be renewed on condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Fisons Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of EPA or the Food and Drug Administration.

These temporary tolerances expire May 17, 1977. Residues not in excess of 1 ppm in or on sugarbeet tops, 0.1 ppm in or on sugarbeet roots, and 0.03 ppm in the meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate that such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: May 17, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 76-15139 Filed 5-24-76; 8:45 am]

#### ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION MARINE DEVELOPMENT GROUP LTD. Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Marine Development Group Ltd. of Toronto, Canada, an exclusive license to manufacture, use, and sell in the United States the invention described in U.S. Patent No. 3,687,804, entitled "Compact and Safe Nuclear Reactor", issued

August 29, 1972 to the United States of America as represented by the U.S. Atomic Energy Commission, now the U.S. Energy Research and Development Administration. A copy of the subject patent can be obtained from the U.S. Patent and Trademark Office, Washington, D.C. 20231. The proposed license will have a duration of five years, will be royalty bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Energy Research and Development Administration patent licensing regulations, Title 10 CFR Part 781. ERDA will grant the license unless within sixty days of this Notice the Assistant General Counsel for Patents, Energy Research and Development Administration, Washington, D.C. 20545, receives in writing any of the following together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or  
(ii) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States in accordance with Title 10 CFR 781, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice and will provide opportunity for a hearing before granting the exclusive license.

Dated at Germantown, Maryland, this 10th day of May, 1976.

JAMES E. DENNY,  
Assistant General Counsel  
for Patents.

[FR Doc. 76-15153 Filed 5-24-76; 8:45 am]

#### NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION Public Meetings

The Energy Research and Development Administration (ERDA) announces the second in a series of public meetings on its 1976 National Plan for Energy Research, Development and Demonstration, Creating Energy Choices for the Future (ERDA 76-1). The meeting will be held June 21-22, in Chicago, Illinois, at the Palmer House Hotel with the sessions beginning at 8:30 a.m. on both days.

The purpose of the public meetings is to acquaint the public with ERDA's long-term comprehensive energy plan and to elicit public comment on all aspects of Federal energy research, development and demonstration, including emerging energy technologies. It is ERDA's intent to conduct a meaningful dialogue with local, state and regional groups and citizens concerning regional energy issues. These meetings are a major element in that process. Public meetings in San Francisco and Boston are planned for later this year. Details, times and locations of these additional public meetings will be announced in future notices.

The format of the public meetings is designed to assure a meaningful dialogue between ERDA and the concerned public in the various regions. A panel composed primarily of ERDA Assistant Administrators responsible for the energy production, environment and safety, and conservation technologies described in the National Plan will be present at each public meeting to explain the purpose and content of the Plan and to receive the comments of the public. The moderator for the sessions will be announced prior to each public meeting.

Single copies of the Plan may be obtained free of charge by writing US-ERDA, Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830. Copies will also be available for inspection at ERDA Headquarters (20 Massachusetts Avenue, N.W., Washington, D.C.) and at all ERDA Operations Offices.

A notice of intent to make a presentation at the Chicago meeting should be addressed to Mr. R. E. Shannon, Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

This notice of intent should set forth:

1. The name and address of the participant;  
2. The nature of the participant's interest in the National Plan, and the participant's organizational affiliation, if any;  
3. The length of time requested for the presentation; and  
4. Where practicable, the text of any statements to be presented, or a reasonably detailed summary thereof.

The notice to make a presentation must be received no later than one week in advance of the meeting to ensure scheduling. An effort will be made to schedule the full time requested, but, in order to assure all participants a fair opportunity to present their views within the time constraints, the presentations may be limited in length. Interested persons who have not filed a timely notice of intent to make a presentation may notify the moderator during the meeting of their desire to become participants. If time permits, the moderator will allow these persons the opportunity to make formal presentations.

Time will also be allotted during each public meeting to permit members of the audience to pose appropriate questions to the panel. Persons who do not wish to make an oral presentation, or whose schedules do not permit appearance at the meeting may submit a written statement to ERDA for consideration. The statements should be sent to the aforementioned address.

Dated at Washington, D.C., the 17th day of May 1976.

For the Energy Research and Development Administration.

RAYMOND G. ROMATOWSKI,  
Assistant Administrator  
for Administration.

[FR Doc. 76-15154 Filed 5-24-76; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20798, File No. 1530-C5-P-72;  
Docket No. 20799, File No. 3284-C5-P-72]

#### DAYTON COMMUNICATIONS CORP. AND BUCKEYE CABLEVISION, INC.

##### Construction Permits

In re the applications of Dayton Communications Corp. and Buckeye Cablevision, Inc. For construction permits in the Multipoint Distribution Service for a new station at Toledo, Ohio.

1. The Commission has before it the above-referenced applications of Dayton Communications Corporation (Dayton), filed on September 22, 1971, and Buckeye Cablevision, Inc. (Buckeye), filed on December 3, 1971. Both applications propose Channel 1 operation in the Multipoint Distribution Service (MDS) in the Toledo, Ohio area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Dayton holds MDS construction permits in Cincinnati, Columbus, and Dayton, Ohio, and Lexington, Kentucky and is providing MDS service in Dayton and Cincinnati, Ohio. Buckeye, wholly-owned by the Toledo Blade Company, which owns newspapers in Toledo and is licensee of WLIO(TV) in Lima, Ohio, owns and operates a CATV system in Toledo, Ohio.

3. Upon review of the captioned applications, we find that both the applicants are legally, technically, financially and otherwise qualified to provide the services which they propose and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934 and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered:

1. Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975)

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Toledo, Ohio area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Dayton Communications Corporation and Buckeye Cablevision, Inc., and the Chief, Common Carrier Bureau are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Adopted: April 29, 1976.

Released: May 18, 1976.

JOSEPH A. MARINO,  
Deputy Chief for Chief,  
Common Carrier Bureau.

[FR Doc. 76-15187 Filed 5-24-76; 8:45 am]

[FCC-76-438]

#### FM RULES RELATING TO POWER VS. HEIGHT

##### Interim Policy Adoption

May 19, 1976.

In concluding our rulemaking which culminated in the adoption of revised FM field strength curves, Report and Order in Dockets 16004 and 18052, 53 FCC 2d 855, 34 RR 2d 361 (1975), we did not amend figure 3 of section 73.333 of our rules. Figure 3 contains power versus height curves for class A, B, and C FM stations and governs the reductions in power arising from the use of tall towers. We are presently preparing a replacement for figure 3 which takes into account the effect of the new field strength curves. Until such time as figure 3 is replaced, we will follow a policy of processing and granting applications with the average of the heights above average terrain for the eight radials greater than the maximum for the class of station provided that the distance to the 1 mV/m (60 dBu) contour is no greater than would occur if the station operated with the maximum power and height for the class of station. These determinations are, of course, made with the newly-adopted F(50,50) field

strength curves. Thus, proposals with average heights above average terrain greater than the following values may propose powers such that the distance to the proposed 60 dBu contour does not exceed the specified distances:

Class	Height Feet	Distance Miles
A	300	14.5
B	500	32.5
C	2,000	57.5

While this reflects a new Commission policy, this does not eliminate the necessity of complying with our agreements with Canada and Mexico. Thus, stations within 250 miles of the Canadian-United States border must comply with the Working Arrangement for Allocation of FM Broadcasting Stations on Channels 221-300 under the Canada-United States FM Agreement of 1947. And stations within 199 miles of the Mexican-United States border must comply with the Agreement Between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band.

Stations within the border areas which must operate with less than maximum power and height for the class of station in accordance with section 73.213 because they are short-spaced with domestic stations may utilize the policy we adopt here to increase power provided that the limits in our agreements with Canada and Mexico are not exceeded.

Stations whose 60 dBu contours presently exceed the specified distances do not fall under this interim policy.

When the new figure 3 is finally adopted, stations which were authorized increased facilities under this interim policy may be required to slightly reduce power to bring them into accordance with the new figure 3.

This policy does not apply to television applications. The Commission is presently considering an interim policy concerning television applications; it will be released at a later date.

Action by the Commission May 11, 1976. Commissioners Willey (Chairman), Lee, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc. 76-15217 Filed 5-24-76; 8:45 am]



[Report No. 981]

# PETITIONS FOR RECONSIDERATION Rule Making Proceedings Filed

MAY 14, 1976.

Docket or RM No.	Rule No.	Filed by—	Date received
19816		In the matter of ascertainment of community problems by noncommercial educational broadcast applicants; amendment of sec. IV (statement of program service) of FCC broadcast application forms 340 and 342 (noncommercial educational broadcast applications); and formulation of rules and policies relating to the renewal of noncommercial educational broadcast licenses:	
		Oscar Jackson and Jacob Bernstein, Cochairpeople for Committee for Community Access.	Apr. 20, 1976
		Daniel W. Toohy and Richard D. Marks, attorneys for University of Nebraska, Nebraska Educational Television Commission, South Carolina Educational Television Network, State of Wisconsin, Educational Communications Board.	Apr. 21, 1976
		Marvin J. Diamond, attorney for Alabama Educational Television Commission.	Apr. 26, 1976
		Louis Schwartz, Robert A. Woods, and Lawrence M. Miller, attorneys for the Maryland Center for Public Broadcasting.	Do.
		Theodore D. Frank, attorney for Georgia State Board of Education.	Do.
		Louis Schwartz, Robert A. Woods, and Lawrence M. Miller, attorneys for the University of North Carolina.	Do.
19528		In the matter of proposals for new or revised classes of interstate and foreign message toll telephone service (MTS) and wide area telephone service (WATS):	
		Vincent Gallogly, attorney for GTE Service Corp. and its affiliated domestic telephone operating companies.	Apr. 19, 1976
		Joe H. Hunt, assistant vice president and Edward L. Friedman, William L. Leonard, Cornelia McDougald, and Mary M. Waterstone, attorneys for the Bell System Co.	Apr. 26, 1976
		Gerald A. Poch, attorney for International Telephone & Telegraph Corp.	Do.

NOTE:—Oppositions to petitions for reconsideration must be filed within 15 d after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 d after time for filing oppositions expired.

FEDERAL COMMUNICATIONS COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-15191 Filed 5-24-76;8:45 am]

## RCA GLOBAL COMMUNICATIONS, INC. AND WESTERN UNION TELEGRAPH CO. FCC Opens NASA Request for Declaratory Ruling to Public Comment

MAY 17, 1976.

On May 5, 1976, the National Aeronautics and Space Administration (NASA) filed a request for declaratory ruling on whether RCA Global Communications, Inc. and The Western Union Telegraph Company may provide NASA with services from a Tracking and Data Relay Satellite System (TDRSS) pursuant to a long-term fixed-rate contract rather than pursuant to a tariff filed under Section 203 of the Communications Act of 1934, as amended.

Inasmuch as NASA's request raises significant issues affected with the public interest, the Chief, Common Carrier Bureau, pursuant to Section 0.91 of the Commission's Rules, hereby affords all interested persons the opportunity to file comments on NASA's request within thirty (30) days of the publication date of this notice in the FEDERAL REGISTER. Replies to the comments must be filed within ten (10) days after the last day on which comments may be filed.

NASA's request for declaratory ruling is available for inspection at the Commission's Offices, 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-15193 Filed 5-24-76;8:45 am]

## [Report No. I-232] SATELLITE COMMUNICATIONS SERVICES International and Satellite Radio Applications Accepted for Filing MAY 17, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days from the date of this notice. Section 309(d) (1).

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

### SATELLITE COMMUNICATIONS SERVICES

- 313-DSE-P/L-76, Cablevision of Augusta, Inc., Augusta, Georgia. For authority to construct and operate a Domestic Communications satellite earth station at this location. (Receive-Only). Lat. 33°28'18", Long. 82°01'40". Rec. freq: 3700-4200 MHz. Emission of 36000F9. Using a 10 meter antenna.
- 315-DSE-P/L-76, Harris Corporation Electronic Systems Division, Palm Bay, Florida. For authority to construct and operate a domestic communications satellite earth station at this location. Lat. 28°01'57", Long. 80°35'50". Rec. freq: 3700-4200 GHz. Trans. freq: 5925-6425 GHz. Emission of 36000F9. Using an 11 meter antenna.

316-DSE-P/L-76, Trans-AM Communications Company, a Division of the Eastern Oklahoma Co., Inc., Ada, Oklahoma. For authority to construct and operate a Domestic Communications Satellite Earth Station at this location. (Receive-Only). Lat. 34°46'53", Long. 96°39'18". Rec. freq: 3700-4200 MHz. Emission of 36000F9. Using an 11 meter antenna.

317-DSE-P/L-76, RCA Alaska Communications, Inc., Minto, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 65°09'25", Long. 149°19'48". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

318-DSE-P/L-76, RCA Alaska Communications, Inc., Manley Hot Springs, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 65°00'00", Long. 150°38'10". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

319-DSE-P/L-76, RCA Alaska Communications, Inc., Nelson Lagoon, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 56°00'04", Long. 161°12'03". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

320-DSE-P/L-76, RCA Alaska Communications, Inc., Perryville, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 55°54'45", Long. 159°-08'34". Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

321-DSE-P/L-76, RCA Alaska Communications, Inc., Transportable Fixed Location. For authority to construct a transportable communications satellite earth station for operation with a domestic communications satellite system at temporary fixed locations within the State of Alaska. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emissions 45F9, 40F3 and 36000F5 (TV receive Only). Using a 4.5 meter antenna.

322-DSE-P-76, CPI Satellite Telecommunications, Inc., N. Little Rock, Arkansas. For authority to construct and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 34°48'59", Long. 92°17'56". Rec. freq: 3700-4200 MHz. Emission of 36000F9. Using a 10 meter antenna.

323-DSE-P/L-76, Sunflower Cablevision, a Division of The World Company, Lawrence, Kansas. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 38°57'21", Long. 95°12'28". Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

324-DSE-P/L-76, Hobbs Cablevision, Inc., Hobbs, New Mexico. For authority to construct and operate a domestic communications Receive-Only satellite earth station at this location. Lat. 32°42'07", Long. 103°05'21". Rec. freq: 3700-4200 GHz. Emission of 34000F9. Using a 10 meter antenna.

3331-DSE-AL-76, Hayward Cable Television, Inc., (KB66), Hayward, California. For authority of Consent to Assignment of License from Hayward Cable Television, Inc. (Assignor) to Satellite Transmission and Receiving Company (United Cable Television Corporation and Teleprompter Corporation) (Assignee) for a Receive-Only earth station.

## FEDERAL ENERGY ADMINISTRATION

### CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 7 Through May 14, 1976

Notice is hereby given that during the week of May 7 through May 14, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments of the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

DAVID G. WILSON,  
Acting General Counsel.

[FR Doc.76 15192 Filed 5-24-76;8:45 am]

MAY 20, 1976.

APPENDIX. List of cases received by the Office of Exceptions and Appeals—May 7 to 14, 1976

Date	Name and location of applicant	Case No.	Type of submission
May 7, 1976	Placid Oil Co., Washington, D.C. (If granted: FEA's Apr. 9, 1976, decision and order would be rescinded and Placid Oil Co. would be permitted to retain crude oil which the firm is presently required to sell to other refiners.)	FEA-6825	Appeal of FEA's exception decision and order. Placid Oil Co., 3 FEA par. 83,168 (Apr. 9, 1976).
Do.	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would receive an exception from 10 CFR 212.75(d) with respect to its Trading Bay unit.)	FEF 2461	Crude oil price exception (see 212.75).
May 10, 1976	Burnah Oil & Gas Co. (Alene), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2465	Price exception (see 212.74).
Do.	Burnah Oil & Gas Co. (Fox), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2466	Do.
Do.	Burnah Oil & Gas Co. (Huntington Beach), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2467	Do.
Do.	Burnah Oil & Gas Co. (Inglewood), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2468	Do.
Do.	Burnah Oil & Gas Co. (O'Keene), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2469	Do.
Do.	Burnah Oil & Gas Co. (Tulsa), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2470	Do.
Do.	Burnah Oil & Gas Co. (Tigra), Houston, Tex. (If granted: Burnah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal.)	FEF 2471	Do.
Do.	Frank H. McGhee, Natchez, Miss. (If granted: Crude oil produced from the Board of Supervisors 2-27 well would be sold at market clearing prices.)	FEF 2462	Price exception (see 212.74).
Do.	Sun Oil Co. (O'Keene), Dallas, Tex. (If granted: FEA's Mar. 31, 1976, decision and order would be modified and Sun Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal at its O'Keene plant.)	FEA 6827	Appeal of FEA's exception decision and order. Sun Oil Co., 3 FEA par. 83,153 (Mar. 31, 1976).
Do.	Sun Oil Co. (Pledger), Dallas, Tex. (If granted: FEA's Mar. 31, 1976, decision and order would be modified and Sun Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of \$0.005/gal at its Pledger plant.)	FEA 6828	Do.



Date	Name and location of applicant	Case No.	Type of submission
Do....	Dale Tapp, Seguin, Tex. (If granted: Dale Tapp, a royalty owner of crude oil produced from the Player No. 1 Hridwell well, would be permitted to receive upper-tier crude oil prices.)	FEA-0829	Appeal of FEA's exception decision and Order. William H. Player & Associates, 3 FEA par. 83, 161 (Apr. 9, 1976).
Do....	Texas, Inc., vs. Arrow Petroleum Co., Chicago, Ill. (If granted: FEA's Mar. 3, 1976, remedial order and FEA's Oct. 6, 1975, decision and order requiring Texas to supply Arrow Petroleum Co. with motor gasoline would be modified.)	EMR-0050	Modification of FEA's remedial order and decision and order. Texaco, Inc., 2 FEA par. 80, 701 (Oct. 6, 1975).
Do....	Wesley Martin Oil Co., Inc., Las Cruces, N. Mex. (If granted: Wesley Martin Oil Co., Inc., would be permitted to retroactively increase its May 15, 1973, prices in computing its maximum permissible selling prices for No. 2 diesel fuel.)	FEE-2463	Price exception (sec. 212.92).
Do....	Wesley Martin Oil Co., Inc., Las Cruces, N. Mex. (If granted: Wesley Martin Oil Co., Inc., would be permitted to retroactively increase its May 15, 1973, prices in computing its maximum permissible selling prices for No. 2 diesel fuel sold to its retail dealers, if class.)	FEE-2464	Do.
May 11, 1976	Callahan Oil Co., Washington, D.C. (If granted: FEA's Apr. 22, 1976, information request denial would be rescinded and Callahan Oil Co. would receive access to documents pertaining to allocation orders issued on July 31, 1975.)	FEA-0830	Appeal of FEA's information request denial.
Do....	Detroit Public Lighting Department, Detroit, Mich. (If granted: Detroit Public Lighting Department would receive an extension of the exception relief from pt. 215 granted in FEA's Aug. 1, 1975, decision and order.)	FEE-2473	Extension of FEA's exception relief. Detroit Public Lighting Department, 2 FEA par. 83, 256 (Aug. 1, 1975).
Do....	Exxon Co., U.S.A., Houston, Tex. (If granted: Exxon Co., U.S.A., would not be required to supply Saveray Gas & Appliance, Inc., with its base-period use of propane.)	FEA-0832	Appeal of FEA's exception decision and order. Saveray Gas & Appliance, Inc., 3 FEA par. 83, 159 (Mar. 31, 1976).
Do....	Potomac Gas Co., Washington, D.C. (If granted: The appeal decision issued to Potomac Gas Co. on May 4, 1976, would be modified.)	FEE-0042	Supplemental order. Potomac Gas Co., 3 FEA par. .... (May 4, 1976).
Do....	Readygas, Inc., Elbon, Mo. (If granted: FEA's Apr. 2, 1977, decision and order would be rescinded and Readygas, Inc., would be assigned a new, lower priced supplier of propane.)	FEA-0831	Appeal of FEA's exception decision and order. Readygas Propane Service, Inc., 3 FEA par. 83, 119 (Apr. 2, 1976).
Do....	Sav-A-Ton, Inc., Augusta, Ga. (If granted: Sav-A-Ton, Inc., would receive an increase in its base-period use of motor gasoline.)	FEE-2472	Allocation exception.
May 12, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: FEA's Apr. 14, 1976, remedial order pertaining to the prices charged by Atlantic Richfield in sales to Fleet Supplies, Inc., would be rescinded.)	FEA-0833 FES-0833	Appeal of FEA's Apr. 14, 1976, remedial order. Stay requested.
Do....	Boston Gas Co., Boston, Mass. (If granted: The proposed rescission of FEA region I's Mar. 8, 1974, exception decision would be stayed pending a final determination on a request for interpretation which Boston Gas Co. filed with FEA's Office of General Counsel on Apr. 30, 1976.)	FES-0001	Request for a stay pending issuance of a supplemental order.
Do....	Louisiana Land & Exploration Co., New Orleans, La. (If granted: Louisiana Land & Exploration Co. would receive retroactive exception relief for the month of December 1975 from the provisions of 10 CFR 212.82, 212.83, and 212.87, which were in effect prior to Apr. 6, 1976.)	FEE-2474	Price exception (sec. 212.82).
Do....	McIntosh Propane, McIntosh, S. Dak. (If granted: McIntosh Propane would be assigned a new, lower priced supplier of propane to replace its base-period supplier, Petro-Lane Intermountain Supply.)	FEE-2475	Exception to change suppliers.
May 13, 1976	Bay City Airport, Bay City, Mich. (If granted: Bay City Airport would be permitted to increase its prices for aviation fuel above the maximum level permitted under 10 CFR 212.92.)	FEE-2476	Price exception (sec. 212.92).
Do....	Double U Oil Co., San Antonio, Tex. (If granted: Double U Oil Co. would be permitted to retain crude oil which it is currently required to supply to Tesoro Petroleum Corp.)	FEE-2477	Allocation exception (sec. 211.63).
Do....	Texas Asphalt & Refining Co., Houston, Tex. (If granted: Texas Asphalt & Refining Co. would be permitted to charge a handling fee of \$0.30/bbl on crude-oil sales pending action on Texas Asphalt's application for exception.)	FEE-2478 FST-2478	Allocation exception.
May 14, 1976	Beacon Oil Co., Washington, D.C. (If granted: FEA's Mar. 1976, decision and order would be rescinded and Beacon Oil Co. would be permitted to increase its May 15, 1973, selling prices for refined petroleum products.)	FMR-0001	Request for modification of FEA's decision and order. Beacon Oil Co., 3 FEA par. 83, 140 (Mar. 18, 1976).

[FR Doc.76-15202 Filed 5-20-76; 3:01 pm]

## FEDERAL RESERVE SYSTEM

## ADAIR INSURANCE AGENCY, INC.

## Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Adair Insurance Agency, Inc., Adair, Iowa, has applied for approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares), of Exchange State Bank, Adair, Iowa ("Bank"). Applicant has also applied, pursuant to Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and Section 225.4(b)(2) of the Board's Regulation Y, for permission to engage in general insurance agency activities through the acquisition of a general insurance agency in the town of Adair, Iowa, a community with a population of less than 5,000. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with Sections 3 and 4 of the Act. The time for filing comments and views has expired and the Federal Reserve Bank of Chicago has considered the applications and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a nonoperating company, was organized to become a bank holding company with respect to Bank and to engage in the business of a general insurance agency. Bank, with deposits of \$7.5 million<sup>1</sup> accounts for less than 0.1 percent of the deposits in all commercial banks in Iowa and for approximately 8.7 percent of such deposits in the Atlantic, Iowa, banking market.<sup>2</sup> Bank is the smallest of five banks in the market and the only bank in Adair. Since Applicant has no banking subsidiaries and the proposal represents the acquisition of only one bank, consummation of the transaction would have no adverse effects on existing or potential competition.

<sup>1</sup> All banking data are as of June 30, 1975.  
<sup>2</sup> The Atlantic banking market is composed of portions of Cass, Adair, and Guthrie Counties, Iowa.

The financial and managerial resources and future prospects of Applicant and Bank are generally satisfactory. Bank's current and projected earnings are regarded as adequate to service the acquisition debt incurred in the transaction without impairing Bank's capital. Therefore, banking factors are regarded as being consistent with approval of the application. In addition, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the judgment of this Reserve Bank that the proposed formation of the bank holding company would be in the public interest, and that the application should be approved.

Application has also applied to acquire the business of a general insurance agency conducting activities from Bank's office. There is no evidence to indicate that acquisition of the insurance agency business would result in an undue concentration of resources, decreased or unfair competition, conflicts of interest, unsound banking practices or any other adverse effects on the public interest. On the contrary, acquisition of the business of the agency would insure that a convenient source of insurance services would remain available to consumers in the Adair area. Therefore, the acquisition appears to be in the public interest.

Based on the foregoing and other considerations reflected in the record, the Federal Reserve Bank of Chicago, acting pursuant to delegated authority, has determined that the considerations affecting the competitive factors under Section 3(c) of the Act and the balance of the public interest factors set forth in Section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the Federal Reserve Bank of Chicago approves the applications for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order, and neither the acquisition of Bank nor the acquisition of the insurance agency should be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in Section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries, and to require such modifications as termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors, effective May 13, 1976.

ROBERT P. MAYO,  
President.

[FR Doc.76-15148 Filed 5-24-76; 8:45 am]

## DAKOTA BANCORPORATION

## Order Approving Retention of Insurance Agency Activities

Dakota Bancorporation, Rapid City, South Dakota ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(2)), to continue to engage in the activity of a general insurance agency, through Columbus Insurance Agency ("Company"), in Columbus, North Dakota, a community having a population not exceeding 5,000. Such activity has been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(9)(iii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 Federal Register 11363). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act.

The Board regards the standards of section 4(c)(8) to be as applicable to the retention of a "ten year grandfathered" activity as to a proposed section 4(c)(8) acquisition.

Applicant controls one banking subsidiary, Columbus National Bank, with deposits of \$3.1 million, representing approximately 0.1 of one per cent of the total commercial bank deposits in North Dakota.<sup>2</sup> Upon Applicant's formation in November 1968, Company was acquired by Applicant. Presently, Company competes with several other insurance agencies located in the relevant market which is approximated by the northern half of Burke County and the northeastern corner of Divide County. Follow-

ing its acquisitions of Forthun Agency and Darras Agency. Company became the only general insurance agency in Columbus. However, the evidence of record shows that at the time of acquisition Forthun Agency and Darras Agency were small in the relevant market and they were not particularly strong competitors. Thus, it is the Board's judgment that whatever slight adverse competitive effects might have resulted, these are outweighed by the public benefits resulting from Applicant's retention of Company which would assure the residents of Columbus of the continued availability of a convenient source of general insurance agency activities. The Board's review of the record of the affiliation indicates that the benefits have continued to outweigh such slight adverse effects.

There is no evidence in the record indicating that retention of Company would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

In accord with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisition of the assets of Forthun Agency and Darras Agency without the Board's prior approval. Upon an examination of all the facts of record, the Board believes that the facts surrounding the violations in this case are not such as would call for denial of this application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,<sup>3</sup> effective May 17, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc.76-15149 Filed 5-24-76; 8:45 am]

## M&amp;S BANCORP

## Acquisition of Bank

M&S Bancorp, Janesville, Wisconsin, has applied for the Board's approval

<sup>3</sup> Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson and Partee.



under § 3(a)(3) of the Bank Holding Company Act, 12 U.S.C. § 1842(a)(3) to acquire 98.83 per cent of the voting shares of Merchants Bank of Evansville, Evansville, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(d)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 17, 1976.

Board of Governors of the Federal Reserve System, May 18, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc. 76-15150 Filed 5-24-76; 8:45 am]

#### REPUBLIC OF TEXAS CORP.

##### Order Approving Retention of the Howard Corporation With Respect to Its Lending Activities Only

Republic of Texas Corporation, Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to continue the lending activities of its trusted affiliate, The Howard Corporation, Dallas, Texas ("Howard"). Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 F.R. 1331). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. § 1843(c)).

By Order dated October 25, 1973, the Board approved the formation of Applicant for the purpose of becoming a bank holding company through the acquisition of Republic National Bank of Dallas, Dallas, Texas ("Republic Bank").<sup>1</sup> Republic Bank was itself a bank holding company by virtue of the 1970 Amendments to the Act and owned various bank and nonbank interests. At the time of its formation, Applicant also obtained indirect control of The Howard Corporation. The Board has previously ruled that Applicant would not be a successor to the grandfather privileges of Republic Bank, and Applicant has committed, and is required to dispose of the nonpermissible activities within the statutory period prescribed in § 4(a)(2) of the Act or, in the alternative, to apply to the Board for approval to retain them. In this proposal, Applicant has applied to

retain the lending activities of Howard. The Board regards the standards under § 4(c)(8) of the Act to continue to engage in activities to be the same as the standards for a proposed acquisition.

Applicant, the 4th largest banking organization in Texas, controls three subsidiary banks with aggregate deposits of approximately \$2.8 billion, representing approximately 6.5 per cent of the total deposits in commercial banks in the State.<sup>2</sup> Applicant received approval from the Federal Reserve Bank of Dallas, acting pursuant to § 25.4(b)(1) of the Board's Regulation Y (12 CFR 225), to engage *de novo* in direct lending activities on August 19, 1974. Effective with that date, Howard began reducing its loan and commitment activity and has, in fact, ceased making any new loans and commitments.

Howard, a group of companies held in trust for the sole benefit of Applicant, engages in a wide range of activities.<sup>3</sup> A substantial portion of Howard's assets is subject to divestiture under the provisions of § 4(a)(2) of the Act. This application seeks Board approval for Howard to retain certain loans made prior to 1974 and maturing not later than September, 1983. Howard's current loan portfolio consists of secured real estate loans, interim construction loans, home mortgages, secured and unsecured commercial loans, working capital loans, and personal loans. Since Howard has already ceased making any new loans and is no longer an active competitor in any relevant market, approval of this application would have no adverse effects on existing or potential competition in any market. Approval of this application should enable Applicant to arrange an orderly disposition of the loans previously made by Howard. There is no evidence in the record to indicate that the proposed continuation of Howard's lending activities would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable, and the application should be approved. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of

<sup>1</sup> Banking data are as of June 30, 1975.

<sup>2</sup> These activities include ownership of royalty, net profits, working and other interests in oil and gas properties; ownership of minority interests in several Dallas-area banks; direct lending activities; and ownership of a number of nonbank subsidiaries conducting activities such as credit life and disability insurance, the sale of money orders and travelers checks, and mortgage banking. For a full discussion of Howard's activities, see the Board's determination of Applicant's grandfather privileges dated September 10, 1973, 59 Federal Reserve Bulletin 768 (October, 1973).

its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. By order of the Board of Governors, effective May 18, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc. 76-15151 Filed 5-24-76; 8:45 am]

#### FEDERAL TRADE COMMISSION

##### FAILURE TO POST MINIMUM OCTANE NUMBERS ON GASOLINE DISPENSING PUMPS

###### Environmental Impact Statement

###### Correction

In FR Doc. 76-14125, appearing on page 20017, in the issue for Friday, May 14, 1976 the following changes should be made:

On page 20019, in paragraph "(1)" of the second column, the line "stringent future emission standards", should be inserted after the third line.

On page 20019, in the sixth complete paragraph, the footnote designation now reading "16", should read "46".

On page 20020, the second line from the bottom of column two, now reading "octane numbers of the pump, and the", should read "octane numbers on the pump, and the".

On page 20021, in the first column, the first line of footnote 6 should read "482 F.2d 672 (D.C. Cir.1973) Cert. denied."

On page 20021, in the second column, the first line of footnote 26 should read "Id. at 14; see also P.I.C. Petition, page 6, par. 10".

On page 20021, in the third column, the footnote designation now reading "46" which immediately follows footnote designation "44", should read "45".

#### MARINE MAMMAL COMMISSION

##### PRIVACY ACT OF 1974

###### Amendment to Notice of Systems of Records

Notice is hereby given that the Marine Mammal Commission, in accordance with Sections a(7), e(4) and e(11) of the Privacy Act of 1974, 5 U.S.C. § 552a, proposes to amend the Notice of Systems of Records published in the FEDERAL REGISTER of 21 October 1975 (40 Fed. Reg. 49283), in order to establish an additional routine use by inserting, immediately after the sixth paragraph of the Appendix thereto, the following language:

"Disclosure may be made, as a routine use, to a Congressional office from the record of an individual contained in any of the Commission's systems in response to an inquiry from the Congressional office made at the request of that individual."

<sup>1</sup> Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, and Partee.

#### NATIONAL SCIENCE FOUNDATION NEUROBIOLOGY AND PSYCHOBIOLOGY ADVISORY PANELS

##### Notice of Joint Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panels for Neurobiology and Psychobiology.

Date and time: June 10 and 11, 1976—9:00 a.m. each day.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. James H. Brown, Program Director, Neurobiology Program, Rm. 333, telephone (202) 634-4036, or Dr. Robert Sorkin, Program Director, Psychobiology Program, Rm. 333, telephone (202) 632-4264, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in Neurobiology and Psychobiology. Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: May 20, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 76-15158 Filed 5-24-76; 8:45 am]

#### SUBGROUP ON FOOD AND NUTRITION Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subgroup on Food and Nutrition of the Advisory Groups on Contributions of Technology to Economic Strength, and Anticipated Advances in Science and Technology.

Date: June 14, 1976.

Time: 8:00 AM to 12:45 PM.

Place: Committee Room in Building 200, Ames Research Center, Moffett Field, California.

Type of meeting: Open.

Contact person: Dr. Richard C. Staples, Policy Research and Analysis Division, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7800.

The operation of this routine use will obviate the need for the written consent of constituents in cases where they request assistance of a Member of Congress that would entail the disclosure of information pertaining to them. In cases where a Congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the Commission will advise the Congressional office that the written consent of the subject of the record is required.

Any person interested in this notice may submit written comments to the Marine Mammal Commission, Room 307, 1625 Eye Street, N.W., Washington, D.C. 20006 on or before 25 June 1976. All written comments received through that date will be considered before publication of the final notice of amendment. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 5 p.m. Monday through Friday.

Dated: May 17, 1976.

JOHN R. TWISS, Jr.,  
Executive Director.

[FR Doc. 76-15143 Filed 5-24-76; 8:45 am]

#### NATIONAL CREDIT UNION ADMINISTRATION

##### NATIONAL CREDIT UNION BOARD

###### Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on June 10-11, 1976, at the offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. The meetings will commence at 9:00 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on share insurance activities, and other aspects of the Administration. Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,  
Administrator.

MAY 18, 1976.

[FR Doc. 76-15147 Filed 5-24-76; 8:45 am]

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of meeting: To review the comments of the Consultants on the list of most important potential policy recommendations made to the two advisory groups on Science and Technology in the area of food and nutrition. We will also review the recommendations and discuss the need to take other actions. For this purpose, the committee will again focus on the policies or commitments that this country has either consciously or unconsciously followed in the fields of food production and distribution especially with regard to our ability to feed ourselves, to help the rest of the world to feed itself, to help to relieve acute famines elsewhere in the world and to improve our financial and political position in the world.

Agenda: 8:00—Remarks by the Chairman. 10:15—Subgroup discussion of major issues. 12:45—Adjournment.

Dated: May 20, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

[FR Doc. 76-15159 Filed 5-24-76; 8:45 am]

#### NATIONAL SCIENCE BOARD REGIONAL FORUMS

##### Southeastern Region

The National Science Board is planning a series of regional forums in response to language in the NSF Authorization Act.

Specifically, the Foundation was asked . . . to prepare a comprehensive plan to facilitate the participation of members of the public in the formulation, development, and conduct of the National Science Foundation's programs, policies, and priorities.

The primary objective of the forums is to encourage the expression of views by the general public on scientific and science education issues. Several Members of the National Science Board will participate in each forum; participation is invited from business, state and local government, academe, public interest and citizen groups, and the community at large. Ideas exchanged at the forum will help the Board expand its information base and assist in its policy-making role for the National Science Foundation.

Topics selected for discussion at this forum were generated from a regionally based citizen planning group. Topics for the first forum which will focus on the southeastern region are:

1. Energy—the effects on economic activity with particular reference to employment consequences, and the effect of energy policy on individual values and lifestyles.
2. Food systems—with a food and fibre production orientation, but including institutions (e.g. distributive systems), in the context of regional growth strategy choices.
3. Natural systems—water, soil, natural areas, and air; to be considered in the context of regional growth, and its impacts.
4. Education and knowledge—the role of scientific and technical information in public decision-making, and the information needs of the lay population.

<sup>1</sup> 38 F.R. 30480 (November 6, 1973).



The first NSB Regional Forum is scheduled for June 21, 1976, at the Space Science Building, Georgia Institute of Technology, Atlanta, Georgia, and will begin at 9:00 a.m. Further information may be obtained from the Community Affairs Branch, Room 527, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Interested citizens who cannot attend the Forum are invited to send written comments on science policy issues to the above NSF address by July 15, 1976.

THEODORE W. WIRTHS,  
Director, Office of  
Government & Public Programs.

MAY 20, 1976.

[FR Doc. 76-15360 Filed 5-24-76; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on May 18, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB and an indication of who will be respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, office of management and budget, Washington, D.C. 20503, 202-394-4529, or from the reviewer listed.

#### New Forms

##### TENNESSEE VALLEY AUTHORITY

Nurse Practitioner Program Feasibility study, single-time, nurses and employers in East Tennessee (31 counties), Richard Elsinger, 395-6140.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Statistical Data Sheet for Co-Insurance Claims, HUD-4035.4, on occasion, approved co-insurance mortgagees, community and veterans affairs division, Sunderhauf, M. B. 395-3532.

##### DEPARTMENT OF THE INTERIOR

Bureau of Land Management, private Maintenance of Excess Wild Horse(s) or Burro(s) application, 4710-10, on occasion, any individual desiring to obtain horses or burros, Caywood, D. P. 395-3443.

## NOTICES

### EXTENSIONS

#### DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Farm Operators Record and Report of Acreage and Marketing of Peanuts, MQ-98-1, annually, farm operators selling peanuts to non-established buyers, Caywood, D. P. 395-3443.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Credit Application for Property Improvement Loan, FH-1, on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B. 395-3532.

Credit Application for Mobile Home Loan, FH-1 (MH), on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B. 395-3532.

Application for Title I Contract of Insurance, FH-21, on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B. 395-3532.

Notice of Intention to File Title I Claim and Request for Collection Assistance, FH-83, on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B. 395-3532.

VELMA N. BALDWIN,  
Assistant to the Director,  
for Administration.

[FR Doc. 76-15341 Filed 5-24-76; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 55]

### ASSIGNMENT OF HEARINGS

MAY 20, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113495 Sub-74, Gregory Heavy Haulers, Inc., now being assigned June 17, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub-286, Sawyer Transport, Inc., now being assigned September 28, 1976 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC-C-7393, Scott Truck Line, Inc.—Investigation and Revocation of Certificates, now being assigned September 30, 1976 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 140024 Sub-62, J. B. Montgomery, Inc., now being assigned October 4, 1976 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 140829 Sub-6, Cargo Contract Carrier Corp., now being assigned October 6, 1976 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 140389 (Sub-2), Osborn Transportation, Inc., now assigned June 8, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 129486 (Sub-9), Page Trucking Company, Inc., now assigned May 19, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. is cancelled, application dismissed.

MC 19227 (Sub-220), Leonard Bros. Trucking Co., Inc. now assigned July 8, 1976 at Los Angeles, California is now cancelled, application dismissed.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15251 Filed 5-24-76; 8:45 am]

[Notice No. 64]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 18, 1976.

**IMPORTANT NOTICE:** The following are notices of filing of applications for temporary authority under Section 210a (a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than June 9, 1976. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 7523 (Sub-No. 15TA), filed May 7, 1976. Applicant: VENTURA TRANSFER COMPANY, 3440 East South St., Long Beach, Calif. 90805. Applicant's representative: Warren S. Goodman, 2418 E. 223rd St., Long Beach, Calif. 90810. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, from Richmond, Calif., to El Paso, Tex., for 180 days. Supporting

Shipper: Standard Oil Co. of California, 575 Market St., Room 2510, San Francisco, Calif. 94120. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Room 3121 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 50069 (Sub-No. 507TA), filed May 7, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Kenton and Morall, Ohio, to Blissfield and Riggs, Mich., for 180 days. Supporting shipper: Smith Douglass, Div. of Borden Chemical, Borden, Inc., P.O. Box 8, Riggs, Mich. 49276. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 58738 (Sub-No. 4TA), filed May 10, 1976. Applicant: MONK'S EXPRESS, Phelps Street/Port Dickinson, Binghamton, N.Y. 13901. Applicant's representative: Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, with usual exceptions, consisting generally of rope, cordage, braided wire, rods, reels, and finishing line, from South Otselec (Chenango County), N.Y., to Homer (Cortland County), N.Y. Applicant will tack with its present authority from Cortland Co., N.Y. in MC 58738 Sub-No. 2, in order to render a service to Syracuse (Onondaga Co.), N.Y., and in MC 58738 Sub-No. 1, in order to render a service to Binghamton, N.Y. As noted above, interlines will be effected with line-haul carriers at both Binghamton and Syracuse, N.Y., for 180 days. Supporting shipper: Clifton W. Bowers, Traffic Manager, Gladding Corporation, South Otselec, N.Y. 13155. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 97310 (Sub-No. 22TA), filed May 5, 1976. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 31261, Birmingham, Ala. 35222. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and commodities requiring special equipment or injurious to other lading), (1) Between Atlanta, Ga., and its Commercial Zone, and Prattville, Ala., serving the intermediate points of Langdale, Fairfax, Opelika, Auburn, Loachapoka, Natusulga, Tallahassee, and Wetumpka, Ala., and their Commercial Zones, also serving the off-route points of Shawmut,

Lanett, and Tuskegee, Ala., and their Commercial Zones; from Atlanta, Ga., over Interstate Highway 85 to junction of U.S. Highway 29 at a point one (1) mile west of the Georgia-Alabama State line and using U.S. Highway 29 and alternate U.S. Highway 27 for such portions of Interstate Highway 85, as are not yet completed in Georgia, thence over U.S. Highway 29 to junction of Alabama State Highway 14, thence over Alabama State Highway 14 to Prattville, Ala., and return over the same route, serving the off-route points over all available highways from U.S. Highways 29 and 14; (2) between Prattville, Ala., and Birmingham, Ala., and their Commercial Zones, serving the intermediate points of Verbena, Thorsby, Cooper, Clanton, Jamison, Ocampo, and Calera and their Commercial Zones, also serving the off-route points of Maplesville and Centreville, Ala., and their Commercial Zones; from Prattville, Ala., over U.S. Highway 31 to Birmingham, Ala., restricted against shipments originating at or destined to points on U.S. Highway 31, between Calera and Birmingham, Ala., and return over the same route, serving the off-route points over all available highways from U.S. Highway 31.

**NOTE.**—Applicant intends to tack the authority here applied for to its existing authority in MC-97310 and also intends to interline with other carriers at Atlanta, Ga., and Prattville and Birmingham, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper: There are approximately 76 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 974TA), filed May 7, 1976. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Reclaiming oil*, in bulk, in tank vehicles, from Lorain, Ohio, to Lyons, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Bond Building Products, Div. National Gypsum Co., 325 Delaware Ave., Buffalo, N.Y. 14020. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 108341 (Sub-No. 46TA), filed May 7, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio and the District of Columbia, restricted to traffic originating at the above-named plantsite and storage facilities of Butler Manufacturing Company, at Annville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Butler Manufacturing Co., 400 North Weaver, P.O. Box F, Annville, Pa. 17003. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., Room C516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 112184 (Sub-No. 49TA), filed May 10, 1976. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products* (except corn oil, feed products, and blends containing corn oil and feed products), in bulk, from the plantsite or warehouse facilities of Cargill, Inc., located at or near Memphis, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina and Texas, under a continuing contract with Cargill, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, P.O. Box 13368, Memphis, Tenn. 38113. Send protests to: James Johnson, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44189.

No. MC 121607 (Sub-No. 6TA), filed May 6, 1976. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., 208 N. Gum St., P.O. Box 6377, Kennewick, Wash. 99336. Applicant's representative: George R. LaBissoniere, 1100 North Bldg., Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of their size or weight require the use of special cranes for loading and unloading, between points in Benton and Franklin County, Wash., on the one hand, and points in Oregon, Idaho, Montana and California on the other, for 180 days. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined at the Interstate Commerce

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Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 125777 (Sub-No. 168TA), filed April 23, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in bulk, in dump vehicles, from Romulus, Binghamton and Seneca, N.Y., to Dearborn, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mercier Corporation, 1500 North Woodward, Birmingham, Mich. 48011. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 127840 (Sub-No. 48TA), filed April 29, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortenings, lards, tallow, cooking oils and oleomargarine*, from the facilities of Swift Edible Oil Company, at or near Bradley, Ill., to points in New Jersey, New York, Maryland, Pennsylvania, Massachusetts, and the District of Columbia, and the specified of Manassas, Williamsburg, Richmond, and Newport News; Va.; Dover, Rehoboth Beach and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester and Stamford, Conn.; Burlington, Brattleboro, Rutland and White River Junction, Vt.; Dover, Concord and Manchester, N.H.; Fairfield, Lewiston, Portland and Augusta, Maine; and Providence and Cranston, R. I.; and the Commercial Zones of the respectively named cities, for 180 days. Supporting shipper: Swift Edible Oil Company, Jack Rubel, Asst. Director of Dist., 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129908 (Sub-No. 3TA), filed May 6, 1976. Applicant: AMERICAN FARM LINES, 641 Meridim, P.O. Box 75410, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition and drugs* which have been declared sensitive by the United States Government, between points in the United States (except Alaska and Hawaii

and further excluding shipments), between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Utah and Arizona, for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 133706 (Sub-No. 2TA), filed May 7, 1976. Applicant: ROBERT L. HARROLD, 215 West Adams, Taylorville, Ill. 62568. Applicant's representative: Robert T. Lawley, 300 Relsch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying and storage equipment and component parts thereof, harrows*, for the account of Baughman-Oster, Inc., from Taylorville, Ill., to points in the United States (except Alaska, Georgia, Hawaii, Iowa, Missouri, Minnesota, North Dakota, South Carolina and Tennessee), under a continuing contract with Baughman-Oster, Inc., for 180 days. Supporting shipper: Charles H. Waters, Exec. Vice Pres. & General Mgr., Baughman-Oster, Inc., Route 48 West, Taylorville, Ill. 62568. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 134129 (Sub-No. 9TA), filed May 7, 1976. Applicant: WILLIAM A. LONG, INC., Bealeton, Va. 22712. Applicant's representative: William A. Long (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing mesh, wire and nails, materials, supplies and equipment* used in the manufacture and sale of reinforcing mesh, wire and nails, from Warrenton, Va., to points in that part of the United States in and east of Missouri, Arkansas, Louisiana, Iowa, Minnesota, Texas, Oklahoma, Kansas, Nebraska, North Dakota and South Dakota, under a continuing contract with Virginia Wire & Fabric. Applicant intends to tack its existing authority with MC 134129 Sub-No. 2, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Wire & Fabric, 615 Palmouth St., Warrenton, Va. 22186. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 134501 (Sub-No. 16TA), filed May 7, 1976. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from the plantsite of Timco Industries, Inc., at

Cuero, Tex., to points in the United States (except Alaska, Hawaii and Texas), for 180 days. Supporting shipper: Timco Industries, Inc., P.O. Box 71, Cuero, Tex. 77954. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 134922 (Sub-No. 169TA), filed May 10, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic rubber tires & tubes*, from Mansfield, Ohio, to points in Colorado, for 180 days. Supporting shipper: Mansfield, Tire & Rubber Company, 515 Newman St., Mansfield, Ohio 44902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136220 (Sub-No. 31TA), filed May 7, 1976. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Char* (in bulk, in self-unloading equipment), from the facilities of Masonite Charcoal Division, at Winnfield, La., to the plantsite of Masonite Charcoal Division, at Pachuta, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Charcoal Division, 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 32TA), filed May 10, 1976. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrushed slag*, (in bulk, in dump vehicles), from the facilities of H. B. Reed Company, at Memphis, Tenn., to the plantsite of Masonite Roofing Division, at Little Rock, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Roofing Division of Masonite Corporation, P.O. Box 1300, Little Rock, Ark. 72203. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 136228 (Sub-No. 19TA), filed May 7, 1976. Applicant: LUISI TRUCK LINE, INC., P.O. Box 606, New Walla Walla Way, Milton-Freewater, Ore.

97862. Applicant's representative: Philip Skofstad, 18448 S. E. Pine, Portland, Ore. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal and blood meal feed ingredients*, in bulk, from Wallula, Wash., to Portland, Ore., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 136228 (Sub-No. 20TA), filed May 7, 1976. Applicant: LUISI TRUCK LINE, INC., P.O. Box 606, New Walla Walla Highway, Milton-Freewater, Ore. 97862. Applicant's representative: Philip Skofstad, 18448 S. E. Pine, Portland, Ore. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef*, fresh, frozen boxed in combined shipments, from Wallula, Wash., to Portland, Clackamas and Eugene, Ore., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 139495 (Sub-No. 148TA), filed May 6, 1976. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hose*, from the facilities of Electric Hose and Rubber Company, located at or near McCook and Alliance, Nebr., to points in California and Washington, for 180 days. Supporting shipper: Electric Hose and Rubber Company, P.O. Box 910, Wilmington, Del. 19899. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140615 (Sub-No. 13TA) (Correction), filed April 22, 1976, published in the FEDERAL REGISTER issue of May 5, 1976, republished as corrected this issue. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy by-products*, from Coleman, Wis., and with a stop off at Green Bay, Wis., for completion of loading to Curwensville, Pa. Restriction: Shipments at Green Bay, Wis., restricted to those moving under a split pickup with shipments originating at Coleman, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper: Coleman Cheese Co., Coleman, Wis. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703. The purpose of this republication is to correct the requested authority.

No. MC 141297 (Sub-No. 1TA) (Correction), filed March 29, 1976, published in the FEDERAL REGISTER issue of April 21, 1976, republished as corrected this issue. Applicant: UNITED INDUSTRIES, INC., 487 Parish St., Houston, Miss. 38851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from the plantsites of Shannon Chair Co., Houston, Miss., and Maben Manufacturing Co., Maben, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New York, Arkansas, Oklahoma, Texas, Louisiana, New Mexico, Arizona, California, Massachusetts, Colorado, Connecticut, the District of Columbia, Missouri, and West Virginia, under a continuing contract with Shannon Chair Company, and Maben Manufacturing Company, for 180 days. Supporting shipper: Shannon Chair Company, 1st Ave., North, Houston, Miss. 38851. Maben Manufacturing Company, 375 Oswalt Drive, Maben, Miss. 39750. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201. The purpose of this republication is to correct the territorial description.

No. MC 141384 (Sub-No. 2TA), filed May 6, 1976. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Ave., South, Seattle, Wash. 98101. Applicant's representative: Michael D. Duppenthaler, 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile kitchens*, equipped with food and food stuffs, cooking utensils and food preparation and serving equipment, and food and foodstuffs, cooking utensils and food preparation and serving equipment when moving to forest fire sites, between Seattle, Wash., on the one hand, and, on the other, forest fire sites in Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico, under a continuing contract with OK's Company, a subsidiary of Keeners, Incorporated 2900 4th Ave., South, Seattle, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141673 (Sub-No. 1TA), filed May 6, 1976. Applicant: BYRON A. MARTIN, doing business as M & N TRUCKING, 410 Lorena St., Farmington, N. Mex. 87401. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Drilling mud*, in containers, restricted against the transportation of commodities in bulk and tank vehicles, between the warehouse facilities of Barold Division, N L Industries, Inc., in Farmington, N. Mex., on the one hand, and, on the other, points in Montezuma, Las Animas and Archuleta Counties, Colo., under a continuing contract with Barold Division N L Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Barold Division N L Industries, Inc., 406 Petroleum Plaza Bldg., Farmington, N. Mex. 87401. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 141689 (Sub-No. 1TA), filed May 10, 1976. Applicant: K. B. COMPANY, INC., P.O. Box 931, Winston-Salem, N.C. 27102. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsites and warehouse facilities of Pulaski Furniture Corporation, located at or near Pulaski and Dublin, Va., to points in Wyoming, Arizona, California, Oregon, Montana, Colorado, Utah, Idaho, Nevada and Washington under a continuing contract with Pulaski Furniture Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pulaski Furniture Corporation, P.O. Box 1731, Pulaski, Va. 24301. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC518, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 141810 (Sub-No. 1TA), filed May 12, 1976. Applicant: PORTER & KELIN TRANSPORT LTD., 241 Schoolhouse Road, Copultiam, B.C., Canada. Applicant's representative: Bob Gleason, Evergreen Bldg., 15 S. Grady Way, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper*, from Bellevue, Wash., and its commercial zone, to points on the International Boundary between the United States and British Columbia, Canada, at or near Blaine, Wash., dest. to shippers plants at Surrey, B.C., under a continuing contract with Delta Structural Core Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delta Structural Core Ltd., 12003 C Old Yale Road, Surrey, B.C., Canada V3V 3X4. Send protests to: RM 858, 915 2nd Ave., Seattle, Wash. 98174.

No. MC 141885 (Sub-No. 1TA), filed May 6, 1976. Applicant: NORTHERN OHIO TRUCKING CO., P.O. Box 283, 2296 Scott St., Napoleon, Ohio 43545. Applicant's representative: Arthur R. Cline, 420 Security Bldg., Toledo, Ohio 43604.

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Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. Transporting: *Gypsum*, in bulk, in dump vehicles from the quarries of Michigan Gypsum Co. in Iosca County, Mich., to the plants of General Portland, Inc., in Paulding County, Ohio, for 180 days. Supporting shipper: Michigan Gypsum Co., 2840 Bay Road, Saginaw, Mich. 48603. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 142025 (Sub-No. 1TA), filed May 11, 1976. Applicant: DON FOWLER, doing business as FOWLER'S MOBILE HOME TRANSIT, Rt. L, Box 40A, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between Winchester, Va., on the one hand, and, on the other, points in Prince Georges County, Md., and points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker Counties, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carl Frye's Mobile Home and Modular Housing, Inc., Rt. 3, Box 341, Winchester, Va. 22601. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142040TA, filed May 3, 1976. Applicant: AMBER DELIVERY SERVICE, INC., 25 Franklin St., Malden, Mass. 02148. Applicant's representative: Joseph T. Bambrick, Jr., 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight, moving within shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, restricted to operations conducted exclusively in two axle vehicles, between the Commercial Zone of Boston, Mass., on the one hand, and, on the other, points in Windham County, Conn.; and York County, Maine; and Bristol, Essex, Middlesex, Norfolk, Plymouth and Worcester Counties, Mass., and Hillsboro and Rockingham Counties, N.H., and Kent and Providence Counties, R.I. The above described shipments may have a prior movement by air, motor and/or rail carrier, for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which

## NOTICES

may be examined at the field office named below. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

## APPLICATION OF PASSENGERS

No. MC 124935 (Sub-No. 7TA), filed May 5, 1976. Applicant: ALMEIDA BUS LINES, INC., 1091 Kempton St., New Bedford, Mass. 02741. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations beginning and ending at New Bedford, Wareham, Borne, Hyannis, Falmouth, Fall River, Taunton and Brockton, Mass., and extending to the Newport Jail-All Sports Theatre at Newport, R.I., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 111 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to:

tests to: Gerald H. Curry, District Supervisor, 24 Weybosset St., Providence, R.I. 02903.

No. W-1294 (Sub-No. 1TA), filed May 4, 1976. Applicant: SHORELINE BOATING SERVICE, INC., 144 Water St., South Norwalk, Conn. 06854. Applicant's representative: Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by water, in the transportation of: *Passengers and their baggage*, by self-propelled vessels, in scheduled, special and charter operations, between Norwalk, Conn., and Northport, Long Island, N.Y., for 180 days. Supporting shippers: There are approximately 48 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. D. Verrastro, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Bldg., 135 High St., Hartford, Conn. 06101.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15249 Filed 5-24-76; 8:45 am]

[Notice No. 127]

## TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Wheeler Transport Service, Inc., MC-2392 Sub-100TA	MC-2392 Sub-101	May 14, 1976
Jack Cooper Transport Co., Inc., MC-30884 Sub-19TA	MC-30884 Sub-21	May 12, 1976
Jack Cooper Transport Co., Inc., MC-30884 Sub-20TA	MC-30884 Sub-22	Do.
Knights Express & Warehouse, Inc., MC-44575 Sub-4TA	MC-44575 Sub-5	May 13, 1976
Transit Homes, Inc., MC-94350 Sub-35TA	MC-94350 Sub-35	Do.
Bulk Carriers, Inc., MC-107010 Sub-58TA	MC-107010 Sub-59	May 11, 1976
Pre-Fab Transit Co., MC-107295 Sub-78TA	MC-107295 Sub-75	May 12, 1976
Armored Motor Service Corp., MC-107582 Sub-37TA	MC-107582 Sub-39	May 11, 1976
D.b.a. Schmidgall Transfers, MC-111274 Sub-4TA	MC-111274 Sub-6	Do.
Parolator Courier Corp., MC-111729 Sub-46TA	MC-111729 Sub-46	Do.
Parolator Courier Corp., MC-111729 Sub-47TA	MC-111729 Sub-49	Do.
Parolator Courier Corp., MC-111729 Sub-52TA	MC-111729 Sub-53	May 12, 1976
Dahlen Transport, Inc., MC-113410 Sub-83TA	MC-113410 Sub-87	May 13, 1976
Dahlen Transport, Inc., MC-113410 Sub-90TA	MC-113410 Sub-91	Do.
Freepoint Transport, Inc., MC-113666 Sub-89TA	MC-113666 Sub-90	May 11, 1976
Willis Shaw Frozen Express, Inc., MC-117119 Sub-54TA	MC-117119 Sub-55	May 12, 1976
Motor Service Co., Inc., MC-117565 Sub-55TA	MC-117565 Sub-58	May 13, 1976
Motor Service Co., Inc., MC-117565 Sub-68TA	Do.	Do.
Motor Service Co., Inc., MC-117565 Sub-71TA	Do.	Do.
Motor Service Co., Inc., MC-117565 Sub-84TA	Do.	Do.
Simanek, Inc., MC-119400 Sub-15TA	MC-119400 Sub-16	May 12, 1976
Leathan Bros., Inc., MC-123061 Sub-74TA	MC-123061 Sub-75	May 14, 1976
Becker Corp., MC-124711 Sub-36TA	MC-124711 Sub-37	May 10, 1976
Sam Towler, MC-125925 Sub-14TA	MC-125925 Sub-15	May 14, 1976
National Expressways, Inc., MC-126822 Sub-40TA	MC-126822 Sub-41	May 13, 1976
D.b.a. Zellmer Truck Lines, MC-127303 Sub-13TA	MC-127303 Sub-14	May 19, 1976
Rone Trucking, Inc., MC-127824 Sub-5TA	MC-127824 Sub-6	May 13, 1976
J. B. Hunt Transport, Inc., MC-135797 Sub-15TA	MC-135797 Sub-25	May 12, 1976
D.b.a. Phillip Thomas Trucking Co., MC-138916 Sub-1TA	MC-138916 Sub-2	May 19, 1976
Foster's Freight, Inc., MC-139913 Sub-1TA	MC-139913 Sub-1	May 12, 1976
R. C. Moore, Inc., MC-140572TA	MC-140572 Sub-1	May 14, 1976
Charles C. Kyare, Inc., MC-140675TA	MC-140675 Sub-1	May 11, 1976
Merchants 5 Star, Inc., MC-141119 Sub-2TA	MC-141119 Sub-1	May 14, 1976

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15250 Filed 5-24-76; 8:45 am]

TUESDAY, MAY 25, 1976



PART II:

# NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## ARCHITECTURE AND ENVIRONMENTAL ARTS

Program Guidelines

federal register

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**NATIONAL FOUNDATION ON THE  
ARTS AND THE HUMANITIES  
ARCHITECTURE + ENVIRONMENTAL  
ARTS**

**Grant Program Guidelines**

The following are guidelines for Fellowship Grants made under the Architecture + Environmental Arts Program of the National Endowment for the Arts,

an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Architecture + Environmental Arts Application Deadlines and Grant Calendar is included. Interested persons should contact Bill Lacy, Director, Architecture + Environmental Arts Program, National Endowment for the Arts, Mail

Stop 503, Washington, D.C. 20506 (202) 634-4276, for further information and application forms.

Signed at Washington, D.C., on May 17, 1976.

ROBERT M. SIMS,  
*Administrative Officer, National  
Endowment for the Arts, Na-  
tional Foundation on the Arts  
and the Humanities.*

**Granting Activities Information Chart**

\*See "Submission of Applications" in the section Important Information for Applicants

Grant Category	Application Submission Postmark Date	Announcement of Rejection or Grant Award	Do Not Plan to Start Before This Date
To assist projects which will broaden public design awareness and participation in resolving design issues.	Public Education and Awareness	*June 2, 1976..... October 1976 ..... December 1976 *December 1, 1976..... June 1977 ..... August 1977	
To assist research projects conducted by professional schools, research organizations and other groups active in design fields, and qualified individuals who are normally associated with such organizations.	Academic and Professional Research	*June 2, 1976..... October 1976 ..... December 1976 *December 1, 1976..... June 1977 ..... August 1977	
To assist design programs conducted or initiated by state arts agencies or regional arts groups.	Assistance to State Arts Agencies	June 2, 1976	October 1976 December 1976
To assist planning for the conservation of historic structures, significant districts, and special landscapes. (No construction funds)	American Architectural Heritage	September 1, 1976	March 1977 May 1977
To assist communities in the planning and design of exemplary cultural facilities; to encourage the commitment of local public and private money for project implementation.	Cultural Facilities	September 1, 1976	March 1977 May 1977
To assist projects which improve the effectiveness of design related national professional membership organizations.	Services to the Field	December 1, 1976	June 1977 August 1977
To assist practicing professional designers of exceptional talent who wish to engage in special independent activity.	Design Fellowships	December 1, 1976	June 1977 August 1977
To encourage national emphasis on important opportunities for design and to provide positive influence on our built environment.	National Theme Program	NO APPLICATIONS WILL BE CONSIDERED IN THIS CATEGORY DURING THE CURRENT FISCAL YEAR	



Eligibility	Grant Amounts	Project Matching Requirement	Special Requirements and More Information
Individuals organizations	Individual— \$10,000 maximum  organization— generally \$20,000 maximum	Individual—no match required  organization— match at least amount requested	1) see page 6 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-21
Individuals organizations see also page 6	Individual— \$10,000 maximum  organization— generally \$20,000 maximum	Individual—no match required  organization— match at least amount requested	1) see page 6 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-21
see page 6	generally \$20,000 maximum	all applicants are required to match at least amount requested	1) see page 6 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-21
organizations; local government entities also page 7	generally \$20,000 maximum	all applicants are required to match at least amount requested	1) see page 7 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-21
organizations; local government entities	generally \$20,000 maximum	all applicants are required to match at least amount requested	1) see page 7 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-21
see page 8	generally \$20,000 maximum	all applicants are required to match at least amount requested	1) see page 8 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-21
Individuals see also page 8	\$10,000 maximum	none	1) see page 9 2) see Important Informa- tion for Applicants, pages 11-13 3) see Sample Applica- tions, pages 16-17
			see page 9

## Architecture + Environmental Arts Program

## Scope

The National Endowment for the Arts, an independent Federal agency, was established in 1965. The major goals of the Endowment are to make the arts more widely available to Americans, to strengthen cultural organizations, to preserve our rich cultural heritage for present and future generations, and to encourage the creative development of our nation's finest talent.

The Architecture + Environmental Arts Program, which constitutes one of twelve Endowment program areas, is concerned primarily with the improvement of the visible characteristics of our built surroundings. Thus, the scope of the program is subject to broad interpretation. It is perhaps useful to associate the program's activity with the related design professions, typically: architecture, landscape architecture, urban design, city and regional planning, interior design, and industrial design. The program attempts to encourage invention and innovation and to bring the very best design into the experience of every citizen.

**PLEASE DO NOT ATTEMPT TO COMPLETE AN APPLICATION FORM BEFORE READING THE GUIDELINES THOROUGHLY.**



## Grant Categories

## Public Education and Awareness

To assist projects which will broaden public design awareness and participation in resolving design issues.

A nation's beauty reflects the attitude of its people. Therefore, the improvement of our country's physical fabric depends upon awareness, concern, and participation of all citizens. Many who are not professional designers are confronted daily with decisions which have important design consequences: consumers in their choice of goods and services, clients in working with professional designers, and persons engaged in the building industry.

The objective of this program is to assist projects which are directed to these ends: to provide information on design issues; to advance public appreciation of beauty in the man-made world; and to provide assistance for groups or individuals as they seek ways to improve the quality of their surroundings.

## Project Type

Grants in this category will be awarded for preparation of publishable material, films, video-tapes, exhibits, critical journalism, and other forms of public communication. Generally, funds will not be granted for work which should be supported by a publisher or broadcasting organization.

## Evaluation Criteria and Priorities

Priority will be given to proposals which can:

- identify a specific audience clearly
- describe a well-defined means for broad dissemination
- initiate further action
- involve groups or communities which have had little previous exposure to good design.

## Special Requirements

All applications for funding of films, books, exhibits, etc. must clearly indicate methods for distribution of finished work.

Professionals in the field of communication must submit evidence of their qualifications. Examples are filmmakers, conference directors, and writers.

## Academic and Professional Research

To assist research projects conducted by professional schools, research organizations, and other groups active in design fields, and qualified individuals who are normally associated with such organizations.

The National Endowment for the Arts, through the program for Academic and Professional Research, provides assistance for exploratory activity in design. Emphasis is placed on design as an aesthetic concern and not on technological projects. Since the total amount of money available is relatively small, special attention is given to this distinction.

Highest priority is given projects that develop new approaches to design which show promise of significant influence on the future quality of our surroundings. Also considered are those which seek to extend the state of knowledge in the field, assuming current design approaches. Proposals in any of the following professional areas are appropriate: architecture, landscape architecture, urban design, city and regional planning, graphic design, interior design, and industrial design.

## Special Requirements

Applicants should:

- employ language common to lay usage
- clearly explain the project's value to the applicable field of design.

## Eligibility: Special Note

Grants are available to universities, professional degree granting institutions, and other qualified nonprofit, tax exempt organizations. Exceptionally talented individuals in the academic community are eligible for individual grants under this category.

## Assistance to State Arts Agencies

To assist design programs conducted or initiated by state arts agencies or regional arts groups.

Grants under this program are intended to give state arts agencies or regional arts groups the means for expanding the audience for good design in the states, to promote increased citizen awareness and participation. Grants are also awarded to state arts agencies to initiate state agency activity in architecture and related design fields. These grants are intended to encourage initiative by the design professions within the states, to engage in projects of statewide significance, and to stimulate interest in research which addresses particular local design needs and opportunities.

Proposals for the addition of professional staff will be considered in collaboration with the Federal-State Partnership Program. Although applications and grants will be administered by Architecture + Environmental Arts, funds will be made available through Federal-State Program Development.

## Eligibility: Special Note

Grants are available only to officially designated state arts agencies and regional arts groups. They may apply on their own behalf or on behalf of local metropolitan or community-wide arts agencies or appropriate government agencies in the state.

## American Architectural Heritage

To assist planning for the conservation of historic structures, significant districts, and special landscapes. (No construction funds)

The preservation of America's architectural heritage has long been a subject of major interest to the Architecture + Environmental Arts Program. While the program encourages historic preservation, the primary interest is not to preserve or restore individual historic structures, but rather in the sympathetic adaptation of buildings and districts to create new vitality in communities.

In Fiscal Year 1977, funding for the area will again concentrate on the conservation of older neighborhoods, both residential and commercial, and the coalescence of diverse civic interests needed to make these places active centers for today's residents. In addition, emphasis will be placed upon merging urban design, city and town planning, and preservation objectives in the process of conserving these areas.

## Evaluation Criteria and Priorities

Priority will be placed on:

- support of professional personnel and purchase of materials rather than general administrative costs or equipment
- action-oriented projects offering promise for implementation
- integration of neighborhood conservation objectives into the broader framework of community development policies and programs.

## Eligibility: Special Note

Applicant organizations must possess broad community support and demonstrated capability for implementation.

Projects for the identification and evaluation of architectural resources within areas of special character may be considered.

## Cultural Facilities

To assist communities in the planning and design of exemplary cultural facilities; to encourage the commitment of local public and private money for project implementation.

Architecture + Environmental Arts recognizes the necessity for the development and use of cultural facilities to satisfy an increasing public interest and participation in the arts.

A small program of design and planning assistance is available in instances of compelling need to establish, replace, or alter cultural facilities. While the greatest needs are for financial assistance to support construction costs and professional design fees, limited resources restrict the Endowment's ability to respond to requests of this nature. It is also Endowment policy not to provide money for acquisition of real estate, construction, or renovation of buildings.

## Special Requirements

In addition to the normal requirements for an application submitted by an organization, the following must be included:

- evidence of facility need
- a full description of the activity to be accommodated in the proposed project, its context in a plan for the community, the background of groups involved in the project, and location of the site
- indication that the scale of the proposed facility will meet the demonstrated need
- visual evidence of designer capabilities
- evidence that a grant would attract local funds for project implementation or realize adequate revenues
- evidence of property or facility ownership
- clear visual illustration of any existing or planned structure related to the proposed project.

## Project Type

Grants are available for the following:

- research on design, planning, and use of facilities for the arts
- reports and reference materials resulting from research on arts facilities
- studies of adaptive uses for significant older buildings as arts facilities
- research on special arts facility requirements such as lighting, acoustics, climate control, security
- feasibility studies; studies of technical requirements for specific proposed arts facilities
- preparation of fund-raising campaign materials for arts facilities
- architectural design studies and competitions for specific arts facilities.

## Evaluation Criteria and Priorities

Priority is placed upon projects benefiting communities:

- which have lost their arts facilities due to disaster or which otherwise suffer from severely limited arts facilities
- where arts programs are related to plans for economic and social revitalization
- which seek to institute design competitions to assure a high standard of design.



## Services to the Field

*To assist projects which improve the effectiveness of design-related national professional membership organizations.*

In recognition of the responsibility of the national professional organizations for advancing the cause of good design, the Endowment has set aside funds to assist such groups. It is intended that the Endowment support only programs of highest national priority and most enduring benefit to the widest membership.

**Evaluation Criteria**

Projects are appropriate which would:

- result in expanded long-term organizational effectiveness in efforts to improve the quality of design in our surroundings and assist the membership in accomplishing this same goal
- operate potentially on a self-supporting basis (continued Endowment support for any single project cannot be assured)
- request support for specific projects rather than general operating costs
- request support for continuing and strengthening existing projects.

**Special Requirements**

The application submitted must:

- clearly document a need
- give indication of membership benefit and support.

**Eligibility: Special Note**

This grant category is open to the established national membership organizations of the design professions: architecture, landscape architecture, city and regional planning, interior design, and industrial design.

## Design Fellowships

*To assist practicing professional designers of exceptional talent who wish to engage in special independent activity.*

The Architecture + Environmental Arts Program seeks to encourage especially talented persons to engage in independent projects or studies which will improve their capabilities in design. Professionals who could benefit in this way from an intensive "office sabbatical" are considered. The grants are intended for professionals with sufficient experience and maturity in their own design work as well as a broad understanding of the field. Grantees will be required to commit an appropriate portion of normal professional practice time to the project over a period of 6 to 12 months.

**Project Types**

Fellowships are:

- for the opportunity for independent work which broadens or deepens the Fellow's professional awareness and capability
- not intended to support graduate study or purchases of special equipment.

**Evaluation Criteria and Priorities**

Priority will be given to proposals which show potential:

- for assisting applicant's further professional development
- for impact on the profession.

## National Theme Program

**Special Requirements**

Include with the application form:

- documentation by professionals who are licensed which indicates state in which license was issued and license number
- documentation of the actual relationship between the applicant and employer or practice during the period of the project
- a comprehensive statement of past experience including information on educational background, professional experience, honors, travel, and publications
- three letters of endorsement which attest to the applicant's professional qualifications, his ability to execute the proposed project in an exemplary manner, and the value of the project for the individual and the profession. It is preferred that only persons who are fully aware of the nature of the applicant's proposal submit these letters.
- a description of the proposed activity explaining the objectives of the applicant, proposed work schedule, procedures, and a statement of anticipated benefit to the applicant and the profession. This must be contained in the "Project Description" portion of the application form. The applicant may send supplementary material, but it will not be returned.

**Eligibility: Special Note**

Applicants must have been active as practicing professionals continuously in any one of the design fields for the immediate past five years: architecture, landscape architecture, city and regional planning, urban design, interior design, and industrial design. They must have received at least a bachelor's degree or the equivalent in an accredited professional curriculum, and must hold a license for practice, if it is required in the applicant's profession. Others whose contribution to the design fields is exceptional will also be considered.

**Persons who are associated primarily with a professional school must apply under the Academic and Professional Research category.**

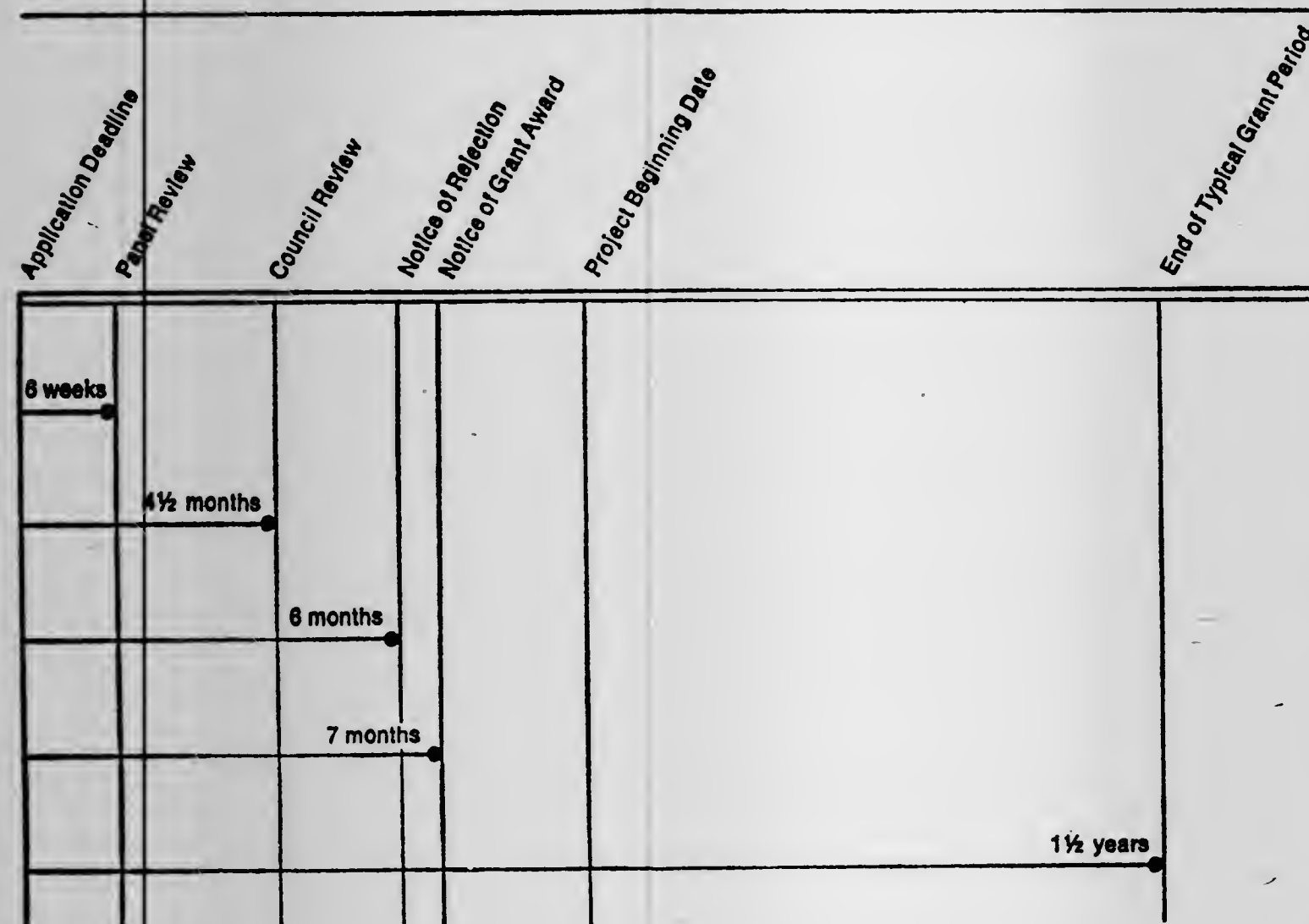
*To encourage national emphasis on important opportunities for design and to provide positive influence on our built environment.*

The National Theme Program, first initiated in 1973, gives special attention to important specific areas for creative design. The first program theme, "City Edges," emphasized boundary conditions within the inhabited landscape. The second, "City Options," was concerned with alternatives for the development of settings in our communities which impart a unique quality. "Cityscale," the current program theme, points to the small human scale features of our communities which bring them vitality and appeal.

**No applications will be considered in this category during the current year.**



## Grantmaking Procedure: Diagram



## Important Information for Applicants

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## Definitions

## Grants to Individuals

These grants are available for amounts up to \$10,000 and require no matching funds. By statute, Endowment grants may be awarded only to individuals "of exceptional talent."

Applications for grants to individuals must be submitted in the name of one person. Although modest use of consultants is permitted if essential for successful completion, it is intended that the individual applying carry out most of the work under any grant which may be awarded. Applications involving substantial participation of more than one person or which include an organization must be submitted by a *qualified organization and require matching funds.*

Grants are awarded only to citizens or permanent residents of the United States.

## Grants to Organizations

Grants to state and local government entities, or other nonprofit, tax exempt organizations generally extend to a maximum of \$20,000. The applicant organization must provide an amount at least equal to the amount requested from the Endowment in matching funds. This matching amount must be expended only on the specific project for which the grant is made, as budgeted, and entirely within the period specified in the grant.

Where two or more organizations are involved, one single organizational entity must be designated the "applicant organization," which in turn would become the legal recipient of any eventual grant. It is the responsibility of this entity to comply with all Endowment requests and regulations concerning the application, and to inform any co-sponsors or consultants of the status of the application and any eventual grant.

In the case of universities, applications must be submitted under the signature of the appropriate university-designated authorizing official.

By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

a) organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. Two copies of the Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

b) applicants receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin, or handicap. Applicants receiving support from the National Endowment for the Arts who will be making payments for services to any person other than the grantee must comply with these requirements. Such grantees are required to file with the Grants Office, an Assurance of Compliance form. The form on page 23 may be removed and completed for this purpose. Please enclose the completed form with your application and mail to: Grants Office (Mail Stop 500), National Endowment for the Arts, Washington, DC 20506. If the applicant has filed an Assurance of Compliance form with the Arts Endowment within the last five years, it is not necessary to complete another form at this time.

c) organizations which compensate all professional performers, related or supporting professional personnel, laborers, and mechanics at the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

## Duration of Grants

Grants are awarded for a specified period of time, rarely exceeding one year in length.

## Project Location

Generally all projects supported by the Endowment must be performed within the fifty states, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands. Full justification in terms of benefits accruing to the United States must accompany any request for an exception.

## Methods of Funding

## Program Funds

Generally, grants to qualified organizations will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Organization Grant Application/NEA-3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs.

## Example:

If an applicant requests from the Endowment	\$20,000
then applicant lists match of at least	\$20,000
and total project budget reflects at least	\$40,000

In order to ensure budgetary flexibility, funds have been set aside to enable the Architecture + Environmental Arts Program to respond to new developments in the field of design.

## Treasury Fund

For more information see Appendix I "Treasury Fund Method of Matching Grants" or contact the Office of General Counsel, National Endowment for the Arts, Washington, DC 20506.



## Grantmaking Procedure: Explanation

**Selection Procedure**

Architecture + Environmental Arts staff refer all applications to an advisory committee composed of persons who are outstanding representatives of the design and planning fields. The recommendations of this committee are submitted to the National Council on the Arts, an advisory group of twenty-six persons appointed by the President of the United States. The National Council reviews and makes recommendation on applications to the Chairman of the National Endowment for the Arts. Following this, applicants are notified of approval or rejection in writing.

**Evaluation Criteria**

Preference will be given applications in any grant category which meet the following criteria:

- clear response to a public need
- assurance of favorable impact on the community in terms of aesthetic and economic benefit
- demonstration of broad community, academic, or professional endorsement
- evidence that objectives can be achieved within the framework of realistic methodology, budget, and time while meeting the highest standards
- participation of persons whose professional qualifications are clearly well suited to the successful achievement of project goals
- provision of matching funds in the form of cash rather than services, overhead, etc.
- minimum emphasis on equipment, travel, or, in the case of manuscripts, those costs which might be borne by a publisher
- assurance that the proposed project will not duplicate the efforts of others
- evidence that Endowment funds are essential to the project.

Additional evaluation criteria specifically applicable to a particular grant category are included in the description of the grant category.

**Notification**

Applicants are to understand that the grant process requires more than six months to complete and should plan their projects accordingly. An estimate of the announcement date is given for each grant category in the Granting Activities Information Chart. Applicants are notified of rejection or approval of proposed projects in writing. Applicants are requested not to seek information about the status of their applications prior to this notification. In compliance with the Privacy Act of 1974, we wish to furnish you with the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and for statistical research and analysis of trends. The routine uses for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, congressional oversight and analysis of trends.

Failure to provide the requested information could result in rejection of your application due to lack of sufficient facts for determining either your eligibility for a grant or the amount which should be awarded.

## Appendix I

## The Treasury Fund Method of Matching Grants

When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Gifts to the Endowment are generally deductible for Federal income, estate, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit, tax exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guidelines—organizations such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program such as fellowships, touring, conferences, or workshops.

When a restricted gift is received it frees an equal amount from the Treasury Fund, which is then made available to the grantee in accordance with the amount and conditions of the grant, as recommended by the National Council on the Arts and approved by the Chairman.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

**How a Treasury Fund Grant Is Arranged**  
Those interested in giving for a specific purpose should note the step by step process described below. We will use an orchestra as an example.

1. If the project is eligible for consideration (under the Orchestra Program guidelines), the orchestra submits to the Endowment a formal application, which may include a list of potential donors.

2. The application is reviewed first by the appropriate Advisory Panel (in this case the Music Advisory Panel) and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the orchestra.

3. If the grant award is approved, the orchestra officials then request that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e., the name of the orchestra and specific project supported), and date by which payment will be made to the grantee organization.

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Handling Procedures

In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grant recipients will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method, the following procedures apply:

1. Gift transmittal letter is received by the Endowment from donor with above specified information.

2. Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

- In the case of individual gifts of less than \$5,000, grantee will forward to the Endowment a list of donors' names, addresses, and amounts received, certified by an official of the organization and notarized.

- In the case of individual gifts of \$5,000 or more, grantee will forward to the Endowment, within the grant period, a photostatic copy of the instrument of payment, i.e., the check or negotiable securities, with a covering letter.

3. In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence such as benefit announcement circulars, invitations, posters, etc. (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent.

In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching funds, signed by an appropriate official, certifying that the benefit was held on a specified date, yielded a specified sum for Treasury Fund gift purposes related to the grant in question, and that evidence of the benefit will be retained by grantee organization in its files.

4. In all cases, donors are to make payment on gifts at least 60 days prior to termination of the grant period, and grantee organizations will provide the Endowment with evidence of receipt of payment on gifts at least 30 days prior to the termination of the grant period.

The Process in Terms of Money

\$10,000 Donor's contribution(s) to Endowment

\$10,000 Endowment match from the Treasury Fund

\$20,000

\$20,000 Total Endowment grant

\$20,000 Grantee's additional project cost

\$40,000 Minimum total budget of project

For further information, contact the Office of General Counsel, National Endowment for the Arts, Washington, D.C. 20506.

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## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1976)

Title 12—Banks and Banking (Part 300—End)----- \$7.50

*[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]*

Order from Superintendent of Documents,  
United States Government Printing Office,  
Washington, D.C. 20402

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# federal register

WEDNESDAY, MAY 26, 1976



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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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### List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

S. 3031..... Pub. Law 94-287  
An act to authorize the erection of the statute of Bernardo de Galvez on public grounds in the District of Columbia (May 21, 1976; 90 Stat. 519)

H.R. 12018..... Pub. Law 94-288  
An act to amend the Rehabilitation Act of 1973 to provide that the center for deaf-blind youths and adults established by such Act shall be known as the Helen Keller National Center for Deaf-Blind Youths and Adults

(May 21, 1976; 90 Stat. 520)



rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture  
CHAPTER I—AGRICULTURAL MARKETING  
SERVICE (STANDARDS, INSPECTION,  
MARKETING PRACTICES), DEPART-  
MENT OF AGRICULTURE

PART 28—COTTON CLASSING,  
TESTING AND STANDARDS

Revision in Fees

Correction

In FR Doc. 76-14839 appearing on page 20680 in the issue of Thursday, May 20, 1976, the following corrections should be made:

1. On page 20682 in the second column, in item no. 5 the third line should read, "method for either zero or" and the seventh line should read "six specimens from a blended".
2. On page 20683, in item no. 24(a) in the third column the third line should read, "100-gram specimen".

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND  
DEVELOPMENT ADMINISTRATION

PART 790—GEOTHERMAL ENERGY RE-  
SEARCH, DEVELOPMENT, DEMONSTRATION  
AND PRODUCTION

Federal Guarantees on Loans

On October 28, 1975, the Energy Research and Development Administration (ERDA) published in the FEDERAL REGISTER (40 FR 50100) a proposed regulation concerned with enabling lenders to obtain Federal guarantees on loans to qualified borrowers for purposes related to the commercial development of practical means to produce electric power and other forms of useful energy from geothermal resources in an environmentally acceptable manner.

Generally, the proposed regulation provided priorities and criteria which ERDA intends to apply to the consideration of applications for, and granting or denial of, Federal loan guarantees. Further the regulation provided illustrations of information to be developed by the borrower and the lender, and to be supplied to ERDA, including a detailed description of the project for which the and guaranty are required and an affirmation by the lender supporting the necessity for the Federal guaranty.

In addition, the regulation contained illustrations of cost items which would be acceptable for inclusion in the computation of the aggregate cost of a project.

Interested persons and Federal agencies were asked to comment and a period extending from the date of publication of the proposed regulation to December 12, 1975, was allocated for such purpose. Ap-

proximately sixty responses to the request for comments were received from the public and other Federal agencies. Generally, these comments were directed to the subject of eligible loans and priorities; definitions; loan guaranty criteria; supporting information; project costs illustrations; and, environmental considerations.

The comments, which were thoughtful and provocative, were considered thoroughly and many of them are incorporated in this final regulation. Section 790.4(b) was amended to provide a preference for small public and private utilities and small independently owned and operated businesses (as defined in §§ 790.5 (i) and (j)), and § 790.32(f) was inserted to permit the Administrator to allocate a portion of the amounts available for guarantees to such borrowers. A new section, § 790.46, was inserted to provide for future coordination between ERDA and the Department of the Interior regarding matters involving the loan guaranty program and lease administration under the Geothermal Steam Act of 1970. Another section, § 790.47, was established to provide borrowers and lenders with an ability to appeal decisions of the Manager to ERDA's Board of Contract Appeals. The requirement at § 790.20 in the proposed regulation for lenders to have available during preliminary discussions with the Manager an assessment of all aspects of the borrower's loan application was amended to provide at § 790.21(a) (23) for the submission of such information together with other information submitted with the guaranty application. In addition, a number of other changes have been made to improve clarity.

Therefore, ERDA herewith publishes this Part 790 under which it will administer its geothermal loan guaranty program. Part 790 is added to 10 CFR Ch. III to read as follows:

Subpart A—General Provisions

- |        |   |
|--------|---|
| Sec.   |   |
| 790.1  | Purpose.                                      |
| 790.2  | Objectives.                                   |
| 790.3  | Effective date.                               |
| 790.4  | Eligible loans and priorities.                |
| 790.5  | Definitions.                                  |
| 790.6  | Loan guaranty criteria.                       |
| 790.7  | Interest assistance.                          |
| 790.8  | Default payment.                              |
| 790.9  | Period of guarantees and interest assistance. |
| 790.10 | Information for Governors.                    |

Subpart B—Applications

- |        |  |
|--------|--|
| 790.20 | Filing.                                |
| 790.21 | Supporting information.                |
| 790.22 | Project cost illustrations.            |
| 790.23 | Environmental considerations.          |
| 790.24 | Mandatory purchase of flood insurance. |

Subpart C—Servicing and Closing

- |        |   |
|--------|---|
| Sec.   |   |
| 790.30 | Loan servicing by lender.   |
| 790.31 | User charge.  |
| 790.32 | Geothermal resources development fund.  |
| 790.33 | Project monitoring.   |
| 790.34 | Loan disbursements by lender.   |
| 790.35 | Satisfactory documentary evidence.  |
| 790.36 | Withdrawal of guaranty.   |
| 790.37 | Default and demand.   |
| 790.38 | Preservation of collateral.   |
| 790.39 | Treatment of payments.  |
| 790.40 | Assignment and incontestability.  |
| 790.41 | Survival of guaranty agreement.   |
| 790.42 | Security with respect to borrower's assets.   |
| 790.43 | Other federal assistance.   |
| 790.44 | Patent and proprietary rights.  |
| 790.45 | Closing.  |
| 790.46 | Suspension, termination, or cancellation of operations or production on Federal land administered by the Secretary of the Interior. |
| 790.47 | Appeals.  |

AUTHORITY: Sec. 105(a) of the Energy Reorganization Act of 1974, Pub. L. 93-438; Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93-410; E.O. 11834 dated January 15, 1975.

Subpart A—General Provisions

§ 790.1 Purpose.

The purpose of this regulation is to set forth policies and procedures under which lenders may obtain a Federal guaranty on loans related to the commercial development of practicable means to produce, with environmentally acceptable processes, useful energy from geothermal resources.

§ 790.2 Objectives.

The objectives of the Federal geothermal loan guaranty program are: (a) to encourage and assist the private and public sectors to accelerate development of geothermal resources with environmentally acceptable processes by enabling the Administrator of the Energy Research and Development Administration (ERDA), in the exercise of reasonable judgment, to minimize a lender's financial risk that is associated with the introduction of new geothermal resources and technology; and, (b) to develop normal borrower-lender relationships which will in time encourage the flow of credit so as to assist in the development of geothermal resources without the need for Federal assistance.

§ 790.3 Effective date.

This regulation is effective June 25, 1976.

§ 790.4 Eligible loans and priorities.

(a) The Administrator may enter into agreements to guaranty lenders against



the loss of principal and accrued interest on loans made by such lenders to qualified borrowers. Any such agreements shall be made subject to the application of priorities and preferential considerations for guarantees as set forth in paragraph (b) of this section and subject to criteria in § 790.6. Such agreements can be entered into only for the purposes of:

(1) Determination and evaluation of the commercial potential of geothermal resources;

(2) Research and development with respect to geothermal extraction and utilization technologies, including but not limited to the mitigation of adverse environmental effects;

(3) Acquisition of rights in geothermal resources; or

(4) Development, construction, and operation of equipment or facilities for the demonstration or commercial production of energy (e.g., electric power, industrial or agricultural processes, or space heating) from geothermal resources.

(b) In complying with the objectives of the Federal geothermal loan guaranty program, the Administrator will give first priority consideration to those applications for projects having a plan of operations which show promise of quickly resulting in the development of useful energy from geothermal resources. Second priority consideration will be given to those applications for projects designed to demonstrate or utilize new technological advances or engage in the production of advanced technology components. Third priority will be given to projects that will demonstrate or exploit the commercial potential of new geothermal resource areas. The Administrator will give lower consideration to applications involving projects that initially propose geological and geophysical exploration, or the acquisition of land or leases. Within each category of priority as described herein, the Administrator will give preferential consideration to those applications in which the lender is providing a portion of the loan for which a guaranty is not requested. Additional preferential consideration within each priority category will be given to those applications involving: (1) projects from which the Federal government will receive royalty payments, and (2) projects to be carried out by small public and private utilities and small independently owned and operated businesses.

(c) A loan application which meets a lender's standard without a Federal guaranty will be regarded by the Administrator as not eligible for a loan guaranty under this regulation. No loan shall be guaranteed if the income from such loan or the income from obligations issued by the holder of such loan is excluded from gross income for the purposes of Chapter I of the Internal Revenue Code of 1954. In addition, a project which is devoted exclusively to the extraction or production of geothermal by-products as defined in § 790.5(b), or is devoted exclusively to the desalination of geothermal brines will be regarded by the Administrator as not eligible for a Federal loan guaranty under this regulation.

#### § 790.5 Definitions.

For purposes of this regulation:

(a) "Geothermal resources" means (1) all products of geothermal processes, embracing indigenous steam, geopressured fluids, hot water, and brines, (2) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations, and (3) any byproduct derived from them;

(b) "Byproduct" means any mineral or minerals or gases which are found in solution or in association with geothermal or geopressured resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(c) "Administrator" means the Administrator of the U.S. Energy Research and Development Administration (ERDA) or a representative authorized by the Administrator;

(d) "Manager" means the Manager of ERDA's San Francisco Operations Office, 1333 Broadway, Oakland, California 94616, or a representative authorized by the Manager;

(e) "Lender" means any legal entity formed for the purpose of or engaged in the business of lending money and having the capability of servicing the loan. Examples of lenders include, but are not limited to, commercial banks, savings and loan institutions, insurance companies, factoring companies, investment banking organizations, institutional investors, partnerships, venture capital investment companies, trusts, individuals, or entities designated as trustees acting on behalf of bondholders or other lenders;

(f) "Qualified borrower" (hereinafter referred to as the borrower) means any public or private agency, institution, joint venture, limited partnership, association, cooperative, partnership, corporation, individual, political subdivision, or other legal entity having authority to enter into a loan agreement. Examples of borrowers include, but are not limited to, leaseholders, landowners, public and private electric utilities, reservoir developers, drillers, suppliers, component and equipment manufacturers, research and development firms, engineers, patent holders, and licensees;

(g) A "loan" is an obligation involving a borrower and a lender, evidenced in writing, making available to the borrower money at a specified rate of interest for a limited period of time. The loan instrument may not be capable of conversion into an equity relationship with the borrower;

(h) "Project" means an undertaking by the borrower which when completed will result in an identifiable product, system, major component or study for which a market potentially exists. Examples of a project include, but are not limited to, test and production well drilling, power plant construction, equipment manufacturing, research and devel-

opment, construction of transmission lines from a geothermal power plant, and other ventures to utilize geothermal heat to serve as an energy source for nonelectric applications, such as crop drying and greenhousing;

(i) A "small public or private electric utility, including its affiliates", is, as provided in 13 CFR 121.3-10(d) (11), a business concern primarily engaged in the generation, transmission and/or distribution of electric energy for sale whose total electric output for its preceding fiscal year did not exceed four million megawatt-hours; and,

(j) A "small business, including its affiliates", is, as provided in 13 CFR 121.3-11(a), a concern which is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding \$9 million, does not have net worth in excess of \$4 million, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of \$400,000 (average net income to be computed without benefit of any carryover loss).

#### § 790.6 Loan guaranty criteria.

In addition to meeting the requirements for eligibility set forth in § 790.4 (a), a guaranty may be made only if the following conditions are met as determined by the Administrator upon the written recommendation by the Manager:

(a) The application is signed by an authorized official of the lender and the borrower;

(b) The loan is to be made to a qualified borrower;

(c) Except as provided in § 790.43, the guaranty as to principal shall apply only to so much of the principal amount of the loan as does not exceed 75 percent of the estimated aggregate cost of the project with respect to which the loan is made. However, there is no prohibition against the guaranty being equal to 100% of the loan to be made by the lender;

(d) The lender has set forth reasons why the loan would not be made to the borrower without a Federal loan guaranty;

(e) There is satisfactory evidence demonstrating that the lender is competent to administer loan terms and conditions, and is competent to administer terms and conditions in the guaranty agreement that are applicable to the lender;

(f) When the maximum permissible guaranty is requested as provided in paragraph (c) of this section, the lender has set forth those reasons it is unwilling to undertake a loan having less than the maximum permissible guaranty so as to permit the Manager to evaluate whether the preferential consideration provided in § 790.4(b) is applicable;

(g) The loan bears interest at a rate not to exceed an annual percent on the principal obligation outstanding as the Administrator determines, in consultation with the Secretary of the Treasury, to be reasonable, taking into account the range of interest rates and lending practices prevailing in the private sector for

similar loans and risks by the United States. However, it is expected that the borrower and lender will negotiate a mutually acceptable interest rate that recognizes the benefits to the lender from a Federal guaranty;

(h) The terms of such loan require full repayment over a period of no more than thirty years, or no longer than the expected average useful life of any major physical asset to be financed by such loan, whichever is less, as determined by the Administrator.

(i) The amount of the loan together with other funds available to the borrower will be sufficient to carry out the project;

(j) There is reasonable assurance of payment of interest and repayment of the guaranteed portion of the loan by the qualified borrower, such as evidence that there exists or will exist a market for the project's product or results that is sufficient to enable the borrower to repay the loan;

(k) The amount of a guaranty for any loan for a project does not exceed \$25,000,000;

(l) The total dollar amount of guaranties made under this regulation for any combination of outstanding loans to any single qualified borrower does not exceed \$50,000,000;

(m) The project is to be performed in the United States, its territories or possessions, or on property owned or leased by the United States outside the United States, its territories or possessions;

(n) The project is technically feasible and uses environmentally acceptable processes;

(o) There is sufficient evidence, such as is provided in a plan of operations, that the borrower will initiate and complete the project in a timely and efficient manner;

(p) There is a sufficiency of encouraging geophysical, geological, hydrological and geochemical data;

(q) The borrower agrees to make available on a timely basis any technical or economic information as specified in the guaranty agreement, and, subject to provisions in § 790.33 and § 790.20(b) (ii), further agrees to the use of such information for public dissemination purposes;

(r) There is satisfactory evidence of the borrower's interest in geothermal resources;

(s) There is satisfactory evidence that the borrower is capable of completing the project in an acceptable manner;

(t) The project, whether conducted on Federal, State-owned, or private land, will be carried out with full regard to the use of environmentally acceptable processes in such a manner as to mitigate adverse environmental impact to the maximum extent practicable;

(u) The environmental risks of the project have been evaluated in accordance with § 790.23;

(v) The terms and conditions set forth in the loan agreement are acceptable to the Administrator; and,

(w) The borrower and any non-guaranteed lender agree in writing that: (1)

the terms and conditions set forth in a non-guaranteed loan agreement relating to the project shall be acceptable to the Administrator, and (2) the non-guaranteed loan shall be subordinate to the guaranteed loan.

#### § 790.7 Interest assistance.

With respect to any loan guaranteed pursuant to this regulation, the Manager may enter into an interest assistance contract with the borrower to pay, and to pay the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the Manager finds:

(a) That the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of the project, and that the probable net cost to the Federal government in paying such interest will be less than that which would result in the event of a default;

(b) The amount of such interest charges which the Manager is authorized to pay is no greater than the amount of interest which the borrower is obligated to pay under the loan agreement; and

(c) The borrower agrees to repayment of interest charges paid by the Federal government including the payment of interest on such charges at an annual rate to be set by the Manager in consultation with the Department of the Treasury and stated in the interest assistance contract, and to the payment of any deferred user charge provided in § 790.31(b).

#### § 790.8 Default payment.

In the event of any default by a borrower in making a payment in accordance with the loan agreement with respect to any loan guaranteed pursuant to this regulation, and except as provided in § 790.7, the Administrator will, as provided in § 790.37, authorize the Manager to make payment of principal and accrued interest in accordance with the guaranty. Thereupon, the Attorney General of the United States shall take such action as may be appropriate to recover the amounts of such payments (including any payment of interest under § 790.7) from such assets of the defaulting borrower as are associated with the project, (including patent and proprietary rights resulting from the project as provided in § 790.44) or from any other surety or security bond by or included in the terms of the guaranty. Any recovery achieved by the Attorney General which exceeds the amount paid to the lender in accordance with the guaranty agreement or interest assistance contract shall be returned to the borrower, unless the guaranty agreement provides otherwise.

#### § 790.9 Period of guarantees and interest assistance.

No loan guaranty agreements will be made or interest assistance contracts entered into after September 3, 1984. Guaranty agreements in effect at that

time will continue until the term of the loan is completed or until the guaranteed portion of the loan is repaid in full with accrued interest, whichever occurs first. Interest assistance contracts in effect on September 3, 1984, will remain in effect thereafter until the contract term expires or the contract is terminated in accordance with its provisions.

#### § 790.10 Information for Governors.

The Administrator will, as appropriate, meet with Governors of directly affected States, regional associations of Governors, or heads of State agencies and commissions responsible for energy or environmental matters for the purpose of:

(a) Discussing the status of projects guaranteed under this regulation;

(b) Identifying means to remove or mitigate legal and regulatory barriers to the accelerated use of geothermal resources; or

(c) Evaluating plans to encourage growth in the geothermal industry.

#### Subpart B—Applications

#### § 790.20 Filing.

(a) An application for a loan guaranty made under this regulation must be signed by the prospective borrower and lender or their authorized representatives and jointly submitted to the Manager who is responsible for processing the application. Information regarding the filing of applications may be obtained from the Manager.

(b) (1) Prior to receipt of a guaranty application, the Manager is authorized to conduct preliminary discussions with prospective lenders or borrowers wishing to obtain information or advice regarding eligibility for a loan guaranty and compliance with filing instructions, including the submission of supporting information as illustrated in § 790.21.

(2) Subject to requirements of law and this regulation, trade secrets, commercial and financial information, geological, geophysical and geographical information and data (including maps) concerning wells which the borrower makes available to ERDA during the preliminary discussion or at any other time throughout the duration of the project on a privileged or confidential basis, will be so treated by ERDA and will not be publicly disclosed without the prior written approval of the borrower. In order to assist ERDA in carrying out this provision, information deemed by the borrower or lender to fall within one of the foregoing categories shall be identified and appropriately marked by the borrower or the lender.

(c) A guaranty application may be submitted for a project that is divided into stages or milestones which are utilized as the basis for assessing the practicability of proceeding to a subsequent phase. However, in the event of failure to proceed to a subsequent phase, the Government's liability, under the guaranty agreement, will extend only to the amounts disbursed by the lender and

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approved by the Manager as provided in § 790.34.

#### § 790.21 Supporting information.

(a) The lender and borrower shall provide information in support of the application such as prescribed by the Manager. The following items illustrate the range of information which may be needed, (dependent upon the type, complexity and cost of the project) so as to enable the Manager to prepare a recommendation for the Administrator's determination, as provided in § 790.6.

(1) Full description of the scope, nature, extent and location of the proposed project;

(2) A written affirmation by the lender supporting the necessity for a Federal loan guaranty;

(3) Evidence of the borrower's previous and current interest in exploiting the potential of geothermal resources;

(4) Evidence supporting the borrower's ability to complete the project;

(5) Interest rate to be charged by the lender;

(6) Period and amount of the loan and the percent of the project cost to be guaranteed;

(7) A detailed budget-type breakdown of both the estimated aggregate cost of the project and the amount to be borrowed;

(8) Evidence showing that the amount of the loan together with equity or other financing will be sufficient to carry out the project;

(9) The borrower's plan to pay interest charges and repay the loan, including assumptions regarding marketability of the project's results or product;

(10) The aggregate amount of guaranty commitments and/or guaranteed loans outstanding made to the borrower under the provisions of this regulation;

(11) Where relevant to the purpose of the loan guaranty, a copy of the borrower's title or lease agreement to the property, supported by title opinion or other locally acceptable evidence of the borrower's interest, on which the project is to be carried out;

(12) Subject to § 790.20 (b) (II), technical information and reports, geophysical data, well logs and core data, financial statements, milestone schedules, and maps and charts;

(13) Information covering the management experience of each officer or key person in the borrower's organization who is to be associated with the project;

(14) A description of the borrower's management concept and business plan, or plan of operations, to be employed in carrying out the project;

(15) A description of the project's technical and economic feasibility;

(16) A description of the intended sources and amount of capital and its form (equity, loans from principals, loans from the lender, outside financing, or factoring) together with evidence of a commitment from these sources and a copy of each such agreement, and evidence of the financial ability of each source to honor its commitment;

(17) A copy of the loan agreement to be executed by the lender and borrower;

(18) A listing of assets associated or to be associated with the project, including appropriate data as to the useful life of any physical asset, and any other security for the loan and guaranty agreement;

(19) A description of other Federal financial assistance (e.g., direct loans, guaranteed loans, grants, contracts) available or expected to be made available to the borrower in connection with the project;

(20) A description of the processes and methods the borrower plans to utilize so as to comply with § 790.23 (c);

(21) Copies of all applications when filed, and approvals when issued by Federal, State and local government agencies, for permits and authorizations to conduct operations associated with the project;

(22) A description of the borrower's organization and a copy of the business certificate, partnership agreement or corporate charter, by laws, and appropriate authorizing resolutions;

(23) The lender's written assessment of all aspects of the borrower's loan application in sufficient detail as would be completed by any prudent lender considering a loan without a guaranty, together with copies of investigations from credit bureaus, references, bank inquiries, and professional organizations;

(24) Written assurance from guaranteed and, when appropriate to the project, non-guaranteed lenders that the loan amounts as well as terms and conditions imposed by such lenders will not be altered in any significant respect without approval of the Administrator;

(25) A description of salaries (and other financial remuneration including profit sharing and stock options) to be paid to officers and employees of the borrower that are, or will be, directly associated with the project; and

(26) Evidence of consultation conducted by the borrower with appropriate agencies of any affected State regarding the proposed project.

(b) In addition to supporting information illustrated in (a) above, the Manager may independently obtain or may require the lender to include with the guaranty application the filing of information regarding the lender as deemed necessary by the Manager, including but not limited to:

(1) Description of the lender's organization and a copy of the business certificate, partnership agreement or corporate charter, by-laws, and appropriate authorizing resolutions;

(2) Copies of investigations obtained from credit bureaus, reference and bank inquiries, and professional associations;

(3) Descriptions covering the management experience of each officer or key person in the lender's organization who is or will be associated with the loan;

(4) A description of the management concept to be employed by the lender in surveillance of the loan; and

(5) When appropriate to the project, evidence of the lender's experience in

surveying the financial aspects of complex technological projects.

(c) The Manager shall consider the application and other relevant information and shall be responsible for: (i) determining whether the application is in compliance with this regulation; (ii) assessing and evaluating the financial, technical, environmental, management, and marketing aspects of the project; and, (iii) recommending to the Administrator approval or nonapproval of the application. The Manager shall include with a recommendation for approval a proposed guaranty agreement containing appropriate terms and conditions pertinent to the project. The Manager will provide the borrower and lender with a written statement setting forth the basis for the Administrator's nonapproval of an application.

#### § 790.22 Project cost illustrations.

(a) The cost elements set forth in paragraphs (b) and (c) of this section are only for the purpose of illustrating the manner by which the estimated aggregate cost of the project can be determined. It is expected that project costs will be accumulated in accordance with generally accepted accounting principles and practices which are consistently applied.

(b) Except as set forth in paragraph (c) of this section, reasonable and customary costs paid by the borrower that are directly connected to the project are generally permitted in computing the estimated aggregate project cost. These costs include, but are not limited to the following:

(1) Employees' salaries and wages, consultant fees and other outside assistance;

(2) Land purchase or lease payments, including reasonable real estate commissions;

(3) Engineering fees, surveys, plats, title insurance, recording fees and legal fees incurred in connection with land acquisition;

(4) Site improvements, site restoration and abandonment costs, access roads and fencing;

(5) Drilling of exploration wells, shallow heat-flow wells, and test, production and reinjection wells;

(6) Buildings, transmission lines, power plant equipment, and machinery;

(7) Taxes to be paid to Federal, State and local government agencies and other taxing authorities;

(8) Insurance and bonds of all types;

(9) Engineering, geological, architectural and legal fees paid in connection with drilling, machinery selection, design, acquisition and installation;

(10) Research and development necessary to complete the project;

(11) Professional services and fees necessary to obtain licenses and permits and to prepare environmental reports and data;

(12) Interest costs charged by the lender;

(13) Interest payments to other lenders;

(14) Costs incurred by the borrower prior to approval of the guaranty agree-

ment that are directly in connection with the project;

(15) Technical and socio-economic information dissemination costs;

(16) Costs to provide safety and environmental protection equipment, facilities and services;

(17) Travel and transportation costs;

(18) Bond financing costs and trustee fees;

(19) Fees for royalties and licenses;

(20) Costs associated with acquiring geophysical and other technical data;

(21) Financial and legal services costs;

(22) Costs to comply with terms and conditions specified in the guaranty agreement or required by regulations and issuances by Federal, State and local government agencies; and,

(23) A contingency reserve.

(c) Costs which are not considered as project costs and are excluded from the guaranteed portion of the loan are illustrated below:

(1) Company organizational expenses;

(2) Parent corporation general and administrative expenses and other parent corporation assessments;

(3) Dividends and profit sharing to stockholders, employees and officers;

(4) Goodwill, franchises, or trade or brand name costs;

(5) Except as provided in 790.31, fees and commissions charged to the borrower for obtaining loans and Federal assistance;

(6) Loan commitment fees charged by lenders and finders' fees;

(7) Expenses not paid or incurred by the borrower;

(8) Normal operating expenses incurred after an initial period of start-up; and,

(9) Costs that are excessive or are not directly required to carry out the project.

(d) Independently, or at the direction of the Administrator, the Manager may cause to be performed a review of any or all cost elements included by the borrower in the estimated aggregate project cost. The borrower shall make available records and other data necessary to permit the Manager to carry out such review. In carrying out this responsibility, the Manager may utilize employees of Federal agencies or may direct the borrower to submit to a review performed by an independent public accountant or other competent authority.

(e) When costs incurred prior to the approval of the guaranty agreement, as provided in paragraph (b) (14) of this section, are included in the estimated aggregate project cost, the borrower will make available to auditors selected by the Manager financial and other records necessary to complete an audit of such costs if requested by the Manager.

#### § 790.23 Environmental considerations.

(a) For a proposed project being actively considered for a loan guaranty for which an environmental statement or negative determination has been prepared by a responsible Federal official, the environmental statement or negative determination and supporting assessment will be utilized by the Manager and the

Administrator in considering the environmental consequences of the project.

(b) With respect to each project being considered actively for a loan guaranty for which paragraph (a) of this section is not applicable, the Manager, in accordance with 10 CFR Part 711, shall assess the potential effect of all phases of the project on the human environment, including but not limited to fish and other aquatic resources, wildlife habitat and populations, aesthetics, recreation, air and water quality, land use, and other resources in the area. This assessment will additionally consider, when appropriate to the project, the potential impact on the environment from the construction of power plants and transmission lines which may later be required but are not included in the project.

(1) To aid in the above assessment the Manager may request the views and recommendations of Federal, State, and local government agencies, environmental and industrial organizations, and others; and, when appropriate, may hold public hearings after giving due notice.

(2) If, as a result of the above assessment, the Manager determines that the proposed project will have a potentially significant effect on the quality of the human environment, final action on the guaranty application shall be held in abeyance until an environmental statement in accordance with section 102 (2) (c) of the National Environmental Policy Act of 1969 has been prepared and issued by the responsible Federal official.

(3) If the Manager determines that the proposed project will not have a potentially significant effect on the quality of the human environment, a negative determination shall be prepared by the Manager and submitted, together with the assessment, to the Administrator prior to final action on the guaranty application. The negative determination together with documentation supporting that determination shall be kept on file by the Manager. Environmental assessments and negative determinations prepared in compliance with this regulation shall be placed in ERDA Public Document Rooms.

(c) Each loan guaranty agreement shall include the following general terms and conditions for the protection of the environment:

(1) the borrower shall comply with all applicable Federal, State and local requirements with respect to the control of air, land, water, and noise pollution. In the absence of requirements, the Manager, after consultation with appropriate Federal, State, and local government agencies, may recommend requirements for the Administrator's consideration and the borrower shall comply with such requirements as are approved by the Administrator.

(2) The borrower, in addition to any other action required by Federal, State or local requirements, or requirements established by the Administrator, or conditions set forth in leases issued by an agency of the Federal government, shall take the following specific actions:

(For purposes of this paragraph the appropriate agency official means the Manager for projects conducted on private or State-owned land, and the Head of a Federal agency for projects conducted on any land administered by any agency of the Federal government.)

(i) Conduct operations in such a manner as to minimize disturbance to vegetation, drainage channels and stream-banks, and employ such soil and resource conservation and protection measures as are deemed necessary by the appropriate agency official;

(ii) Remove or dispose of all waste generated in connection with the project in a manner acceptable to the appropriate agency official;

(iii) Take all reasonable precautions necessary to minimize to the maximum extent practicable land subsidence or seismic activity which could result from the project, including the taking of measures to monitor operations for land subsidence and seismic activity and, when requested by the appropriate agency official, make available records of all monitoring activities;

(iv) Take aesthetics into account in the planning, design, and construction of facilities;

(v) Employ such measures as are deemed necessary by the appropriate agency official to protect fish and wildlife and their habitat;

(vi) Conduct activities on known or suspected archeological, paleontological, or historical sites in accordance with specific instructions issued by the appropriate agency official;

(vii) Provide, in a timely manner, for the reasonable restoration of all disturbed lands, including the plugging of abandoned wells; and promptly employ corrective measures whenever adverse environmental effects exceed those expected; and,

(viii) Employ such other measures as are deemed necessary by the appropriate agency official to protect the quality of the human environment.

(d) For projects conducted on private or State-owned land:

(1) Assuring compliance with the requirements set forth in paragraph (b) of this section shall be the responsibility of the Manager, who may utilize experts from Federal agencies, National Laboratories or private firms, and shall have access to reports prepared by the borrower in compliance with requirements imposed by Federal, State and local government agencies.

(2) The borrower shall submit an annual report to the lender and the Manager giving a full account of actions taken to comply with the requirements set forth in paragraph (c) of this section.

(e) For projects to be conducted on any land administered by an agency of the Federal government:

(1) Assuring compliance with safety and operating procedures and environmental protection requirements shall be the responsibility of the appropriate Federal agency or a representative authorized by the Head of that agency.



(2) The borrower shall provide to the lender and the Manager a copy of each annual environmental compliance report prepared by the borrower in accordance with regulations issued by the appropriate Federal agency.

(f) Nothing in this regulation shall be construed to modify requirements imposed on the borrower or lender by Federal, State and local government agencies in connection with permits, licenses, or other authorization to conduct or finance geothermal activities.

#### § 790.24 Mandatory purchase of flood insurance.

The Flood Disaster Protection Act of 1973 (Pub. L. 92-234) may require purchase by the borrower of flood insurance as a condition of receiving a guaranty on loans for acquisition or construction purposes in an identified flood plain area having special flood hazards. Questions emanating from borrowers or lenders regarding compliance with provisions of the Flood Disaster Protection Act and guidelines of the Federal Insurance Administration will be referred to the Manager. When the purchase of flood insurance is required, as finally determined by the Manager, such costs can be included by the borrower in the estimated aggregate project cost.

#### Subpart C—Servicing and Closing

#### § 790.30 Loan servicing by lender.

Loan guaranty agreements approved in accordance with this regulation shall provide that:

(a) The lender shall exercise such care and diligence in the disbursement, servicing, and collection of the loan as would be exercised by a reasonable and prudent lender in dealing with a loan without guaranty;

(b) The loan agreement shall provide the customary period of grace for the making of any payment of principal or interest. However, the lender shall not grant to the borrower any further extension of time over and above any period of grace for the making of any payment in whole or in part under the loan agreement without the prior written consent of the Manager;

(c) The lender shall notify the Manager in writing without delay:

(1) That the first disbursement is ready to be made, together with evidence from the borrower that the project has commenced or is about to commence;

(2) Monthly, or at other agreed upon intervals, of the date and amount of each subsequent disbursement under the loan;

(3) Of any non-payment by the borrower of principal or interest as required by the loan agreement, if such non-payment is not cured within the grace period, together with evidence of appropriate notifications made by the lender to the borrower;

(4) Of any failure, known to the lender, by an intended source of capital to honor its commitment;

(5) Of any failure by the borrower, known to the lender, to comply with terms and conditions as set forth in the

loan agreement or guaranty agreement; or,

(6) When the lender believes that the borrower may not be able to meet any future scheduled payment of principal or interest.

(d) In the event the lender retains the option to accelerate payment of the borrower's indebtedness, the lender shall not do so without the prior written consent of the Manager.

(e) If the guaranty agreement so provides, the loan agreement will permit the borrower to defer payments of principal until such time that income from the project is sufficient to meet this obligation.

(f) Lenders will submit to the Manager periodic financial statements that report the status and condition of each loan guaranteed under this regulation. The Manager will prescribe the frequency, format and content of such statements. However, a report on each loan guaranty agreement entered into under this regulation shall, as a minimum, be submitted to the Manager annually on the anniversary date of the guaranty agreement. Reports will be furnished to the Manager until such time as the guaranteed portion of the loan or interest assistance is repaid.

#### § 790.31 User charge.

(a) A user charge will be collected annually from the lender imposed on the guaranteed portion of the loan and computed at a rate to be set forth in the guaranty agreement. The rate shall be imposed on the anticipated average amount of the guaranteed portion of the loan that is estimated to be outstanding during the year. The user charge may be passed to the borrower by the lender and in such instances may be included in the project cost.

(b) At the time the guaranty agreement is closed, as set forth in § 790.45(d), the lender shall present to the Manager payment of the first year's user charge. Subsequent payments of the charge will be made by the lender on the anniversary date of closing. If interest assistance is in effect, payments of this charge, if passed by the lender to the borrower, will be deferred for the term of the interest assistance contract.

(c) The Administrator annually will evaluate whether the user charge rate being imposed is sufficient to cover anticipated administrative, default and interest assistance costs and, when appropriate, establish a revised rate to be applied to new guaranty agreements.

#### § 790.32 Geothermal Resources Development Fund.

(a) As provided in Sec. 204(a) of Pub. L. 93-410, there is established in the Treasury of the United States a Geothermal Resources Development Fund (hereinafter referred to as the Fund), which is available to the Administrator in carrying out the loan guaranty and interest assistance program contemplated by this regulation, including the payment of administrative expenses incurred in connection therewith.

(b) Appropriations to the Fund that are made available through legislation, or repayments made by borrowers in accordance with terms and conditions in interest assistance contracts, or amounts returned to the United States through recoveries by the U.S. Attorney General, as provided in § 790.8, and not disbursed in accordance therewith, shall, except as otherwise provided by law, be available to the Administrator for the payment to lenders of principal and interest on guaranty agreements and interest assistance contracts made in accordance with this regulation. In addition, balances in the Fund may be used for necessary administrative expenses incurred by ERDA or other Federal agencies acting pursuant to ERDA direction in carrying out the provisions of this regulation.

(c) In the event of a default, the Manager may enter into contracts as required to preserve the collateral for the loan and to complete unfulfilled environmental requirements. The cost of such contracts may be charged to the Fund.

(d) In the event that interest assistance payments and default payments exhaust balances in the Fund, the Administrator will promptly seek to obtain appropriations as are authorized.

(e) Moneys in the Fund not needed for current operations may, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of, or guarantees by, the United States.

(f) Not less than ten percent of the amount available for loan guarantees during a fiscal year will be allocated to guarantees on loans to small public and private utilities and small independently owned and operated businesses, as defined in § 790.5. The Administrator, at his discretion, may adjust the allocation reserved for small concerns. To the extent that guarantees on loans to qualified small concerns are not issued within six months following the beginning of each fiscal year, the uncommitted allocation of loan guarantees for small concerns, at the discretion of the Administrator, may become available on an unrestricted basis.

#### § 790.33 Project monitoring.

The guaranty agreement shall provide that employees and representatives of ERDA shall, with the Manager's approval, have access to the project site. The lender, to the extent lawful and within its control, and borrower will assure availability of information related to the project as is necessary to permit the Manager to determine technical progress, soundness of financial condition, management stability, compliance with environmental protection requirements, and other matters pertinent to the guaranty.

#### § 790.34 Loan disbursements by lender.

Unless otherwise provided in the guaranty agreement, the lender shall not make any disbursement on the loan until:

(a) It has followed notification requirements as set forth in § 790.30(c) (1)

and (2) and has received written notice from the Manager that disbursement is approved; and,

(b) It has received from the borrower satisfactory documentary evidence, as provided in § 790.35, that funds requested will be used to pay the borrower's costs incurred or to be incurred for the project.

#### § 790.35 Satisfactory documentary evidence.

The borrower shall furnish to the lender a written statement in support of each request by the borrower for loan disbursements, setting forth in such detail as the lender or Manager may require the purposes for which disbursement is requested and an attestation that such disbursements will be used only for such purposes. Signature on the requesting document shall be made by a person authorized to order the expenditure of the borrower's funds.

#### § 790.36 Withdrawal of guaranty.

(a) The Administrator, may, upon the written recommendation of the Manager, terminate the guaranty by written notice to the lender and the borrower if the Manager finds that:

(1) Initiation of activity on the project has not occurred within the period of time set forth in the guaranty agreement. Within sixty days after termination under this circumstance, the Manager shall reimburse to the lender the full amount of the user charge paid by the lender if the charge has not been passed to the borrower;

(2) There is non-compliance on the part of the borrower or the lender with material terms and conditions set forth in either the loan agreement or the guaranty agreement, other than those concerning initiation of activity as referred to in paragraph (a) (1) of this section; or,

(3) There is failure by the borrower to acquire capital from intended sources, as provided in § 790.21(a) (16), and the borrower is unable to acquire alternate sources within a reasonable time as may be approved by the Manager.

(b) If the borrower fails to acquire capital from intended or alternate sources, or fails to comply with material terms and conditions set forth in the loan or guaranty agreement, the Manager shall notify the borrower and the lender that the guaranty may be reduced to the amount that has been disbursed by the lender as of the date of the notice. Disbursements made by the lender after such notification is received will not be covered by a guaranty.

(c) If the lender fails to comply with any material term or condition set forth in the guaranty or loan agreement, the guaranty may be terminated. Notice of the Manager's finding that a material term has not been complied with shall be served by the Manager upon the borrower and the lender. Following notification, the borrower will be allowed reasonable time to acquire a substitute lender that is capable of complying with provisions in this regulation. If the borrower obtains a substitute lender satisfactory to the Administrator, a new guaranty agreement will be negotiated.

Upon issuance of the new guaranty to the substitute lender, the original lender shall be reimbursed by the borrower for unpaid principal outstanding and accrued interest.

#### § 790.37 Default and demand.

(a) If the borrower defaults in making payment of principal or interest within the time period allowed in § 790.30(c) (3) and the lender has complied with the requirements placed on it as set forth in §§ 790.30 and 790.34, the lender may make demand in writing upon the Manager for payment pursuant to the guaranty, subject to the conditions described in paragraphs (b), (c) and (d) of this section.

(b) The Manager shall, pursuant to the provisions of § 790.7, determine whether an interest assistance contract shall be executed. In the event that interest assistance is not warranted, the Manager shall so notify the Administrator and the lender. The lender shall make available without delay such documents and certifications as the Manager may reasonably require evidencing the lender's compliance with notification provisions of the guaranty agreement.

(c) Upon default by the borrower and notification by the lender, and to the extent that sufficient reserves exist in the Geothermal Resources Development Fund: (i) upon approval of the Administrator, the Manager shall, within sixty days after receipt of such documents, pay to the lender on a proportionate basis or in full, whichever the guaranty agreement provides, the guaranteed amount of unpaid principal and accrued interest outstanding at the date of default; and (ii) during the period beginning from receipt of such documents and until payment is made by the Manager, interest payable by the United States will accrue on the guaranteed debt at a rate to be determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding short-term Treasury securities.

(d) The lender shall, concurrently with payment in full of all amounts guaranteed by the United States, assign to the United States and transfer and deliver to the Manager the loan documents, together with all collateral documents evidencing any and all security for and guarantees of the loan then held by the lender as set forth in the loan or guaranty agreement.

#### § 790.38 Preservation of collateral.

Upon default by the borrower, the holder of collateral associated with the project shall take actions such as the Manager may reasonably require to provide for the care, preservation, and maintenance of such collateral so as to achieve maximum recovery upon liquidation of collateral, security and guarantees for the loan. Except as provided in §§ 790.37 and 790.40, the lender shall not waive or relinquish, without the consent of the Manager, any collateral or guaranty for the loan to which the Government would be subrogated upon payment under the guaranty agreement to the lender.

#### § 790.39 Treatment of payments.

When the lender holds a guaranteed and non-guaranteed portion of a loan, payments of principal made by the borrower in accordance with the loan agreement shall be applied by the lender to reduce the guaranteed and non-guaranteed portions of the loan on a proportionate basis.

#### § 790.40 Assignment and incontestability.

(a) Except as may be required by law, the lender may assign to another lender rights and obligations under the loan or guaranty agreement only with the prior written consent of the Administrator.

(b) The lender may provide other lenders with participating shares in the loan without the prior consent of the Administrator. Written notice shall be given by the lender to the Manager and the borrower when participating shares are so provided. However, the original lender shall continue to be responsible for and perform the provisions of the guaranty agreement pertaining to the lender, unless the Administrator approves a substitute lender.

(c) The guaranty agreement shall be conclusive evidence that the guaranty and the underlying loan are in compliance with the provisions of Pub. L. 93-410 and this regulation, and that such loan has been approved and is legal as to principal and interest and other terms. Such a guaranty shall be valid and incontestable by the Government, except for fraud or misrepresentation by the holder of the obligation.

#### § 790.41 Survival of guaranty agreement.

The guaranty agreement shall be binding upon the lender, the borrower and the Administrator and upon their successors and assigns and shall survive payment by the United States. No delay or failure of the Administrator or the Manager in the exercise of any right or remedy and no single or partial exercise of any such right or remedy shall preclude any further exercise thereof; and no action taken or omitted by the Administrator or the Manager shall be deemed a waiver of any such right or remedy.

#### § 790.42 Security with respect to borrower's assets.

Each loan guaranteed under this regulation will be secured by liens or assignments of rights in assets associated with the project, or such other security specified in the guaranty agreement as may be reasonably required to protect the interests of the United States. Upon default by the borrower, as set forth in § 790.8, the Attorney General will seek recovery from the assets of the borrower that are associated with the project or specified in the guaranty agreement.

#### § 790.43 Other Federal assistance.

(a) Nothing in this regulation shall be interpreted to deny or limit the borrower's right to seek and obtain other Federal financial assistance (e.g., contracts, grants, direct loans or guaranteed



loans). However, the total amount of Federal financial assistance, including guarantees made under this regulation, obtained by the borrower for the project, shall not exceed 75 percent of the estimated aggregate cost of the project to be undertaken by the borrower.

(b) After closing of the loan guaranty agreement, the borrower will not undertake any work in connection with the project (by contract or grant) for a Federal agency without the Manager's written finding that performance of the work will not adversely affect the borrower's ability to comply with pertinent terms and conditions in the loan and guaranty agreement.

#### § 790.44 Patent and proprietary rights.

(a) Patents and other proprietary rights accruing to the borrower and resulting from the project will remain with the borrower, except as such rights shall be, in the case of default, treated as project assets in accordance with terms and conditions in the guaranty agreement.

(b) The guaranty agreement may provide that patents or other proprietary intellectual property rights utilized in or resulting from the project, which are owned or controlled by the borrower, shall be made available to other domestic parties upon reasonable terms and conditions which protect the confidentiality of information. If such action is determined by the Administrator to be in the public interest, this requirement will not be needed where the principal purpose of the loan is to utilize generally available technology to determine and evaluate a new geothermal resource base, or the acquisition of rights in geothermal resources.

(c) Where the principal purpose of the loan is for research and development with respect to extraction and utilization technologies, or for the development or demonstration of new and unique facilities or equipment, the requirements for making patents and other proprietary intellectual property available to other domestic parties shall normally be included in the guaranty agreement unless the Administrator determines, upon the recommendation of the Manager, that such implementation would either seriously impair the borrower's ability to conduct the project, seriously impair the borrower's ability to maintain a market-place posture, or be inconsistent with the borrower's pre-existing contractual obligations. The Administrator's determination on this matter shall include consideration of whether attainment of the objectives of the geothermal loan guaranty program, as set forth in § 790.2, will be adversely affected by this requirement.

#### § 790.45 Closing.

The major activities leading to the closing of the guaranty agreement include the following:

(a) When an application for a loan guaranty has been approved by the Administrator, the Manager will so notify the lender and the borrower and provide them with a copy of the proposed guaranty agreement.

(b) A preclosing conference will be arranged by the Manager, if the lender or borrower requests one, to discuss the terms and conditions contained in the guaranty agreement.

(c) Requests by the lender or borrower for modification of the terms and conditions set forth in the guaranty agreement shall be submitted to the Manager, supported by such documentation and facts as would justify the requests.

(d) Immediately after agreement to terms and conditions, the Manager shall arrange with the lender and the borrower for the preparation and review of necessary documents and agree upon a date for execution of the guaranty agreement and payment of the user charge.

#### § 790.46 Suspension, termination or cancellation of operations or production on federal land administered by the Secretary of the Interior.

(a) The Manager shall inform the Supervisor (as defined in 30 CFR 270.2(c)) when a loan guaranty is approved involving a Federal lease, so as to provide for future coordination of the loan guaranty program and lease administration.

(b) Under regulations issued by the Department of Interior, a leaseholder may, as provided in 43 CFR 3205.3-8 and 30 CFR 270.17, apply for suspension of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease). When a loan guaranty has been issued under this regulation for a project to be conducted by a qualified borrower who is a lessee under the above cited regulation, the borrower shall submit the suspension application to the Manager, together with a statement setting forth complete information showing the effect of such suspension on the borrower's ability to comply with terms and conditions set forth in the loan agreement. The Manager will notify the borrower in those situations when approval of the application might cause default by the borrower. Except in cases where potential environmental safety or reservoir damage is imminent, the borrower shall obtain the Manager's approval prior to submitting a suspension application to the Supervisor.

(c) 43 CFR 3204.3 requires that each geothermal lease issued by the Department of the Interior provide for the readjustment of terms and conditions at not less than 10-year intervals beginning 10 years after the date geothermal steam is produced. When a guaranty under this regulation has been issued for a loan on a project to be conducted by a borrower who is a lessee, and the bor-

rower files an objection to any proposed readjustment with the Authorized Officer (as defined in 43 CFR 3000.0-5 (f)) a copy of the objection shall be submitted without delay by the borrower to the Manager. The Manager shall forward a copy of the objection to those lenders concerned, and shall consult with the Authorized Officer regarding any final action by the Authorized Officer which might terminate the lease. The Manager shall prepare an assessment on the effect of the proposed readjustment of lease terms and conditions that would substantially limit the borrower's ability to comply with the terms and conditions set forth in the loan agreement. The Manager shall forward his assessment in writing to the Administrator, the Authorized Officer and the Supervisor.

(d) Upon receipt by the lessee of notice of a proposed cancellation of a lease by the Authorized Officer, the lessee with a loan guaranteed under this regulation will provide the Manager and the lender with notice of such proposed action. Upon receipt of such notice the Manager will consult with the Supervisor and Authorized Officer for the purpose of determining whether the public interest can best be served by an acceptable alternative arrangement, such as obtaining assignments for a party qualified to hold geothermal leases who is a qualified borrower and who is willing to assume the original lessee's loan agreement and related undertaking, so that operation and production can continue.

(e) If default is likely to occur as a result of termination or cancellation of a lease, the Manager shall request the Supervisor or the Authorized Officer to rescind the lessee's privilege of removing assets from the premises, as provided in 43 CFR 3244.5.

#### § 790.47 Appeals.

All decisions by the Manager relating to disputes arising under a guaranty agreement or loan agreement made under and entered into pursuant to this regulation shall be in writing. The borrower or lender, as applicable, may request the Manager to reconsider any such decision. If not satisfied with the final decision made by the Manager, the borrower or lender, upon receipt of such written decision, may appeal the decision within 30 days, in writing, to the Chairman, Board of Contract Appeals (EBCA), Energy Research and Development Administration, Washington, D.C. 20545. That Board when functioning to resolve such loan guaranty disputes, shall proceed in the same general manner as when it presides over appeals involving contract disputes. The decision of the Board with respect to such appeals shall be the final decision of the Agency.

Signed at Washington, D.C., this 25th day of May, 1976.

ROBERT C. SEAMANS, JR.,  
Administrator.

[FR Doc. 76-15152 Filed 5-25-76; 8:45 am]

## Title 12—Banks and Banking

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

#### PART 545—OPERATIONS

#### Amendments Relating to Electronic Funds Transfer Through Remote Service Units

##### SUMMARY

MAY 20, 1976.

The following summary of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions of the regulation.

I. *Present Regulation*—Expires on July 31, 1976.

II. *Amended Regulation*—Extends the term of the experimental regulation to December 31, 1977, and re-opens the application period for Board approval of remote service units from August 1, 1976, through March 31, 1977.

III. *Reason for Amendments*—To permit continued experimentation by Federal associations in the use of remote service units.

The Federal Home Loan Bank Board, by Resolution No. 76-175, dated March 5, 1976, proposed to amend paragraphs (g) (1) and (k) of § 545.4-2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.4-2 (g) (1) and (k)) by extending the expiration date of its experimental remote service unit regulation to December 31, 1977, and re-opening the application period for Board approval of new units and modifications of existing ones for the purposes of enlarging the informational base for developing permanent Board regulations, and contributing to the study and investigation of the National Commission on Electronic Fund Transfers.

Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 11, 1976 (41 F.R. 10452), with an invitation for interested persons to submit written comments by April 12, 1976. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board has determined to adopt the amendments as proposed, with one change: paragraph (g) (1) of § 545.4-2 is revised to include the application period's reopening date, August 1, 1976. This change reflects the Board's decision to re-open the application period on the first day following the present regulation's expiration date, July 31, 1976.

By Resolution No. 74-8, dated January 9, 1974 (39 F.R. 1974), the Board initiated its pilot electronic fund transfer project on a limited scale to authorize Federal savings and loan associations to explore innovative technologies with potential for providing more efficient and economical financial services to the public. Following the project's inception, the Board determined by Resolution No. 74-573, dated June 26, 1974 (39 F.R. 23991), that continued operation of the experimental project was in the public interest. The Board at that time expressed

its view that reports from, and observations of, actual operation of electronic funds transfer systems would furnish valuable experience and information to the Board, the savings and loan industry, and the public relating to the substance of any permanent regulations which the Board might promulgate regarding such systems. Board Resolution No. 74-573 authorized Federal savings and loan systems to operate the experimental projects until July 31, 1975.

Following adoption of the regulation, Public Law 93-495 (October 28, 1974; 88 Stat. 1500), created the National Commission on Electronic Fund Transfers to "conduct a thorough study and investigation and recommend appropriate administrative action and legislation necessary in connection with the possible development of public or private electronic fund transfer systems". The legislative history of Public Law 93-495 reflects a Congressional intent that, during the existence of the Commission, electronic funds transfer system activities by Federal regulatory agencies and private industry be of an experimental rather than a permanent nature. In view of the Commission's creation and purpose, and the legislative history just referred to, the Board determined by Resolution No. 75-555, dated June 25, 1975, that continued operation of its experimental remote service unit program would contribute significantly to formulation of future policy by the Board and the Commission, and the Board authorized continuation of its program until July 31, 1976.

By the end of 1975, the Board's experience with its program revealed that, due to its inherently complex and novel aspects, comprehensive evaluation thereof required an expanded and refined operational base. In this regard, the Board notes that many pending remote service unit applications involve novel and innovative concepts which differ from applications already approved, and the Board anticipates that a further re-opening of the application period is likely to generate other useful and new concepts. By this extension of the operating deadline and re-opening of the application period, the Board intends to consolidate its experience in this area by reports to and from the National Commission on Electronic Fund Transfers, so that meaningful conclusions can be drawn regarding the role which Federal savings and loan associations may play in the development of electronic fund transfer services. Such extension and re-opening also is expected to produce valuable information to assist the Board in developing permanent regulations. In this context, the Board emphasizes that, although a reasonable number of new applications may be approved during the new application period, applicants interested in participating in the Board's experimental program must recognize that change and modification in the regulatory scheme governing remote service units may be required when the Board promulgates its permanent regulations. This same cautionary note applies

to associations operating existing projects, all of whose operating deadlines are extended by this resolution to December 31, 1977.

The Board also wishes to emphasize that the period for filing remote service unit applications is being re-opened only for a brief period of time—from August 1, 1976, until March 31, 1977. Therefore, any Federal savings and loan association wishing to participate in the Board's program must file its application before the March 31, 1977, deadline.

The Board also takes this opportunity to amend § 545.4-2(b) (2), which permits withdrawals through negotiable or transferable orders or authorizations for Federal associations having home offices in New Hampshire or Massachusetts, by including the states of Connecticut, Rhode Island, Maine and Vermont, for the purpose of conforming § 545.4-2(b) (2) with recently amended Section 2(a) of Public Law No. 93-100.

The Board finds that notice and public procedure for the amendment to § 545.4-2(b) (2) are unnecessary under 12 CFR 508.11 and 5 U.S.C. § 553(b) since it relieves restriction and is in the public interest to become effective as soon as possible, and that publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. § 553(d) prior to the effective date is unnecessary for the same reasons.

Accordingly, the Board hereby amends § 545.4-2(b) (2) to read as set forth below effective May 28, 1976, and paragraphs (g) (1) and (k) of § 545.4-2 to read as set forth below, effective July 31, 1976. The Board also hereby extends through December 31, 1977, its approval of all remote service unit applications approved under § 545.4-2 prior to May 28, 1976.

Section 545.4-2 is amended by revising (b) (2), (g) (1) and (k) as set forth below:

§ 545.4-2 Remote service units (temporary provision).

(b) *Financial services authorized for remote service units.* . . .

(2) Withdrawals of savings accounts or deposits in such association, which withdrawals may be total or partial and may be effected through use of non-transferable orders or authorizations, but not through use of negotiable or transferable orders or authorizations to the association other than a Federal association having its home office in New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine or Vermont: *Provided*, That in no case may the association permit or authorize withdrawals in excess of a holder's balance in such an account or deposit:

(g) *Applications.* (1) A Federal association may not establish, maintain, or use a remote service unit, or participate in the establishment, maintenance, or use of a remote service unit, without prior



written approval by the Board. Applications for Board approval may be filed from August 1, 1976, through March 31, 1977. One original and one copy of any application made pursuant to this section shall be filed with the Supervisory Agent and two copies of such application shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. An applicant may file additional information in support of its application and may amend the application. The Director or the Supervisory Agent may request an applicant to furnish additional information.

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of December 31, 1977.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Sec. 2, Public Law 93-100, 87 Stat. 342, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp. 1071)

By the Federal Home Loan Bank Board.

[SEAL]

J. J. FINN,  
Secretary.

[FR Doc. 76-15365 Filed 5-25-76; 8:45 am]

#### Title 16—Commercial Practices

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9035]

#### PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Kraftco, Inc., et al.

Subpart — Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpretations or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Richard C. Bond, an individual.

Consent order requiring Richard C. Bond to cease serving simultaneously on the board of directors of Kraftco, Inc., a Glenview, Ill., manufacturer and seller of margarine, edible oils and barbecue sauce, and as a director of any of Kraftco's competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

#### ORDER

1. It is ordered, That upon this order becoming final Respondent, Richard C. Bond, so long as he remains a director of Kraftco, Inc., (a) shall not resume his position as a director of SCM Corporation, and (b) shall not accept or continue to hold a position as director of any other corporation engaged in or affecting interstate commerce as defined in the Clayton or Federal Trade Commission Acts which is in competition with Kraftco, Inc.

<sup>1</sup> Copies of the Complaint, Decision and Order, filed with the original document.

2. It is further ordered, That within thirty (30) days from the date on which this order is served upon him Respondent shall file with the Commission a written report setting forth the manner and form in which he has complied with this order.

The Decision and Order was issued by the Commission April 26, 1976.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 76-15267 Filed 5-26-76; 8:45 am]

#### Title 18—Conservation of Power and Water Resources

#### CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-14; Order No. 548]

#### PART 2—GENERAL POLICY AND INTERPRETATIONS

#### PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

#### Exportation of Natural Gas for Non-Utility Purposes

MAY 17, 1976.

Commission establishes general policy that the exportation of small amounts of natural gas for non-utility purposes is not inconsistent with the public interest and delegates authority to the Secretary of the Commission to authorize such exports.

The Commission herein promulgates a statement of policy with respect to the exportation of natural gas pursuant to section 3 of the Natural Gas Act (52 Stat. 822, 15 USC 717b). Relative to that statement of policy the Commission also herein delegates authority to the Secretary to authorize, in limited circumstances, exportation of natural gas.

Several applications have been filed with the Commission recently requesting authorization pursuant to section 3 of the Natural Gas Act to export small volumes of natural gas for non-utility use.<sup>1</sup> Often these requests require expeditious treatment. In spite of the relatively minor volumes of gas involved, these routine applications have been acted upon by the Commission, in accordance with the standard of section 3 of the Natural Gas Act, and have been subject to the administrative delays incident to Commission authorization.

The Commission finds that as a matter of general policy, the exportation of 100 Mcf of natural gas (at 14.73 psia and 60° F.) or the liquefied or compressed equivalent thereof, in a single shipment for scientific or experimental (non-utility) use is not inconsistent with the public interest. In order to reduce administrative

<sup>1</sup> For example, see letter orders of the Commission dated February 26, 1976, and March 15, 1976, authorizing Air Products and Chemicals, Inc. to export several cylinders of methane for non-fuel industrial use, and letter of Union Carbide filed with the Commission on November 5, 1975, requesting authorization as necessary to export several cylinders of methane for experimental and scientific use.

tive delays the Commission has delegated to the Secretary the authority to authorize natural gas exportation in the limited circumstances outlined above. It should be noted that actions taken pursuant to authority delegated by the Commission may be appealed to the Commission by filing a petition in accordance with § 1.7 (d) of the Commission's rules (18 CFR 1.7(d)).

The Commission's finding with regard to the exportation of small volumes of natural gas should be reflected in the Commission's General Policy and Interpretations. The delegation of final authority to the Secretary should be reflected in the description of the Commission's organization as required by section 3 of the Administrative Procedure Act (5 USC 552).

The Commission finds: (1) The amendments to the Commission's general rules herein adopted are necessary and appropriate in carrying out the provisions of the Natural Gas Act.

(2) Since the amendments herein adopted involve matters of Commission general policy and organization and procedures, the notice, hearing and effective date provisions of the Administrative Procedure Act (5 USC 553) are not applicable.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 3 and 16 thereof (52 Stat. 822, 830; 15 USC 717b, 717o), and in accordance with section 3 of the Administrative Procedure Act (5 USC 552) orders:

1. Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.51, which reads as follows:

§ 2.51 Export of small volumes of natural gas for non-utility use.

As a general policy regarding future applications for authorization to export natural gas pursuant to section 3 of the Natural Gas Act, the single shipment exportation of up to 100 Mcf of natural gas (at 14.73 psia and 60° F.) for scientific or experimental (non-utility) use is not inconsistent with the public interest.

2. Paragraph (a) of § 3.5, subpart A—Organization; Delegations of Authority, part 3, subchapter A, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding the following paragraph:

§ 3.5 Delegations of final authority.

The Commission has authorized:

(a) The Secretary, or in his absence the Acting Secretary to: . . .

(27) Grant applications filed pursuant to Section 3 of the Natural Gas Act for authorization to export, in single shipment, up to 100 Mcf of natural gas at 14.73 psia and 60° F. for experimental or scientific use, provided that such applications for authorization to export natural gas may be referred to the Commission for its consideration upon the Commission's own motion or when, in the Secretary's judgment, such application should be considered by the Commission.

3. The Secretary shall cause prompt publication of these amendments of the Commission's general rules to be made in the FEDERAL REGISTER, and, in accordance with section 16 of the Natural Gas Act, such amendments shall be effective June 25, 1976.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15308 Filed 5-25-76; 8:45 am]

[Docket No. R-472; Order No. 531(c)]

#### PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

#### PART 260—STATEMENTS AND REPORTS (SCHEDULES)

#### Order Revising and Clarifying Form No. 69

MAY 19, 1976.

Report of the Alternate Fuel Demand of Direct End Use Customers of Interstate Pipeline Companies Due To Natural Gas Curtailments FPC Form No. 69.

On June 25, 1975, the Commission issued Order No. 531 setting forth a new Form No. 69 which was the result of a coordinated effort undertaken with the Federal Energy Administration (FEA), other governmental agencies and the National Association of Regulatory Utility Commissioners. The Commission issued Order No. 531-A on July 9, 1975, revising and clarifying Form No. 69 in order to make it fully conform with the FEA's concurrent Form No. G-101-Q-O.<sup>1</sup>

The FEA and the FPC are currently utilizing their respective Form Nos. G-101-Q-O and 69, as amended, to accumulate the information needed to determine the type and quantities of alternate fuels that will be required in order to offset the loss of natural gas due to the curtailment of deliveries by interstate pipelines and the general dwindling supply of that resource. Experience gained from the utilization of the current forms over the course of the past six months has shown the existence of a need for the development of reporting techniques that not only provide the essential information required with respect to alternate fuels but that also lessen the work burdens imposed upon the companies required to make these data submissions and the federal entity responsible for collating this information.

The FEA has attempted to revise its Form No. G-101-Q-O to achieve the aforementioned results. The FPC, after reviewing the changes proposed by the FEA, has determined that it is necessary to conform Form No. 69 with the FEA's concurrent form G-101-P-1 for the reasons noted above and to enable both federal entities to effectively undertake their respective statutory responsibilities.

The revised FPC Form No. 69 is attached hereto as Appendix A and shall be submitted henceforth instead of the previous form that was effective prior to the promulgation of this order. The revisions to Form No. 69 that we are making herein are primarily directed at the deletion from FPC Report Form No. 69 of data found to be unnecessary or duplicative in nature.

The revised Form No. 69 that we are adopting in this order should make the task of the reporting companies far less burdensome because of the fact that we will delete a number of the items that were required to be reported in the previous form. The items listed below are not required and are deleted in the new Form No. 69:

1. The count of Schedules is to be deleted.

2. Schedules 1 and 1B are hereby merged thereby deleting one set of identification data.

3. Schedules 2 and 2B are hereby merged thereby deleting one set of identification data.

4. Schedules 1C and 2C are to be deleted.

5. Information indicating worker days lost is to be deleted.

6. When determining the volume of alternate fuel needed, the necessity to convert that volume on an equivalent Btu basis for the natural gas curtailed along with a reflection for the difference in use efficiency is no longer required.

7. Alternate fuel data for small end-users is to be deleted.

8. SIC Codes for small end-users is to be deleted.

9. The two questions pertaining to source of information on Schedule No. 1 is to be deleted.

The following minor additions have been incorporated into the latest revised form:

(1) Aggregated deliveries by category by month. (This is merely an aggregate or arithmetical addition of monthly data provided under the old Form No. 69.)

(2) Aggregated curtailments by type of service. (This is merely an aggregate or arithmetical addition of monthly data provided under the old Form No. 69.)

(3) A breakdown of each company's annual gaseous fuel supplies reflecting in addition to natural gas, its supplies of synthetic natural gas, liquefied natural gas, propane and other gaseous fuels.

Annual gaseous fuel supplies of the aforementioned variety, represent the only additional information required on the new form. The old Form No. 69 required a complete showing relative to the natural gas supplies by all of the reporting companies. The number of reporting

<sup>1</sup> The revisions reflected in Order No. 531-A were promulgated in order to assure that there would be consistency in the responses submitted to the aforementioned complementary forms and to further insure that the data collected by the above-noted governmental entities would be compatible both for purposes of analysis and data processing.

companies with more than one source of gaseous fuel is limited and the additional burden of providing the information required in these instances will be *de minimus*.

The FEA no longer requires the filing of its corresponding Form G-101-P-1 on a quarterly basis. It presently only requires the filing of two reports on an annual basis, i.e., on May 31st, and September 30th. The Commission, after having had the opportunity to analyze and review the initial data submissions reflected in Form No. 69 is, similarly to the FEA, of the opinion that the filing of this report on a quarterly basis is not necessary and that two filings a year will be adequate to provide it with the information that it requires to fulfill its statutory obligation under the Natural Gas Act (52 Stat. 830, 15 U.S.C. 717o). It will, therefore, require that Form No. 69 be filed only two times a year, i.e., on May 31st and on September 30th. The date for the first filing of the revised Form No. 69 adopted in this order will be on or before June 15, 1976, instead of May 31, 1976, in order to provide the responding parties with ample time to make their initial submission of the revised form to the Commission. Thereafter, all subsequent filings will be made as indicated, i.e., on September 30th and May 31st.

The Commission *sua sponte* orders that FPC Report Form No. 69 and accompanying instructions attached hereto as Appendix A are to be utilized in lieu of the former FPC Report Form No. 69 as of the date of this order so that the aforementioned deletions, minor revisions and clarifications will be immediately effectuated. FPC Report Form No. 69 and the accompanying instructions thereto as provided for by Section 260.15 and Section 3.170 of Title 18 of the Code of Federal Regulations is therefore revised, as indicated above, and such revisions will be effectuated by utilizing in lieu of the former Form No. 69, and pertinent instructions, the new Form No. 69 and accompanying instructions which is attached hereto as Appendix A.

The Commission finds: (1) The revisions prescribed herein basically represent procedural matters and do not require notice or hearing under 5 USC 553.

(2) Good cause exists that the revisions and deletions to FPC Report Form No. 69 adopted herein should become effective upon the issuance of this order.

(3) The aforementioned revision of Form No. 69 is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Section 16 thereof (52 Stat. 717o), orders:

(A) FPC Form No. 69 as promulgated by § 260.15 and § 3.170 of Title 18 of the Code of Federal Regulations is accordingly revised and Form No. 69, as set forth in the Appendix A to this order, with accompanying instructions, is adopted and will be made available to the public and is to be used henceforth

<sup>1</sup> The FEA will designate its latest form as Form No. G-101-P-1 instead of Form No. G-101-Q-O.

<sup>2</sup> Form No. 69 filed as part of the original document.



in order to comply with the above-noted Regulations.

(B) The revisions adopted herein shall be effective upon issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15309 Filed 5-25-76;8:45 am]

#### Title 19—Customs Duties

### CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76-146]

#### PART 103—AVAILABILITY OF INFORMATION

##### Public Reference Facility; Change of Address

Section 103.1 of the Customs Regulations (19 CFR 103.1) sets forth the addresses of the various offices where the United States Customs Service maintains a public reading room or public reading area where the material required to be made available under 5 U.S.C. 552(a)(2) and Part 103 of the Customs Regulations may be inspected and copied.

The address of the United States Customs Service, Region V-New Orleans, has changed. It is therefore necessary to amend section 103.1 to reflect this change.

Accordingly, the address of the United States Customs Service, Region V-New Orleans, set forth in § 103.1 of the Customs Regulations (19 CFR 103.1) is amended to read as follows:

Section 103.1 is amended as set forth below:

##### 103.1 Public reference facilities.

Region V—New Orleans, Canal-LaSalle Building, Suite 2400, 1440 Canal Street, New Orleans, Louisiana 70112.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Because this amendment merely conforms the Customs Regulations with an administrative change, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

**Effective date.** This amendment shall become effective May 26, 1976.

VERNON D. ACREE,  
Commissioner of Customs.  
Approved: May 20, 1976.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.

[FR Doc.76-15343 Filed 5-25-76;8:45 am]

#### PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

##### Certain Merchandise by a Library or Other Institution, Amended

As part of the overall revision of the Customs Regulations, former Part 8 (19 CFR Part 8) was revised and incorporated in a new Part 143 (19 CFR Part 143) entitled Consumption, Appraisal, and Informal Entries, which was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17443).

It has now come to the attention of the United States Customs Service that item 851.10, Tariff Schedules of the United States, relating to certain articles imported for the use of any public library, any other public institution, or any non-profit institution established for educational, scientific, literary, or philosophical purposes, or for the encouragement of the fine arts, was inadvertently omitted from the list of item numbers set forth in section 143.21(h) of the Customs Regulations (19 CFR 143.21(h)), under which books and other articles imported by a library or other institution may be entered under informal entry.

In order to correct this omission, § 143.21(h) must be amended by adding a reference to item 851.10, Tariff Schedules of the United States.

Accordingly, § 143.21(h) of the Customs Regulations (19 CFR 143.21(h)) is amended to read as follows:

##### 143.21 Merchandise eligible for informal entry.

(h) Books and other articles classifiable under item 270.25, 273.10, 273.35, 765.03, 850.10, or 851.10, Tariff Schedules of the United States (19 U.S.C. 1202), imported by a library or other institution described in item 850.10 or 851.10, Tariff Schedules of the United States (19 U.S.C. 1202).

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 66, 1498, 1624))

Because this amendment merely relaxes a present requirement and requires no public initiative, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

**Effective date.** This amendment shall become effective May 26, 1976.

LEONARD LEHMAN,  
Acting Commissioner of Customs.  
DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.  
Approved: May 18, 1976.

[FR Doc.76-15342 Filed 5-25-76;8:45 am]

#### Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75N-0120]

#### PART 25—DRESSINGS FOR FOOD

##### Standards for Mayonnaise, French Dressing, and Salad Dressing

The Food and Drug Administration (FDA) is revising standards of identity for mayonnaise, french dressing, and salad dressing. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including required label changes, may begin July 26, 1976, and all products introduced into interstate commerce on or after January 1, 1978, shall fully comply; objections by June 25, 1976.

The Commissioner of Food and Drugs issued a proposal in the FEDERAL REGISTER of July 24, 1975 (40 FR 30978), to revise the standards of identity for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, and 25.3, respectively) to: (1) Require label declaration of ingredients; (2) allow the use of functional classes of safe and suitable ingredients that would not modify the fundamental characteristics of the foods; and (3) revise and update the format of the standards. The proposed amendments, as well as other modifications suggested by the comments, are being adopted.

Seven responses to the proposal were received—from a consumer, three trade associations, two suppliers of flavors, and a consultant to a supplier of flavors. One letter supported the proposed requirement for ingredient declaration. The comments in the other six letters and the Commissioner's conclusions about them are as follows:

1. *Use of artificial flavors.* Comments from a supplier of flavors and a trade association of flavor manufacturers urged that the use of artificial flavors be permitted in dressings, based on the precedents established in the canned fruits and fruit juice standards amendments to Part 27 (21 CFR Part 27), published in the FEDERAL REGISTER of February 7, 1975 (40 FR 5762) and the Commissioner's remarks in the preamble of an amendment to § 1.12 (21 CFR 1.12), which refers to spices, flavoring, coloring, and chemical preservatives and was published in the FEDERAL REGISTER of December 3, 1973 (38 FR 33284). Additional reasons provided in support of the request were that artificial flavors: (1) Do not fluctuate in availability or cost; (2) are substitutes for natural products that may be considered unsafe; (3) prevent price increases; (4) improve the flavor of the product; and (5) prolong the shelf life of the products.

On the other hand, a trade association representing producers of standardized dressings strongly objected to the use of artificial flavorings in these foods. According to the comment, the artificial flavors would debase the traditional consumer concept of the standardized product, and ample latitude for the use of artificial flavors is available in nonstandardized dressings.

The Commissioner is of the opinion that it would be inappropriate and potentially confusing to allow the use of artificial flavors in standardized dressings. The predominant spices and flavoring ingredients used in french dressing, salad dressing, and mayonnaise are mustard, garlic, onion, pepper, and paprika. The substitution of artificial flavors for these ingredients has no appreciable advantage. The ingredients are used in relatively small amounts in the dressings, and their availability in the marketplace has remained fairly constant; so price changes should have little effect on the cost of the products. Stability of these flavors during storage is not a problem. The Commissioner is not aware of any information that suggests that these particular natural ingredients are unsafe or any less safe than artificial flavors. On the other hand, the substitution of artificial flavors for some natural flavor ingredients may adversely affect the character of the product, since some of the ingredients, particularly mustard and pepper, perform a technological function in aiding the emulsification process. In addition, consumers expect standardized dressing to contain natural flavors, and it is an element in distinguishing the standardized food from similar nonstandardized products.

The Commissioner disagrees with the comments that it would be inconsistent with prior policy not to allow artificial flavors in these standardized foods. The Commissioner recognized in his remarks on spices, flavorings, and chemical preservatives that artificial flavors should be treated differently from natural flavors for economic reasons, and that their presence should be prominently indicated with the name of the food whenever the consumer reasonably expects the presence of natural flavors. If artificial flavors were to be permitted in standardized dressing, appropriate labeling would be necessary, e.g., artificially flavored mayonnaise. The Commissioner maintains that an adequately labeled product would, in this instance confuse consumers and blur the distinction between the standardized and nonstandardized products. The Commissioner has provided for the use of artificial flavors in standardized canned fruits because their use does not alter a fundamental characteristic of the food, that being its fruit content, and because labeling under § 1.12 about the presence of artificial flavors does not have the same potential for confusing consumers.

The Commissioner maintains that any amendment to §§ 25.1, 25.2, and 25.3 that would permit the use of artificial flavors should be made only after the public has had an opportunity to comment. If there

is an interest in such an amendment, it should be initiated through the filing of a petition to amend the standard in accordance with Part 2 (21 CFR Part 2).

2. *Malic acid as an optional acidifier.* Two comments requested that malic acid be permitted as an optional acidifier, or alternatively, that the standards provide for "safe and suitable acidifiers." According to one comment, laboratory evaluation of malic acid-containing dressings indicates definite flavor improvement and better bacteriostatic action against yeasts and certain bacteria when used in french-type dressings.

The Commissioner is aware that one of the primary functions of the acidifiers in these dressings is flavoring. He therefore concludes that it is reasonable to allow the use of malic acid as an optional acidifier, subject to the same limitations applicable to citric acid under the existing standard. In the amendment to the french dressing standard (21 CFR 25.2), published in the FEDERAL REGISTER of November 8, 1974 (39 FR 39554), the Commissioner stated in the preamble (item 5) that it would be inappropriate to broaden the standard by permitting any safe and suitable optional ingredients to be used, in lieu of specifying the acidifying ingredient that may be used, because it would "reduce the conspicuous differences" with the nonstandardized dressings. No comments were received disagreeing with the Commissioner's position. The comments have not provided any reasons or information to support a change in this position for french dressing, or for the other dressings subject to Part 25 (21 CFR Part 25), in which acidifiers perform a similar function. In addition, the Commissioner is not sure that all acidifiers can be used interchangeably without affecting the character of the dressings. Accordingly, he maintains that an amendment of the standard to permit the use of any safe and suitable acidifiers should be considered only on the basis of an affirmative showing that the change will not alter the character of the food.

3. *Source declaration of oil.* One comment pointed out that it would provide more flexibility to the manufacturer and reduce his costs if oils could be declared nonspecifically on the label, e.g., vegetable oil (soybean, cottonseed, and/or corn oil), so any one or any combination of these oils could be used without necessitating a label change. This proposal would apply only to the most commonly used vegetable oils—soybean, cottonseed, and corn oils; all other oils would have to be specifically declared. The comment stated that this change is consistent with the Commissioner's rationale as stated in the proposed regulations for "Food Labeling; Label Declaration of Ingredients; Misleading Vignettes; Common or Usual Name for Food," which affected 21 CFR Parts 1 and 102 and was published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20888) "wherein he recognized the advantage of listing oils by source without adherence to the strict order of predominance."

The Commissioner advises that the section of the proposed regulations referred to by the comment pertains only to foods in which oils or fats are not the sole or predominant ingredients. Oil is the predominant ingredient in mayonnaise (65 percent minimum), french dressing (35 percent minimum), and salad dressing (30 percent minimum). In establishing the definitions and standards of identity for mayonnaise, french dressing, and salad dressing, in the FEDERAL REGISTER of August 12, 1950 (15 FR 5227), the Commissioner stated that all the foods listed under Part 25 are characterized by a fat ingredient, an acidifying ingredient, and seasoning ingredients. The arguments in favor of nonspecific labeling rather than specific labeling by predominance were thoroughly considered in the promulgation of the Part 1 labeling regulations for fats and oils, published in the FEDERAL REGISTER of January 6, 1976 (41 FR 1156). Since no new reasons were offered by the comment to support a change, the Commissioner finds that there is no basis for making an exception for food covered by Part 25. The Commissioner therefore concludes that declaration of oils shall be in accordance with Part 1 (21 CFR Part 1).

4. *Safe and suitable thickening agents.* One comment requested that the standard of identity for salad dressing (21 CFR 25.3) be changed to permit the use of "any safe and suitable thickening agent," rather than permitting only starch pastes.

The Commissioner advises that the policy of permitting use of safe and suitable ingredients, in lieu of specifying particular ingredients, is inapplicable to ingredients that characterize the food, or that consumers reasonably expect to find in the food, unless the food can be labeled in an informative and nonconfusing way to indicate the change to consumers. The starch ingredient has been recognized as an important factor in differentiating salad dressing from mayonnaise since the establishment of the standard in the August 12, 1950 FEDERAL REGISTER. The Commissioner also maintains that the change urged in the comment might result in the use of thickeners that have an adverse effect on the commonly recognized texture of the food. Therefore, the Commissioner concludes that the suggested change is not acceptable.

5. *Use of names of standardized products.* One comment requested that the name "mayonnaise" or any derivative of that name, such as "mayo" or "unmayonnaise," not be permitted on a product that does not meet the standard of identity for mayonnaise unless that product is labeled "imitation". The comment further requested that such restrictions be written into the standard of identity.

The Commissioner points out that ample protection against mislabeling already exists; section 403(a) of the Federal Food, Drug, and Cosmetic Act expressly prohibits any labeling that is false or misleading. Imitation labeling is required under section 403(g) of the act and § 1.8 (21 CFR 1.8) for any nutritionally inferior nonstandardized food



that substitutes for and resembles a standardized food. All nonstandardized foods are required by § 102.1 (21 CFR 102.1) to bear descriptive names that are not confusingly similar to other foods. If the Commissioner determines that the particular use of these or similar terms violates the act or regulations, he will not hesitate in using the means available to him under the act to protect the consumer. The Commissioner concludes that because ample protection against mislabeling is already provided, the restrictions requested are unnecessary and need not be written into the standard of identity for mayonnaise. Further, the Commissioner does not believe that the standards of identity regulations are the proper place to provide for such labeling restrictions.

6. *Labeling of artificial colors.* One comment requested clarification of the labeling requirements for coloring ingredients used in french dressing (21 CFR 25.2), namely, paprika, oleoresin of paprika, or  $\beta$ -apo-8'-carotenal and, in particular, whether paprika should be regarded as a spice or as coloring.

In accordance with § 1.12(a) (2) (21 CFR 1.12(a) (2)), paprika may be declared on the label as either "spice and coloring" or by its common or usual name, "paprika." It may not be declared simply as "spice." Oleoresin of paprika is both a natural flavor and an artificial color. When used to provide both flavor and color to the food, it must be declared in accordance with § 1.10(c) (21 CFR 1.10(c)) as either "flavoring and coloring" or by its common or usual name. If its sole function is to color the food, it must be declared as color. The ingredient  $\beta$ -apo-8'-carotenal is solely an artificial color and must be declared as such.

Having considered the comments received, the Commissioner concludes that adoption of the standards set forth below will provide honesty and fair dealing in the interest of consumers.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 1.1(d) (4) (21 CFR 6.1(d) (4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this amendment. The Commissioner has also considered the inflation impact of this regulation and has found that it will not cause a major inflation impact as defined in Executive Order 11821, OMB Circular A-107, and guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. Copies of the FDA inflation impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 25 is

amended by revising §§ 25.1, 25.2, and 25.3 to read as follows:

**§ 25.1 Mayonnaise, mayonnaise dressing; identity; label statement of ingredients.**

(a) *Description.* Mayonnaise, mayonnaise dressing, is the emulsified semisolid food prepared from vegetable oil(s), one or both of the acidifying ingredients specified in paragraph (b) of this section, and one or more of the egg yolk-containing ingredients specified in paragraph (c) of this section. One or more of the ingredients specified in paragraph (d) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (d) (7) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. Mayonnaise contains not less than 65 percent by weight of vegetable oil. Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(b) *Acidifying ingredients.* (1) Any vinegar or any vinegar diluted with water to an acidity, calculated as acetic acid, of not less than 2½ percent by weight, or any such vinegar or diluted vinegar mixed with an optional acidifying ingredient as specified in paragraph (d) (6) of this section. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice and/or lime juice in any appropriate form, which may be diluted with water to an acidity, calculated as citric acid, of not less than 2½ percent by weight.

(c) *Egg yolk-containing ingredients.* Liquid egg yolks, frozen egg yolks, dried egg yolks, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one or more of the foregoing ingredients listed in this paragraph with liquid egg white or frozen egg white.

(d) *Other optional ingredients.* The following optional ingredients may also be used:

- (1) Salt.
- (2) Nutritive carbohydrate sweeteners.
- (3) Any spice (except saffron or turmeric) or natural flavoring, provided it does not impart to the mayonnaise a color simulating the color imparted by egg yolk.
- (4) Monosodium glutamate.

(5) Sequestrant(s), including but not limited to calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) and/or disodium EDTA (disodium ethylenediaminetetraacetate), may be used to preserve color and/or flavor.

(6) Citric and/or malic acid in an amount not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar, calculated as acetic acid.

(7) Crystallization inhibitors, including but not limited to oxystearin, lecithin, or polyglycerol esters of fatty acids.

(e) *Nomenclature.* The name of the food is "mayonnaise" or "mayonnaise dressing."

(f) *Label declaration of ingredients.* Each of the ingredients used in the food

shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

**§ 25.2 French dressing, identity; label statement of ingredients.**

(a) *Description.* French dressing is the separable liquid food or the emulsified viscous fluid food prepared from vegetable oil(s) and one or both of the acidifying ingredients specified in paragraph (b) of this section. One or more of the ingredients specified in paragraph (c) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (c) (11) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. French dressing contains not less than 35 percent by weight of vegetable oil. French dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(b) *Acidifying ingredients.* (1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with an optional acidifying ingredient as specified in paragraph (c) (9) of this section. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice and/or lime juice in any appropriate form, which may be diluted with water.

(c) *Other optional ingredients.* The following optional ingredients may also be used:

- (1) Salt.
- (2) Nutritive carbohydrate sweeteners.
- (3) Spices and/or natural flavorings.
- (4) Monosodium glutamate.
- (5) Tomato paste, tomato puree, catsup, sherry wine.
- (6) Eggs and ingredients derived from eggs.

(7) Color additives that will impart the color traditionally expected.

(8) Stabilizers and thickeners to which calcium carbonate or sodium hexametaphosphate may be added. Diethyl sodium sulfosuccinate may be added in accordance with § 121.137 of this chapter.

(9) Citric and/or malic acid, in an amount not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid.

(10) Sequestrant(s), including but not limited to calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) and/or disodium EDTA (disodium ethylenediaminetetraacetate), may be used to preserve color and/or flavor.

(11) Crystallization inhibitors, including but not limited to oxystearin, lecithin, or polyglycerol esters of fatty acids.

(d) *Nomenclature.* The name of the food is "french dressing."

(e) *Label declaration of ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

**§ 25.3 Salad dressing; identity; label statement of ingredients.**

(a) *Description.* Salad dressing is the emulsified semisolid food prepared from vegetable oil(s), one or both of the acidifying ingredients specified in paragraph (b) of this section, one or more of the egg yolk-containing ingredients specified in paragraph (c) of this section, and a cooked or partly cooked starchy paste prepared as specified in paragraph (d) of this section. One or more of the ingredients in paragraph (e) of this section may also be used. The vegetable oil(s) used may contain an optional crystallization inhibitor as specified in paragraph (e) (8) of this section. All the ingredients from which the food is fabricated shall be safe and suitable. Salad dressing contains not less than 30 percent by weight of vegetable oil and not less egg yolk-containing ingredient than is equivalent in egg yolk solids content to 4 percent by weight of liquid egg yolks. Salad dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen.

(b) *Acidifying ingredients.* (1) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with an optional acidifying ingredient as specified in paragraph (e) (6) of this section. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

(2) Lemon juice and/or lime juice in any appropriate form, which may be diluted with water.

(c) *Egg yolk-containing ingredients.* Liquid egg yolks, frozen egg yolks, dried egg yolks, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one of more of the foregoing ingredients listed in this paragraph with liquid egg white or frozen egg white.

(d) *Starchy paste.* It may be prepared from a food starch, food starch-modified, tapioca flour, wheat flour, rye flour, or any two or more of these. Water may be added in the preparation of the paste.

(e) *Other optional ingredients.* The following optional ingredients may also be used:

- (1) Salt.
- (2) Nutritive carbohydrate sweeteners.
- (3) Any spice (except saffron or turmeric) or natural flavoring, provided it does not impart to the salad dressing a color simulating the color imparted by egg yolk.
- (4) Monosodium glutamate.

(5) Stabilizers and thickeners. Diethyl sodium sulfosuccinate may be added in accordance with § 121.137 of this chapter.

(6) Citric and/or malic acid may be used in an amount not greater than 25 percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid.

(7) Sequestrant(s), including but not limited to calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) and/or disodium EDTA (disodium

ethylenediaminetetraacetate), may be used to preserve color and/or flavor.

(8) Crystallization inhibitors, including but not limited to oxystearin, lecithin, or polyglycerol esters of fatty acids.

(f) *Nomenclature.* The name of the food is "salad dressing."

(g) *Label declaration of optional ingredients.* Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 25, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 26, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

Dated: May 20, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 76-15287 Filed 5-25-76; 8:45 am]

[Docket No. 76F-0146]

**PART 121—FOOD ADDITIVES**

**Subpart D—Food Additives Permitted in Food for Human Consumption**

**ION-EXCHANGE RESINS**

The Food and Drug Administration is amending the food additive regulation for ion-exchange resins. The amendment provides for safe use of an additional ion-exchange resin in the treatment of bulk quantities of aqueous foods, including potable water, and specifies that pre-use treatment of the listed ion exchange—the pre-use treatment guarantees the resins' food-grade purity—may be performed by the manufacturer and/

or the user; effective May 26, 1976, objections by June 25, 1976.

Notice was given by publication in the FEDERAL REGISTER of February 13, 1971 (36 FR 3023) that a petition (FAP 1A2638) had been filed by the Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 121.1148 (21 CFR 121.1148) be amended to provide for safe use in purification of foods (including potable water) of cross-linked polystyrene, first chloromethylated then aminated with dimethylamine and oxidized with hydrogen peroxide.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.1148 should be amended: (1) By adding paragraph (a) (17) to provide for a new ion-exchange resin; (2) by prescribing in paragraph (b) the conditions of use of the new ion-exchange resin; and (3) by prescribing in paragraph (c) (4) a nitrogen extractives limitation for the new resin, in addition to the organic extractives limitation currently prescribed therein.

The Commissioner further concludes that § 121.1148(c) (1) should be revised to specify that pre-use treatment of the listed ion-exchange resins may be performed by the manufacturer and/or the user; the current regulation prescribes that such treatment be performed by the manufacturer.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786 (21 U.S.C. 348(c) (1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1148 is amended by adding paragraphs (a) (17) and (b) (3); by revising the introductory text of paragraph (b) and paragraph (c) (1); and by amending paragraph (c) (4) by adding text at the end of the paragraph, to read as follows:

**§ 121.1148 Ion-exchange resins.**

(a) . . . . .  
(17) Styrene-divinylbenzene cross-linked copolymer, first chloromethylated then aminated with dimethylamine and oxidized with hydrogen peroxide whereby the resin contains not more than 15 percent by weight of vinyl *N,N*-dimethylbenzylamine-*N*-oxide and not more than 6.5 percent by weight of nitrogen.

(b) Ion-exchange resins are used in the purification of foods, including potable water, to remove undesirable ions or to replace less desirable ions with one or more of the following: Bicarbonate, calcium, carbonate, chloride, hydrogen, hydroxyl, magnesium, potassium, sodium, and sulfate, except that: The ion-exchange resin identified in paragraph (a) (12) of this section is used only in accordance with paragraph (b) (1) of this section, the ion-exchange resin identified in paragraph (a) (13) of this section is used only in accordance with paragraph (b) (2) of this section, the resin identified in paragraph (a) (16) of this section is used only in accordance with paragraph (b) (1) or (2) of this section, and the



ion-exchange resin identified in paragraph (a) (17) of this section is used only in accordance with paragraph (b) (3) of this section.

(3) The ion-exchange resin identified in paragraph (a) (17) of this section is used only for industrial application to treat bulk quantities of aqueous food, including potable water, or for treatment of municipal water supplies, subject to the condition that the temperature of the food or water passing through the resin bed is maintained at 25° C. or less and the flow rate of the food or water passing through the bed is not less than 2 gallons per cubic foot per minute.

(4) Subjected to pre-use treatment by the manufacturer and/or the user in accordance with the manufacturer's directions prescribed on the label or labeling accompanying the resins, to guarantee a food-grade purity of ion-exchange resins, in accordance with good manufacturing practice.

(4) In addition to the organic extractives limitation prescribed in this paragraph, the ion-exchange resin identified in paragraph (a) (17) of this section, when extracted with each of the named solvents, distilled water, 50 percent alcohol, and 5 percent acetic acid, will be found to result in not more than 7 parts per million of nitrogen extractives (calculated as nitrogen) when the resin in the free-base form is subjected to the following test immediately before each use: Using a separate 1-inch diameter glass ion-exchange column for each solvent, prepare each column using 100 milliliters of ready to use ion-exchange resin that is to be tested. With the bottom outlet closed, fill each ion-exchange column with one of the three solvents at a temperature of 25° C until the solvent level is even with the top of the resin bed. Seal each column at the top and bottom and store in a vertical position at a temperature of 25° C. After 96 hours, open the top of each column, drain the solvent into a collection vessel, and analyze each drained solvent and a solvent blank for nitrogen by a standard micro-Kjeldahl method.

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 25, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual in-

formation intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

*Effective date.* This regulation shall become effective May 26, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: May 19, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-15288 Filed 5-25-76; 8:45 am]

#### CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

##### PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

###### Hearings, Burden of Proof

On April 8, 1976, there was published in the FEDERAL REGISTER (41 FR 14885) notice of a proposal for the redesignation of certain subsections of a section of the regulations as well as for a new subsection of that section. The proposed changes related to the registration of persons as compounders or to conduct narcotic treatment programs as defined by 21 CFR 1301.02 (i) and (d).

No comments or objections relating to this proposal were submitted within the time period set by the notice.

Therefore, pursuant to Sections 303(g) and 515(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(g) and 21 U.S.C. 885 (b)) and under the authority vested in the Attorney General by Sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by Section 0.100 of Title 28, Code of Federal Regulations, and thereafter redelegated to the Deputy Administrator of the Drug Enforcement Administration by Section 6(a), Appendix to Subpart R, Section 0.104 of Title 28, Code of Federal Regulations, it is hereby ordered that Part 1301 of Title 21 of the Code of Federal Regulations be amended as follows:

Section 1301.55 is amended by redesignating the present paragraph (b) as paragraph (c), by redesignating the present paragraph (c) as paragraph (d), and by adding the new paragraph (b), as follows:

###### § 1301.55 Burden of proof.

(b) At any hearing on the granting or denial of an applicant to be registered to conduct a narcotic treatment program or as a compounder, the applicant shall

have the burden of proving that the requirements for each registration pursuant to Section 303(g) of the Act (21 U.S.C. 823 (g)) are satisfied.

This order shall be effective on May 26, 1976.

Dated: May 18, 1976.

JERRY N. JENSON,  
Deputy Administrator,  
Drug Enforcement Administration.

[FR Doc.76-15320 Filed 5-25-76; 8:45 am]

#### Title 32—National Defense CHAPTER XIV—RENEGOTIATION BOARD REVISED PROCEDURES FOR RENEGOTIATION

##### Miscellaneous Amendments

On March 2, 1976, there was published in the FEDERAL REGISTER (41 F.R. 8984-8987) a Notice of Proposed Rulemaking with proposed amendments to Parts 1450, 1451, 1470, 1471, 1472, 1473, 1474, 1475, 1477, 1480, 1498 and 1499 of the Renegotiation Board Regulations, 32 C.F.R. Chapter XIV. The proposed amendments were necessary in order to implement changes in the Board's organization and functions and duties of certain staff personnel, which as contemplated, included the establishment of regional offices in lieu of regional boards.

The within regulations which have been adopted by the Board reflect significant changes from the amendments as originally proposed. The principal change is the retention of the existing regulations with respect to the regional board structure and procedures.

The new regulations, as adopted, read as set forth below.

Dated: May 21, 1976.

R. C. HOLMQUIST,  
Chairman.

##### PART 1450—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Part 1450 is amended as follows:

1. Sections 1450.735-42 (a) through (e) are revised to read as follows:

§ 1450.735-42 Employees required to submit statements.

(a) General Counsel, Associate General Counsel and Assistant General Counsels.

(b) Regional Board members.

(c) Director of Operations.

(d) Director, Office of Administration, Office of Financial Analysis, Office of Planning and Development, and Office of Screening, Compliance and Exemptions.

(e) Supervisors, Compliance Section and Screening and Exemptions Section, Office of Screening, Compliance and Exemptions, and Accounting Section and Analysis Section, Office of Financial Analysis.

2. Section 1450.735-42(1) is amended by deleting the word "reviewers" and inserting "financial analysts."

##### PART 1472—CONDUCT OF RENEGOTIATION

Part 1472 is amended as follows:

§ 1472.4 [Amended]

1. § 1472.4(b) (2) is amended by deleting "Office of Review" and inserting "Office of Financial Analysis".

2. § 1472.6(d) (1) is revised to read as follows:

§ 1472.6 Filing of information and requests by contractor.

(d) Place of filing.—(1) Principal offices.—The principal office of the Board is located at 2000 M Street, NW, Washington, D.C. 20446. The following are the addresses of the Regional Boards: Eastern Regional Renegotiation Board, 2000 M Street, NW, Washington, D.C. 20447. Western Regional Renegotiation Board, Los Angeles World Trade Center, Suite 1050, 350 South Figueroa Street, Los Angeles, California 90071.

3. Section 1472.6(d) (2) is amended by deleting "Office of Assignments" and inserting "Office of Screening, Compliance and Exemptions".

##### PART 1480—AVAILABILITY AND CONTROL OF RENEGOTIATION RECORDS AND INFORMATION

Part 1480 is amended as follows:

§ 1480.5 [Amended]

1. § 1480.5(a) (13) is amended by deleting "that affect the public."

§ 1480.7 [Amended]

2. §§ 1480.7(b) and 1480.7(d) (1) are amended by deleting "General Counsel" and inserting "Board."

3. § 1480.7(d) (2) is amended by deleting "Office of General Counsel" each place it appears and inserting "Board" in the last sentence.

4. § 1480.7(d) (4) is amended by deleting "General Counsel" each place it appears and inserting "Board" and by deleting "by the Board" from the last sentence.

5. § 1480.7(f) is amended by deleting "Director, Office of Administration" and inserting "the Assistant General Counsel-Secretary or, in his absence, his duly appointed representative" and by deleting "and to the General Counsel with respect to appeals therefrom, or in the absence of either officer, to his deputy."

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App., Sec. 1219)

[FR Doc.76-15347 Filed 5-25-76; 8:45 am]

##### Title 47—Telecommunication

#### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

##### PART 0—COMMISSION ORGANIZATION

###### Subscription Loose-Leaf Service; Replacement

1. Volume VI of the Commission's Rules, which has been available as a loose-leaf service on a subscription basis,

has been replaced by three pamphlets, containing Part 95 (Citizens Radio Service), Part 97 (Amateur Radio Service), and Part 99 (Disaster Communications Service). These pamphlets will be revised annually or as required. It is therefore appropriate to revise Section 0.415 of the Rules, which describes the loose-leaf service.

2. The revised rule is set out below. Authority for the amendment is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in Section 0.231(d) of the Commission's Rules, 47 CFR 0.231(d). Because the amendment is editorial and informational in nature, the prior notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

3. Accordingly, it is ordered, effective May 28, 1976, that Section 0.415 is revised as set out in the attached Appendix. (Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 14, 1976.

Released: May 17, 1976.

(SEAL) R. D. LICHTWARDT,  
Executive Director.

Section 0.415 is revised to read as follows:

§ 0.415 The rules and regulations (loose-leaf service).

(a) In this service, the rules are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately from the Superintendent of Documents. The purchase price for a volume includes a subscription to replacement pages reflecting changes in the rules contained therein until such time as the volume is revised. Each volume is revised periodically, depending primarily on the frequency with which the rules it contains have been amended. When a volume is revised, the revised volume and replacement pages therefor will be furnished to those who renew their subscriptions.

(b) Part 95 (Citizens Radio Service), Part 97 (Amateur Radio Service), and Part 99 (Disaster Communications Service) are not included in the loose-leaf service, but are instead available as separate pamphlets from the Superintendent of Documents. These pamphlets are revised annually or as required.

[FR Doc.76-15339 Filed 5-25-76; 8:45 am]

##### [FCC 76-464; RM-2656]

##### PART 87—AVIATION SERVICES

###### Radionavigation Land Test Stations; Substitution of Type Accepted Transmitters

1. The Commission has under consideration a Petition for Rule Making filed by the Aerospace and Flight Test Radio Coordinating Council (AFTRCC) to amend Section 87.35(d) to allow licensees of radionavigation land test stations to substitute one type accepted transmitter for another in their stations without prior Commission approval and modification of their licensees.

2. In support of their petition, AFTRCC states that in recent years the availability of type accepted transmitters available for such stations has increased sharply and that the necessity of obtaining prior Commission approval to substitute a type accepted transmitter for another creates needless administrative and clerical burden on both the licensees and the Commission.

3. In 1988, we revised Part 87 of the rules to permit the substitution of one type accepted transmitter for another, without prior Commission approval, in most aircraft and aeronautical stations, but not for aeronautical radionavigation test stations because there was then no type accepted equipment available for such stations. We agree with AFTRCC that this situation has changed sharply and that type accepted transmitters are now readily available for test stations. As a result, the prior Commission approval for substitutes of one type accepted transmitter for another is now unnecessary and creates a needless administrative burden on both licensees and the Commission.

4. The requested rule amendment is procedural in nature and, therefore, the prior public notice and effective date provisions contained in the Administrative Procedure Act (5 U.S.C. 553) would serve no practical purpose and are unnecessary.

5. Accordingly, IT IS ORDERED, That pursuant to authority contained in Sections 4(i) and 303 (b), (e), (f) and (r) of the Communications Act of 1934, as amended, Section 87.35(d) of Part 87 of the Commission's rules is amended effective June 3, 1976, as set forth below. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: May 19, 1976.

Released: May 25, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION,  
VINCENT J. MULLINS,  
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 87.35 paragraph (d) is changed to read as follows:

§ 87.35 Changes in authorized station.

(d) Any ground station authorized under this part, except operational or radionavigation stations, may be operated with any transmitter type accepted for use in the particular class of station in lieu of the transmitters which may be specified on the station license and without modification of the license: Provided, however, That the number of transmitters in use shall not exceed those authorized.

[FR Doc.76-15340 Filed 5-25-76; 8:45 am]

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# Title 40—Protection of Environment [REEL 548-4]

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER C—AIR PROGRAMS

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of California on Behalf of Ventura County and Northern Sonoma County Air Pollution Control Districts

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of California on behalf of the Ventura County Air Pollution Control District and the Northern Sonoma County Air Pollution Control District, dated February 2, 1976, EPA is today amending 40 CFR 60.4. Address, to reflect this delegation. A Notice announcing this delegation is published today in the Notice section of this issue. The amended § 60.4 is set forth below. It adds the addresses of the Ventura County and Northern Sonoma County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on February 2, 1976, and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

This rulemaking is effective immediately.

(Sec. 111 of the Clean Air Act, as amended [42 U.S.C. 1857c-6]).

Dated: May 3, 1976.

STANLEY W. LEGRO,  
Assistant Administrator  
for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.4(b) is amended by revising subparagraph F to read as follows:

§ 60.4 Address.

(b) . . .

F California—  
Bay Area Air Pollution Control District,  
939 Ellis St., San Francisco, CA 94109.  
Del Norte County Air Pollution Control  
District, Courthouse, Crescent City, CA 95531.  
Humboldt County Air Pollution Control  
District, 5600 S. Broadway, Eureka, CA 95501.  
Kern County Air Pollution Control District,  
1700 Flower St. (P.O. Box 997), Bakersfield,  
CA 93302.

Monterey Bay Unified Air Pollution Control  
District, 420 Church St. (P.O. Box 487),  
Salinas, CA 93901.

Northern Sonoma County Air Pollution  
Control District, 3313 Chanate Rd., Santa  
Rosa, CA 95404.

Trinity County Air Pollution Control Dis-  
trict, Box AJ, Weaverville, CA 96093.

Ventura County Air Pollution Control Dis-  
trict, 625 E. Santa Clara St., Ventura, CA  
93001.

[FR Doc 76-15255 Filed 5-25-76; 8:45 am]

#### PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of California on Behalf of Ventura County and Northern Sonoma County Air Pollution Control Districts

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of California on behalf of the Ventura County Air Pollution Control District and the Northern Sonoma County Air Pollution Control District, dated February 2, 1976, EPA is today amending 40 CFR 61.04. Address, to reflect this delegation. A Notice announcing this delegation is published today in the Notices section of this issue. The amended § 61.04 is set forth below. It adds the addresses of the Ventura County and Northern Sonoma County Air Pollution Control Districts, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NESHAPS located within these Air Pollution Control Districts.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on February 2, 1976, and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District addresses to the Code of Federal Regulations.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 61.04(b) is amended by revising subparagraph (F) to read as follows:

§ 61.04 Address.

(b) . . .

(F) California—  
Bay Area Air Pollution Control District,  
939 Ellis St., San Francisco, CA 94109.  
Del Norte County Air Pollution Control  
District, Courthouse, Crescent City, CA  
95531.  
Humboldt County Air Pollution Control  
District, 5600 S. Broadway, Eureka, CA 95501.  
Kern County Air Pollution Control District,  
1700 Flower St. (P.O. Box 997), Bakersfield,  
CA 93302.

Monterey Bay Unified Air Pollution Control  
District, 420 Church St. (P.O. Box 487),  
Salinas, CA 93901.

Northern Sonoma County Air Pollution  
Control District, 3313 Chanate Rd., Santa  
Rosa, CA 95404.

Trinity County Air Pollution Control Dis-  
trict, Box AJ, Weaverville, CA 96093.

Ventura County Air Pollution Control Dis-  
trict, 625 E. Santa Clara St., Ventura, CA  
93001.

This rule making is effective immediately.

(Sec. 112 of the Clean Air Act, as amended  
[42 U.S.C. 1857c-7]).

Dated: May 3, 1976.

STANLEY W. LEGRO,  
Assistant Administrator  
for Enforcement.

[FR Doc 76-15256 Filed 5-25-76; 8:45 am]

#### Title 41—Public Contracts and Property Management

### CHAPTER 4—DEPARTMENT OF AGRICULTURE

#### PART 4-1—GENERAL

##### Miscellaneous Amendments

This amendment involves matters relating to management and contracts and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 F.R. 13804). The amendment reflects editorial and procedural changes. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedure with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents is amended by adding the following:

4-1.713 Contracts with the Small Business Administration.

2. Section 4-1.713 is added as follows:

§ 4-1.713 Contracts with the Small Business Administration.

3. Section 4-1.713-2, paragraph (a) (2), is amended as follows:

§ 4-1.713-2 Policy.

(a) . . .

(2) Reports. In addition to the data required by § 1-1.1302(a) (7) of this title, the following information concerning 8(a) contract awards shall be submitted to the RMBAD, OEO, by May 15 for the period October 1 through March 31, and by November 15 for the period April 1 through September 30 of each fiscal year.

4. Section 4-1.1302(a) is amended to read as follows:

§ 4-1.1302 Agency programs.

(a) Minority business enterprise programs shall be established by agencies in accordance with the provisions of

#### Subpart 105-50.2—Services Available From General Services Administration

Sec.	
105-50.201	Agencywide mission.
105-50.202	Specific services.
105-50.202-1	Copies of statistical or other studies.
105-50.202-2	Preparation of or assistance in the conduct of statistical or other studies.
105-50.202-3	Training.
105-50.202-4	Technical assistance incident to Federal surplus personal property.
105-50.202-5	Data processing services.
105-50.202-6	Communications services.
105-50.202-7	Technical information and advice.

#### Subpart 105-50.3—Principles Governing Reimbursements to GSA

105-50.301	Established fees.
105-50.302	Special fee schedules.
105-50.303	Cost basis in lieu of fees.
105-50.304	Services provided through revolving funds.
105-50.304a	Deposits.
105-50.305	Exemptions.

#### Subpart 105-50.4—Reports

105-50.401	Reports submitted to the Congress.
105-50.402	Report submitted to the Office of Management and Budget.

AUTHORITY: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and sec. 302, 82 Stat. 1102; 42 U.S.C. 4222.

#### § 105-50.000 Scope of part.

This part prescribes rules and procedures governing the provision of special or technical services to State and local units of government by GSA. This part also prescribes principles governing reimbursements for such services.

#### § 105-50.001 Definitions.

The following definitions are established for terms used in this part.

#### § 105-50.001-1 State.

"State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

#### § 105-50.001-2 Political subdivision or local government.

"Political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

#### § 105-50.001-3 Unit of general local government.

"Unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

#### § 105-50.001-4 Special-purpose unit of local government.

"Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

Subpart 1-1.13 of this title. The following Department agencies, including the Office of Operations, are affected by these regulations: Agricultural Marketing Service (AMS), Agricultural Research Service (ARS), Agricultural Stabilization and Conservation Service (ASCS), Animal and Plant Health Inspection Service (APHIS), Economic Management Support Center (EMSC), Farmers Home Administration (FmHA), Food and Nutrition Service (FNS), Forest Service (FS), and Soil Conservation Service (SCS). These agencies shall designate an official in each of their procuring activities to administer the minority business enterprise program. The persons designated shall take positive actions that will result in the maximum practicable achievement of objectives for the minority business enterprise program. To accomplish this purpose, agencies should:

(Authority: 15 U.S.C. 637(a); EO 11625; 5 U.S.C. 301; 40 U.S.C. 486(c)).

Effective Date: This amendment is effective May 26, 1976.

Done at Washington, D.C., this 21st day of May, 1976.

GEORGE C. KNAPP,  
Acting Director,  
Office of Operations.

[FR Doc 76-15381 Filed 5-25-76; 8:45 am]

### CHAPTER 105—GENERAL SERVICES ADMINISTRATION

#### PART 105-50—PROVISION OF SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

Changes in Implementing Title III of the Intergovernmental Cooperation Act of 1968

The following revised regulations continue in effect the provisions of Title III of the Intergovernmental Cooperation Act of 1968 whereby procedural arrangements and principles are established for special or technical services the General Services Administration may provide, on request, to State and local units of government.

Chapter 105 is amended by revising Part 105-50, as follows:

Sec.	
105-50.000	Scope of part.
105-50.001	Definitions.
105-50.001-1	State.
105-50.001-2	Political subdivision or local government.
105-50.001-3	Unit of general local government.
105-50.001-4	Special-purpose unit of local government.
105-50.001-5	Specialized or technical services.
105-50.001-6	GSA.

#### Subpart 105-50.1—General Provisions

105-50.101	Purpose.
105-50.102	Applicability.
105-50.103	Policy.
105-50.104	Limitations.
105-50.105	Coordination of requests.
105-50.106	GSA response to requests.

#### § 105-50.001-5 Specialized or technical services.

"Specialized or technical services" means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any department or agency of the executive branch of the Federal Government is especially equipped and authorized by law to perform.

#### § 105-50.001-6 GSA.

"GSA" means the General Services Administration.

#### Subpart 105-50.1—General Provisions

#### § 105-50.101 Purpose.

(a) This Part 105-50 implements the provisions of Title III of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1102, 42 U.S.C. 4221-4225), the purpose of which is stated as follows:

"It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State and local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments."

(b) This part is consistent with the rules and regulations promulgated by the Director, Office of Management and Budget, in the Office of Management and Budget Circular No. A-97, dated August 29, 1969, issued pursuant to section 302 of the cited Act (42 U.S.C. 4222).

#### § 105-50.102 Applicability.

This part is applicable to all organizational elements of GSA insofar as the services authorized to be performed in Subpart 105-50.2 fall within their designated functional areas.

#### § 105-50.103 Policy.

It is the policy of GSA to cooperate to the maximum extent possible with State and local units of government in providing the specialized or technical services authorized within the limitations set forth in § 105-50.104.

#### § 105-50.104 Limitations.

The specialized or technical services provided under this part may be provided, in the discretion of the Administrator of General Services, only under the following conditions:

(a) Such services will be provided only to the States, political subdivisions thereof, and combinations or associations of such governments or their agencies and instrumentalities.

(b) Such services will be provided only upon the written request of a State or



political subdivision thereof. Requests normally will be made by the chief executives of such entities and will be addressed to the General Services Administration as provided in § 105-50.105.

(c) Such services will not be provided unless GSA is providing similar services for its own use under the policies set forth in the Office of Management and Budget Circular No. A-76 Revised, dated August 30, 1967, subject: Policies for acquiring commercial or industrial products and services for Government use. In addition, in accordance with the policies set forth in Circular No. A-76, the requesting entity must certify that such services cannot be procured reasonably and expeditiously through ordinary business channels.

(d) Such services will not be provided if they require any additions of staff or involve outlays for additional equipment or other facilities solely for the purpose of providing such services, except where the costs thereof are charged to the user of such services. Further, no staff additions may be made which impede the implementation of, or adherence to, the employment ceilings contained in the Office of Management and Budget allowance letters.

(e) Such services will be provided only upon payment or provision for reimbursement by the unit of government making the request of salaries and all other identifiable direct and indirect costs of performing such services. For cost determination purposes, GSA will be guided by the policies set forth in the Office of Management and Budget Circular No. A-25, dated September 23, 1959, subject: User charges.

#### § 105-50.105 Coordination of requests.

(a) All inquiries of a general nature concerning services GSA can provide shall be addressed to the General Services Administration (BR), Washington, DC 20405. The Director of Management Services, Office of Administration, shall serve as the central coordinator for such inquiries and shall assign them to the appropriate organizational element of GSA for expeditious handling.

(b) Requests for specific services may be addressed directly to Heads of Services and Staff Offices and to Regional Administrators. Section 105-50.202 describes the specific services GSA can provide.

(c) If the proper GSA organizational element is not known to the State or local unit of government, the request shall be addressed as in paragraph (a) of this section to ensure appropriate handling.

#### § 105-50.106 GSA response to requests.

(a) Direct response to each request shall be made by the Head of the applicable Service or Staff Office or Regional Administrator. He shall outline the service to be provided and the fee or reimbursement required. Any special conditions concerning time and priority, etc., shall be stated. Written acceptance by the authorized State or local governmental entity shall constitute a binding agreement.

(b) Heads of Services and Staff Offices and Regional Administrators shall maintain complete records and controls of services provided on a calendar year basis to facilitate accurate, annual reporting, as required in § 105-50.401.

#### Subpart 105-50.2—Services Available From General Services Administration

##### § 105-50.201 Agencywide mission.

(a) In its role as a central property management agency, GSA constructs, leases, operates, and maintains office and other space; procures and distributes supplies; coordinates and provides for the economic and efficient purchase, lease, sharing, and maintenance of automatic data processing equipment by Federal agencies; manages stockpiles of materials maintained for use in national emergencies; transfers excess real and personal property among Federal agencies for further use; disposes of surplus real and personal property, by donation or otherwise, as well as materials excess to stockpile requirements; operates centralized data processing centers and telecommunications and motor pool systems; operates the National Archives and Presidential libraries; and provides a variety of records management services, including the operation of centers for storing and administering records, as well as other common services.

(b) Special or technical services may be provided by many organizational elements of GSA with respect to their functional areas, but the requesting State or local agency needs only to know that the service desired is related to one or more of the functional areas described above and direct its request as provided for under § 105-50.105. State and local units of government are also encouraged to consult the "Catalog of Federal Domestic Assistance" as a more complete guide to the many other Federal assistance programs available to them. The catalog, issued annually and updated periodically by the Office of Management and Budget, is available through the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

##### § 105-50.202 Specific services.

Within the functional areas identified in § 105-50.201, GSA can provide the services hereinafter described.

##### § 105-50.202-1 Copies of statistical or other studies.

This material includes a copy of any existing statistical or other studies and compilations, results of technical tests and evaluations, technical information, surveys, reports, and documents, and any such materials which may be developed or prepared in the future to meet the needs of the Federal Government or to carry out normal program responsibilities of GSA.

##### § 105-50.202-2 Preparation of or assistance in the conduct of statistical or other studies.

(a) This service includes preparation of statistical or other studies and compilations, technical tests and evaluations,

technical information, surveys, reports, and documents and assistance in the conduct of such activities and in the preparation of such materials, provided they are of a type similar to those which GSA is authorized by law to conduct or prepare and when resources are available.

(b) Specific areas in which GSA can conduct or participate in the conduct of studies include:

- (1) Space management, including assignment and utilization;
- (2) Supply management, including laboratory tests and evaluations;
- (3) Management of motor vehicles;
- (4) Archives and records management;
- (5) Automatic data processing systems; and
- (6) Telecommunications and teleprocessing systems and services.

##### § 105-50.202-3 Training.

(a) This training consists of the type which GSA is authorized by law to conduct for Federal personnel and others or which is similar to such training.

(b) Descriptions of the specific training courses conducted by GSA are published annually in the Interagency Training Programs bulletin, copies of which are available from the U.S. Civil Service Commission, Washington, DC 20415.

##### § 105-50.202-4 Technical assistance incident to Federal surplus personal property.

Technical assistance will be provided in the screening and selection of surplus personal property under existing law, provided such aid primarily strengthens the ability of the recipient in developing its own capacity to prepare proposals.

##### § 105-50.202-5 Data processing—services.

GSA will develop ADP logistical feasibility studies, software, systems analyses, and programs. To the extent that data processing capabilities are available, GSA will also assist in securing data processing services on a temporary, short term basis from other Federal facilities or Federal Data Processing Centers.

##### § 105-50.202-6 Communications services.

GSA will continue to make its bulk rate circuit ordering services available for use by State and local governments. Under a revised tariff effective December 12, 1971, GSA will bill the State and local governments for their share of the TELPAK costs. Services provided prior to December 12, 1971, will be billed by the contractors under the former arrangements. In addition, certain activities, such as surplus property agencies which have frequent communications with Federal agencies, will be given access to the Federal Telecommunications System switchboards.

##### § 105-50.202-7 Technical information and advice.

GSA will provide technical information, personnel management systems

services, and technical advice on improving logistical and management services which GSA normally provides for itself or others under existing authorities.

#### Subpart 105-50.3—Principles Governing Reimbursements to GSA

##### § 105-50.301 Established fees.

Where there is an established schedule of fees for services to other Government agencies or the public, the schedule shall be used as the basis for reimbursement for like services furnished to State and local governments.

##### § 105-50.302 Special fee schedules.

Where there is no established schedule of fees for types of service which are ordinarily reimbursed on a fee basis, such schedules may be developed and promulgated in conjunction with the Office of Administration. The fees so established shall cover all direct costs, such as salaries of personnel involved plus personnel benefits, travel, and other related expenses and all indirect costs such as management, supervisory, and staff support expenses determined or estimated from the best available records in GSA. Periodically, fees shall be reviewed for adequacy of recovery and adjusted as necessary.

##### § 105-50.303 Cost basis in lieu of fees.

Where the cost of services is to be recovered on other than a fee basis, upon receipt of a request from a State or local government for such services, a written reply shall be prepared by the service or staff office receiving the request stating the basis for reimbursement for the services to be performed. The proposal shall be based on an estimate of all direct costs, such as salaries of personnel involved plus personnel benefits, travel, and other related expenses and on such indirect costs as management, supervisory, and staff support expenses. An appropriate surcharge may be developed to recover these indirect costs. The terms thereof shall be concurred in by the Director of Administration. Acceptance in writing by the requester shall constitute a binding agreement between GSA and the requesting governmental unit.

##### § 150-50.304 Services provided through revolving funds.

Where the service furnished is of the type which GSA is now billing through revolving funds, reimbursement shall be obtained from State and local governments on the same basis; i.e., the same pricing method, billing forms, and billing support shall be used.

##### § 105-50.304a Deposits.

Reimbursements to GSA for furnishing special or technical services to State and local units of government will be deposited to the credit of the appropriation from which the cost of providing such services has been paid or is to be charged if such reimbursements are authorized. Otherwise, the reimbursements will be credited to miscellaneous receipts in the U.S. Treasury (42 U.S.C. 4223).

#### § 105-50.305 Exemptions.

(a) Single copies of existing reports covering studies and statistical compilations and other data or publications for which there is no established schedule of fees shall be furnished without charge unless significant expense is incurred in reproducing the material, in which instance the actual cost thereof shall be charged.

(b) GSA may, pursuant to section 302 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4742), admit employees of State and local units of government to training programs established for professional, administrative, or technical personnel and may waive the requirement for reimbursement in whole or in part.

#### Subpart 105-50.4—Reports

##### § 105-50.401 Reports submitted to the Congress.

(a) The Administrator of General Services will furnish annually to the respective Committees on Government Operations of the Senate and the House of Representatives a summary report on the scope of the services provided under Title III of the act and this part.

(b) Heads of Services and Staff Offices and all Regional Administrators shall furnish the Director of Management Services, OAD, by no later than January 15 of each year, the following information concerning services provided during the preceding calendar year to State and local units of government:

(1) A brief description of the services provided, including any other pertinent data;

(2) The State and/or local unit of government involved; and

(3) The cost to GSA to provide the service, including the amount of reimbursement, if any, made by the benefiting government.

(c) Reports Control Symbol LAW-27-OA is assigned to this report.

##### § 105-50.402 Reports submitted to the Office of Management and Budget.

Copies of the foregoing reports will be submitted by the Administrator to the Office of Management and Budget not later than March 30 of each year.

**Effective date.** This regulation is effective May 26, 1976.

Dated: May 11, 1976.

JACK ECKERD,  
Administrator of General Services.  
[FR Doc. 76-15326 Filed 5-25-76; 8:45 am]

#### Title 45—Public Welfare

#### CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

##### PART 162—NATIONAL READING IMPROVEMENT PROGRAM

##### Award of Grants and Contracts

Pursuant to the authority contained in Title VII of Pub. L. 93-380 (20 U.S.C. 1901 et seq.), notice was published in the FEDERAL REGISTER on December 4, 1975 (40

FR 56678) setting forth proposed regulations for grant and contract awards by the Commissioner of Education to State and local educational agencies and other non-profit organizations, as eligible under pertinent subparts, to carry out reading projects to:

(a) Strengthen reading instructional programs in elementary grades;

(b) Develop the capacity of pre-elementary school children for reading;

(c) Establish and improve pre-elementary school programs in language and reading;

(d) Develop and enhance skills of instructional and other educational staff for reading programs;

(e) Support State-administered reading programs;

(f) Test the effectiveness of intensive instruction by reading specialists and reading teachers; and

(g) Promote literacy among youths and adults.

Written comments and recommendations submitted by members of the public on the proposed rule have been carefully reviewed by the Commissioner. Summaries of the comments on the proposed regulation are set forth in the preamble below on a section by section basis, together with responses explaining the changes which have been made in the final regulation in response to the comments, or indicating why no changes were deemed appropriate. A number of changes have been made in the final regulation in response to the public comments.

The final regulation also includes changes to reflect statutory amendments to Title VII of Pub. L. 93-380 enacted by Pub. L. 94-194, which was signed by the President December 31, 1975. In particular, Subpart F has been added to cover awards to State educational agencies for State leadership and training activities, an activity newly authorized under Title VII by Section 1 of Pub. L. 94-194. These activities were formerly carried out under the authority of the Cooperative Research Act (20 U.S.C. 331a), which has now expired, and Subpart F follows closely the regulation which governed the program under the Cooperative Research Act (45 CFR Part 151, Subpart D). In addition, minor changes have been made in: (1) Subparts B and D of the regulation to reflect amendments to section 705 of Pub. L. 93-380 enacted by Section 2 of Pub. L. 94-194 respecting elementary and preelementary school reading improvement projects; and (2) Subpart C of the regulation to reflect section 4 of Pub. L. 94-194. Finally, Subpart E of the regulation has been changed to reflect an amendment to section 723 of Pub. L. 93-380 enacted by section 5 of Pub. L. 94-194 with respect to the eligibility of in-school youths and adults to participate in projects. Specifically, § 162.50 has been amended to reflect and clarify the intent of the statutory change. The amendment is more fully described in the preamble below under the response to comments on § 162.50.



Other statutory amendments to Title VII of Pub. L. 93-380 enacted by Pub. L. 94-194 are not deemed to need regulations for their implementation. These include section 3 of Pub. L. 94-194, providing for State administrative costs; section 6 on National Impact Reading Programs, which will be implemented through specific contracts; section 7, on the date for the Commissioner's Evaluation Report; section 8, on the acceptance by the Commissioner on behalf of the United States of gifts for activities authorized by Title VII; and section 9, authorizing a contract to support an inexpensive book distribution program to promote reading motivation.

#### A. SUMMARY

1. *Purpose of regulation.* Title VII of Pub. L. 93-380 establishes a number of programs to fund projects which will contribute to the improvement of reading skills throughout the country. The purpose of this regulation, which constitutes a new Part 162 in Title 45 CFR, is to establish rules for the conduct of these programs. The statute does not set forth certain matters which applicants must know in order to compete effectively for awards under these programs, including the criteria or standards by which applications will be judged, the duration of projects, procedures for State review of applications and, with respect to activities other than those described in Subpart B, application requirements. The regulation sets forth rules regarding these matters in order to provide uniform and fair guidance to applicants and the general public.

2. *Summary of regulation (a) Organization.* Proposed Part 162 is divided into a number of subparts. Subpart A sets forth general introductory provisions, including common definitions, for the part as a whole; Subpart B governs direct project grants under Part A of Title VII, Pub. L. 93-380; Subpart C governs the State-administered programs under Part B of Title VII of Pub. L. 93-380; Subpart D governs Special Emphasis Projects under section 721 of Pub. L. 93-380; Subpart E governs academy grants for youths and adults under section 723 of Pub. L. 93-380; and Subpart F governs State leadership and training projects under section 705(a) (3) and 724 of Pub. L. 93-380, as amended by Pub. L. 94-194. Appendix A sets forth the statutory provisions of Part B of Title VII, Pub. L. 93-380, and Appendix B contains guidelines for the academy program under section 723 of Pub. L. 93-380.

(b) *Subpart B—Reading Improvement Projects.* Two types of projects are authorized under this subpart:

(1) Projects to strengthen reading instructional programs in elementary schools having large numbers or a high percentage of children with reading deficiencies through innovative materials, programs, or other elements. Grants for these projects may be made to State or local educational agencies.

(2) Projects to establish and improve programs in language arts and reading in pre-elementary schools, in areas

where there are large numbers or a high percentage of elementary school children with reading deficiencies, through innovative materials, programs, or other elements. Grants for these projects may be made to State or local educational agencies, institutions of higher education, and community and other non-profit organizations (§§ 162.10 and 162.11).

Each application requirement in § 162.12 would have to be met by an application for assistance under Subpart B in order for the application to be considered for funding.

Section 162.14 sets forth evaluation criteria and is divided into general criteria and specific programmatic criteria. Specific programmatic criteria include the extent the proposed project is designed to achieve high quality with respect to certain specific program elements required by § 162.12(c).

With respect to many of the specific program criteria, the proposed provisions set out the criterion and follow the criterion with a number of examples of considerations which may enter into the Commissioner's judgment of how many points to assign a particular criterion for each application. These examples are introduced by the language "as measured by factors such as whether." They are not requirements or hard and fast criteria and are not intended as an exhaustive list of considerations which will influence application of the stated criterion. However, they do give guidance to applicants as to some of the kinds of factors which might be addressed in the application to receive the maximum number of points under each respective criterion.

(c) *Subpart D—Special Emphasis Projects.* Subpart D sets forth proposed regulations governing projects under section 721 of Pub. L. 93-380. These projects involve awards to local educational agencies to determine the relative effectiveness of intensive reading instruction by reading specialists and reading teachers.

Because the purpose of the statute is to evaluate an approach to reading instruction, a number of requirements in the proposed regulation relate to necessary conditions for the evaluation, including the designation of a project and a control school, the relationship between the project and control schools, and cooperation by the award recipient in an evaluation to be conducted by the Commissioner or by a contractor of the Commissioner.

Awards to recipients under this subpart would be by means of assistance rather than procurement contracts, with awards to be made on the basis of applications submitted pursuant to a notice of closing date in the FEDERAL REGISTER.

Many of the application requirements in proposed § 162.40 derive from section 721(b) (1) of Pub. L. 93-380, which requires each application for a special emphasis project to provide assurances that the provisions of section 705(b) of Pub. L. 93-380 are met.

(d) *Subpart E—Reading Academy Program.* The Reading Academy Program will provide exemplary reading assistance and instruction for functionally

illiterate in-school as well as out-of-school youths and adults not reached through other reading programs. Grants for reading academy programs may be made to State and local educational agencies, institutions of higher education, and community and other non-profit organizations.

(e) *Subpart F—State Leadership and Training Projects.* Awards to State educational agencies are authorized for leadership and training activities designed to prepare personnel throughout the State to conduct projects which have been demonstrated in that State or in other States to be effective in overcoming reading deficiencies. This program is authorized by sections 705(a) (3) and 724 of Pub. L. 93-380, as enacted by Pub. L. 94-194.

3. *Public reaction to the proposed regulation.* Most comments on the proposed regulation concerned provisions in Subpart B concerning elementary school reading improvement projects. The major substantive comment, concerning the need for sustained support of State educational agencies for statewide leadership activities not based in particular schools, was addressed by the enactment of a specific authority for these activities by Pub. L. 94-194, enacted December 31, 1975, and the statutory amendment is implemented by the addition of a new Subpart F.

A number of public comments on Subpart B objected to specific application requirements, while others recommended regulation in greater detail on these requirements. The requirements which drew objections derive directly from the statute, and the Commissioner is without authority to delete them. On the other hand, the Commissioner has opted to leave considerable discretion to local applicants as to the specific manner in which these requirements are satisfied, out of a concern to avoid over-regulation by the Federal government. Also, with respect to Subpart B of the regulation, representatives of the State educational agencies complained that their function of approving applications and of establishing a State advisory council authorized to receive and rank applications, as required by the Statute, would impose a substantial administrative burden without any guarantee that their efforts would influence funding decisions at the national level. To respond to their concerns, § 162.14 has been amended to assign a substantial number of points to the State advisory council rankings of applications. This issue is more fully discussed under the response to comments on § 162.13 below.

One comment on Subpart D recommended that the regulation authorize control classes instead of requiring control schools under the Special Emphasis Projects. The comment has not been adopted based on concerns that the recommendation would vitiate the test model. This is more fully explained under the response to comments under § 162.40 below.

Comments on Subpart E relating to serving in-school youths and adults in

Reading Academy Programs were addressed by section 5 of Pub. L. 94-194, as implemented in § 162.50 of the final regulation.

#### B. DETAILED SUMMARY OF COMMENTS; CHANGES IN THE REGULATION

The following comments were submitted to the Commissioner regarding the proposed regulation. After the summary of each comment, a response is set forth stating changes which have been made in the regulation, or the reasons why no change is deemed appropriate. The comments are arranged in the order of the sections of the final regulation.

##### SUBPARTS A AND B

#### § 162.1 Scope and purposes

*Comment.* One commenter suggested that the purpose of the pre-elementary program described in § 162.1(b) (4) and other parts of the regulation be changed from "develop the capacity of pre-elementary school children" to "improve performance" of the pre-elementary school children.

*Response.* No change has been made in the regulation. The term "capacity" is used in the law itself and can be read to refer to the pre-elementary child's "readiness" for reading. Pre-elementary projects will be developing the child's readiness for reading and the other language arts.

#### § 162.2 DEFINITION

*Comment.* A commenter suggested that the definition of "non-profit educational or child care institution" be changed to include pre-elementary reading improvement project applicants who wish to establish a program to become a non-profit educational institution, as well as including those institutions currently operating such a program.

*Response.* No change has been made in the regulation. Before a grant is awarded, a non-profit educational or child care institution must have an ongoing educational or child care program, but it need not have an ongoing program in language arts and reading. Financial assistance under this statute is designed to establish and/or improve the language arts and reading programs in a non-profit educational or child care institution, but it is not designed to start or establish the institutions themselves.

#### § 162.11 Eligible applicants; nature of projects.

*Comment.* One commenter suggested that teacher training programs and parent training programs be integrated into the reading improvement programs.

*Response.* No change has been made in the regulation. The Act focuses on innovative direct services to students who either have reading deficiencies or, in the case of the pre-elementary school children, are likely to develop these deficiencies. But, in providing these services, the applicant is clearly required to include preservice and inservice training to the extent practicable and to include involvement of parents (§ 162.12(c) (1) (i) and (ii) (c)), as well as § 162.14(b) (3) and (b) (4)).

*Comment.* Two commenters suggested that the emphasis of the regulation be placed on the funding of programs that would have an impact on many schools and districts, not just individual school sites.

*Response.* No change has been made in the regulation. Part A of Title VII of Pub. L. 93-380 authorizes reading improvement projects in schools and sets out fourteen specific requirements which must be contained in each funded program, and which relate primarily to the direct provision of reading services to teachers and children in schools. Thus, Part A grants must be for school-based projects.

There is no limit in the regulation on the number of schools which may be involved in a project, and eligible applicants may apply jointly for funding in accordance with § 100a.19 of this chapter. In addition, the evaluation criteria award extra points to projects which provide for reaching a large number of schools, either through:

(1) Their direct involvement in the project as project schools;

(2) Specific plans to implement innovative elements developed in the project in all other schools administered by the applicant; and/or

(3) Provisions for dissemination of information on the project to other agencies and institutions (§ 162.14(a) (10)).

Beyond these provisions, it would not be appropriate to require projects to impact upon many schools and districts. Funds for the program are limited, and particularly given the fourteen program requirements which apply to project schools, the Office of Education could not realistically preclude the funding of projects focusing on one or a limited number of schools. It should also be noted that statewide leadership and training activities under Subpart F of this regulation will be designed to impact upon many schools and districts.

*Comment.* A commenter suggested that the requirement that the State educational agency, in order to be an eligible applicant, must "directly administer an elementary school program" be deleted in § 162.11(b) (4) (iv).

*Response.* No change has been made in the regulation. As indicated in the response to the preceding comment, Part A of Title VII authorizes school-based projects.

Subgrants of Federal funds may be made by State educational agencies to local educational agencies and other entities only when they are expressly authorized by statute, as under Titles I and IV of the Elementary and Secondary Education Act and under Part B of Title VII of Pub. L. 93-380. Subgrants are not authorized under Part A of Title VII of Pub. L. 93-380. It therefore follows that State educational agencies may receive a Part A award only if they are in a position to administer and directly supervise the project, a requirement applied to all direct, discretionary grant programs of the Office of Education by 45 CFR 100a.30.

Section 162.11(b) (4) of the regulation merely reflects these legal constraints in the context of this subpart and takes cognizance of those situations in which the State educational agency would be capable of satisfying these constraints. State educational agencies not interested in participating in the direct administration of elementary school projects may apply for a State leadership and training award under Subpart F of this part.

*Comment.* One commenter suggested that grades 4 through 8 in middle, junior, and secondary schools be included in the universe of eligible applicants (§ 162.11(a)). A second commenter suggested that the eligible applicants for elementary school reading improvement projects include institutions of higher education, and another commenter suggested that the same universe of eligible applicants include neighborhoods served by settlement and neighborhood centers.

*Response.* The statute authorizes projects only at the elementary or pre-elementary school levels. Students of middle schools may be served if the schools are "elementary schools" under § 162.2, which depends upon whether the schools provide elementary education as determined under State law. With respect to applicants eligible to receive awards, the statute limits eligibility for elementary level projects to local educational agencies and State educational agencies. The other suggested classes of applicants are not eligible under the statute.

#### § 162.12 Application requirements

*Comment.* A commenter suggested that the requirement that the public have an opportunity for input into the planning of the project described in an application (such as through public notice and hearings) (§ 162.12(c) (1) (i) (B)) include a specification that public notice be published once a week for three consecutive weeks in one or more newspapers of general circulation published in the county.

*Response.* No change has been made in the regulation. The applicant should, by better knowing local clients and media, best be able to judge appropriate means for securing local input into the project application.

*Comment.* One commenter suggested that a private elementary school should have its children participate in the program if a State educational agency applied for and received a grant award.

*Response.* The commenter's concern is already met by the regulation. Section 162.12(c) (2) (i) (C) requires participation on an equitable basis by children enrolled in nonprofit private elementary schools.

*Comment.* One commenter suggested that provision be made in § 162.12(c) (1) (ii) (A) and § 162.14(b) (1) for a medical and psychological diagnosis that would ascertain a child's current, general intellectual and developmental functioning.

*Response.* No change has been made in the regulation. Nothing in the current regulation prohibits such a diagnosis if such information is necessary to assist a particular child in overcoming his or

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her reading deficiencies. Based on experience with past applications, such testing may not be necessary for large numbers of children, and would prove too costly in terms of available funds if it were required for all children.

**Comment.** A commenter suggested that the extent of testing be reduced (§ 162.12(c)(1)(i)(A) and (c)(2)(i)(B) and § 162.14(b)(1) and (b)(5)).

**Response.** The Office of Education shares the concern of the commenter and has not requested any testing beyond that required by the statute (both in the proposed and final rule).

**Comment.** One commenter suggested that the regulation include a definition of "achievement testing" (§ 162.12(c)(2)(i)(B) and (3)(i)) as well as § 162.14(b)(5) and a definition of "diagnostic testing" to aid in understanding the terms (§ 162.12(c)(1)(i)(A)).

**Response.** No change has been made in the regulation. The regulation already provides a succinct explanation of the nature of these tests in the context in which they are required (§ 162.12(c)(1)(i)(A), (2)(B), and (3)(i)). No specialized uses of these terms beyond the general description provided in these contexts are intended.

**Comment.** One commenter recommended that the regulations should be rewritten to reflect the fact that there are many excellent school reading programs operating at the present time which are very effective.

**Response.** The Office of Education intends no implication that there are not many excellent and effective school reading programs at the present time and does not understand the regulation to carry such an implication. However, it should be understood that the statute only authorizes support of projects involving the use of innovative methods, systems, materials, or other elements which show promise of overcoming reading deficiencies. The regulation has been framed in terms of this authorization.

Projects could not be supported merely to sustain ongoing reading programs or program elements in a given site. The regulatory requirement in § 162.12(b)(2) that the project be designed to improve and expand upon existing reading activities and programs through innovative methods, systems, materials, or other elements derives directly from the statutory authorization of innovative programs.

With respect to the commenter's concern, it may be noted that the term "innovative" might have been defined to mean new and different for the entire Nation, which might have carried the implication that nothing worth supporting already existed in school reading programs. However, the term "innovative" has been defined to mean new and different to participants in project activities, which means that an applicant may be funded to introduce program elements in a school which have proved effective in other settings.

**Comment.** A commenter suggested (in § 162.12(a)(1)) that the word "grade"

be deleted or the word "level" be redefined in the requirement, which provides that the application must set forth "plans and strategies for having the children in project schools reading at the appropriate grade level at the end of grade three." Another commenter suggested that the requirement be aimed at "the appropriate grade level at the end of grade six" rather than grade three.

**Response.** A change has been made to clarify the intent of this requirement by defining the word "appropriate" with reference to each individual student's age and ability (§ 162.2). No change can be made with reference to the application of the requirement to the end of grade three, since this requirement is stated in the authorizing statute.

**Comment.** One commenter suggested that a definition be added for the word "analyze," as used in § 162.12(b)(1) to require that the applicant has taken measures to analyze the reasons why elementary school children are not reading at the appropriate grade levels.

**Response.** No change has been made in the regulation. "Analyze" is used in the ordinary dictionary sense.

**Comment.** One commenter suggested that the form, manner, and audience for which test results are to be published should be identified in the regulation. Another commenter suggested that the publication of test results (§ 162.12(c)(1)(i)(E)) and (§ 162.14(b)(8)) should be done once a week for three consecutive weeks in one or more newspapers. Another commenter suggested that no publication of test results be required.

**Response.** No change has been made in the regulation. The local grantee should best be able to judge the form, manner, and audience for publication of test results. The requirement of publication is contained in the Act and cannot be deleted. The Office of Education has observed that achievement test results are best used when the local school decision-makers and the local community plan ahead for the form, manner, and audience for test results. What is effective and helpful for teachers, parents, and schools in one local educational agency may not be as helpful in the next.

**Comment.** A commenter suggested that specific program requirements (§ 162.12) be included for statewide reading programs.

**Response.** No change has been made. The regulation seems adequate for projects in one or in a number of schools (see the response above under comment on § 162.11).

**Comment.** One commenter suggested that diagnostic testing, as required in § 162.12(c)(1)(i)(A) and § 162.14(b)(1), include the "use of an expectancy formula."

**Response.** No change has been made in the regulation. The various techniques for diagnosing are better left to the discretion of the grantees.

**Comment.** A commenter suggested that, in § 162.12(c)(2)(i)(A) and § 162.14(b)(2)(iii), applications be judged on how well they address the needs of children with reading deficiencies and not

on the provision of services to all children in classes to be served by the project.

**Response.** No change has been made in the regulation. The Act and the regulation (in the cited sections) do focus on students with reading deficiencies but not to the exclusion of other students. Evaluations show that children with reading deficiencies do better in overcoming them if, for the most part, they are included with the other students in their classes. Thus, the regulation, while requiring projects to focus on children with reading deficiencies, also requires instruction for every child in classes involved in the project.

**§ 162.13 Review of applications by State educational agencies and State advisory councils**

**Comment.** A commenter suggested that, if the State educational agency does not approve an application (§ 162.13) by the cut-off date established by the Commissioner, a waiver of the State educational agency's opportunity to approve or disapprove that application be established. Representatives of the State educational agencies expressed strong concerns that, under the proposed regulation, substantial time and effort would be required by the SEA and its advisory council in receiving applications and designating priorities among them without any firm indication that the priority rankings would affect funding decisions by the Office of Education. Therefore, according to SEA representatives, the only clear input that the SEA and its advisory council would have on funding decisions would be a negative one, i.e., to disapprove an application.

**Response.** The authorizing statute requires State approval of an application, and the Commissioner would be without authority to approve an application unless the appropriate SEA had first approved it. Therefore, the Commissioner could not fund an application on the basis that the SEA had not acted on an application by a specified cut-off date. On the other hand, § 162.13(c) does provide that the Commissioner may establish a cut-off date for SEA approvals, and failure by the State to approve an application by the cut-off date will be deemed a disapproval of the application by the SEA, and the application will not be considered for funding by the Commissioner. This provision is consistent with the statutory approval authority of the SEA and is necessary to carry out a competitive review of applications within funding cycle time constraints.

With respect to the concerns raised by the SEAs, Part A of Title VII vests in the U.S. Commissioner of Education authority to make direct project grant awards, and the Commissioner is without legal authority to delegate the making of award decisions to an SEA or its advisory council. At the same time, in making funding decisions, the Commissioner would certainly be authorized to consider and give weight to rankings of applications by the State advisory council pursuant to the statute.

The proposed program regulation had provided that applications for Part A

grants would be evaluated on the basis of evaluation criteria set forth in proposed 45 CFR 162.14, in addition to the rankings designated by the State advisory councils, without specifying what weight would be accorded the State advisory council rankings, or how they would relate to the point structure established for the evaluation criteria (proposed 45 CFR 162.14).

In response to the SEA concerns, the regulation has been changed to add provisions to § 162.14 which indicate that application rankings by the State advisory council will count for a possible 50 points out of a total possible 195 points for all evaluation criteria (including the State rankings) with respect to elementary level projects, and 230 points with respect to preelementary level projects. With this amendment, a very high State advisory council ranking would very measurably increase an application's chances for being funded by the Commissioner.

Together with this change in the regulation, § 162.13(e) has been amended to urge SEAs very strongly not to approve more than ten applications under this subpart. Given the weighting for State advisory council rankings and the statutory provisions requiring the Commissioner, to the maximum extent feasible, to assure an equitable distribution of funds throughout the United States and prohibiting the Commissioner from expending more than 12½ percent of funds expended under this subpart in a given State (as reflected in § 162.15), applications which were not ranked within the top ten applications within a State would not likely have a realistic chance to be funded. If the States are selective in the number of applications approved, it should make possible a more intensive, higher quality evaluation of applications at the Federal level.

**Comment.** A commenter suggested that the Commissioner should notify the State educational agency of the approval of all projects within its State.

**Response.** The Commissioner does intend to notify the SEAs of projects approved within their States, but does not believe that a regulation requirement would be appropriate.

**Comment.** A commenter suggested that administrative monies be provided to the State educational agency so that it can carry out the tasks required of it by § 162.13 of the regulation.

**Response.** Section 3 of Pub. L. 94-194 authorizes the Commissioner to pay to each State educational agency the amount necessary to meet the costs of carrying out its responsibilities described in § 162.13 of the regulation. The law provides that such an amount may not exceed one percent of the total amount of grants made under Subpart B of the regulation in that State. No regulations would seem to be needed on this amendment to the statute.

#### § 162.14 Evaluation criteria

**Comment.** Two commenters suggested, with respect to § 162.14(b)(5)(v), that evaluation of children's growth in the project be done not by standardized norm-referenced test scores, but by

criterion-referenced tests which evaluate the child at the beginning of the program and at the end of the program.

**Response.** No change has been made in the regulation. The regulation provides latitude to local program staff to choose the particular measurement ways which meet the needs of their students.

**Comment.** One commenter suggested deletion of the phrase "and instruction different from that offered in the classroom" in § 162.14(b)(2)(vi), and the addition of the phrase "is necessary because the children's instructional needs cannot be met in the regular classroom."

**Response.** The regulation has been changed in accordance with the comment. The regulation now more clearly states the intent of the provision that the supplemental instruction outside the classroom should reinforce the instruction given within the classroom.

**Comment.** A commenter suggested that definitions be given for norm-referenced measurement and criterion-referenced measurement (§ 162.14(b)(5)(v)).

**Response.** No change has been made in the regulation. Since these terms are not used in a prescriptive or mandatory fashion, there is no need for a regulatory definition. Generally, norm-referenced measurement would involve comparing a child's achievement against norms for groups of children expressed in terms such as age or grade levels, whereas criterion-referenced measurement would permit an assessment of a child's achievement in terms of specific criteria designed for that child in terms of the child's own reading needs and skills.

**Comment.** A commenter suggested that the provision in § 162.14(b)(6)(ii), concerning "a knowledge of the history and culture" associated with the language of children of limited English-speaking ability be deleted from consideration of the bilingual education methods or techniques in a proposed project.

**Response.** No change has been made in the regulation. The provision cited by the commenter is neither a requirement nor a firm criterion for judging applications. It is merely one example of considerations which may enter into the Commissioner's judgment of how many points to assign each application for the criterion of high quality in the project with respect to appropriate use of bilingual education methods and techniques, which counts for a potential total of five points out of a total of 195 points for elementary school projects or 230 points for pre-elementary school projects. Where use of bilingual education methods and techniques is appropriate in a project (i.e., where the project serves a population including children of limited English-speaking ability), it would seem that the cited provision would be one indication of the quality of the bilingual education methods and techniques.

#### § 162.17 Duration of projects

**Comment.** One commenter suggested the duration of the project (§ 162.17(a)) be extended to include a third possible continuation year.

**Response.** No change has been made in the regulation. Two years' time would

seem an adequate period of time for the establishment or improvement of appropriate reading programs under this subpart. Given a limited period of authorization and limited funds for the program, the Office of Education feels that tying up program funds on a non-competitive basis for a longer period of time would not be in the best interests of the statutory purpose.

#### § 162.18 Size of awards; allowable costs

**Comment.** A commenter recommended that the suggested \$15 base figure per student involved in the project be deleted. The \$15 base figure would involve an unrealistically high number of students to be served with too small an amount of money.

**Response.** The comment has been adopted, with an amendment indicating the bases on which the size of awards will be determined.

#### Other comments

**Comment.** One commenter suggested that the regulation should be shortened to reduce the burden on applicants.

**Response.** No change has been made in the regulation. The length of Subpart B of the regulation derives directly from the long list of program requirements set forth in the authorizing statute (section 705 (b), (c), (d), and (e) of Pub. L. 93-380). The statutory requirements account directly for the length of the requirements section of the regulation (§ 162.12) and are primarily responsible for the length of the evaluation criteria section (§ 162.14) which contains many criteria measuring the quality of the project in meeting the specific requirements in § 162.12. Another factor which accounts for the length of the criteria section is the provision under § 162.14(b) of examples of considerations which may enter into the Commissioner's judgment of how many points to assign particular criteria for each application. These examples are introduced by the language "as measured by factors such as whether." These examples are not requirements or hard and fast criteria, but they give additional guidance to applicants as to some of the kinds of factors which might but need not be addressed in the application to receive the maximum number of points under each respective criterion.

**Comment.** One commenter suggested that the term "project schools" and "school projects" be further defined.

**Response.** The term "project schools" is used under Subpart D to distinguish project schools from control schools for purposes of the evaluation authorized under that subpart. A definition of "project schools" has been added to § 162.36 to clarify this. The term "school projects" is used in Subpart B merely to refer to projects in schools.

#### SUBPART C—STATE READING IMPROVEMENT PROGRAMS

##### § 162.25 Scope and purpose

**Comment.** One commenter suggested that the purpose description with reference to training of reading personnel



and specialists include express reference to training for reading paraprofessionals.

*Response.* The regulation has been changed in accordance with the comment.

#### SUBPART D—SPECIAL EMPHASIS PROJECTS § 162.39 Definitions

*Comment.* One commenter asked for a clarification of the term "project school."

*Response.* A definition has been added for "project school" as used in this subpart ("the individual school site where the Special Emphasis Project will be implemented").

#### § 162.39 Review and certification by State educational agencies

*Comment.* A commenter stated that to allow persons who are not trained in reading to participate as reading teachers in the Special Emphasis Program would decrease the impact of the program.

*Response.* No change has been made in the regulation. The authorizing law states that regular classroom teachers who are enrolled in a reading teacher program may be used in lieu of a reading teacher if reading teachers are not available to the local educational agency. However, under the funding criteria, projects which propose to utilize solely reading specialists and reading teachers can receive extra points and will, therefore, have a better chance for funding (§ 162.41(c)).

#### § 162.40 Application requirements

*Comment.* One comment asked that instruction in utilizing reading skills in the content areas be required.

*Response.* No change has been made. The suggested requirement is not needed to carry out the purposes of this program. The content of the reading program is best left to the judgment of the local educational agency.

*Comment.* One commenter asked that the rules specify the types of diagnostic testing and achievement testing required in § 162.40(b)(3)(iii) and (vii).

*Response.* No change has been made. The decision whether to use standardized tests, criterion-referenced tests, or informal reading inventories is best left to the discretion of the individual local educational agency. However, specific achievement tests or other evaluation instruments may be required pursuant to § 162.38(b) in order to permit an evaluation by the Commissioner or by a contractor selected by the Commissioner of the effectiveness of intensive instruction by reading specialists and reading teachers.

*Comment.* One commenter recommended that the rules specify the form and manner in which to publish test results by grade level and school under § 162.40(b)(2)(vii)(A). Another commenter suggested that notices concerning the project and test results should be published as public notices in local newspapers.

*Response.* No change has been made. The Office of Education believes that the

local educational agency is in the best position to judge how best to communicate with its community, and thus the rules do not specify how this should be accomplished.

*Comment.* One commenter stated that the Special Emphasis Program legislation did not require the establishment of a control school and requested that the rules permit the use of classes in several schools as controls.

*Response.* No change has been made in the regulation. The purpose of the authorizing statute for Special Emphasis Projects is to determine the effectiveness of intensive instruction by reading specialists and reading teachers. To carry out this purpose, the Office of Education deems it necessary to establish a control situation (not including instruction by reading specialists and reading teachers) which parallels as closely as possible the project situation in which reading specialists and reading teachers are used. The authorizing statute requires each project to provide for teaching by a reading specialist for all children in the first and second grades of an elementary school and the teaching of reading by a reading specialist for elementary school children in grades three through six who have reading problems (Sec. 721(a)(1) of Pub. L. 93-380). The statute thus ties the project to a specific elementary school. While it would be theoretically possible to have classes in different schools as control groups, to do so might introduce new variables into the control situation and would threaten to vitiate the testing design. Therefore, a control school is required, and the regulation requires project schools and control schools to be comparable in material respects (§ 162.40(a)(5) and (6)).

#### SUBPART E—READING ACADEMY PROGRAM

##### § 162.50 Scope and purpose

*Comment.* Two commenters objected to the exclusion of secondary school programs from eligibility for funding consideration, while another urged that the program permit participation by adults enrolled in institutions of higher education who are in need of reading instruction. Another commenter seemed to interpret the proposed regulation as excluding adults of a certain age from participation.

*Response.* The regulation has been amended, in § 162.50, to allow for participation of in-school youths and adults who do not otherwise receive reading assistance and instruction. The proposed regulation had limited participation in projects to out-of-school youths and adults based upon the statutory provision that reading assistance and instruction would be for youths and adults "who do not otherwise receive such assistance and instruction." Since publication of the proposed rules, the authorizing statute has been amended by Pub. L. 94-194 to provide expressly for participation by "in-school as well as out-of-school" youths and adults, and the final regulation is therefore modified to reflect this statutory amendment.

At the same time, it must be noted that the statute continues to describe projects as being for youths and adults "who do not otherwise receive" reading assistance and instruction. Furthermore, legislative history related to the amendment authorizing reading assistance and instruction for in-school youths and adults reflects congressional intent that the amendment was not to be a basis for establishing a school system to duplicate that already in existence, and that the authority to allow participation by school students should be used only in situations where it is specifically warranted. (H.R. Rep. No. 720, 94th Cong., 1st Sess. 6-7 (1975); Statement of Representative Quile, 121 Cong. Rec. H. 13055, daily ed., December 19, 1975.)

In accordance with this legislative history, § 160.50(b) has been amended to provide that activities funded under this subpart:

(a) Must not duplicate or supplant reading programs available in public or private elementary or secondary schools, postsecondary school institutions, or other agencies or institutions;

(b) Must be designed for both youths and adults who do not otherwise receive reading assistance and instruction and who elect to participate in project activities on a voluntary basis; and

(c) May not be designed primarily to serve in-school youths and adults.

While a public or private elementary or secondary school or institution of higher education would be eligible under this subpart to receive an award as a reading academy prepared to serve both youths and adults in the community, it could not, under these provisions, apply for a grant under which it would only serve students enrolled in the regular school curriculum. In addition, a prospective academy could not propose activities to serve in-school youths and adults who have reading assistance and instructional activities available to them (whether or not these activities are different in approach from those proposed for the reading academy). Section 162(a)(5) has also been added to the regulation to require applications to provide information satisfying the Commissioner that these provisions will be met.

Adults of particular ages are not excluded from participation in funded activities.

*Comment.* One commenter suggested that the regulation be revised to include as participants children, youths, and adults in correctional institutions, and that guidelines be tailored specifically to this population.

*Response.* No change has been made. Youths and adults in correctional institutions are not excluded as participants. The regulations which are provided are intended to be general enough so that the establishment of an academy in a variety of settings, including correctional institutions, is possible.

##### § 162.51 Definitions

*Comment.* A commenter suggested that the definition of "adult" be modified to be consistent with a definition used by other

programs in the U.S. Office of Education (that "adult" be defined to mean "an individual who either assumes the roles and functions of a responsible and mature member of society or has reached the chronological age of adulthood specified by law").

*Response.* No change has been made. The purpose of the definition is to make clear the distinction between "adult" and "youth" as they appear in the governing legislation. The definition suggested by the commenter would not serve this purpose. Under § 162.50(b)(2)(ii) and other provisions of the regulation, academies must provide services to both youths and adults.

##### § 162.52 Application requirements

*Comment.* One commenter suggested that § 162.52(a)(1) be amended to clarify that projects must be designed to eliminate functional illiteracy "through the increase or improvement of reading skills," rather than through other possible approaches.

*Response.* The suggested change is considered unnecessary to carry out the commenter's concern. "Functional illiteracy" is defined in § 162.51 with reference to reading skills, so that activities to eliminate functional illiteracy would by definition include an improvement of reading skills.

*Comment.* A commenter recommended that § 162.52(c)(4)(i) be modified to allow for small group instruction as well as one-to-one instruction.

*Response.* The comment is adopted. Either individualized or small-group instruction (or both) could be utilized by the grantee.

*Comment.* A commenter recommended that cooperative agreements between applicants and State and local education organizations be considered.

*Response.* An amendment has been made to § 162.52(c)(6) in accordance with the comment.

*Comment.* One commenter expressed the viewpoint that other subparts of this regulation place more emphasis on comprehensive planning and needs assessment and recommended that this subpart be revised accordingly.

*Response.* No change in the regulation has been made. Planning is very heavily emphasized in the State Leadership and Training Activity under Subpart F of the final regulation and under Subpart A, with respect to reading improvement projects. However, planning and needs assessment activities are also emphasized in §§ 162.52(a), (c)(1), (2) and (9) and 162.53(b) of the regulation and in the guidelines (Appendix B, Chapter II Part 2). It is deemed inappropriate to impose additional requirements with respect to these project elements.

*Comment.* One commenter suggested a number of specific changes in the regulation to authorize development of a psycholinguistic approach to reading which would reach the target population in their own homes through use of prime time commercial television. The commenter expressed the viewpoint that formalized, institutional programs were too threatening to the target population,

whereas television permitted anonymous participation by home-viewers.

*Response.* The suggested changes have not been made in the regulation. The statutory provision which authorizes the Reading Academy Program, section 723 of Pub. L. 93-380, provides that "reading assistance and instruction will be provided in appropriate facilities to be known as 'reading academies.'" This language would not appear to authorize the development of television activities to reach adults and youths in their own homes (cf. section 722 of Pub. L. 93-380, which expressly authorized the development and distribution of television courses for elementary school teachers). Television, as well as other media and materials, could be used for reading instruction in reading academies, but the focus of the grant would be on the development and carrying out of the reading academy program. The development of particular media or materials could be an incidental but not a central aspect of the project. While the type of project outlined by the commenter would be beyond the scope of the Reading Academy Program, it is possible that it could be considered for funding as a national impact reading program under section 725 of Pub. L. 93-380. The project could be submitted as an unsolicited proposal seeking support under Section 725.

The comments on the difficulty of recruiting and retaining partially illiterate youths and adults are well-taken. These problems are addressed in sections 3.1-4.2 of the guidelines set forth as Appendix B to this part.

##### § 162.54 Allowable costs

*Comment.* One commenter questioned why this program is expected to provide "good quality, individualized instruction at the lowest possible cost," interpreting this to signify a low priority on the elimination of adult illiteracy. The commenter also objected to the use of volunteers in any but the most minor elements of the program, stating that, "highly skilled reading specialists" are necessary as teachers for this particular population.

*Response.* The regulation provision on cost which is quoted by the commenter is intended only to emphasize the determination to secure the greatest return for funds expended and to fund projects which are replicable without substantial Federal investments. It does not denote a low priority on adult literacy.

The experience of the Office of Education in funding reading projects for youths and adults under the former Right-to-Read Community Based Program and under the Academy Program indicates that volunteer tutors, if they are properly selected, trained, supervised, and directed, can be a highly effective aspect of reading projects for youths and adults. In this connection, the evaluation criteria in the proposed and final regulation attach a substantial number of points to the applicant's plans for providing appropriate supportive services to tutors or other instructional personnel (§ 162.53(d)(6)), and guidelines at

Appendix B to the regulation give considerable guidance to applicants and grantees respecting appropriate use, training, and supervision of volunteer tutors (Appendix B, Chapter II, Section 6.2; Chapter III). It must also be noted that the use of volunteer tutors is not required by the regulation, but is merely proffered as one possible low-cost approach to providing reading instruction to illiterate youths and adults (§ 162.53(c)).

#### APPENDIX B—MANUAL OF GUIDELINES FOR THE READING ACADEMY PROGRAM

*Comment.* One commenter recommended that the guidelines for the Reading Academy Program include suggestion for "follow-up" of participants.

*Response.* No change has been made in the regulation or guideline. The Office of Education agrees that follow-up of participants following their completion of or departure from a project is desirable and encourages grantees to undertake such a follow-up. However, it is not deemed necessary to regulate on this matter at the Federal level, and it follows that there is no need for a guideline on the subject. The Office of Education would hope to explore what kinds of technical assistance might be provided to grantees in connection with possible follow-up activities.

*Comment.* A commenter recommended that dissemination procedures be suggested in the model of the results and findings of Academy centers and satellites.

*Response.* No change has been made. Dissemination of the results of a project is an important aspect of the Academy Program, but will be supervised by the Office of Education. In monitoring the programs, the Office will seek to identify especially successful approaches which warrant dissemination.

#### C. OTHER CHANGES

1. Subpart F has been added to implement section 1 of Pub. L. 94-194.
2. References have been added for Pub. L. 94-194, which amends the National Reading Improvement Program.
3. Definitions have been added in § 162.1 for "bilingual education" and "limited English-speaking ability" which derive from section 703 of the Bilingual Education Act.
4. Additional definitions have been added in § 162.1 for "high percentage" with reference to a "high percentage of children with reading deficiencies," as used in §§ 162.10 and 162.11, and "appropriate" with respect to the project objective that children read at the "appropriate grade level at the end of grade three." (§ 162.12(a)(1)).
5. Provisions for waiver of requirements related to training and community involvement in project planning and development in Subparts B and D have been added to reflect Section 2(a) of Pub. L. 94-194.
6. Section 162.13(d)(2)(iii) has been deleted in conformance with Section 2(d) of Pub. L. 94-194.
7. Sections 162.17, 162.44, and 162.55 have been amended in order to clarify



and make uniform the regulatory provisions on duration of projects and continuation awards for the various programs.

8. The number of points weighted for the criterion in § 162.41(b) (5) inadvertently not printed in the proposed regulation has been added in Subpart D.

9. Also in Subpart D, § 162.44 has been redrafted to provide for continuation awards on a non-competitive basis and to clarify the section.

10. Other typographical and technical changes have been made.

#### D. WAIVER OF RULEMAKING FOR STATUTORY CHANGES

In accordance with section 431(b) (2) (A) of the General Education Provisions Act, it is the practice of the Office of Education to provide opportunity for interested parties to take part in its rulemaking process, and this practice has been followed with respect to the preponderance of provisions in this notice. However, with respect to subpart F of this regulation, concerning the State leadership and training program, and amendments to Subpart E concerning participation of in-school youths and adults in the Reading Academy Program, particularly § 162.50(b) (2), opportunity for public comment has not been provided based upon:

(1) The Commissioner's finding, with respect to Subpart F, in accordance with 5 U.S.C. 553(b) (3) (B), that opportunity for public comment on these provisions would be impracticable and contrary to the public interest in view of the time constraints which dictate publication of a final rule at this time. Such a finding is premised on the reasons set forth in the following paragraph, and

(2) The fact that § 162.50(b) (2) (and conforming amendments to Subpart E) constitutes an interpretative rule not subject to rulemaking procedures under 5 U.S.C. 553(b) (3) (A).

**Subpart F.** The regulation provisions for which opportunity for public comment is not being provided implement statutory amendments enacted December 31, 1975 (Pub. L. 94-194). The statutory amendments authorizing the State leadership program (section 1 of Pub. L. 94-194) were designed to continue a program conducted during Fiscal Years 1972, 1973, 1974, and 1975 by the Office of Education under the Cooperative Research Act (20 U.S.C. 331a). Thirty-one grants made to State educational agencies in FY 1975 under the program expired February 28, 1976, and the other twenty grants made to SEAs with FY 1975 Cooperative Research Act funds under the program expire June 30, 1976. Although many of the grants which expired February 28 have been extended to allow grantees to incur obligations under the grant until September 30, 1976, this extension will not sustain many of these projects, which have expended most or all of their authorized grant funds. Unless new awards are promptly made to these States (and to the twenty States whose grants expire June 30, 1976), grantees will not be able to maintain the

continuity of these projects or to continue to employ their project staffs.

Congress enacted a special provision to authorize the expenditure of already appropriated FY 1976 funds for these projects (Section 1 (a) of Pub. L. 94-194), and the enactment was greatly expedited based upon a congressional concern that the continuity of these programs be maintained (see, for example, statements on the floors of the House and Senate, respectively, by Rep. Quie, 121 Cong. Rec. H. 12509, December 15, 1975; Rep. Perkins, 121 Cong. Rec. H. 12507-8, December 15, 1975; and Senator Beall, 121 Cong. Rec. S. 22544, December 17, 1975).

Under section 431(d) of the General Education Provisions Act, a regulation cannot take effect until forty-five days after the final regulation has been transmitted for congressional review. Therefore, if a proposed regulation were issued at this time for the State leadership activity, it would have to be followed by a thirty-day comment period, an additional period for having the final regulation prepared and cleared within the Department of Health, Education, and Welfare, and then the forty-five day congressional review period before grant awards could be made, if the awards were to be made on the basis of the regulation. This delay in making awards would undermine the very projects which the program is designed to support.

An additional consideration with respect to the State leadership program is that final regulations were issued for the program on May 8, 1975 (40 FR 20084) following publication of a proposed regulation on December 27, 1974 (39 FR 44774) with an opportunity for public comment, both at a public hearing and in the form of written submissions. The May 1975 regulations were premised upon the Cooperative Research Act (20 U.S.C. 331a). Only two public comments were received on the proposed regulation, and neither raised substantive issues with respect to the regulation. Subpart F of this notice follows very closely the regulation adopted May 8, 1975 pursuant to the rulemaking process, consistent with congressional enactment of a specific statutory authorization (section 1 of Pub. L. 94-194) which parallels the administratively fashioned authorization (under the broad terms of the Cooperative Research Act) in the May 8, 1975 regulation and with congressional intent that the existing program under the May 8, 1975 regulation be maintained (see above-cited statements by Reps. Quie and Perkins and Senator Beall). For these reasons, proposed rulemaking procedures for Subpart F are impracticable and contrary to the public interest.

**Subpart E.** As indicated above, the amendments to Subpart E, particularly § 162.50(b) (2), constitute an interpretative rule not subject to rulemaking procedures. They interpret the effect and intent of section 5 of Pub. L. 94-194, which makes in-school youths and adults eligible for participation in Reading Academy Programs. The original closing date for new applications for FY 1976 funding under this activity was

February 6, as published in the December 16, 1975 FEDERAL REGISTER (40 FR 58338). Subsequently, a notice of statutory change and interpretation (concerning the subject amendment), with the new closing dates for both new and continuation applications was published in the FEDERAL REGISTER on March 22, 1976 (41 FR 11842). Section 162.50(b) (2) implements, within the final regulation, the March 22, 1976 notice of statutory interpretation.

**E. Effective date.** Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission (July 12, 1976), subject to the provisions thereof concerning congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy)

Dated: April 15, 1976.

T. H. BELL,  
U.S. Commissioner  
of Education.

Approved: May 19, 1976.

DAVID MATHEWS,  
Secretary of Health, Education,  
and Welfare.

Chapter I, Title 45 of the Code of Federal Regulations is amended by adding a Part 162 as follows:

#### Subpart A—General

- Sec.  
162.1 Scope and purposes.  
162.2 Definitions.  
162.3-162.9 [Reserved]
- Subpart B—Reading Improvement Projects**
- 162.10 Scope and purpose.  
162.11 Eligible applicants; nature of projects.  
162.12 Application requirements.  
162.13 Review of applications by State educational agencies and State advisory councils.  
162.14 Evaluation criteria.  
162.15 Equitable geographic distribution.  
162.16 [Reserved].  
162.17 Duration of projects.  
162.18 Size of awards; allowable costs.  
162.19-162.24 [Reserved]

#### Subpart C—State Reading Improvement Programs

- 162.25 Scope and purpose.  
162.26 Allotments; reallootments.  
162.27 Standard of excellence.  
162.28 [Reserved].  
162.29 Judicial review.  
162.30-162.34 [Reserved]

#### Subpart D—Special Emphasis Projects

- 162.35 Scope and purpose.  
162.36 Definitions.  
162.37 Eligibility; number of applications.  
162.38 Nature of projects.  
162.39 Review and certification by State educational agencies.  
162.40 Application requirements.  
162.41 Evaluation criteria.  
162.42 District-wide project award.  
162.43 [Reserved]

- Sec.  
162.44 Duration of projects.  
162.45 Size of awards; allowable costs.  
162.46-162.49 [Reserved]

#### Subpart E—Reading Academy Program

- 162.50 Scope and purpose.  
162.51 Definitions.  
162.52 Application requirements.  
162.53 Evaluation criteria.  
162.54 Allowable costs.  
162.55 Project duration.

#### Subpart F—State Leadership and Training Projects

- 162.60 Scope and purpose.  
162.61 Nature of projects; funding requirements.  
162.62 Evaluation criteria.  
162.63 Project duration.  
162.64 Allowable costs.

#### APPENDIX A—Part B of title VII of Pub. L. 93-380.

#### APPENDIX B—Manual of Guidelines for the Reading Academy Program.

**AUTHORITY:** Title VII of Pub. L. 93-380, as amended by Pub. L. 94-194 (20 U.S.C. 1901-1982).

#### Subpart A—General

##### § 162.1 Scope and purposes.

(a) **Scope.** This part applies to projects assisted with funds appropriated pursuant to the National Reading Improvement Program, title VII of Pub. L. 93-380, as amended by Pub. L. 94-194;

(b) **Purposes.** The purposes of the programs carried out pursuant to this part are, through grants and contracts to State and local educational agencies and other non-profit organizations, to:

(1) Provide financial assistance to encourage State and local educational agencies to undertake projects to strengthen reading instructional programs in elementary grades;

(2) Provide financial assistance for the development and enhancement of necessary skills of instructional and other educational staff for reading programs;

(3) Develop a means by which measurable objectives for reading programs can be established and progress toward these objectives assessed;

(4) Develop the capacity of preelementary school children for reading;

(5) Establish and improve preelementary school programs in language arts and reading; and

(6) Provide financial assistance to promote literacy among youths and adults.

(c) **Other pertinent regulations.** Awards under this part are subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a, 100b).

(20 U.S.C. 1901)

##### § 162.2 Definitions.

As used in this part:

"Act" means title VII of the Education Amendments of 1974, Pub. L. 93-380, as amended by Pub. L. 94-194.

"Appropriate" when applied to "grade level" means commensurate with the individual student's age and ability.

"Elementary school" means a day or residential school which provides elementary education, as determined under State law.

"Bilingual education" means instruction designed for children of limited English-speaking ability including instruction:

(a) In and study of English and, to the extent necessary to allow a child to progress effectively through the educational system, the native language of the children of limited English-speaking ability; and

(b) Which is given with appreciation for the cultural heritage of such children.

"Commissioner" means the U.S. Commissioner of Education.

"Innovative" means a program element which is new and different to participants in project activities.

"Institution of higher education" means an institution of higher education in any State as defined under the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141)

"Limited English-speaking ability," when used with reference to an individual, means an individual who:

(a) (1) Was not born in the United States or whose native language is a language other than English; or

(2) Comes from an environment where a language other than English is dominant; and

(b) As a result of paragraph (a) (1) or (2) above, has difficulty speaking and understanding instruction in the English language.

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Non-profit educational or child care institution" means any public or private non-profit organization which sponsors a regular, on-going educational or child care program for preschool age children.

"Reading deficiencies" means that reading achievement is less than that which would normally be expected for children of comparable ages or comparable grades of school; for children in grades 2-8 this would mean one or more years below appropriate grade level in reading as estimated by standardized tests and/or informal testing.

"High percentage," when applied to "of children with reading deficiencies," means 50 percent or more of the students in grades 2 through 8 in project schools or project classes are reading one or more years below appropriate grade level.

"Project" means those activities of a grantee or contractor which the Commissioner determines to be eligible for Federal financial assistance.

"Reading-related activities" means any activities directly or indirectly connected with skills and/or behaviors in the area of reading; for example, listening, speaking, writing activities, reading games, discussing illustrations, classifying and categorizing, and developing auditory and visual perceptual skills.

(20 U.S.C. 1901 and 1921)

"State" means, except as used in Subpart C, the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. As used in Subpart C, "State" means the several States of the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

(20 U.S.C. 1942(a) (2))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools or, if there is no such office or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1901 and 1921)

#### § 162.3-162.9 [Reserved]

#### Subpart B—Reading Improvement Projects

##### § 162.10 Scope and purpose.

(a) **Scope.** This subpart applies to projects assisted with funds appropriated to carry out part A, section 705 of title VII of Pub. L. 93-380, as amended by Pub. L. 94-194;

(20 U.S.C. 1921)

(b) **Purpose.** The purpose of the program carried out pursuant to this subpart is, through grants to eligible recipients, to support:

(1) Projects to strengthen reading instructional programs in elementary school(s) having large numbers or a high percentage of children with reading deficiencies; and

(2) Projects to establish and improve programs in language arts and reading in preelementary school(s), in areas where there are large numbers or a high percentage of elementary school children with reading deficiencies, and to develop the capacity of preelementary school children for reading.

(20 U.S.C. 1921(a))

##### § 162.11 Eligible applicants; nature of projects.

(a) **Eligible applicants.** (1) As stated in section 705 of the Act, local educational agencies, State educational agencies, or both, may apply for elementary school projects described in paragraph (b) (1) (i) of this section and for preelementary school projects described in paragraph (b) (1) (ii) of this section. In addition, non-profit educational or child



care institutions may apply for the pre-elementary school projects;

(2) Though multiple applications may be submitted by a single applicant, in no case will more than one grant for an elementary school project and one grant for a preelementary school project be awarded to the same applicant;

(b) *Nature of projects.* (1) Two types of grants will be awarded pursuant to this subpart:

(i) Projects to carry out in elementary school(s) having large numbers or a high percentage of children with reading deficiencies, programs involving the use of innovative methods, systems, materials, or other elements which show promise of overcoming the reading deficiencies; and

(ii) Projects to carry out in kindergarten(s), nursery school(s), child care institution(s), or other preschool institution(s) (in areas where elementary schools having large numbers or a high percentage of children with reading deficiencies are located), programs involving the use of innovative methods, systems, materials, or other elements which show promise of developing the capacity for reading of preelementary school children who might otherwise develop reading deficiencies;

(2) (i) Applications for elementary school projects under paragraph (b) (1) (i) of this section which propose to carry out reading activities in elementary schools for children above the kindergarten level may involve children in any or all grades within the elementary schools, including children at the kindergarten level;

(ii) Applications which do not propose to carry out activities for children above the kindergarten level shall be reviewed as preelementary school projects;

(3) Projects assisted pursuant to this subpart must be designed to establish, to expand, or to improve the reading programs in one or more specific and identified elementary or preelementary schools;

(20 U.S.C. 1921(a), S. Rep. No. 763, 93d Cong. 2d Sess. 125 (1974))

(4) (i) Reading program activities and services assisted under the project must be directly administered by, or under the supervision of, the grantee;

(ii) Grantees may not use any Federal funds awarded pursuant to this subpart to award subgrants to other entities or persons;

(iii) Grantees may, with Federal funds awarded pursuant to this subpart, enter into contracts with other entities or persons to secure services which will assist them in carrying out a portion of the program activities, as provided in § 100a.30 of this chapter, subject to the conditions set forth in § 100a.30 of this chapter which prohibit transfer of responsibility (or conduit arrangements) by the grantee and require a statement of intention to enter into a service contract in the approved application or an approved amendment thereto; and

(iv) In accordance with paragraphs (b) (4) (i) and (ii) of this section, State

educational agencies may receive grants under this subpart only if they will directly administer or supervise reading programs to be assisted by the project in cases where the State educational agency:

(A) Is directly responsible for operating an elementary or preelementary school;

(B) Applies jointly with a local educational agency or other eligible applicant responsible for administering an elementary or preelementary school, pursuant to § 100a.19 of this chapter (General Provisions Regulations for Office of Education programs; 45 CFR 100a.19); or

(C) Under arrangements with a local educational agency or other eligible applicant, assumes responsibility for reading activities to be assisted by the project in schools administered by the local educational agency or other eligible applicant.

(20 U.S.C. 1921(a), (b), and (c); 1221c(b) (1), 1232c(b) (1))

#### § 162.12 Application requirements.

The Commissioner will award a grant to a State educational agency, local educational agency, or other eligible applicant under this subpart only upon an application submitted to the Commissioner which meets the following requirements:

(a) *Project objectives.* The application must set forth:

(1) Specific and measurable objectives related to overcoming reading deficiencies of children in the project school(s) including (only with respect to elementary school projects described in § 162.11 (b) (1) (i)) a plan for having the children in project schools reading at the appropriate grade level at the end of grade three;

(2) A proposed time frame for accomplishing these objectives; and

(3) An evaluation component providing for the collection, verification, and analysis of data to measure the extent to which the objectives are accomplished by the project;

(20 U.S.C. 1921(a), (b), (c) (2))

(b) *Project school(s).* (1) The application must identify the school(s) and the class(es) to be served by the project and provide information on how the school(s) and class(es) were selected for the project, the numbers and percentages of children in the project school(s) with reading deficiencies, and the nature of reading deficiencies of those children, including (only with respect to elementary school projects described in § 162.11 (b) (1) (i)) documentation that appropriate measures have already been taken by the applicant to analyze the reasons why elementary school children are not reading at the appropriate grade levels;

(2) The application must provide demographic information on children in the school(s) to be served by the project, including information on the socio-economic, racial, ethnic, language and cultural composition of the school(s); and

(3) The application must:

(i) Provide information on existing reading programs and activities in the project school(s), including information on the resources and methods used to teach reading or reading-related activities to children and the extent of effectiveness of those resources and methods; and

(ii) Explain how the proposed project will improve or expand upon the existing reading activities and programs, including a description of innovative methods, systems, materials, or other elements which will be used in the project to overcome reading deficiencies;

(20 U.S.C. 1921(a), (b), (c) (1))

(c) *Program requirements.* The Commissioner will award a grant under this subpart only upon an application submitted to the Commissioner which meets the requirements in paragraphs (a) and (b) of this section, as applicable, and which sets forth a reading program which includes the following elements, as applicable:

(1) *All applications.* All applications under this subpart must:

(i) (A) Document that there has been participation in the planning and development of the program described in the application by (1) parents of children to be served by the program, (2) the policymaking board of the applicant, and (3) leaders of the cultural and educational resources of the area to be served, including representatives of such organizations as institutions of higher education, non-profit private schools, public and private non-profit agencies such as libraries, museums, educational radio and television organizations, and other cultural and educational resource agencies of the community, subject to the possibility that, if the applicant believes it to be impracticable for reasons such as the small size of the project for the project to meet the requirement under this subdivision (3), the application must document to the Commissioner's satisfaction the reasons why the requirement is impracticable, and the Commissioner may then waive the requirement;

(B) Include a description of procedures which have been used to provide the public at large in the area or areas proposed to be served by the project with an opportunity to have input in the planning of the program described in the application (such as through public notice and hearings); and

(C) Provide for the continuing participation of groups and representatives described under paragraph (c) (1) (i) (A) of this section in the development and implementation of the program described in the application;

(ii) Set forth a reading program which provides for:

(A) Diagnostic testing designed to identify children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(B) Planning and establishing comprehensive reading programs in project schools;

(C) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs

(C) Preservice training programs for project teaching personnel, including teacher aides and other ancillary educational personnel, within the project schools, and inservice training and development programs, where feasible, designed to enable these personnel to improve their ability to teach students to read, subject to the possibility that, if the applicant believes it to be impracticable for reasons such as the small size of the project for the project to meet this requirement, the application must document to the Commissioner's satisfaction the reasons why the requirement is impracticable, and the Commissioner may then waive the requirement;

(D) Participation of the school faculty, the policy-making board of the applicant, members of the school administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(E) With respect to tests of reading achievement administered pursuant to paragraph (c) (2) (i) (B) of this section:

(1) Publication of test results on reading achievement by grade level and, where appropriate, by school, without identification of individual children; and

(2) The availability of test results on reading achievement on an individual basis to parents and guardians of any child tested;

(F) Use of bilingual education methods and techniques consistent with the number of elementary school age children (or of preelementary school age children with respect to preelementary school projects under § 162.11(b) (1) (ii)) in the area served by a reading program who are of limited English-speaking ability; and

(G) Dissemination of information on the results of the program and of the means used to achieve the results to State educational agencies, local educational agencies, other educational agencies and institutions, and the Commissioner;

(2) *Elementary school projects.* (i) Applications under this subpart for elementary school programs under § 162.11(b) (1) (i) must set forth a reading program which, in addition to meeting the requirements in paragraph (c) (1) of this section, provides:

(A) Reading instruction focused upon elementary school children whose reading achievement is less than that normally expected for children of comparable ages or in comparable grades of school, but also instruction which provides for every child in classes involved in the project;

(B) Periodic testing for elementary school children on a sufficiently frequent basis to measure accurately reading achievement;

(C) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs

are of the kind the program is intended to meet.

(ii) Applications must also: (A) Indicate the number of children enrolled in nonpublic schools who are expected to participate in each program and the manner of their expected participation; and

(B) Document that there has been participation in the planning and development of the program described in the application by officials representing non-profit private elementary schools in the area to be served with children whose educational needs are of the kind which the program is intended to meet, and document the kind of continuing participation by those officials there will be in the development and implementation of the program;

(3) *Preelementary school projects.* Applications for preelementary school programs under § 162.11(b) (1) (ii) must set forth a reading program which, in addition to meeting the requirements in paragraph (c) (1) of this section, provides:

(i) A test of reading proficiency at the conclusion, minimally, of the first-grade programs into which the preelementary school program is integrated for children who had previously participated in the preelementary school program;

(ii) Assessment, evaluation, and collection of information on individual children by teachers during each year of the preelementary program to be made available for teachers in the subsequent year, in order that continuity for the individual child be maintained; and

(iii) Whenever appropriate coordination with the reading programs of the educational agencies or institutions where the preelementary school children will be next in attendance, including any necessary arrangements by the applicant with those educational agencies or institutions for meeting the requirements relating to testing described in paragraph (c) (3) (i) of this section; and

(d) *Other information.* Applications may include other appropriate information to respond to criteria in § 162.14.

(20 U.S.C. 1921(b))

#### § 162.13 Review of applications by State educational agencies and State advisory councils.

(a) The Commissioner will not approve an application submitted under this subpart unless the State educational agency has:

(1) (i) Established and appointed an advisory council on reading broadly representative of the educational resources and of the general population of the State, including but not limited to persons representative of:

(A) Public and private non-profit elementary and secondary schools;

(B) Institutions of higher education;

(C) Parents of elementary and secondary school children; and

(D) Areas of professional competence relating to instruction in reading; and

(ii) Authorized and provided the opportunity to the advisory council to receive and designate priorities among ap-

plications for grants under this subpart in that State; and

(2) First approved the application;

(20 U.S.C. 1921(d), (e) (1), S. Rep. No. 1026, 93d Cong. 2d Sess. 198 (1974))

(b) Applicants other than the State educational agency must provide a copy of their application to the State educational agency of the State in which they are located 15 days prior to the applicant's submission of the application to the Commissioner;

(c) The Commissioner may establish a cut-off date for approval of applications by the State educational agency. If the Commissioner establishes such a date, failure by the State educational agency to indicate its approval to the Commissioner within the period specified shall be deemed a disapproval of the application by the State educational agency, and the application will not be considered for funding by the Commissioner;

(d) (1) The State educational agency must inform the Commissioner, in writing, in accordance with any cut-off date established by the Commissioner under paragraph (c) of this section, of those applications within its State which it approves for funding under this subpart;

(20 U.S.C. 1921(e) (1))

(2) The State educational agency must include in its written submission to the Commissioner:

(i) Documentation that it has established and appointed an advisory council in accordance with paragraph (a) (1) of this section, including information on the membership of the council, and that the council has been provided with an opportunity to receive and designate priorities among applications for grants under this subpart in that State (including applications by the State educational agency);

(ii) Information on any priorities designated by the advisory council among applications for grants under this subpart in that State; and

(e) While there is no mandated limitation on the number of applications which may be approved by the State educational agency, State educational agencies are strongly urged to approve no more than ten applications and to forward to the Commissioner the rankings and copies of any written reviews of the applications.

(20 U.S.C. 1921 (d), (e) (2))

#### § 162.14 Evaluation criteria.

Applications for grants under this part which meet all of the application requirements in § 162.12 and which are approved by the appropriate State educational agency will be evaluated by the Commissioner on the basis of the following criteria, weighted according to the indicated points, totaling 195 points for elementary projects and 230 points for preelementary projects, and the provisions of § 162.15 concerning equitable distribution of funds and State maximums:

(a) *General criteria.* (1) The need for the proposed activity in the area to be

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served by the applicant, particularly as it relates to the percentage or numbers of children with reading deficiencies in school(s) to be served by the project (10 points);

(2) Whether the program to be assisted responds to the reading needs it identifies and holds substantial promise of overcoming the reading deficiencies of children in the project schools (10 points);

(3) The adequacy of qualifications and experience of personnel designated to carry out the proposed project (10 points);

(4) The adequacy of facilities and other resources to carry out the project and, in particular, the use staff will make of those facilities in the project (5 points);

(5) Reasonableness of estimated cost in relation to anticipated results (5 points);

(6) Whether the proposed methods, systems, materials, or approaches of the program are sufficiently exemplary to be utilized in other projects or programs for similar educational purposes (5 points);

(7) Sufficiency of size, scope, and duration of the project so as to secure productive results (5 points);

(8) Soundness of the proposed plan of operation, including consideration of the extent to which (15 points);

(i) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(ii) Provision is made for high quality evaluation of the effectiveness of the project and for determining the extent the objectives are accomplished; and

(iii) Provision is made for disseminating the results of the project and for making the resulting materials, techniques, and other inputs available to the general public and specifically to those concerned with the area of education with which the project is itself concerned;

(9) The likelihood that program activities to be carried out under the project will be sustained and expanded by the applicant following the expiration of Federal assistance (5 points), as measured by:

(i) Evidence of financial and other commitment of the applicant, including its policymaking board, to the program; and

(ii) The extent the project is designed to build the capacity of the applicant to plan, expand, and improve effective reading programs on the elementary or pre-elementary school level; and

(10) Extra points will be awarded to projects which provide for reaching a large number of schools (10 points) through:

(i) Their direct involvement in the project as project schools;

(ii) A statement of commitment by the applicant and reasonable time-tables to implement, after the expiration of Federal assistance under this subpart, innovative methods, systems, materials, or

other elements developed in the project in all other schools administered by the applicant; and/or

(iii) Provisions for dissemination of information to other agencies, institutions, and schools concerning innovative methods, systems, materials, or other elements developed in the project, including documentation of the applicant's access to existing networks of potential users; and

(11) The ranking of the application by the State advisory council pursuant to § 162.13 (50 points);

(20 U.S.C. 1921 (a), (b), (c))

(b) *Specific programmatic criteria.* The extent the proposed project is designed to achieve high quality (beyond meeting minimum requirements) for the following specific program elements required by § 162.12(c) to be contained in each program funded under this subpart:

(i) Diagnostic testing to identify school children with reading deficiencies (5 points), as measured by factors such as whether:

(i) Tests will assist teachers and administrators in making decisions within the classroom and school;

(ii) Tests will diagnose the student's strengths and identify areas to be taught;

(iii) Tests will be used which are most specific and which give recommendations for specific treatments in cognitive and affective areas;

(iv) Diagnosis will be an ongoing process; and

(v) Tests are valid and reliable, as well as culturally and linguistically fair;

(2) Planning and establishing comprehensive reading programs (10 points), as measured by factors such as whether:

(i) The program focuses on the training of existing staff and would be carried out with existing staff rather than hiring additional staff members with Federal funds;

(ii) The project objectives are derived from and responsive to the findings of the needs assessment and diagnostic testing in the school(s) proposed to be served;

(iii) The reading program is designed to focus on children with reading deficiencies, but also provides reading instruction for every child in classes involved in the project;

(iv) Provision is made for individualized instruction which allows individual children to proceed at their own pace and in appropriate skill sequences; (20 U.S.C. 1921)

(v) Continuity in teaching methods from grade to grade is attempted within each project school, while at the same time there is flexibility to adjust methods and techniques for individual children based on the results of diagnostic testing;

(S. Rep. No. 463, 93d Cong. 2d Sess. 125 (1974))

(vi) Children are not separated away from the classroom by ability or lack of ability, unless the applicant demonstrates that separation for a portion of the school day for supplementary instruction:

(A) Is essential to the purpose of the program; and

(B) Is essential to the needs of the child because the child's needs cannot totally be met in the regular classroom; and

(vii) Attention is given in the pre-elementary school program and in the early primary grades to reading readiness activities.

(3) Preservice and inservice training for teaching personnel (15 points), as measured by factor such as whether:

(i) The training to be provided relates to the assessed needs of teaching and ancillary educational personnel and children in project school(s);

(ii) The training will be offered at convenient times and locations;

(iii) Provision is made for classroom application of newly learned competencies and for follow up technical assistance to staff members;

(iv) Provision is made for evaluation of the training; and

(v) Instructional theory and experiences are offered which provide trainees with a capacity to:

(A) Understand the language arts process, children's literature, and reading readiness;

(B) Use diagnostic techniques to identify the reading needs of individual children and to evaluate student progress toward instructional objectives;

(C) Develop and carry out reading programs designed to meet the needs of individual children, including activities to meet the special reading needs of children from diverse cultural and linguistic backgrounds;

(D) Work constructively and positively, on a group and individual basis, with children, parents, and other educational personnel;

(E) Effectively utilize a variety of approaches to the teaching of reading, including sequenced instruction, integration of reading instruction into other subject matter areas, flexible grouping of students based on student interest, needs, and abilities, and individualized instruction; and

(F) Plan and manage overall reading programs, including aspects such as problem-solving techniques, needs assessment and planning instruments, record-keeping, the identification and use of program resources, and program evaluation;

(4) Involvement in the project of school faculty, parents, the policymaking board of the applicant, and leaders of educational and cultural resources of the area to be served (15 points) as measured by such factors as whether:

(i) Two way communication is fostered between the project schools and appropriate groups outside the school;

(ii) Practical involvement of parents and board members in carrying out project activities is permitted; and

(iii) The project staff provides evaluative information to parents and board members;

(5) Periodic achievement testing (5 points), as measured by such factors as whether:

(i) Testing will be done with the children at appropriate times and frequencies;

(ii) The project staff delineates before the testing what the tests are intended to measure, how the test results are going to be used, and the audiences for whom the test results are intended;

(iii) The same level of the same test is used for both pre- and post-testing of children;

(iv) If commercially prepared tests are used, project staff will carefully administer and score the tests according to the procedures outlined by test publishers;

(v) There is a clear rationale why the test measures will be criterion-referenced, norm-referenced, or informal; and

(vi) Project staff will scrutinize carefully whether the causes for observed gains are due to the treatment or other factors;

(6) Appropriate use of bilingual education methods and techniques (5 points) as measured by such factors as whether:

(i) There will be increased use of culturally relevant resources appropriate to the children in project school(s);

(ii) Students will be provided a knowledge of the history and culture associated with their languages;

(iii) Students will develop listening, speaking, reading, writing, and other academic skills in two languages;

(iv) The project will prevent the separation of children away from the classroom by language or ethnic background in any activity included in the programs, unless the applicant demonstrates that separation for a portion of the school day for specific language/reading activities is essential to the purpose of the program and needs of the child; and

(v) The project will utilize bilingual teaching and administrative staff;

(7) Collection and assessment of information on the reading needs of individual children to be made available for teachers in the subsequent year (5 points), as measured by such factors as whether the assessment is designed to:

(i) Aim at factual information rather than mere opinion;

(ii) Include information on both cognitive and affective factors related to reading; and

(iii) Be done with uniform data collection instruments that can be used as a part of the school's total evaluation design;

(20 U.S.C. 1921(b))

(8) Publication of the test results on achievement by grade level and, where appropriate, by school, without identification of achievement of individual children (5 points), as measured by such factors as whether publication and interpretation of test results is done in a way to:

(i) Protect the children;

(ii) Be understandable to the people who receive the results;

(iii) Present pre-test and post-test results with adequate explanation of the correlations;

(c) *Additional criteria for preelementary school projects.* The Commissioner will evaluate applications for preelementary school projects on the basis of the criteria set forth in paragraphs (a) and (b) of this section, according to the indicated weights, and the following criteria, weighted as indicated:

(1) The extent the project goals are commensurate with the appropriate developmental stages for the children to be served (10 points);

(2) The extent the project assesses the needs of preschool children by employing reliable and field-tested tools which can diagnose, screen, and predict potential readiness for reading (10 points);

(3) The extent qualified teachers use multi-teaching strategies and varied materials and resources in providing reading readiness experiences (5 points);

(4) The extent the project takes into account the various modalities for learning (5 points); and

(5) The extent provision is made for parent education in child management (5 points).

(20 U.S.C. 1921(b))

§ 162.15 *Equitable geographic distribution.*

(a) In approving applications under this subpart the Commissioner will, to the maximum extent feasible, assure an equitable distribution of funds throughout the United States and among urban and rural areas. In assuring an equitable distribution of funds throughout the United States, the Commissioner will consider:

(1) School-age population within a State;

(2) Urban and rural population distribution;

(3) Percentage of children with reading deficiencies;

(4) A widespread geographic distribution of projects;

(5) Ethnic/racial and cultural diversity of population to be served;

(6) Any other pertinent information;

(b) Not more than 12½ percent of the funds expended under this subpart in any fiscal year may be expended in any State in that year.

(20 U.S.C. 1921(g))

§ 162.16 [Reserved]

§ 162.17 *Duration of projects.*

(a) Projects may be for up to two years' duration.

(b) Applications proposing two year projects must be accompanied by an explanation of the need for two year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in the proposed second year.

(c) If the application demonstrates to the Commissioner's satisfaction that two year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project (which shall be for up to a twelve month period) indicate an intention to assist the project for a second year through a continuation grant.

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the restriction in paragraph (a) of this section and to the availability of funds.

(e) Applications for continuance awards will be reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with the award terms and conditions, the Act, and any applicable regulation;

(2) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation; and

(3) The extent continuation of Federal assistance would further a multiplier effect through:

(i) Directly involving additional schools and students in the project;

(ii) Provisions for implementing, after the expiration of Federal assistance under this subpart, innovative methods, systems, materials, or other elements developed in the project in all other schools administered by the applicant; and/or

(iii) Provisions for dissemination of information to other agencies, institutions, and schools concerning innovative methods systems, materials, or other elements developed in the project.

(20 U.S.C. 1921)

§ 162.18 *Size of awards; allowable costs.*

(a) It is expected that most awards under this subpart will range between \$15,000 and \$125,000 for elementary school projects and between \$5,000 and \$25,000 for preelementary school projects with most of the awards made at the lower halves of these ranges, depending on the size of the service area, the number of children to be served, the scope and nature of the project, and relative local costs. Nothing in this section shall be construed to limit the size of any particular grant award under this subpart; and

(b) Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided under Subpart G of 45 CFR Part 100a, subject to the restrictions that:

(1) A maximum of 10 percent of the amount of the grant award may be spent for evaluation purposes; and

(2) A maximum of 10 percent of the grant award may be spent for the purchase of inexpensive books for distribution on a loan basis to elementary and preelementary school children.

(20 U.S.C. 1921, S. Rep. No. 1026, 93d Cong. 2d Sess. 198 (1974))

§ 162.19–162.24 [Reserved]

Subpart C—State Reading Improvement Programs

§ 162.25 *Scope and purpose.*

(a) This subpart governs grants to State educational agencies under part B of title VII of Pub. L. 93–380;

(20 U.S.C. 1941 and 1944(b))

(b) Grants under this subpart shall be made in accordance with the provisions of part B of title VII of Pub. L. 93–380 (set forth in Appendix A of this part) and shall be subject to the General Pro-



visions Regulations contained in 45 CFR Parts 100, 100b; and

(c) Grants under this subpart are to provide assistance to State educational agencies to enable them to:

(1) Provide financial assistance for projects designed to reach the objectives of this part, as set out in § 162.1;

(2) Develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3) Provide State leadership in planning, improving, executing and evaluating reading programs in elementary schools; and

(4) Arrange for and assist in the training of special reading personnel and specialists (including reading paraprofessionals) needed in programs assisted under this part.

(20 U.S.C. 1941)

#### § 162.26 Allotments; reallocations.

(a) Section 713(b) of Pub. L. 93-380 authorizes the Commissioner to reallocate sums allotted to a State under section 713(a) which the Commissioner determines will not be required by the allottee for that year. The reallocation to other States is in proportion to the amounts originally allotted, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of that State need and will be able to use for that year; and

(b) In order to provide a basis for reallocation of sums by the Commissioner pursuant to this section, each State educational agency shall, if requested, submit to the Commissioner, by a date or dates the Commissioner may specify, a statement or statements showing the anticipated need for the funds previously allotted during the period for which the funds are available, or any amount needed to be added by reallocation. Further information the Commissioner may request for the purpose of making reallocations shall be reflected in these statements.

(20 U.S.C. 1943)

#### § 162.27 Standard of excellence.

(a) Section 714(a) of Pub. L. 93-380 provides that any State which desires to receive grants under part B of title VII of Pub. L. 93-380 must, through its State educational agency, enter into an agreement with the Commissioner which, among other things, provides for the establishment of a State advisory council on reading to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools;

(b) The standard of excellence adopted by the State educational agency with the advice of the State advisory council under paragraph (a) of this section shall include, but need not be limited to, those statements of conditions that address or characterize a quality reading program in elementary schools;

(c) States are encouraged to consider at least the following factors when constructing a standard of excellence:

(1) Community and school climate;

(2) Organizing and managing a reading program;

(3) Staffing a reading program;

(4) Selecting and utilizing materials; and

(5) Fostering reading interests; and

(d) The standard of excellence developed pursuant to this section must be designed for use by local educational agencies to plan, develop, implement, and evaluate their reading programs, and as a means for State educational agencies to evaluate the elementary reading programs of local educational agencies within their State.

(20 U.S.C. 1944(a))

#### § 162.28 [Reserved]

#### § 162.29 Judicial review.

(a) If any State is dissatisfied with the Commissioner's final action with respect to entering into an agreement with the State under this subpart, the State may, within sixty days after notice of the action, file a petition for review of that action with the United States court of appeals for the circuit in which the State is located. A copy of the petition shall be immediately transmitted by the clerk of the court to the Commissioner. The Commissioner shall then file in the court the record of the proceedings on which the Commissioner's action was based, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may then make new or modified findings of fact and may modify the previous action, and shall certify to the court the record of the further proceedings. New or modified findings of fact shall likewise be conclusive if supported by substantial evidence; and

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 1944(d), 827)

#### § 162.30-162.34 [Reserved]

#### Subpart D—Special Emphasis Projects

##### § 162.35 Scope and purpose.

(a) *Scope.* The regulations in this part govern projects awarded with funds pursuant to section 721 of Pub. L. 93-380; and

(b) *Purpose.* The purpose of the program carried out pursuant to this part is to support, through contracts with local educational agencies, special emphasis projects to determine the relative effectiveness of intensive reading instruction by reading specialists and reading teachers.

tion by reading specialists and reading teachers.

(20 U.S.C. 1961)

#### § 162.36 Definitions.

As used in this subpart:

"Intensive reading instruction" means instruction in reading that would provide pupils with a minimum of 20 to 30 minutes of direct teacher-pupil instructional interaction each day (either individually or in small groups) and 15 to 20 minutes per day of independent reinforcement activities.

"Project school" means the individual school site where the Special Emphasis project will be implemented.

"Reading problem" means reading achievement which is less than would normally be expected for children of comparable ages in comparable grades of school.

"Reading specialist" means an individual who has a master's degree, with a major or specialty in reading, from an accredited institution of higher education and has successfully completed three years of teaching experience, which included reading instruction.

"Reading teacher" means an individual, with a bachelor's degree, who has successfully completed a minimum of twelve credit hours, or its equivalent, in courses in the teaching of reading at an accredited institution of higher education, and has successfully completed two years of teaching experience, which included reading instruction.

(20 U.S.C. 1961 and 1961(f))

#### § 162.37 Eligibility; number of applications.

(a) Local educational agencies are eligible to file applications for contract awards under this subpart; and

(b) An applicant may submit only one application in a given fiscal year for an award pursuant to this subpart.

(20 U.S.C. 1961)

#### § 162.38 Nature of projects.

(a) Projects supported under this subpart must be designed to carry out:

(1) The teaching of reading by reading specialists or reading teachers to all children in the first and second grades of an elementary school and to those children in grades three through six who have reading problems; and

(2) An intensive vacation reading program for elementary school children found to be reading below the appropriate grade level or who are experiencing problems in learning to read;

(b) Projects funded under this subpart must be designed to permit an evaluation by the Commissioner or by a contractor selected by the Commissioner of the effectiveness of intensive instruction by reading specialists and reading teachers;

(1) This evaluation will require the establishment or maintenance of a control school and may include a reasonable number of interviews, questionnaires,

achievements tests, and other evaluation instruments administered to administrators, principals, teachers and students, project staff, and community members at reasonable times and places; and

(2) The evaluation may require the applicant to provide reasonable assistance in the organization and administration of the evaluation, including record keeping.

(20 U.S.C. 1961(a))

#### § 162.39 Review and certification by State educational agencies.

(a) *Review of applications.* (1) The Commissioner will not approve an application submitted by a local educational agency under this subpart unless the State educational agency of the State in which the local educational agency is located has first approved it;

(2) Applicants must provide a copy of their application to the appropriate State educational agency concurrently with the submission of the application to the Commissioner;

(3) The Commissioner may establish a cut-off date for approval of applications by the State educational agency. If the Commissioner establishes such a date, failure by the State educational agency to indicate its approval to the Commissioner within the period specified shall be deemed a disapproval by the State educational agency of the application, which thereafter will not be considered for funding by the Commissioner; and

(4) The State educational agency must inform the Commissioner in writing, in accordance with any cut-off date established by the Commissioner under paragraph (a) (3) of this section, of those applications within its State which it approves for funding under this subpart.

(20 U.S.C. 1961(e))

(b) *Certification of reading specialists and teachers.* (1) The Commissioner will not approve any application unless it provides assurances that the State educational agency has certified that individuals employed as reading specialists and reading teachers meet the requirements set out in the definitions in § 162.36, except as provided in paragraph (b) (3) of this section;

(2) A reading teacher may be used in lieu of a reading specialist in projects under this subpart;

(i) If the Commissioner finds that the local educational agency applicant is unable to secure individuals who meet the requirements of a reading specialist; and

(ii) If the reading teacher is enrolled or will enroll in a program to become a reading specialist;

(3) A regular elementary teacher may be used in lieu of a reading teacher in projects funded under this subpart;

(i) If the Commissioner finds that the local educational agency applicant is unable to secure individuals who meet the requirements of the reading teacher; and

(ii) If the regular elementary teacher is enrolled or will enroll in a program to become a reading teacher.

(20 U.S.C. 1961(b) (2) and (e))

#### § 162.40 Application requirements.

(a) With respect to activities to determine the relative effectiveness of intensive reading instruction to be carried out in the project, an application submitted under this subpart must set forth:

(1) Documentation that each of the provisions in § 162.38 will be satisfied by the project;

(2) Documentation that the project school has an enrollment which includes a substantial number of students who have a serious deficiency in reading achievement. For the purposes of this paragraph, "substantial number" means that 50 percent of the students in grades three through six are reading one or more years below grade level;

(3) A commitment by the applicant to cooperate with the Commissioner and with any contractor selected by the Commissioner in an evaluation to determine the effectiveness of intensive instruction by reading specialists and reading teachers in the project assisted under this subpart;

(4) The name of the project school and the name of the control school, and a commitment that these schools will remain the participating schools for the duration of the project;

(5) Documentation that:

(i) The project and control schools will be comparable (matched) as to:

(A) Instructional approaches;

(B) Curriculum materials; and

(C) Size of enrollment; and

(ii) The control school will not have reading specialists or reading teachers responsible for reading instruction;

(6) Documentation that the project and control schools have comparable student bodies regarding:

(i) Socio-economic status;

(ii) Ethnicity; and

(iii) Scores on standardized tests;

(7) A management plan that includes a process evaluation to measure the extent the project is meeting stated objectives; and

(8) A description of a reading specialists' format plan which includes a description of the instructional strategies, staffing plans (including the pupil-teacher ratio), instructional intensity pattern, and grouping patterns;

(b) The Commissioner will award a contract under this subpart only upon an application which meets the requirements in paragraph (a) of this section, and which:

(1) (i) Documents that there has been participation in the planning and development of the program described in the application by (A) parents of children to be served by the program, (B) the policy-making board of the applicant, (C) and leaders of the cultural and educational resources of the area to be served, including representatives of such organizations as institutions of higher education, non-profit private schools, public and private non-profit agencies such as libraries, museums, educational radio and television organizations, and other cultural

and educational resources of the community, subject to the possibility that, if the applicant believes it to be impracticable for reasons such as the small size of the project for the project to meet the requirement under this subdivision, (C), the application must document to the Commissioner's satisfaction the reasons why the requirement is impracticable, and the Commissioner may then waive the requirement;

(ii) Includes a description of procedures used to provide the public at large in the area or areas proposed to be served by the project with an opportunity to have input in the planning of the program described in the application (such as through public notice and hearings); and

(iii) Provides for the continuing participation of groups and representatives described under paragraph (b) (1) (i) of this section in the development and implementation of the program described in the application; and

(2) Sets forth a reading program which provides:

(i) Plans for facilitating the re-entry and integration of students into the regular classroom program;

(ii) (A) A vacation reading program of at least four weeks including information about student selection procedures, duration, curriculum, and staffing; and

(B) A commitment that participation in the vacation program will be limited to children enrolled in the project school;

(iii) Diagnostic testing designed to identify children with reading deficiencies, including the identification of conditions which, without appropriate other treatment, can be expected to impede or prevent children from learning to read;

(iv) Planning and establishing comprehensive reading programs in project schools;

(v) Preservice and inservice training programs for project teaching personnel, including teacher aides and other ancillary educational personnel designed to enable these personnel to improve their ability to teach students to read, subject to the possibility that, if the applicant believes it to be impracticable for reasons such as the small size of the project for the project to meet this requirement, the application must document to the Commissioner's satisfaction the reasons why the requirement is impracticable, and the Commissioner may then waive the requirement;

(vi) Participation of the school faculty, the policy-making board of the applicant, members of the school administration, parents, and students in reading-related activities which stimulate an interest in reading and are conducive to the improvement of reading skills;

(vii) Sufficient periodic testing of elementary school children to accurately measure reading achievement; and

(A) Publication of test results on reading achievement by grade level and, where appropriate, by school, without identification of individual children; and



(B) The availability of test results on an individual basis to parents or guardians of any child tested;

(viii) Use of bilingual education methods and techniques consistent with the number of elementary school age children in the area served by a reading program who are of limited English-speaking ability;

(ix) Participation on an equitable basis by children enrolled in non-profit private elementary schools in the area to be served (after consultation with the appropriate private school officials) to an extent consistent with the number of such children whose educational needs are of the kind the program is intended to meet. The application must:

(A) Indicate the number of children enrolled in nonpublic schools who are expected to participate in each program and the manner of their expected participation;

(B) Document that there has been participation in the planning and development of the program described in the application by officials representing non-profit private elementary schools in the area to be served with children whose educational needs are of the kind which the program is intended to meet and provide for the continuing participation of these officials in developing and implementing the program; and

(x) Other information. Applications may include other information appropriate to respond to the criteria in § 162.41.

(20 U.S.C. 1921)

#### § 162.41 Evaluation criteria.

In reviewing applications under this subpart, the Commissioner will seek to identify a small number of high quality projects and will apply the following criteria and point system totaling 175 points:

(a) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the project are sharply defined, clearly stated, and capable of being attained by the proposed program and capable of being measured and evaluated (20 points); and

(2) Provision is made for inservice training appropriate to the needs of the project (10 points);

(b) The overall quality of the instructional design including:

(1) The extent the project plans promise an effective instructional climate (15 points);

(2) The quality and comprehensiveness of plans for improving the whole school reading program (15 points);

(3) The extent plans for the summer school are integrated with the overall school reading program (10 points);

(4) The adequacy of the diagnostic program to identify students with reading problems and needs (10 points); and

(5) The extent the project will utilize recent research findings and provide for the adoption of innovative products and practices (15 points);

(c) Provision is made for the sole use of reading specialists or reading teachers, rather than regular classroom teachers, under the conditions set out in § 162.39(b) (50 points);

(d) The qualifications of the project director (15 points);

(e) The reasonableness of cost in relation to anticipated results (10 points);

(f) The quality of the proposed management design that includes process evaluation, schedules, and resource utilization plans (10 points); and

(g) Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications submitted under this subpart.

(20 U.S.C. 1921)

#### § 162.42 District-wide project award.

(a) Subject to the availability of funds for a district-wide project, the Commissioner will consider awarding one or more district-wide projects which would be conducted in all schools within a local educational agency;

(b) Any award pursuant to this section will be subject to all other provisions of this subpart on the same basis as other projects funded under this subpart;

(c) In addition to the criteria set out in § 162.41, priority will be given to applications:

(1) Where the local educational agency:

(i) Gives credit for any course to be developed for reading teachers or reading specialists under section 722 of the Act; and

(ii) Encourages participation by the teachers of the agency in the training;

(2) Where the local public educational television station:

(i) Will present or distribute, in the event supplementary noncommercial telecommunication is utilized, any course to be developed under section 722 of the Act at a convenient time for viewing by elementary school teachers; and

(ii) If possible, at a convenient time for these teachers to take the course as a group at the elementary school where they teach; and

(3) Where the local educational agency makes arrangements with the appropriate officials of institutions of higher education to obtain academic credit for their elementary school teachers for the completion of a course described in paragraph (c) (2) of this section.

(20 U.S.C. 1961(d))

#### § 162.43 [Reserved]

#### § 162.44 Duration of projects.

(a) Projects may be for up to three years' duration;

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need and usefulness for evaluation purposes for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year;

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial contract award for

the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation contracts;

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the restriction in paragraph (a) of this section and to the availability of funds; and

(e) Applications for continuation awards will be reviewed on a non-competitive basis to determine:

(1) If the contractor has complied with the contract terms and conditions, the Act, and applicable regulations; and

(2) The project's effectiveness to date, or the constructive changes proposed as the result of the ongoing evaluation.

(20 U.S.C. 1961)

#### § 162.45 Size of awards; allowable costs.

(a) The size of individual contract awards under this subpart will depend upon the number of children and educational personnel to be served by the proposed project. It is expected that contract awards will generally range between \$100,000 and \$200,000. Nothing in this section shall be construed as a limit on the amount of individual contract awards; and

(b) Allowable costs under contracts awarded under this subpart shall be determined in accordance with the cost principles provided under Subpart G of 45 CFR Part 100a, subject to the restriction that a maximum of five percent of funds may be spent on equipment.

(20 U.S.C. 1961)

#### § 162.46-162.49 [Reserved]

#### Subpart E—Reading Academy Program

##### § 162.50 Scope and purpose.

(a) This subpart governs applications for grants from State and local educational agencies, institutions of higher education, and community and other non-profit organizations to support exemplary reading assistance and instruction for functionally illiterate in-school as well as out-of-school youths and adults who do not otherwise receive such reading assistance and instruction under section 723 of Pub. L. 93-380, as amended; and

(b) (1) Grants under this subpart will support the development and installation of these activities in facilities to be known as reading academies.

(2) Activities funded under this subpart:

(i) Must not duplicate or supplant reading programs available in public or private elementary or secondary schools, postsecondary school institutions, or other agencies or institutions in the geographic area to be served;

(ii) Must be designed for both youths and adults who elect to participate in project activities on a voluntary basis;

(iii) May serve in-school youths and adults only if reading assistance and instruction are not already available to them; and

(iv) May not be designed primarily to serve in-school youths and adults.

(20 U.S.C. 1963)

#### § 162.51 Definitions.

As used in this subpart:

"Adult" means an individual 18 years of age or older.

"Functional illiteracy" means the absence of reading skills necessary to enable individuals to function effectively in society.

"Participant" means an individual enrolled in an academy program for the purpose of receiving reading instruction.

"Service area" means the geographic area to be served by a project funded pursuant to this subpart.

"Youth" means an individual 16 or 17 years old.

(20 U.S.C. 1963)

#### § 162.52 Application requirements.

(a) With respect to reading assistance and instruction activities proposed to be carried out in the project, an application submitted under this subpart must set forth:

(1) Specific and measurable project objectives which will contribute to the elimination of functional illiteracy of adults and youths within the service area;

(2) A proposed time frame for accomplishing each of the objectives;

(3) An explanation of proposed procedures and strategies for accomplishing each objective;

(4) An evaluation component providing for the collection, verification, and analysis of data to measure the extent each objective is accomplished by the project, and including pre- and post-use of appropriate standardized reading achievement tests which indicate reading grade level and, insofar as possible, relate to the cultural and linguistic variables of the target population; and

(5) Information satisfying the Commissioner that the provisions in § 162.50 will be met.

(b) An applicant for assistance pursuant to this subpart must provide evidence of demonstrated experience and/or capability in providing reading instruction to youths and adults; and

(c) The Commissioner will approve an application submitted under this subpart only upon his determination that the requirements in paragraphs (a) and (b) of this section are satisfied and that the application:

(1) Describes project components involving the use of methodologies, systems, materials, or programs which show promise of overcoming the reading deficiencies of adults and youths in need of reading instruction and of making the project worthy of replication in other communities;

(2) Defines the geographic area to be served ("service area"), such as a city, county, regional area, or a smaller area within these units, and provides demographic and educational data supporting the need for a functional literacy program in the service area;

(3) Describes a system which the applicant either has in place or will develop for the identification and recruitment, as participants in the project, of youths and

adults in need of reading instruction;

(4) Describes and provides for the implementation of a staffing plan that would:

(i) Provide one-to-one, individualized instruction or small group instruction to participants; and

(ii) Establish reading academies that would offer instruction at locations and times convenient to eligible participants; for example, through decentralized facilities or satellite academies;

(5) Provides for utilization of materials suitable for youths and adults related to their expressed needs and interests; e.g., employment tasks, consumer information, health and welfare services, and current events;

(6) Describes a strategy to involve community education (including adult education) and service organizations in the elimination of illiteracy in the service area;

(7) Describes job position qualifications for the project director and other staff which include experience in administration and knowledge of adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, and community resources;

(8) Describes administrative arrangements whereby the project director assumes responsibility for all project activities; and

(9) Provides for the establishment of a unit task force which will play an active role in planning and implementing the project and which will include representatives from the applicant agency, youths and adults from the potential target population to be served, and, wherever possible and appropriate, representatives from community groups, other Federal or State programs, and business and industry.

(20 U.S.C. 1963)

#### § 162.53 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totaling 200 points:

(a) The criteria set forth in § 100a.26 (b) of this chapter (the Office of Education General Provisions Regulations) (10 points);

(b) The extent the project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the requirements set forth in § 162.52 (total of 110 points), weighted as follows:

(1) The quality of the project objectives described pursuant to § 162.52(a) (1) (25 points);

(2) The time frame for accomplishing each objective, as provided in § 162.52(a) (2) (5 points);

(3) Procedures and strategies for accomplishing these objectives as provided in § 162.52(a) (3) (5 points);

(4) The evaluation component described pursuant to § 162.52(a) (4) (10 points);

(5) The experience and capability of the applicant in providing reading in-

struction to youths and adults, as provided in § 162.52(b) (5 points); and

(6) Each of the subparagraphs under paragraph (c) of § 162.52 will be weighted 5 points, except that paragraph (c) (2) of § 162.52 will be assigned 15 points and § 162.52(c) (4) will be assigned 10 points;

(c) The relationship of projected costs to both the numbers of functionally illiterate youths and adults to receive reading assistance and instruction and to the quality and intensity of the instruction to be offered (for example, one low-cost approach that might be considered could be the utilization of volunteers as tutors) (10 points); and

(d) The extent to which:

(1) Appropriate procedures will be used for measuring the achievement of the participants (10 points);

(2) The applicant plans to develop materials and provide assistance designed to meet the individual needs of participants (5 points);

(3) The applicant will provide periodic inservice training for tutors, supervisory staff, and organizations interested in establishing similar literacy programs (10 points);

(4) The applicant will carry out the project in cooperation with other local programs concerned with adult education and, where appropriate, will utilize volunteers from such programs as VISTA, the Retired Senior Citizens Program, college work-study programs, and community service organizations (10 points);

(5) The applicant will establish working relationships with programs such as manpower programs under the Comprehensive Employment and Training Act of 1973 as part of its recruitment strategy (5 points);

(6) The applicant plans to provide appropriate supportive services to tutors or other instructional personnel in any decentralized, satellite, or branch academies (20 points); and

(7) Where applicable, the applicant proposes to utilize materials and approaches that take into account the language and heritage of those participants of limited or no English-speaking ability (10 points).

(20 U.S.C. 1963)

#### § 162.54 Allowable costs.

Allowable costs under grants awarded under this subpart shall be determined in accordance with the cost principles provided for under Subpart G of 45 CFR Part 100a, subject to the following restrictions:

(a) A maximum of 5 percent of funds may be spent on equipment; and

(b) It is anticipated that grants under this subpart will generally range from \$30,000 to \$80,000 per year depending on the size of the service area, the number of adults and youths proposed to be served, the scope and nature of the proposed project, and relative local costs. The thrust of the Reading Academy Program is to provide good quality, individualized instruction to large numbers of functionally illiterate youths and adults at the lowest possible cost. This will



necessitate strong reliance on the multiplier effect, the utilization of volunteer assistance, and the coordination of support services and facilities. It is expected that a substantial number of projects will be funded rather than concentrating on relatively few projects with big budgets. Nothing in this section shall be construed to limit the size of any particular grant award.

(20 U.S.C. 1963)

#### § 162.55 Project duration.

(a) Projects may be for up to three years' duration.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project (which shall be for up to a twelve month period), indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the restriction in paragraph (a) of this section and to the availability of funds.

(e) Applications for continuation awards will be reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with the award terms and conditions, the Act, and any applicable regulation; and

(2) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation.

(20 U.S.C. 1963)

#### Subpart F—State Leadership and Training Projects

##### § 162.60 Scope and purpose.

This subpart governs applications from State educational agencies for leadership and training activities designed to assist and prepare personnel throughout the State to conduct projects which have been demonstrated in that State or other States to be effective in overcoming reading deficiencies.

(20 U.S.C. 1921(a) (3), 1964)

##### § 162.61 Nature of projects; funding requirements

(a) *Nature of projects.* Projects assisted under this subpart must be designed to overcome reading deficiencies through the activities described in paragraph (b) of this section which must (1) relate to reading problems of children, youths, and adults, and (2) address systemic as well as learning problems at the classroom or individual learner level.

(b) *Project activities.* Each application for assistance under this subpart must set forth a plan which provides for the carrying out and integration of the

following activities in accordance with paragraph (a) of this section:

(1) Statewide needs assessments to determine the state of the art in reading and reading instruction and to validate promising reading practices and organizational and administrative processes within the State.

(i) The needs assessment must include an identification and prioritization of reading needs, including personnel needs, in the State and must examine the ways in which State leadership and training activities funded pursuant to this subpart may effectively address these needs, including an examination of the relationship of State leadership and training activities funded under this subpart to other reading resources and activities in the State, both existing and planned for the successive three year period;

(ii) The needs assessment must result in a needs assessment document showing the findings of the needs assessment in accordance with the provisions of clause (i) of this subparagraph which may be updated from time to time as the result of continuing needs assessment activities, and which constitutes a foundation for the development of a plan for continuing State leadership and training activities in the field of reading; and

(iii) The needs assessment must include an examination of the appropriateness of requirements and opportunities for preservice and inservice training and certification of teachers, administrators, and other educational personnel in relationship to reading problems.

(2) An exemplary training program for administrators responsible for reading programs in local educational agencies and non-profit private agencies and schools within the State.

(i) The training program must be based upon the needs assessment described in subparagraph (1) of this paragraph and upon the standard of excellence described under paragraph (c) (4) of this section.

(ii) The training program may be given in coordination with teacher preparatory institutions within the State and shall include:

(A) The teaching of basic reading skills;

(B) Organizational and administration skills;

(C) Interpersonal relations skills directed toward community involvement and the change process;

(D) Planning strategies;

(E) The preparation of administrative support materials for reading programs;

(F) The development and carrying out of tutoring projects in reading and the preparation of tutors for these projects;

(G) Appropriate bilingual methods for children and adults of limited English-speaking ability; and

(H) Approaches to the provision of effective reading instruction for various target populations, including the planning, development, and implementation of programs for adults; and

(3) The provision of technical assistance related to the development, organization, and administration of reading

programs in local educational agencies and appropriate non-profit private agencies and schools. Technical assistance activities provided under this subparagraph must include:

(i) Follow-up technical assistance, upon request, to training program participants related to the specific areas in which training was offered, as described in subparagraph (2) of this paragraph;

(ii) The provision of ongoing technical assistance to use information on effective and validated reading programs, specific approaches to the teaching and learning of reading skills, and administrative and organizational processes; and

(iii) The provision of technical assistance activities related to innovative approaches, techniques, or other activities which have proved effective in that or in other States.

(4) Dissemination of information to assist in the development, organization, and administration of reading programs in local educational agencies and appropriate non-profit private agencies and schools.

Dissemination of information activities conducted pursuant to this paragraph may include:

(i) The distribution of Right to Read materials and other information made available by the Commissioner; and

(ii) Information developed or utilized pursuant to subparagraph (3) (ii) of this paragraph.

(c) *Funding requirements.* Assistance under this subpart shall be subject to the following requirements, and each application for assistance under this subpart must provide information adequate to establish that these requirements will be met:

(1) *Project objectives.* With respect to each of the activities described in paragraph (b) of this section, an application submitted under this subpart must set forth:

(i) Specific and measurable objectives which will contribute to the overcoming of reading deficiencies and the development and improvement of literacy skills within the State;

(ii) A proposed time-frame for accomplishing such objectives;

(iii) An explanation of proposed procedures and strategies for accomplishing such objectives; and

(iv) An evaluation component providing for the collection, verification, and analysis of data to measure the extent to which such objectives are accomplished by the project.

(2) *State agency task force.* (i) The award recipient shall establish a State agency task force consisting of representatives of all programs within the State educational agency involving or related to reading activities.

(ii) The task force shall serve as a means of securing collaboration, with respect to the planning and implementation of the project assisted pursuant to this subpart, among representatives of different programs within the State agency involving or related to reading activities and also as a means for insuring that the project is effectively coordi-

nated with other reading activities of the State educational agency.

(3) *Advisory council.* (i) The award recipient shall appoint an advisory council which is broadly representative of the educational resources of the State and of the general public including persons representative of:

(A) Public and private non-profit elementary and secondary schools;

(B) Institutions of higher education;

(C) Parents of elementary and secondary school children; and

(D) Areas of professional competence relating to instruction in reading.

(ii) If an advisory council has been established for Subparts B or C of this part, that advisory council may constitute the advisory council required by this subparagraph and may be used to perform the advisory council functions under this subparagraph.

(iii) The advisory council shall serve as an advisory body in planning, developing, implementing, and evaluating the project and in providing for its coordination with other reading activities of local educational agencies and other schools within the State.

(4) *Standard of excellence.* (i) The award recipient shall, with the advice of the advisory council, established pursuant to subparagraph (3) of this paragraph, develop a standard of excellence, as described in § 162.27 of this part, defining the elements which ought to be involved in successful reading programs in the State.

(ii) Once it is developed, the standard of excellence shall be utilized in training activities conducted pursuant to paragraph (b) (2) of this section and as a measurement instrument in carrying out any continuing needs assessment activities pursuant to paragraph (b) (1) of this section.

(d) *Subgrants; service contracts.* (1) Reading program activities and services assisted under the project must be directly administered by, or under the supervision of, the award recipient;

(2) Award recipients may not use any Federal funds awarded pursuant to this subpart to award subgrants to other entities or persons;

(3) Award recipients may, with Federal funds awarded pursuant to this subpart, enter into contracts with other entities or persons (such as personnel from teacher preparatory institutions or local educational agencies) to secure services which will assist them in carrying out a portion of the program activities, as provided in § 100a.30 of this chapter. These contract agreements are subject to the conditions set forth in § 100a.30 of this chapter which prohibit transfer of responsibility (or conduit arrangements) by the award recipient and require a statement of intention to enter into a service contract in the approved application or an approved amendment thereto.

(20 U.S.C. 1921(a) (3), 1964)

##### § 162.62 Evaluation criteria.

The Commissioner will evaluate applications for new projects under this subpart in accordance with:

(a) *General provisions criteria.* The following criteria derived from § 100a.26 (b) of this Chapter (except as repeated in this section, the criteria in § 100a.26 (b) shall be inapplicable to applications under this part):

(1) (15 points) The need for the proposed activity in the area served or to be served by the applicant;

(2) (10 points) Adequacy of qualifications and experience of personnel designated to carry out the proposed project;

(3) (5 points) Adequacy of facilities and other resources;

(4) (15 points) Reasonableness of estimated cost in relation to anticipated results;

(5) (15 points) Sufficiency of size, scope, and duration of the project to secure productive results; and

(6) (10 points) Satisfactory inservice training for SEA staff connected with project services.

(b) *Quality of activities.* The extent to which the project is designed to achieve high quality (beyond meeting minimum requirements) with respect to each of the required activities set forth in § 162.61(b), weighted as follows:

(1) (15 points) Statwide assessment of needs, including personnel needs, relating to reading problems in the State, leading to the development of a needs assessment document described in § 162.61(b) (1) (i);

(2) (15 points) Inservice training for reading administrators and instructional personnel in leadership positions pursuant to § 162.61(b) (2);

(3) (15 points) Technical assistance pursuant to § 162.61(b) (3); and

(4) (15 points) Dissemination of information pursuant to § 162.61(b) (4).

(c) *Other criteria.* The extent to which the application includes:

(1) (10 points) Provisions for publicizing the priority of reading through public announcements, State Board of Education resolutions, and other efforts initiated by the State educational agency;

(2) (10 points) High quality organizational provisions within the State educational agency for personnel with administrative responsibility related to reading programs (such as a designated reading administrator, State educational agency reading task force, State Advisory Council for reading, and other inter-agency personnel engaged in reading related activities);

(3) (10 points) Plans for effective communication and delivery systems with local educational agencies and other schools and educational resources within the State for assisting in the provision of reading programs;

(4) (10 points) Integration of all of the activities described in § 162.61(b) to achieve maximum impact on the planning for and implementation of a statewide project for the improvements of literacy skills within the State; and

(5) (5 points) Information which reflects knowledge of recent research and development in the area of reading.

(20 U.S.C. 1921(a) (3), 1964)

##### § 162.63 Project duration.

(a) Projects may be up to three years' duration.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of award for the project (which shall be for up to a twelve month period) indicate an intention to assist the project on an appropriate multi-year basis through continuation awards.

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the restriction in paragraph (a) of this section and to the availability of funds.

(e) Applications for continuation awards will be reviewed on a non-competitive basis to determine:

(1) If the award recipient has complied with the award terms and conditions, the Act, and any applicable regulation; and

(2) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation.

(20 U.S.C. 1921(a) (3), 1964)

##### § 162.64 Allowable costs.

Allowable costs under awards pursuant to this subpart shall be determined in accordance with applicable cost principles set forth in the Appendices to Subchapter A of this chapter, subject to the restriction that no more than five percent of the funds supplied under the award may be used for evaluation purposes.

(20 U.S.C. 1921(a) (3), 1964)

#### APPENDIX A—PART B OF TITLE VII OF PUB. L. 93-380

##### STATE READING IMPROVEMENT PROGRAMS

###### STATEMENT OF PURPOSE

Sec. 711. It is the purpose of this part to provide financial assistance to the States to enable them—

(1) To provide financial assistance for projects designed to facilitate reaching the objectives of this title;

(2) To develop comprehensive programs to improve reading proficiency and instruction in reading in the elementary schools of the State;

(3) To provide State leadership in the planning, improving, execution, and evaluation of reading programs in elementary schools; and

(4) To arrange for and assist in the training of special reading personnel and specialists needed in program assisted under this title.

###### APPLICABILITY AND EFFECTIVE DATE

Sec. 712. (a) The provisions of this part shall become effective only in any fiscal year in which appropriations made pursuant to section 732(a) exceed \$30,000,000 and then only with respect to the amount of such excess.

(b) The provisions of this part shall be effective on and after the beginning of fiscal year 1976.

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## ALLOTMENTS TO STATES

Sec. 713. (a) (1) From the sums appropriated pursuant to section 723(a) for each fiscal year which are available for carrying out this part, the Commissioner shall reserve such amount, but not in excess of 1 per centum of such sums, as he may determine, and shall allocate such amount to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. Of the remainder of such sums, he shall allot an amount to each State which bears the same ratio to the amount available for allotment as the number of school age children (aged 5 to 12, inclusive) in each such State bears to the total number of such children in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. The allotment of a State which would be less than \$50,000 under the preceding sentence shall be increased to \$50,000, and the total of the increases thereby required shall be derived by proportionately reducing the allotments to the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotments to any such remaining States from being reduced to less than \$50,000.

(2) For the purpose of this section, the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico. (b) The amount allotted to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallocation from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection from funds appropriated pursuant to section 723 for any fiscal year shall be deemed part of the amount allotted to it under subsection (a) for that year.

## AGREEMENTS WITH STATE EDUCATIONAL AGENCIES

Sec. 714. (a) Any State which desires to receive grants under this part shall, through its State educational agency, enter into an agreement with the Commissioner, in such detail as the Commissioner deems necessary, which—

- (1) Designates the State educational agency as the sole agency for administration of the agreement;
- (2) Provides for the establishment of a State advisory council on reading, appointed by the State educational agency, which shall be broadly representative of the educational resources of the State and of the general public, including persons representative of—
  - (A) Public and private nonprofit elementary school children, and
  - (B) Institutions of higher education,
  - (C) Parents of elementary school children, and
  - (D) Areas of professional competence relating to instruction in reading,
 to advise the State educational agency on the formulation of a standard of excellence for reading programs in the elementary schools and on the preparation of, and policy matters arising in the administration of, the agreement including the criteria for approval of applications for assistance under

such agreement) and in the evaluation of results of the program carried out pursuant to the agreement.

(3) Describes the reading programs in elementary schools for which assistance is sought under this part and procedures for giving priority to reading programs which are already receiving Federal financial assistance and show reasonable promise of achieving success;

(4) Sets forth procedures for the submission of applications by local educational agencies within that State, including procedures for an adequate description of the reading programs for which assistance is sought under this part;

(5) Sets forth criteria for achieving an equitable distribution of that part of the assistance under this part which is made available to local educational agencies pursuant to the second sentence of subsection (b) of this section, which criteria shall—

(A) Take into account the size of the population to be served, beginning with preschool, the relative needs of pupils in different population groups within the State for the program authorized by this title, and the financial ability of the local educational agency serving such pupils.

(B) Assure that such distribution shall include grants to local educational agencies having high concentrations of children with low reading proficiency; and

(C) Assure an equitable distribution of funds among urban and rural areas;

(6) Sets forth criteria for the selection or designation and training of personnel (such as reading specialists and administrators of reading programs) engaged in programs assisted under this part, including training for private elementary school personnel, which shall include qualifications acceptable for such personnel;

(7) Provides for the coordination and evaluation of programs assisted under this part;

(8) Provides for technical assistance and support services for local educational agencies participating in the program;

(9) Makes provision for the dissemination to the educational community and the general public of information about the objectives of the program and results achieved in the course of its implementation;

(10) Provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to evaluate the effectiveness of the program and to carry out his other functions under this title;

(11) Provides that not more than 5 per centum of the amount allotted to the State under section 713 for any fiscal year may be retained by the State educational agency for purposes of administering the agreement; and

(12) Provides that programs assisted under this part shall be of sufficient size, scope, and quality so as to give reasonable promise of substantial progress toward achieving the purposes of this title.

(b) Grants for projects to carry out the purposes of this part may be made to local educational agencies (subject to the provision of subsection (e) relating to the participation of private elementary and secondary school pupils), institutions of higher education, and other public and nonprofit private agencies and institutions. Not less than 60 per centum of the amount allotted to a State under section 713 for any fiscal year shall be made available by the State for grants to local educational agencies within that State.

(c) The Commissioner shall enter into an agreement which complies with the provisions of subsection (a) with any State which desires to enter into such an agreement.

(d) The Commissioner's final action with respect to entering into an agreement under subsection (a) shall be subject to the provisions of section 207 of the Elementary and Secondary Education Act of 1965, relating to judicial review.

(e) The provisions of section 141A of the Elementary and Secondary Education Act of 1965 relating to the participation of children enrolled in private elementary and secondary schools shall apply to programs assisted under this part.

(f) The functions of the State advisory council on reading, required to be established by subsection (a) (2) of this section, may be carried out by the State advisory council pursuant to section 705(d) (1).

## APPENDIX B—MANUAL OF GUIDELINES FOR THE READING ACADEMY PROGRAM

## CHAPTER I—INTRODUCTION

## Part 1—Guidelines

Sec. 1.1 Scope of guidelines.

## CHAPTER II—GENERAL INFORMATION FOR THE APPLICANT

## Part 1—General Information

1.1 General.

## Part 2—Planning

- 2.1 General planning information.
- 2.2 Identification of the problem.
- 2.3 Identification of community resources.
- 2.4 Community involvement.
- 2.5 Establishing objectives.
- 2.6 Staff development.

## Part 3—Participant Recruitment and Retention

- 3.1 Recruitment.
- 3.2 Retention.

## Part 4—Instructional Program

- 4.1 Program.
- 4.2 Materials.

## Part 5—Evaluation

- 5.1 General.

## Part 6—Project Director and Staff

- 6.1 Staff.
- 6.2 Volunteers.

## Part 7—Unit Task Force

- 7.1 Composition.
- 7.2 Responsibilities.

## CHAPTER III—A MODEL: ACADEMY CENTER AND SATELLITES

## Part 1—The Model

- 1.1 General.
- 1.2 Academy Center.
- 1.3 Satellite.

AUTHORITY: Sec. 723, Pub. L. 93-380, as amended by Pub. L. 94-194

## CHAPTER I—INTRODUCTION

## Part 1—Guidelines

Sec. 1.1 Scope of guidelines. (a) These guidelines are recommendations and suggestions for meeting the funding requirements and evaluation criteria for reading academy programs under section 723 of Pub. L. 93-380, as amended by Pub. L. 94-194 (20 U.S.C. 1963), and Subpart E of 45 CFR Part 162. The legal requirements include the Act and the regulations (Subpart E of 45 CFR Part 162). The guidelines are not to be construed as requirements; however, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

Projects which do not come within these guidelines will not be prejudiced. Projects are not subject to termination proceedings

or audit exceptions for conduct which is recommended or suggested in the guidelines; and

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is the Act (20 U.S.C. 1963) and the guideline affects § 162.52 of the regulation (45 CFR 162.52), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1963) (45 CFR 162.52). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

## CHAPTER II—GENERAL INFORMATION FOR THE APPLICANT

## Part 1—General Information

Sec. 1.1 General. The Reading Academy Program provides grants to State and local educational agencies, institutions of higher education, and community and other nonprofit organizations to provide exemplary reading assistance and instruction to functionally illiterate youths and adults not reached through other reading programs. The instruction is to be provided in facilities to be known as reading academies. While there are a variety of ways that an applicant may plan for, and then implement, a reading academy, the following suggestions and guidelines are intended to provide assistance which may help in developing a project to meet the requirements, or in implementing a funded project.

(20 U.S.C. 1963) (45 CFR 162.50)

## Part 2—Planning

Sec. 2.1 General planning information. The regulations set out several requirements concerning a description of an applicant's proposed project which can be met only if adequate planning has been done for developing the project. In planning, it is generally helpful to go through the following steps:

- (a) Identification of the problem (needs assessment);
- (b) Analysis of community resources;
- (c) Community involvement;
- (d) Establishing objectives and strategies to solve the problems; and
- (e) Staff development.

(20 U.S.C. 1963) (45 CFR 162.52(a) (1))

Sec. 2.2 Identification of the problem. To determine the number and characteristics of youths and adults with reading problems in a given area, and therefore the type of reading academy program which will best solve the problems, the following types of information are relevant:

- (a) The yearly percentage of adults and youths who do not finish elementary and secondary school;
- (b) The number of youths and adults who may be defined as functionally illiterate;
- (c) The age range and sex of target groups (between 16-20, 21-35, over 35);
- (d) The ethnic backgrounds of the target groups;
- (e) The non-English-speaking populations;
- (f) The estimated income levels of target groups (below \$3,600, \$3,600 to \$7,200, and so forth);
- (g) Their career goals and employment profiles (number of full-time, part-time, and unemployed; whether skilled, semi-skilled, unskilled); and

(h) Identification of the neighborhoods where the target population lives.

(20 U.S.C. 1963) (45 CFR 162.52(c) (2))

Sec. 2.3 Identification of community resources. Knowledge of what educational services are available to adults in their communities is helpful in determining how a reading academy should be structured to supplement existing services or to build bridges between agencies and services. Information may be obtained by making an inventory of community agencies, service organizations, local business and industry, State agencies, local and federally funded programs; and by identifying which agencies might be helpful in identifying and recruiting participants and/or serving as sources of volunteers, providing materials and facilities, providing publicity, offering special expertise in training volunteers, or having the capability of sponsoring or housing reading academy branches in neighborhood facilities convenient to participants.

(20 U.S.C. 1963) (45 CFR 162.53(d) (5) and (6))

Sec. 2.4 Community involvement. Involving diverse segments of the community in planning, developing, and operating a project increases the possibilities for greater project success. Applicants are encouraged to consider developing an effective structure of involvement entailing extensive planning on the part of each applicant (and follow-up planning by each grantee). Recognition of the competence and interest of a variety of groups both within and outside formal educational institutions in planning and operating project activities may result in programs which can best meet the needs of the target population and sustain the interest and support of the community. As one means of ensuring community involvement, the regulations require establishing a unit task force. Further guidance on the unit task force is provided in Part 7 of these guidelines.

(20 U.S.C. 1963) (45 CFR 162.52(c) (6) and (c) (9))

Sec. 2.5 Establishing objectives. (a) Section 162.52(a) of the regulations requires the applicant, having identified the needs of functionally illiterate youths and adults in a given area, to develop objectives that relate to the overall project activities. A number of provisions in the regulations also concern the meeting of participants' individual needs (§§ 162.52(c) (4) (1), 162.53(c) (1) and (2)). To do this, it is suggested that participants in a project be involved with their tutors in the formulation of their own learning objectives. Objectives allow participants and staff to see what behaviors must be demonstrated for successful completion of the program, in addition to allowing them to evaluate their own progress toward the successful accomplishment of the objectives. For the project director and the teachers, the objectives serve to identify problems encountered by the learners at various stages, providing the opportunity for revising the learning approaches utilized. Furthermore, clearly stated objectives for individual participants make it possible to evaluate learner progress as well as the instructional design's effectiveness; and

(b) With respect to overall project objectives called for in § 162.52(a) of the regulations, objectives in three areas might be identified: operational objectives, instructional objectives, and product objectives.

(1) Operational objectives refer to the goals for the processes that are necessary to carry out the project, such as recruiting and teaching participants and recruiting and training volunteer and other teaching and administrative staff;

(2) Instructional objectives refer to the goals for changes in students' (and staff members') cognitive and affective behavior (see Part 4—Instructional Program); and

(3) Product objectives refer to goals in developing such material items as criterion-referenced tests, curriculum guides, or reading materials. It is useful to set out time schedules for the production of materials.

The effectiveness of the instructional program is likely to be directly related to the clarity of the operational objectives and the instructional objectives. The operational objectives, in addition to reflecting the total program planning design and the process necessary to carry out the program, are based upon the applicant or grantee agency's philosophy about adult education. The instructional objectives specify the observable results by which the project's activities can be measured. The instructional objectives set the stage for the specific behavioral objectives which will be achieved by the participants. Clarity of the objectives will also facilitate the selection of instructional materials.

(20 U.S.C. 1963) (45 CFR 162.52(a) and (c) (1) and (2); 162.53(d) (2))

Sec. 2.6 Staff development. The regulations set out several requirements designed to ensure that staff have adequate experience and expertise with adult education in non-school settings, literacy education, teacher or tutor training, recruitment of volunteers, administration, and knowledge of community resources. While any one person may not have all of the above experience or expertise, the staff as a whole should have these experiences, which should be enhanced by further training. The regulations do require that the project director assume responsibility for all aspects of the program.

(20 U.S.C. 1963) (45 CFR 162.52(b), (c) (7) and (8) and 162.53(d) (4) and (5))

## Part 3—Participant Recruitment and Retention

Sec. 3.1 Recruitment. The regulations require developing and implementing a system to identify and recruit participants. Identifying and recruiting youths and adults who are functionally illiterate are sensitive and complicated tasks. Due to the social stigma attached to illiteracy, individuals are often too shy to admit that they cannot read. Many have developed a whole series of protective mechanisms to hide their disability from family and friends. In the past, the school failed to serve them adequately; consequently, they are suspicious of educational programs. It may be that the best way to identify and approach potential participants is to reach them indirectly through community, youth, and social organizations which will help to establish awareness of the program. Other agencies such as social service agencies, State employment agencies, and the Department of Motor Vehicles might be encouraged to refer to the academy those persons they have identified as in need of basic reading instruction. In some communities, staff may have to organize door-to-door recruitment campaigns. Volunteers from local organizations have proven in the past to be very effective in these recruitment campaigns. Obviously, it is important to plan well in advance the types of recruitment strategies that are appropriate for a particular service area, to implement these plans as soon as possible after the receipt of the grant award. Applicants and grantees are encouraged to consider whether special emphasis might be given to plans for the participation of out-of-school youths, as experience has shown that this group is the most difficult to recruit into literacy pro-



grams and the most difficult to retain once enrolled.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3) and (6) and 162.53(d) (6))

Sec. 3.2 *Retention*. Attracting functionally illiterate youths and adults to the reading academy project is only part of the effort needed to have a successful project. Keeping their interest with a relevant and interesting curriculum, and providing supportive services are additional elements of a successful program. Youths and adults come to reading programs with a variety of problems. For them, learning is never easy; they are quickly discouraged and need continual encouragement. Many are unemployed and looking for work. Some are employed in physically exhausting labor. Others must rely on public transportation or the generosity of friends in order to reach the academy. An applicant may have a more successful program if the staff is able to anticipate these and other problems which might cause the participant to drop out. Experience with successful adult literacy programs indicates that a project may need to include a referral service to appropriate social service and health agencies, provide help in cutting through red tape to gain a much needed service and, at times, provide minimal funds to offset the cost of transportation. In very isolated areas where public transportation does not exist, some projects have found that it is necessary to provide transportation to the instructional site. Applicants are encouraged to consider and provide for these elements as appropriate.

(20 U.S.C. 1963) (45 CFR 162.53(d) (4), (5), and (6))

#### Part 4—Instructional Program

Sec. 4.1 *Program*. The regulations require that an exemplary program of reading assistance be developed for teaching the functionally illiterate youth and adult target population. It is hoped that programs will be planned to provide participants with opportunities for immediate reading success, practice of reading and related skills, and positive reinforcement. A more successful program may result where supervisory and teaching staff have an understanding of the process of reading development for adults, of how to assess a participant's reading ability, a working knowledge of available instructional print and other media materials suitable for adults, and the ability to exercise creativity in developing instructional programs. A program more relevant to the needs and interests of the target population may be developed if representatives of the target population and the community are involved in planning and implementing the project.

The Right to Read Office of the U.S. Office of Education does not advocate any one method or set instructional materials; rather, it advocates that instruction be tailored to meet the needs of the individual learner. As a means of facilitating individualization, applicants are urged to adopt a diagnostic/prescriptive approach to instruction. This approach requires that each individual be diagnosed to determine the strengths and the needs he or she has regarding reading. Following the diagnosis, it is then necessary to prescribe a program of experiences utilizing appropriate materials and activities which will meet the needs which have been identified. Participant needs will dictate what kinds of materials should be used in the instructional process; since participants' needs will likely be varied, a variety of materials at different levels of difficulty may be required to provide necessary individualized instruction.

If English as a second language is a component of the instructional program, the

participants should be given ample opportunity for practice of oral English.

(20 U.S.C. 1963) (45 CFR 162.52(c) (1) and (5) and 162.53(d) (2), (7) and (8))

Sec. 4.2 *Materials*. Choosing appropriate learning materials is an important part of the program. More learning is likely to take place if the materials are relevant to the backgrounds and immediate reading needs and interests of participants, and if the staff understands how the materials are to be used (and any prerequisites necessary to their use). Both commercially produced materials (adopted or adapted) and relevant teacher-made materials may be used together. The materials, whether commercially produced or teacher-made, should be realistic, practical, functional, usable, and reflective of the needs and interests of the participants.

Whenever appropriate, the native language and culture of the participants should be used as an integral part of the instructional program. Instruction is more meaningful if focused around real-life coping skills such as consumer education and consumer rights, the world of work, job application skills, job or vocation-related skills, and so forth. Teachers may also use a variety of materials such as newspapers, cooking recipes, various types of application forms, signs, or any other printed materials that are interesting and relevant to the adult and youth participants.

(20 U.S.C. 1963) (45 CFR 162.52(c) (1) and (5) and 162.53(d) (2) and (7))

#### Part 5—Evaluation

Sec. 5.1 *General*. The regulations require an evaluation component for each project providing for the collection, verification, and analysis of data to measure the extent to which the project objectives are accomplished and procedures for measuring the achievement of participants. Both process (formative) and impact (summative) evaluation should be conducted. Process evaluation can be defined as a timely examination of project activities that actually occur with a view to:

- (1) How they correspond with what was promised;
- (2) To what extent the activities appear to be effective; and
- (3) How they can be improved by modification. Within this system, as each modification is implemented, the cycle would start again. In its simplest form, process evaluation can be defined as a management information system. Impact evaluation examines the final results and asks whether the objectives were achieved.

(20 U.S.C. 1963) (45 CFR 162.52(a) and 162.53(d) (1))

#### Part 6—Project Director and Staff

Sec. 6.1 *Staff*. The regulations require that:

- (a) The project director and the staff have specified experiences and expertise in the areas of adult education and in non-school settings, literacy education, administration, teacher or tutor training, recruitment of volunteers, and knowledge of community resources; and

- (b) The applicant develop a system whereby the project director assumes responsibility for directing the project and all of its activities, including communication, program planning, and evaluation. The following discussion presents some practical considerations which may be helpful in meeting these requirements.

An enormous part of the responsibility for the program rests with the project director, and it is important that he or she spend a major part of his or her time on the project. A suitable candidate for the position of project director should be identified during

the planning stage prior to submission of the application so that he or she may be hired as soon as approval is granted and, if possible, be involved in the planning of the program. Other staff, paid and volunteer, should be chosen to complement the experience and expertise of the project director as well as to carry out training and/or teaching functions. In areas with high concentrations of participants of limited or no English-speaking ability, the applicant is encouraged to actively recruit project staff who speak the same language as the participants and who are of the same ethnic background as the participants. The director is responsible for all project activities, evaluations, and communication concerning the project. It is important to establish efficient internal and external communication systems so that feedback to and by project staff, participants, and the community is timely and continuous. A determination should also be made as to which reports should be prepared about the program for the Office of Education according to the General Provisions Regulations (45 CFR Part 100a, Subparts F-R), and what communications might be desirable for informing the public about the existence of the program, its services, and accomplishments.

Note: Grantees will be provided with instructions and format for submission of required Office of Education reports.

(20 U.S.C. 1963) (45 CFR 162.52(c) (7) and (8) and 162.53(d) (8))

Sec. 6.2 *Volunteers*. (a) *General*. A review of the literature of volunteers in adult literacy programs and Right to Read program experience suggests that functionally illiterate youths and adults need instruction that is frequent, intensive, and personal. The limited financial resources available to the academy program necessitates that a project use imaginative schemes to insure that an academy offers this type of instruction. One effective way to stretch program funds is to enlist the aid of volunteers. Volunteer tutors, when given appropriate training and support, have been particularly effective in working with adults in reading programs.

Projects which put strong emphasis on the use of volunteers will need to develop detailed plans that include volunteer recruitment, preservice and inservice training, placement of volunteers and supportive services. The guidelines below present recommendations for projects which choose to make use of volunteer staff:

- (b) *Recruitment*. If a project determines that it will rely on volunteer tutors, it should estimate the total number and types of volunteers it will need in order to form a resource pool of tutors and then set recruitment goals. Any plan to recruit volunteers should include identification of sources of volunteers (such as service organizations and college work study programs), establish working relationships with these groups, and launch a public awareness program through the media. The recruitment strategy should be designed to continue through the duration of the project and should take into account the traditionally high turnover rate of volunteers in the early part of any project;

- (c) *Responsibilities*. It is helpful if job descriptions for volunteers are written and used as a basis for any recruitment campaign. These descriptions might include some indication of the type of commitment that will be expected from a volunteer. For example, "A tutor will teach reading to an individual adult, a minimum of three hours a week for thirty weeks," or "The tutor will participate in x number of preservice training sessions and periodic inservice training sessions"; and

- (d) *Training*. Objectives for the training of volunteers should be clearly stated. Gen-

erally, they would include both affective and cognitive behaviors. The training should develop an awareness of, and a sensitivity to, the needs of the target population, orientation to the community and its resources, some basic reading instructional approaches and skills, and a familiarity with the instructional materials. The training program goal is to lead to the establishment of a helping relationship between the tutor and the professional staff. This preservice training sequence could be anywhere from 15 to 45 hours in length and might be followed by inservice training and supportive service offered once the volunteer tutor is in the field. Regularly scheduled contact between the tutor and the professional staff of the academy is important. Inservice training needs will be as varied as the number and types of volunteers and participants involved in the program. General training sessions should be directed toward the resolution of problems common to all literacy programs; the informal followup services should concentrate on the resolution of specific problems.

(20 U.S.C. 1963) (45 CFR 162.52(c) (4) and (6) and 162.53(c) and (d) (7))

#### Part 7—The Unit Task Force

Sec. 7.1 *Composition*. The regulations require that a unit task force be established consisting of representatives from the applicant agency, youths and adults from the potential target population, representatives from community groups, other Federal or State programs, and business and industry. Some points that might be considered in selecting members of the unit task force are:

- (a) Special care might be taken to select youths who have demonstrated leadership among their peer groups;
- (b) Community groups which might be involved include social agencies, adult education programs, local action groups, the public library, youth organizations, labor unions and municipal agencies; and
- (c) Federal and State programs might include Adult Basic Education, the Model Cities Program, manpower training programs, Neighborhood Youth Corps, State employment agencies and volunteer organizations, particularly those sponsored by Federal programs (such as the retired senior citizens programs and VISTA).

It is important to keep in mind that while the unit task force should be large enough to represent diverse groups and interests, it should not be so large that its size limits efficient operation. For some projects, a unit task force and several sub-unit task forces might be established. For instance, if several neighborhood facilities are used to provide reading instruction, different sub-unit task forces for each neighborhood facility might be established so that more grassroots involvement and identification are obtained.

(20 U.S.C. 1963) (45 CFR 162.52(c) (9))

Sec. 7.2 *Responsibilities*. The following are examples of functions which might be performed by the unit task force to satisfy the regulation requirement that it play an active role in planning and implementing the project:

- (a) Assistance in program planning including the identification of the target population, the assessment of needs, and the selection of project activities and priorities;
- (b) Recruitment of volunteers and assistance in the mobilization of community resources;
- (c) Assistance in staff development programs for project staff and volunteers;
- (d) Assistance in identifying agencies which might serve as sponsors of locations for neighborhood reading academies;

(e) Assistance in the dissemination of information about the project throughout the community; and

(f) Coordination of the project with other community groups, with professional organizations, and with public and private agencies.

(20 U.S.C. 1963) (45 CFR 162.52(c) (9))

#### CHAPTER III—A MODEL: ACADEMY CENTERS AND SATELLITES

##### Part 1—The Model

Sec. 1.1 *General*. Several of the funding requirements and evaluation criteria suggest and support the development of a model for a reading academy project. In short summary they are: that low-cost individualized instruction be provided at locations and times convenient to participants; that the community be involved, perhaps by providing community or neighborhood facilities; that because of the difficulty in reaching the target populations, the staff be knowledgeable about providing instruction in non-school settings and in recruiting volunteers to work with participants. A model is therefore suggested which would include an academy center where planning, programming, staff recruitment, training and evaluation would be conducted, and satellite academies which would be located in facilities in neighborhoods convenient to potential participants where instruction would actually be provided. Volunteer tutors would provide the one-to-one instruction and would individualize attention and assistance to participants.

This model is not given as the exclusive approach to meeting the requirements and criteria contained in the regulations, but as one possible approach recommended for consideration by applicants.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

Sec. 1.2 *Academy Centers*. Under the model, the reading academy grantee would be responsible not only for carrying out an instructional program for youths and adults in a centralized reading academy, but also for developing a network of neighborhood-based or satellite academies staffed by trained volunteers who would provide instruction in the neighborhoods of the target population. The academy center would be responsible for developing a comprehensive volunteer system which would include recruitment and training of volunteers and placement of volunteer tutors in satellite academies. The academy center would also provide a wide variety of supportive services to the volunteer once he or she starts tutoring an adult, whether the instruction occurs at the center or in a neighborhood satellite academy. Such service might include help for the tutors in material selection, in diagnostic testing and instructional prescription. The center would provide specific services to participants such as education counseling, referral service to appropriate social service or health agencies, and job placement. The academy center, as part of its effort to launch neighborhood-based academies or satellites, would work with various community groups, neighborhood councils and with branch libraries to identify appropriate places to house the instructional programs which are convenient to the target population. It would also mobilize a variety of community resources to support the academy.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

Sec. 1.3 *Satellites*. The satellite academies would take instruction to the places that are most suitable, convenient and easily accessible to the adult participants. They could

be housed in libraries, community centers, homes, places of employment, schools, YMCA's or in a variety of other appropriate facilities. The center might adopt any one of a number of strategies to implement the satellite concept. It could establish a satellite academy or a network of academies as a direct outgrowth of its own operation and carry the full responsibility for its management. Under this arrangement the center would identify and obtain community facilities but without further commitment from an organization. In communities with already established literacy programs, the center might establish a cooperative arrangement whereby it would provide certain specified professional services. In other communities the center could work through local organizations which would be willing to sponsor an academy, provide facilities and serve as a source of volunteers. Whichever arrangements are made for the establishment of a satellite academy, it would have a coordinator who would be responsible for recruiting participants who lived in the neighborhood, scheduling sessions with tutors and participants, maintaining a communication link between the tutor and participants, keeping records (attendance, progress charts, test scores), storage of instructional materials, and making sure that facilities are available as scheduled.

(20 U.S.C. 1963) (45 CFR 162.52(c) (3), (4), (6), and (7) and 162.53(d) (2) and (7))

[FR Doc. 76-15296 Filed 5-25-76; 8:45 am]

#### Title 49—Transportation

#### CHAPTER I—DEPARTMENT OF TRANSPORTATION, MATERIALS TRANSPORTATION BUREAU

##### SUBCHAPTER C—OFFICE OF HAZARDOUS MATERIALS OPERATIONS

[Docket No. HM-109; Amdt. Nos. 173-98, 179-16]

#### PART 173—SHIPPERS

#### PART 179—SPECIFICATIONS FOR TANK CARS

##### Tank Car Tank Head Shields

The amendment to Part 179 of the Hazardous Materials Regulations is to prescribe more flexibility and clarity in the specifications for applying the head shields to DOT 112A and 114A tank car tanks.

This amendment also provides for a change in tank car display so that cars with head shields will display a distinctive specification marking. This will be accomplished by substituting the letter "S" in place of "A" in DOT 112A and DOT 114A cars that have head shields meeting the requirements of Part 179 of the Hazardous Materials Regulations.

On March 11, 1975, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-109; Notice No. 75-1 (40 FR 11362) which proposed this amendment. All written comments received have been considered. The issues raised in the comments are briefly discussed below:

**Steel Specifications**—Seven commenters pointed out that AAR specification TA 128A is obsolete and unobtainable. Accordingly, this steel has been deleted.

**Width of Head Shields**—Although it was not proposed to amend the present



minimum 9-foot width requirement, this requirement was questioned by several commenters. A maximum width of six feet was suggested by some, and others felt that the top corners of the shield should not extend beyond the outside profile of the tank. The Bureau believes that the 9-foot minimum width requirement is essential in order to adequately protect the tank head from puncture. However, there may be tanks of smaller diameter on which the outer edges of the 9-foot width shield would extend beyond the tank profile. Therefore, paragraph (a)(2)(ii) in section 179.100-23 has been revised to require a smaller head shield on tank cars having heads less than nine feet in diameter.

**Bottom of Shields.**—Six commenters stated that the head shield should not be required to contact the top of the center sill. We believe that supporting the shield by having it resting atop the center sill will greatly reduce the possibility of producing a stress concentration on the tank head at the mounting brackets.

**Specification Markings.**—Several commenters objected to the placement of an "S" in the tank specification marking, in order to identify cars with head shields. We realize that cars so equipped are easily seen and readily identifiable but believe that a distinctive specification marking provides a more accurate record of cars equipped with head shields particularly in the "UMLER" file.

In order to provide for the use of 112S/114S tank cars, a new sentence has been added in paragraph (a)(3) of § 173.31 which authorizes 112S tank cars to be used when 112A tank cars are authorized and 114S tank cars to be used when 114A are authorized.

One commenter questioned the use of one-half of a tank car tank head as a head shield. The Bureau believes that the configuration of a half head will adequately protect the tank's head and that since the method of attachment is to be in the same manner as the current authorized shield, it will afford similar protection.

Although not addressed in Notice 75-1, comments were received concerning the compliance date for retrofit on existing cars. Due to the severity of the consequences of a tank head puncture, the Bureau believes that safety requires adherence to the retrofit schedule as originally established. It is the purpose of this amendment to permit more design flexibility in adhering to that schedule.

In consideration of the foregoing, §§ 173.31, 179.100 and 179.101 of Title 49 Code of Federal Regulations are amended as follows:

1. § 173.31 paragraph (a)(3) is revised to read as follows:

§ 173.31 **Qualification, maintenance, and use of tank cars.**

(a) . . . .

(3) Unless otherwise specifically provided in Part 173, when class DOT-105AW, 105-ALW, 106A, 109A-ALW, 110AW, 111A, 112AW, or 114AW tank car tanks are prescribed, the same class tanks having higher marked test pressures than

those prescribed may also be used. When class DOT-111AW1 tank car tanks are prescribed, class 111AW3 tank car tanks may also be used. When class DOT-112A tank car tanks are prescribed, class DOT-112S tanks having equal or higher marked test pressures than those prescribed may also be used. When class DOT-114A tank car tanks are prescribed, class DOT-114S tanks having equal or higher marked test pressures than those prescribed may also be used.

2. In § 179.100-23 paragraphs (a)(1), (a)(2), (a)(2)(i), (ii), (v), and (vi) are revised; paragraph (a)(2)(vii) is added to read as follows:

§ 179.100-23 **Head shields.**

(a) . . . .

(1) At least ½-inch thick, and made from steel produced in accordance with specifications ASTM A242, A572-GR50, A515-70, A516-GR70, or AAR TC-128B.

(2) In the shape and size of the lower half of the head of the tank car or in the shape of a trapezoid with the following dimensions:

(i) A minimum width at the top of the center sill of four feet six inches, measured in a straight line between extreme edges;

(ii) A minimum width at the top of shield of nine feet measured in a straight line between the extreme edges; (For cars with diameters less than nine feet, the width of the head shield must not extend beyond outermost portion of the head and be not less than three inches from the outermost point of the head.)

(v) All inside edges of the shield chamfered to a minimum of ¼-inch;

(vi) A minimum height of four feet six inches, and

(vii) Located so that the bottom of the shield touches the top of the center sill.

3. In § 179.101-1, Footnote 12 is added following the table in paragraph (a) and reference thereto is added in the following column headings:

112A200W, 112A340W, 112A3400F, 112A400W, 112A500W, 114A340W, 114A400W

"When tank car head shields meeting the requirements of § 179.100 have been applied, an "S" must be substituted for the "A" in the specification marking.

§ 179.101-1 **Individual specification requirements.**

(a) . . . .

Since these amendments relieve restrictions and because of the need for immediate public guidance with respect to the requirements for retrofitting tank cars with head shields, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

**AUTHORITY:** (18 U.S.C. 834, 49 CFR 1.53(g))

**Effective date:** These amendments take effect on May 26, 1976, except that tank cars with head shields installed before May 26, 1976, need not be marked

in accordance with the specification marking requirement of these amendments (see Amendment 3 herein) before August 1, 1976.

Issued in Washington, D.C. on May 20, 1976.

JAMES T. CURTIS, Jr.,

Director,

Materials Transportation Bureau.

[FR Doc. 76-15294 Filed 5-25-76; 8:45 am]

## CHAPTER X—INTERSTATE COMMERCE COMMISSION

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1243]

#### PART 1033—CAR SERVICE

##### Regulations for Return of Trailers

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 19th day of May, 1976.

It appearing, That an acute shortage of insulated trailers equipped with ventilating devices exists on certain railroads in the southeast for transporting melons and other perishable products requiring protection from heat; that shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss; that insulated, ventilated trailers, after being unloaded are being retained and appropriated for other services which do not result in their return to the major origin areas for perishable freight; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That § 1033.1243 Service Order 1243 *Regulations for return of trailers*: be amended to read as follows:

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Remove from general distribution and deliver by rail, on flat cars insulated trailers described in paragraph (1) herein to any of the following railroads:

Louisville and Nashville Railroad Company (L&N), Richmond, Fredericksburg and Potomac Railroad Company (RFP), and Seaboard Coast Line Railroad Company (SCL).

(i) Insulated trailers subject to this order are identified as follows:

Reporting Marks: RCLZ, REAZ, RLNZ, RSBZ, RSCZ—Series 700000-709999 SBD, SBDZ, SCLZ—Series 2002-2060, 30104-30901, 702002-703150.

(2) Trailers described in part (1) of this section, located on railroads other than the L&N, RFP or SCL, may be loaded with freight requiring protection from heat to any destination to which loading is authorized by Rule 2 of the Code of Trailer Service Rules, published on page 185 of the Official Intermodal Equipment Register, ICC-OIER No. 25, issued by R. G. Hiltz, or reissues thereof; or, such trailers may be loaded with any type of freight to any station on the lines of the L&N, RFP or SCL.

(3) Trailers described in part (1) of this section located on the L&N or RFP for which no suitable loading, as defined in part (4) of this section is available, shall be delivered empty, on cars, to the SCL.

(4) Trailers described in part (1) of this section, located on the L&N, RFP or SCL, may be used only for transporting traffic requiring protection from heat.

(b) For the purpose of improving car

utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Acting Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order contrary to the provisions of the order.

(d) **Application.** The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) **Effective Date.** This order shall become effective at 12:01 a.m., May 21, 1976.

(f) **Expiration Date.** The provisions of this order shall expire at 11:59 p.m., June 15, 1976, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10-17) 15(4)

and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15362 Filed 5-25-76; 8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### [ 32 CFR Part 1008 ]

#### FUNDING CONTRACT OVERRUNS

##### Air Force Wright Aeronautical Laboratories

The Department of the Air Force proposes to add a new Part to Subchapter W—Air Force Procurement, Part 1008, consisting of Sections 1 through 5.

This new Part establishes the policy and procedures for funding contract overruns resulting from Air Force Wright Aeronautical Laboratories funded contracts and is applicable to all staff agencies and assigned Laboratories.

Interested persons are invited to comment on the proposed rulemaking on or before June 28, 1976. Written data, views, arguments concerning the proposal must be submitted in writing to Assistant for Operations, Air Force Wright Aeronautical Laboratories, Wright Patterson Air Force Base, Ohio 45433. Comments and suggestions submitted will be available for public inspection and copying at the above address.

The proposed Part will read as follows:

#### PART 1008—FUNDING CONTRACT OVERRUNS

Sec.	Purpose
1008.1	Purpose
1008.2	Overrun Criteria.
1008.3	Funding Contract Cost Overruns.
1008.4	Office of Primary Responsibility.
1008.5	Disposition of Documentation.

##### § 1008.1 Purpose.

This Part establishes the policy and procedures for funding contract overruns resulting from Air Force Wright Aeronautical Laboratories funded contracts and is applicable to all staff agencies and assigned Laboratories.

##### § 1008.2 Overrun Criteria.

Overruns are defined as any increase in contract funding requirements on cost type contracts which result from technical, schedule, estimating errors, or direct/indirect actions taken by government agencies or persons. Determination of which contract financing requirements are to be considered overruns is the responsibility of the procuring contracting officer based on the recommendations of the administrative contracting officer.

##### § 1008.3 Funding Contract Cost Overruns.

(a) Contract overruns should be funded with appropriations of the same type and year as those originally cited on the contract involved. Contract overruns on contracts citing program control

years (current and first prior) appropriations will use locally available funds when available. All requests for funds for contract overruns will be documented with a 12 point letter to Assistant for Operations, Air Force Wright Aeronautical Laboratories, from the Laboratory programming office.

- (1) Program Element, Project, Task.
- (2) Total contract funding and distribution by year and appropriation.
- (3) Total amount of overrun and distribution by year and appropriation.
- (4) Contractor and location.
- (5) Contract number.
- (6) Date of original contract.
- (7) Date of change applying last fiscal year funds.
- (8) Date funds required.
- (9) Forecast obligation date.
- (10) Statement of funds available and source (reprogramming or expired appropriations).
- (11) Auditors report on Contract Funds Status Report.
- (12) Reason for overrun, background, impact, steps taken to avoid or correct situations, etc.

(b) For overruns larger than \$50,000 or overruns which exceed locally available funds, the letter described in § 1008.3 (a) above must be forwarded to Air Force Systems Command, Programs and Budget, Andrews Air Force Base, Washington, D.C. 20331.

(c) All requests for overrun funding and associated documentation/justification will be reviewed and coordinated by Assistant for Operations, Air Force Wright Aeronautical Laboratories before funding or review by Air Force Systems Command, Programs and Budget.

##### § 1008.4 Office of Primary Responsibility (OPR).

Assistant for Operations, Air Force Wright Aeronautical Laboratories is designated the OPR for managing the funding of contract overruns.

##### § 1008.5 Disposition of Documentation.

(a) Correspondence and related information maintained by Assistant for Operations, Air Force Wright Aeronautical Laboratories pertaining to the funding of contract overruns will be incorporated with other supporting data and will be destroyed after final payment or when purpose has been served, but no later than one year after final payment. (Authority: Air Force Manual 12-50, Disposition of Air Force Documentation, Table 70-1, Rule 7.)

(b) Correspondence and related information applicable to contract cost over-

runs forwarded to the appropriate program manager will be incorporated into the official Research and Development case file and retired with the contract to which it relates. (Authority: Air Force Manual 12-50, Table 80-2, Rule 1.)

JAMES L. ELMER,  
Major, USAF, Executive,  
Directorate of Administration.

[FR Doc.76-15325 Filed 5-25-76; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Federal Insurance Administration

#### [ 24 CFR Part 1917 ]

[Docket No. FI-1140]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the City of Gulf Breeze, Florida

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Gulf Breeze, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Gulf Breeze must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Gulf Breeze, Florida.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald Albert, P.O. Box 640, Gulf Breeze, Florida. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

## PROPOSED RULES

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Pensacola Bay	Entrance to Boy Scout camp	9	Entire road between points 1,440 ft and 2,000 ft north of intersection with U.S. 98.
	Montrose Blvd	9	Entire road east of the point 390 ft east of intersection with Berry Ave.
English Navy Cove	Unnamed road south from Shoreline Dr. 670 ft east of intersection of Shoreline Dr. and South Sunset Dr.	9	Entire road south of the point 730 ft south of intersection with Shoreline Dr.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.76-15177 Filed 5-25-76; 8:45 am]

#### [ 24 CFR Part 1917 ]

[Docket No. FI-1151]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations, the Township of Green Brook, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Green Brook, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood In-

surance Program, the Township of Green Brook must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 111 Greenbrook Road, Green Brook, New Jersey 08812.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Arthur L. Lewis, 111 Greenbrook Road, Green Brook, New Jersey 08812. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Green Brook	Rock Ave.	56	420	
	Jefferson Ave.	53	2,170	
	Washington Ave.	52	1,230	
	Warrenton Rd.	47	370	
Municipal	Rock Ave.	66	65	35
	Jefferson Ave. (extended)	56	235	15

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.76-15178 Filed 5-25-76; 8:45 am]

#### [ 24 CFR Part 1917 ]

[Docket No. FI-1152]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW Proposed Flood Elevation Determinations for the Borough of Ridgely, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the

Flood Disaster Protection Act of 1973 (Pub. L. 92-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448, 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a))), hereby gives notice of his proposed determinations of flood elevations for the Borough of Ridgely, New Jersey.



## PROPOSED RULES

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program the Borough of Ridgefield must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-

prone areas and the proposed flood elevations are available for review at Borough Hall, 604 Broad Avenue, Ridgefield, New Jersey 07657.

Any person having knowledge, information or wishing to make a comment on these determinations should immediately notify Mayor Vito Vorelli, 604 Broad Avenue, Ridgefield, New Jersey 07657. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Overpeak Creek	U.S. Highway 46	6	1,000	1,270
Wolf Creek	Maple Ave.	52	40	100
	Stocum Ave.	32	70	250
	Day Ave.	20	170	100
	Elite Ct.	18	180	200

<sup>1</sup> To corporation limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 11, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.76-15179 Filed 5-25-76;8:45 am]

## [ 24 CFR Part 1917 ]

[Docket No. FI-1153]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determinations for the Town of West Orange, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of West Orange, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to par-

ticipate in the National Flood Insurance Program, the Town of West Orange must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 66 Main Street, West Orange, New Jersey 07052.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William F. Cuozzi, Town Hall, 66 Main Street, West Orange, New Jersey 07052. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
West Branch Rahway River	Northfield Ave.	338	60	100
	Old Indian Rd.	361	240	280
	Mont Pleasant Ave.	367	60	100
West Fork of East Branch Rahway River	Mitchell St.	175	60	(1)
	Central Ave.	175	80	(1)
	Valley Rd.	177	70	(1)
East Fork of East Branch Rahway River	Meekner St.	150	290	(1)
	Tremont St.	151	460	(1)
Peckman River	Union St.	152	450	(1)
	Woodland Ave.	372	100	300
	Forest Ave.	406	40	80
North Branch Wigwam Brook	Washington Ave.	183	300	200
	Whitely St.	193	420	380
	Franklin Ave.	206	240	280
	Ashwood Ter.	236	120	60

<sup>1</sup> Corporation limit.

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## PROPOSED RULES

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 10, 1976.

HOWARD B. CLARK,  
Acting Federal Insurance Administrator.

[FR Doc.76-15180 Filed 5-25-76;8:45 am]

## [ 24 CFR Part 1917 ]

[Docket No. FI-1154]

#### APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Proposed Flood Elevation Determination for the Town of North Hempstead, Nassau County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of North Hempstead, Nassau County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in

identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the office of the Town Clerk, 200 Plandome Road, Manhasset.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Michael J. Tulley, Jr., 220 Plandome Road, Manhasset, New York 11030. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary	
			Right	Left
Manhasset Bay (east shore)	Unincorporated area of Port Washington.	14	At border within incorporated area of Port Washington North, 340 ft; at Webster Ave. (extended), 170 ft; Pine Dr. (extended), 320 ft; at border within incorporated area of Plandome Manor, 440 ft.	
	Unincorporated area of Manhasset.	...	At Shoreview Ave. (extended) 160 ft; at Bayview Ave. (extended), 110 ft; at Thompson Shore Dr. (extended), 100 ft.	
Tidal flooding from Manhasset Bay into Manhasset Creek and Whitney Lake.	Unincorporated area of Manhasset.	14	At Manhasset Creek Rd., 130 ft; at Northern Blvd., 40 ft; at Lake Whitney, 420 ft.	
Hempstead Harbor (east shore).	Unincorporated area of Port Washington.	14	At Shore Rd., town boundary intersection, 70 ft; north of Mott's Cove, 420 ft.	
Hempstead Harbor (west shore).	do.	14	At border within incorporated area of Sands Point, 50 ft; at Bar Beach, 1,950 ft; at border within incorporated area of Roslyn Harbor, 700 ft.	
Little Neck Bay	Unincorporated area of Harbor Hills.	14	Varies from 40 ft at the northern limit to 280 ft at the southern limit.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 7, 1976.

J. ROBERT HUNTER,  
Federal Insurance Administrator.

[FR Doc.76-15181 Filed 5-25-76;8:45 am]

#### AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

[ 36 CFR Part 606 ]

#### OFFICIAL COMMEMORATIVE LICENSING PROGRAM

##### Termination of ARBA Licensing Program

The American Revolution Bicentennial Administration (ARBA) intends to dis-

continue the issuance of licenses for "officially recognized commemoratives of the ARBA" in view of the provisions of Public Law 93-179 that the ARBA shall terminate on or before June 30, 1977. Accordingly, notice is hereby given that such ARBA licenses will be issued only with respect to applications therefor received by ARBA on or before June 30, 1976.

Interested persons are invited to submit written comments to the General Counsel, American Revolution Bicentennial Administration, 2401 E Street NW., Washington, D.C. 20276. Comments received on or before June 18, 1976, will be considered before final action is taken on the proposal. Copies of all written comments will be available for examination by interested parties in Room 7240, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C.

It is proposed to amend 36 CFR Part 606 by the addition of the following sentence to the end of § 606.101:

§ 606.101 [Amended]

\* \* \* Such licenses will be issued only with respect to applications therefor received by ARBA on or before June 30, 1976.

JOHN W. WARNER,  
Administrator.

MAY 19, 1976.

[FR Doc.76-15322 Filed 5-25-76;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 1111 ]

[Ex Parte No. 282 (Sub-No. 1)]

#### RAILROAD CONSOLIDATION PROCEDURES

##### Various Transactions

**General.**—The purpose of this proceeding is the revision of the Commission's regulations, which appear as Part 1111 of Title 49 of the Code of Federal Regulations, implementing the provisions of section 5 (2 and 3) of the Interstate Commerce Act (the "Act"). Section 5 requires Commission approval for various transactions involving railroads, such as control, merger, leases, acquisitions, coordination projects and trackage rights. For simplicity, the term "consolidation" shall be used in this Notice to encompass all transactions subject to section 5.

The revision of the Commission's current regulations is made necessary by enactment, on February 5, 1976, of sections 402 and 403 of the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210, which added a new subdivision (g) to section 5(2) and a new paragraph (3) to section 5 of the Act. The new legislation requires extensive modification of the Commission's procedures for consolidations and also contains certain substantive changes. Section 5(2)(g) imposes extremely tight time limits on the Commission's processing of all rail consolidation proceedings. New section 5(3) provides an expedited procedure for handling railroad consolidations and requires that the Commission act in an even shorter time than required under section 5(2).

Because of the statutory time limits within which rail consolidation proceedings must now be processed and decided, the Commission deems it essential that substantially all the evidence to be relied upon by the applicants, carriers seeking to be included in a transaction, or persons making alternative proposals, be

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submitted in writing at as early a point in the proceeding as possible rather than during the course of oral hearings. The regulations here being proposed are designed to meet their need. The information which they would require to be filed is, therefore, intended to establish a complete record from which all the issues normally raised in a rail merger or other consolidation proceeding can be developed, analyzed, and resolved.

**The present and proposed regulations.**—In the present regulations, 49 C.F.R. Part 1111, the procedures and filing requirements for railroad and water carrier consolidation proceedings are intermingled. The proposed regulations deal only with railroad proceedings. Regulations governing water carrier consolidation proceedings will be published, without major substantive change, as a separate Part. Until their publication, water carrier applications will be accepted provided that they conform to the requirements of Part 1111 in its present form.

Generally speaking, the proposed regulations follow those which are currently in effect insofar as their organization is concerned. However, there are changes in numbering, and significantly more stringent requirements are imposed insofar as the materials which must accompany an application are concerned. Section 1111.1 of the proposed regulations sets out the contents of applications filed under section 5(2) or 5(3) of the Act, regardless of the type of transaction or its financial and operational significance. This section generally contains materials which now appear in 1111.1 of the current regulations.

The new section 5(3)(c) requires the Commission to transmit to various Governors and the United States Attorney General, the Secretary of Labor and Secretary of Transportation a notice of the filing of an application thereunder. The notice must include a summary of the proposed transaction and the "proposing party's reasons and public interest justifications therefor". Section 1111.1(e) would require the submittal of that information as part of the application.

Section 1111.2 of the proposed regulations sets forth the various exhibits which must be filed with consolidation applications. The number and scope of the required exhibits vary with the class of railroad and nature of the proceeding. Essentially, those proceedings which appear to be of the greatest significance and which are likely to create the most controversy carry requirements for the fullest presentation of the applicants' case at the time of filing the application. It is the Commission's view that all applications filed under the new expedited merger procedures provided by section 5(3) of the Act will fall into this category, and all such applications will be required to include all of the materials listed in section 1111.2(b) of the proposed rules, in addition to the general exhibits of paragraph (a). All other consolidation applications involving at least one class I railroad will also be included in

this category. (A class I railroad is defined by the Commission's regulations in 49 C.F.R. 1240.1, as amended at 40 F.R. 51642, as one which has annual transportation revenues of \$10 million or more.) All applications involving trackage rights or joint use of rail lines which involve 100 miles or more would also be placed in this category.

Public comment is requested upon the classification of the different rail consolidation applications of varying financial and operational significance, and suggestions are sought for making the proper breakdown between these applications insofar as the data filing requirements are concerned.

In addition to the universal exhibit requirements of section 1111.2(a), other exhibits are required for differing types of applications. The data requirements of paragraph (c) of this section apply only to applications under section 5(2)(a)(i) of the Act which involve two or more Class II railroads; those of paragraph (d) apply to applications for trackage rights or joint use of track in which the total trackage involved extends for less than 100 miles.

Section 1111.3 of the proposed regulations governs the form and style of consolidation applications.

Proposed section 1111.4 contains the procedures to be followed in handling applications seeking authorization for the various types of transactions for which Commission approval is required under section 5 of the Act.

**Generally required exhibits.**—The proposed regulations modify and expand certain of the informational requirements for applications filed under section 5. The exhibits required under section 1111.2 must be submitted with the application to permit informed participation by all interested parties and to allow compliance with the statutory time frames. Certain of the modified and expanded exhibits are discussed below in general terms.

Section 1111.2(a)(10) of the proposed regulations will require expanded information bearing upon carrier employee protection. Over the past several years the interests of carrier employees and the imposition of conditions for the protection of affected employees have developed into issues of substantial importance. Section 5(2)(f) of the Act, as amended, envisions greater attention to the need for employee protection. Accordingly, the proposed regulation will require the applicants to submit a copy of any agreement or agreements with employee organizations which were entered into as a result of the proposed transaction. Additionally, the applicants must provide a breakdown of the number of jobs which will be affected by the transaction, and for each job change, the cost saving to applicants shall be submitted. Finally, applicants must disclose the approximate dates upon which the job changes will be effectuated, indicating when any job protection agreement will become effective.

Section 1111.2(a)(12) refers to, and requires compliance with, the Commis-

sion's regulations requiring the filing of information concerning the environmental impact of a proposed transaction. These regulations will be found in 49 C.F.R. 1108.

**Exhibits required in transactions of major financial or operational significance.**—The requirements of section 1111.2(b) apply only to an application seeking approval of a transaction having major financial or operational significance. These are defined as: (1) transactions under section 5(2)(a)(i) of the Act—which covers mergers, purchases, acquisition of common control, and lease of rail properties—provided that at least one of the parties involved is a Class I railroad; (2) transactions under section 5(2)(a)(ii) of the Act—which covers the acquisition of trackage rights, joint use, or joint ownership of rail lines—provided that the lines involved exceed 100 miles in length; and (3) all transactions under the expedited procedures provided by section 5(3) of the Act.

Exhibit A-13 provides that applicants shall submit revenue carload density charts for the latest calendar year preceding the filing of the application, revenue carload interchange data, and revenue carload origin and destination data. The density charts will be particularly useful in determining the flow of revenue traffic handled by the railroad. They will allow analysis of the overall operations of a carrier, the principal service routes and gateways of that carrier, the areas where diversion of traffic from connections is likely to occur, and the relative importance of the carrier's operations to the communities it serves, in terms of the volume of traffic and operations moving to, from, and through the communities.

Interchange data is critical to the determination of traffic flows between applicants and their connecting carriers. This data will reveal the principal sources of interline business, the dependence or lack of dependence of connecting carriers, and, in some instances, the influence applicants can exert on interchange traffic.

To complete the necessary traffic flow evidence, details of important origin and destination points on applicants' lines are required. This information will provide a basis for determining applicants' competitive strength at points served in common with intersecting railroads.

A new exhibit A-14 will require extensive information regarding freight rail car fleets, revenue freight traffic, carload commodity group tonnage, and carload commodity group revenue. This information is to be set forth in four separate tables. The required data will indicate the carrier's services, operational characteristics, and dependency, if any, on any one or more groups of commodities for the bulk of its tonnage and revenues. The 10-year period is necessary in order to establish any trends and "flatten out" any unusual years which the carrier may have encountered.

In previous rail merger proceedings, the total number of exhibits submitted in connection with traffic studies ex-

ceeded that submitted on any other single issue. Additionally, the time required to cross-examine witnesses approximately equaled the total cross-examination time consumed for all other issues, because the parties submitting traffic studies did not follow uniform standards. Considerable time was devoted to cross examining the methodology employed in the various probability and judgment sampling procedures. To remember this situation, exhibit A-15 requires that all traffic studies be prepared in conformity with the standards and methodology set forth therein. All parties submitting traffic studies must comply with the provisions of proposed exhibit A-15.

Exhibit A-15 does not require the submission of waybills. Rather, the exhibit requires that waybills be used to develop the traffic study, and that the information shown on the study waybills be completely reproduced in an abstract of all data utilized in the traffic study. Traffic studies which utilized probability sampling techniques must contain a full explanation of the sample utilized, as described in *Guidelines for the Presentation of the Results of Sample Studies*, published February 1971, by the Commission's Bureau of Economics, or any superseding publication. Traffic studies which utilize other methods, for example judgmental selection of movements, shall provide a description of the criteria utilized for the selection of such movement for the study. In this way an informed determination on the traffic study can be made by the opposing parties in the proceeding and also by the Commission.

Details of the information to be included in these traffic studies are found in section 111.2(b)(3). The regulations are quite explicit and therefore, do not require any detailed interpretation. Failure to supply this detailed information would result in the inability of the Commission to formulate a final decision on the merits of these proceedings in the time limits prescribed by the Act. The filing of Exhibit A-15 will not be required where a Class II railroad is acquiring a line which the Commission has authorized to be abandoned or where non-connecting Class II carriers are involved.

Applicants proposing transactions of major financial and operational significance will be required to submit as Exhibit A-16 (section 111.2(b)(4)), a complete operating plan for the proposed consolidation. The proposed operating plan should address the operations as they would exist during the early phases of implementation of the transaction, considering the impact of yard and routing adjustments, the timing of the construction of new connections, and the upgrading activities on principal routes. Significant changes in operating patterns should be detailed up to the point at which the anticipated "normal" operating plan will be in effect.

The details of the proposed operating plan will be critical in assessing the con-

solidated carrier's ability to achieve the financial results presented in the application. These details will also be necessary in evaluating the statements of the applicants and any protesting parties regarding the impact that the consolidated operation is likely to have on competition in the area served.

Applications involving major trackage rights would not require such complete system-wide plans, but would have to include details of the operation of the combined segments. Data requirements for such transactions, to be submitted as Exhibit A-17, are described in proposed paragraph 1111.2(b)(5).

Section 1111.2(b)(6) through (9) of the proposed regulations describes the financial data which must be filed with the application. For transactions other than those involving trackage rights, applicants would be required by section 111.2(b)(6) to submit, as Exhibit A-18, general balance sheet data and pro forma balance sheet data. General balance sheet data will be required from both transferor and transferee and their subsidiaries, as well as transferee's parent company, if any, on a consolidated and corporate entity basis. Also required will be a pro forma balance sheet statement giving effect to the proposed transaction as of the date of the balance sheet submitted. These requirements would be substantially reduced in the case of trackage rights applications (section 111.2(b)(7)).

Section 111.2(b)(8) would require submission, as Exhibit A-20, of income statements of transferor and transferee and their subsidiaries, and of transferee's parent, for each of the 3 calendar years preceding the filing of the application, and for the prior months of the current year. Also required will be a pro forma income statement showing applicants' best estimate of revenues, expenses, and income for the first 3 years following consummation of the transaction. Finally, applicants will be required to provide a statement of the sources and application of funds for the current year, and a forecast of the sources and application of funds for the surviving carrier for the year following consummation. Again, these requirements would be reduced for transactions involving trackage rights alone (section 111.2(b)(9)).

**Exhibits required in transactions involving minor financial and operational significance.**—Subsection 111.2(c) establishes data requirements for applications involving two or more Class II railroads. In general, applicants in such proceedings would be required to furnish carload interchange data, although in lesser detail than in an application involving a Class I carrier; origin and destination data; commodity group traffic and revenue data; a traffic study, except where non-connecting carriers are involved; operational information; balance sheet data; and income statement data.

Applications for trackage rights, joint use or joint ownership filed under section

5(2)(a)(ii) where the lines involved are less than 100 miles in length are covered by section 1111.2(d) of the proposed regulations. The information required to be submitted by applicants in such proceedings would generally be limited to operational, balance sheet, and income statement data.

**Typographical specifications.**—Section 1111.3 of the proposed regulations remains unchanged from the present regulations. It simply refers to the typographical specifications and other specifications for documents filed with the Commission which are contained in Rule 15 of the Commission's General Rules of Practice (49 C.F.R. 1100.15).

**Procedures.**—Proposed section 1111.4 differs substantially from the present regulations governing the filing and processing of section 5 applications. These changes are necessitated by the recent amendments to section 5. The proposed section 1111.4 is divided into three paragraphs: paragraph (a) is applicable to all applications filed under section 5(2) or 5(3), paragraph (b) is applicable only to applications filed under section 5(2), and paragraph (c) is applicable only to those filed under section 5(3).

Proposed paragraphs (a)(1) through (4) contain provisions governing the preparation, filing, and service of applications. They do not differ materially from similar provisions in the present rules. Proposed paragraph (a)(5) requires that related applications, such as those for authority to construct a new line of railroad, to abandon an existing line, or to issue securities, be filed concurrently with the section 5 application. Paragraph (a)(6) provides that traffic studies are required to be prepared in accordance with the instructions in section 1111.2(b)(3) and may be rejected if they fail to conform. It should be noted that this requirement applies to all traffic studies submitted by any party to the proceeding.

New section 1111.4(b) would impose the following requirements with respect to the filing and processing of applications filed pursuant to section 5(2) of the Act:

Paragraph (1) provides for service on governors, State public utility commissions, the Secretary of the United States Department of Transportation, and the Attorney General of the United States.

Paragraph (2) provides for the publication of notice of the application in the Federal Register, as required by section 5(2)(g)(i) of the Act.

Paragraph (3) provides for the filing of written comments and for intervention by the Secretary of Transportation and the Attorney General, implementing section 5(2)(g)(ii) and (iii) of the Act.

Paragraph (4) provides for the filing and publication of inconsistent applications. Paragraph (5) provides for the filing of petitions for inclusion in the proposed transaction. These provisions implement section 5(2)(g)(iv) of the Act. Those filing inconsistent applica-

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tions or petitions for inclusion are required by these paragraphs to include with their filing all information and exhibits required to be filed with an initial application under the proposed regulations.

Paragraph (6) provides for the conduct of evidentiary proceedings and implements subparagraph 5(2)(g)(v) of the Act. It also provides that the Secretary of Transportation shall have standing to appear before the Commission in a section 5(2) proceeding and to propose modifications of the transaction, pursuant to section 5(2)(h).

Paragraph (7) provides for the rejection of incomplete applications, pursuant to section 5(2)(g)(i) of the Act.

New section 1111.4(c) would impose the following requirements with respect to the filing and processing of applications filed pursuant to section 5(3) of the Act:

Paragraph (1) sets forth the conditions which must be met by applicants under section 5(3).

Paragraph (2) provides for the filing of a sufficient number of applications with the Commission to allow the Commission to furnish copies in accordance with section 5(3)(c).

Paragraph (3) provides for publication of notice of the filing of the application in the Federal Register.

Paragraph (4) requires the submission of a report on the application by the Secretary of Transportation, as provided in section 5(3)(f)(v) of the Act.

Paragraph (5) provides for the filing of written comments within 30 days of the publication of notice of the application.

Paragraph (6) outlines the procedures to be followed in processing the application in accordance with the provisions of section 5(3)(d) and (e) of the Act.

Paragraph (7) provides for the rejection of incomplete applications. While section 5(3) of the Act does not contain a provision specifically permitting the rejection of incomplete applications, section 5(3)(c) does provide that the Commission may prescribe the form, content and documentation for applications. Section 5(3)(c) further provides that a proposing party shall submit its application in accordance with such prescribed requirements. Accordingly, non-conforming applications will be subject to rejection.

Section 1111.4(c) which contains procedures for applications under Section 5(3) does not provide for the filing of inconsistent applications or petitions for inclusion. This present absence reflects the lack of provision for such filings in section 5(3) of the Act.

The Commission invites all interested persons to participate in this proceeding. Specific information and procedures with respect to such participation are contained in the ordering paragraphs which appear at the end of this Notice. It should be noted that the proposed regulations may be modified in light of the comments received.

In consideration of the foregoing, it is proposed to amend the Chapter X of Title 49, Code of Federal Regulations as follows:

**PART 1111—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION, COORDINATION PROJECT, TRackage RIGHTS AND LEASE PROCEDURES**

Sec.	
1111.1	Contents of application.
1111.2	Required exhibits.
1111.3	Form and style.
1111.4	Procedure.

**§ 1111.1 Contents of application.**

Applications under section 5(2) and 5(3) of the Interstate Commerce Act (the Act) involving more than one common carrier by railroad shall show in the title thereof the nature of the proposed transaction and shall set forth, in the sequence indicated, the following information:

(a) Identification of applicant,<sup>1</sup> showing:

(1) Full and correct name of applicant and the business address of applicant (street and number, city, county, state and zip code).

(2) Whether applicant is an individual, firm, partnership, corporation, company, association, joint stock company, trustee, receiver, assignee, or other personal representative, and trade name or style, if any, under which applicant is doing business.

(3) Whether applicant is a carrier subject to Part I of the Act.

(4) State or States in which any part of the property of the applicant involved is situated.

(5) The name, title and business address of the officer or officers to whom correspondence with respect to the application should be addressed.

(6) Whether applicant or a subsidiary is affiliated with a motor or water carrier subject to the Act; also the following information with respect to rail, motor or water operations, where applicable: the date of the certificate, permit, or temporary authority; and the number of the Commission's docket assigned to the application upon which such certificate, permit, or temporary authority was issued or granted; or if application to engage in interstate or foreign commerce has been made but is still pending, date of the application and the docket number.

(b) Information respecting applicant, as follows:

(1) If applicant is a corporation:

(i) Date of incorporation<sup>2</sup> and Gov-

<sup>1</sup>The term "applicant" is used throughout Part 1111 as a general reference to persons initiating an application under section 5(2) or (3) and in behalf of whom an application is initiated. In all instances, except as noted immediately below, the term covers the actual initiating party, whether or not a carrier, and all carriers with properties directly involved in the proposed transaction. In all applications under section 5(3) in which the Secretary of Transportation is the proposing party, the term "applicant" shall refer only to the carriers with properties directly involved in the proposed transaction.

<sup>2</sup>If the applicant is incorporated or organized under the laws of, or authorized to operate in, more than one State, Territory,

ernment, State, or Territory of Incorporation.

(ii) Name and business address of directors.

(iii) Name, title and business address of officers.

(iv) Name and business address of 10 principal stockholders as of last record date and their respective holdings.

(2) If applicant is a partnership:

(i) Date on which partnership was formed; and State and county in which it was formed.<sup>3</sup>

(ii) Name and business address of all present partners, including limited or silent partners and their respective interests.

(3) If applicant is an association or other form of organization, other than a corporation:

(i) Date or organization and place of organization.

(ii) Full description of the nature and objectives of the organization.

(iii) Name, title and business address of officers and directors, or trustees.

(iv) Name and business address of applicant's 10 principal stockholders or owners.

(4) If applicant is a trustee, receiver, assignee, or a personal representative of the real party in interest:

(i) The name and address of the court, if any, under the direction of which applicant is acting.

(ii) Nature of the proceedings, if any, in which applicant was appointed.

(iii) With respect to the real party in interest: The information required under paragraphs (b)(1), (2), or (3) of this section, whichever is applicable.

(5) If paragraphs (1), (2), (3), and (4) are not applicable, indicate identity, structure, statutory or charter powers.

(6) If applicant is not a carrier, the type of business in which it is engaged, the length of time so engaged, and particulars of its present and prospective activities which have or may have a relation to transportation subject to the Act.

(7) Whether applicant is controlled by any other corporation or corporations, and, if such control is held, state the name of the controlling corporation or each of such corporations, the form of control, whether sole or joint, direct or indirect, and its extent.

(8) The measure of control of ownership if any, now exercised by applicant over any carrier subject to the Act, or over the properties of such carrier.

(9) If applicant, or the real party in interest, is part of a system or group of corporations or other persons, the relationship of the applicant, or of the real party in interest, to the members of such system or group, including the form and extent of such relationship, direct or indirect.

(10) Whether there are any intercorporate relationships, not disclosed in responses to prior instructions, through

or Federal District, give all pertinent facts as to such incorporation, organization, or authorization.

holding companies, ownership of securities, or otherwise, direct or indirect, between applicant and any carrier or person affiliated with any carrier, or between any person affiliated with applicant and any carrier or person affiliated with any carrier, at the time of making the application; if so, the nature and extent of such relationship; and, if applicant owns securities of a carrier corporation or corporations subject to the Act, the name of the corporation, a description of securities held, the par value of each class of securities held, and the percentage of total ownership.

(11) Whether any applicant or any of its affiliates has officers or directors in common with any other applicant or its affiliates; and, if so, a reference to the Commission's order or orders, if any, authorizing the holding of such positions in common, with the names of such officers or directors and the position held in each corporation.

(12) The amount of applicant's outstanding capital stock, by classes, and in connection therewith the par value or stated value of each share, its voting rights, if any, the total number of stockholders of record, and the voting rights of all security holders.

(c) Information respecting the nature of the transaction proposed and the terms and conditions thereof as follows:

(1) The nature of the transaction, e.g. merger, control, coordination project, trackage rights.

(2) Briefly, the terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which it is proposed to consummate the transaction and the consideration, in money or otherwise, to be paid by applicant.

(3) Whether there is any financial or other relationship, direct or indirect, not disclosed in responses to prior instructions, existing at the present time between applicant and other parties and affiliates involved in the proposed transaction; and, if so, a full explanation of such relationship.

(4) The route, termini, and mileage of all involved lines, the principal points of interchange, and the main line mileage and branch line mileage shown separately.

(5) Whether the property involved in the proposed transaction includes all the property of the applicant and, if not, describe what property is included in the proposed transaction.

(6) Value of each of the properties involved in the proposed transaction as found by the Commission or if such value has not been found by the Commission, as independently appraised for the purposes of the proposed transaction; and, separately, the net cost of additions and betterments made after the date of valuation or appraisal.

(7) The policy and practice followed by applicant with respect to reserves for depreciation and similar reserves, including rates by classes of property.

(8) The market value of any securities acquired or proposed to be acquired

in consummating the proposed transaction; or, if there be no ascertainable market value, the estimated value, giving the basis of the estimate.

(9) If any of the property covered by the application is encumbered and applicant has agreed to assume obligation or liability in respect thereof:

(i) A description of the property encumbered.

(ii) Amount of encumbrance and full description thereof, including maturity, interest rate, and other terms and conditions.

(iii) Amount of encumbrance assumed or to be assumed by applicant.

(10) If a consolidation or merger is proposed:

(i) The name of the company resulting from the consolidation or merger, and the State or Territory under the laws of which the consolidated company is to be formed or the merged company is to file its certificate of amendment.

(ii) The capitalization proposed for the company resulting from the consolidation or merger; and, separately, the amount and character of capital stock and other securities to be issued.

(d) Facts and circumstances relied upon to show that the proposed transaction is within the scope of section 5(2) or 5(3) of the Act, will be consistent with the public interest, and will otherwise be within the requirements of section 5, particularly:

(1) To establish that the transaction covered by the application will be consistent with the public interest.

(2) To explain and properly support the financial consideration involved in the proposed transaction, including an explanation of economies, if any, to be effected in operations, and increase, if any, in traffic, revenues, earnings available for fixed charges, and net earnings, expected to result from the consummation of the proposed transaction.

(3) To show the effect of the proposed transaction upon adequate transportation service to the public.

(4) To establish that the increase, if any, of total fixed charges resulting from the proposed transaction would not be contrary to the public interest.

(5) To establish that any guaranty or assumption of payment of dividends or fixed charges contemplated in the transaction is not inconsistent with the public interest.

(6) To show the effect upon the public interest of the inclusion, or the failure to include, other railroads in the territory involved in the proposed transaction.

(7) To indicate the effect upon the interest of carrier employees resulting from the proposed transaction. (In the event full responses to the items listed above are contained in the exhibits specified in section 1111.2, the required responses to these items should be brief and an appropriate reference to the underlying exhibits should be made.)

(e) Applications filed under section 5(3) of the Act shall include the following information, which shall be set apart from the previously requested information:

(1) A summary of the proposed transaction; and

(2) The proposing party's reasons and public interest justifications in support of the application.

**§ 1111.2 Exhibits.**

(a) Required exhibits for all applications.<sup>4</sup>

(1) As Exhibit 1, one or more of the following documents as may be appropriate:

(i) One copy each of the charter or articles of incorporation, and the bylaws and amendments thereof, of each applicant, duly certified by the appropriate public officer.

(ii) A properly authenticated copy of the articles of partnership, if any, of each partnership which is a party to the transaction.

(iii) A properly authenticated copy of articles of association, trust agreement, or other similar document of each association or other form of organization, except a corporation, which is a party to the transaction.

(iv) A properly authenticated copy of the order of the court or instrument appointing each trustee, receiver, assignee, or personal representative which is a party to the transaction.

(v) If (i), (ii), (iii), and (iv) are not applicable, submit appropriate organizational or authorizing document or indicate why none is available or necessary.

(2) As Exhibit 2, a properly authenticated copy of the annual report, if any, to stockholders or shareholders for each of the two calendar or fiscal years preceding the filing of the application.

(3) As Exhibit 3, a copy of all resolutions of directors of each applicant, authenticated by a proper executive officer, authorizing the proposed transaction and, where applicable, the making of the application to the Commission for its approval and authorization; and, if the charter or bylaws of the applicant require approval of the stockholders, a copy of the resolution of stockholders authorizing the proposed transaction and the making of the application; all such resolutions to be accompanied by sufficient transcripts of the minutes of meetings of the stockholders or directors of the applicant to show the number of shares entitled to vote, the number of shares voted for and against the resolutions, and the number of share/votes required to adopt the resolution.

(4) As Exhibit 4, a copy of all resolutions of stockholders or directors of the

<sup>4</sup>Where two or more exhibits bear the same number, distinguish them by giving the second and each additional exhibit a distinguishing letter as, Exhibit 1, Exhibit 1-a, Exhibit 1-b, etc.

If documents here requested have been previously filed in connection with an application under section 1a, 1(18), 5, or 20a of part I of the Act, it will be sufficient to make reference to the docket number under which filed, provided that any change or changes occurring in such documents since the filing thereof shall be shown in an exhibit identified to correspond with the specific exhibit requested.

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applicant, or duly authorized committee thereof, authenticated by a proper executive officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed and verified, and filed on behalf of the applicant.

(5) As Exhibit 5, if an organization other than a corporation is an applicant, documentary evidence showing authorization and designation of the individual or individuals signing, verifying, and filing on behalf of the applicant.

(6) As Exhibit 6, if a trustee, receiver, assignee, or personal representative of the real party in interest is an applicant, a certified copy of the order, if any, of the court having jurisdiction, authorizing the contemplated action.

(7) As Exhibit 7, opinion of counsel of applicant that the transaction described in the application meets the requirements of the law and will be legally authorized and valid, if approved by the Commission with specific reference to any specially pertinent provisions of applicant's charter or articles of incorporation.

(8) As Exhibit 8, a general or key map indicating clearly, in separate colors, or otherwise, on a suitable scale, preferably not smaller than 20 miles to the inch, the line or lines of applicant, parts of the line or lines of each applicant in their true relation to each other, short-line connections, other rail lines in the territory, and the principal geographic points of the region traversed. Whenever possible, this map should not be over 30 inches in its largest dimension. There shall also be furnished three copies of the map, unbound, for the use of the Commission.

(9) As Exhibit 9, a copy of any contract or other written instrument entered into, or proposed to be entered into pertaining to the transaction covered by the application.

(10) As Exhibit 10, the following:

(i) A copy of any agreement or agreements with employee organizations entered into as a result of the proposed transaction;

(ii) A breakdown of the number of jobs for each applicant, by craft, which under the proposed transaction are to be abolished, transferred or created at each point, and point or points to which jobs will be transferred and the number of such jobs;

(iii) For each of the job changes in item (ii) the cost and savings to applicant in accomplishing such changes, broken down for each of the three years following consummation of the proposed transaction;

(iv) The approximate date(s) on which each job abolishment, transfer, or creation (set forth under (ii) above) is to be effectuated, and indicating where appropriate any implementing agreement which is necessary before such job changes are to be put into effect.

(11) As Exhibit 11, a proposed notice of filing which shall contain a brief summary of the proposed transaction, including as applicable:

(i) The name and address of applicant and applicant's attorney;

(ii) The nature of the proposed transaction, e.g. merger, control, consolidation, coordination project, trackage rights;

(iii) A brief geographical description (including, as applicable, route descriptions) of (A) the operations sought to be performed, and (B) the operations presently performed;

(iv) A brief description of the involved line (or lines) of railroad, including city or county and State location, termini, and approximate distance in miles;

(v) The final paragraph of the draft notice for proposed transactions filed under section 5(2) of the Act shall read as follows:

Interested persons may participate in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. ---), and the original and two copies thereof shall be filed with the Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g. party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired.

Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

(vi) The final paragraph of the draft notice for proposed transactions filed under section 5(3) of the Act shall read as follows:

Interested persons, other than those whose participation is specifically governed by section 5(3) of the Act, may make known to the Commission their intention to participate in the proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. ---), and the original and two copies thereof shall be filed with the Interstate Commerce Commission, Washington, D.C. 20423, not later than 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g. party protestant or party in support, regarding the proposed transaction and specific reasons why approval would or would not be in the public interest. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, the Attorney General, and the Secretary of Labor.

(12) As Exhibit 12, information and data with respect to environmental matters prepared in accordance with the regulations in part 1108 of this title of the Code of Federal Regulations.

(b) Required exhibits, in addition to those required under section 1111.2(a),

for (A) applications filed pursuant to section 5(2) (a) (1) of the Act involving one or more Class I railroads; (B) applications filed under section 5(2) (a) (ii) of the Act to acquire trackage rights, joint use or joint ownership, where the line or aggregate lines involved in the transaction exceed 100 miles in length; or (C) applications filed under section 5(3) of the Act, shall be as follows:

(1) As Exhibit A-13, the following data to be submitted by each applicant and any rail carrier seeking inclusion in the proposed transaction:

(i) Revenue carload traffic density charts which shall contain a map geographically showing principal lines (those handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, annually) and respective densities, expressed in the annual number of revenue carloads, in each direction, in segments of such lines between major freight yards and terminals, including major interchange points, using the corporate or political subdivision name of the points shown as well as the railroad station name. The mileage of each segment of line should be shown on the chart. Data shown in the density chart shall be for the latest full calendar year preceding the filing of the application.

(ii) Revenue carload interchange data between applicant and connecting line-haul rail carriers (deleting intermediate switching railroads, if any) setting forth in a table, designated table A, the gateway involved, each connecting line-haul railroad, and for each connecting line-haul railroad the number of interchange carloads originating on applicant's line, the number of interchange carloads terminating on applicant's line, the overhead traffic delivered or received by applicant, and a separate total of overhead traffic and the total cars interchanged. Gateways to be listed shall be those handling 5,000 or more revenue carloads or 5 percent of total revenue carloads, whichever is smaller, annually. Gateways shown in Table A should follow a geographical sequence, e.g., east to west, in the applicant railroad's system. Where two or more gateways are contiguous or nearly contiguous, they should be totaled (as examples, Dallas-Ft. Worth, Minneapolis-St. Paul, Omaha-Council Bluffs, etc.) If necessary, such grouped gateways may also be shown separately in supporting tables. Data shown in the interchange tables shall be for the latest full calendar year preceding the filing of the application. In a separate table, designated table B, for each of the gateways listed in table A described above, there shall be shown for each connecting carrier the origin state and the destination state and the revenue carloads interchanged. An example of Tables A and B follow:

Table A data shall be organized as shown in the following sample table:

## PROPOSED RULES

TABLE A.—Revenue carloads interchanged, calendar year ----

Gateway	Connecting line-haul railroad	Applicant's revenue carloads					Total cars interchanged
		Originated on applicant's line	Terminated on applicant's line	Delivered by applicant	Received by applicant	Total	
Point A.....	Carrier X.....	1,000	1,000	1,000	1,000	2,000	4,000
	Carrier Y.....		50	6,000		6,000	6,050
	Carrier Z.....	5,000	4,000				9,000
Total.....		6,000	5,050	7,000	1,000	8,000	19,050
Point B.....	Carrier M.....	2,000	4,000	1,000	100	1,100	7,100
Point C.....	Carrier R.....	1,000	500	500	1,000	1,000	2,500
Point C.....	Carrier X.....			5,000	5,000	10,000	10,000
	Total.....	1,000	500	5,500	5,500	11,000	12,500

Table B data shall be organized as shown in the following sample table:

TABLE B.—Revenue carloads interchanged, State-to-State movements, by gateway

(Name) Gateway				Revenue carloads
Connecting line-haul carrier	Origin State	Destination State		
Carrier R.....	Alabama.....	New York.....		400
Do.....	do.....	Ohio.....		100
Do.....	do.....	Pennsylvania.....		500
Do.....	do.....	Vermont.....		500
Do.....	Pennsylvania.....	Alabama.....		600
Do.....	do.....	Georgia.....		400
Carrier X.....	Alabama.....	New Jersey.....		5,000
Do.....	New York.....	Florida.....		2,500
Do.....	do.....	Georgia.....		2,500

(iii) Revenue carload origin and destination data for the latest full calendar year preceding the filing of the application, listing the following:

(A) Points of origin of 5,000 or more revenue carloads, or 5 percent or more of applicant's total originated revenue carloads, whichever is smaller, broken down to show originations of local and interline carloads for each point.

(B) Points of destination of 5,000 or more revenue carloads, or 5 percent or more of applicant's total terminated revenue carloads, whichever is smaller, broken down to show terminations of local and interline carloads for each point.

(iv) The above-listed data shall include all of applicant's carloads at each point originated or terminated, as the case may be, by a line-haul, terminal or switching railroad or by a motor carrier performing pickup or delivery service.

(v) Where a carrier other than a railroad performed a line-haul service prior or subsequent to applicant's line-haul, the point of interchange with applicant shall be considered an origin or destination point of such traffic for applicant.

(2) As Exhibit A-14, the following data:

(i) A summary table showing the freight car fleet cars owned and leased by applicant indicating by year for the 10-year period preceding filing of the application the number of box, flat (including rack cars), gondola, open hopper, covered hopper, refrigerator, stock, tank, miscellaneous and total number of cars owned and leased, and the aggregate capacity of these cars.

(ii) A table showing the applicant's revenue freight traffic, indicating by year, for the 10-year period preceding

filing of the application, the number of local, interline originated, interline terminated, overhead, total carloads, total revenue tons, revenue ton-miles, and total freight revenue.

(iii) A table showing commodity group tonnage at the two-digit level of the Standard Transportation Commodity Code (STCC) as a percentage of total tonnage, for the 10-year period preceding filing of the application, indicating by year the various commodity groups, the tonnage attributable to each group, and the percentage of that group tonnage as it relates to total tonnage.

(iv) A table showing commodity group revenue (at the two-digit level of the STCC) as a percentage of total revenue, for the 10-year period preceding filing of the application, indicating by year the various commodity groups, the revenues attributable to each group, and the percentage of that group revenue as it relates to total revenue.

(3) As Exhibit A-15, a copy of a traffic study detailing estimated gains in traffic and revenues expected to result from the consummation of the proposed transaction. The traffic studies shall be prepared in conformity with the following instructions:

(i) The period covered by the traffic studies shall be for the latest full calendar year preceding the filing of the application.

\* This exhibit is not required in applications involving the acquisition of a line of railroad by a Class II carrier from a Class I or Class II carrier where the line to be acquired has been authorized by the Commission to be abandoned.

(ii) At a minimum, the traffic studies shall be based on the complete data shown on the waybills covering the movements studied. The complete data on these waybills, together with all other information regarding the movement relied upon for determining the gains in traffic and revenue shall be reproduced totally in an abstract of all the study movements. The amount of such gains shall be shown for each movement abstract on which a gain has been determined. The initials of the person or persons making the determinations shall be shown on all abstracts. Only two copies of the abstract of the study movements shall be filed with the original application.

A conformed copy of such abstract shall be maintained at applicant's principal place of business and shall be made available, upon request, to parties of the involved proceeding. Copies of the abstract need not be included as part of the exhibits to the copies of the application furnished to the Commission or served upon designated persons.

(iii) The traffic study shall include a statement showing the name and title of (A) the person or persons making the initial determination of gains, if any; (B) the person or persons making the final determination; and (C) the method used to resolve conflicting determinations, if any.

(iv) Traffic studies utilizing probability sampling techniques shall include a full explanation of the sample as described in Guidelines for the Presentation of the Results of Sample Studies, February 1971, by the Commission's Bureau of Economics, or superseding publications, if any. Traffic studies which do not utilize probability sampling techniques but which instead rely on surveys of 100 percent or less of the involved traffic made on the basis of judgmental selection of movements shall provide a description of the criteria utilized for selecting the movements for study (for example, traffic moving over particular route or through specific gateways). If the judgmental survey contains less than 100 percent of the involved traffic, a detailed description of the representativeness of the studied traffic compared to all of the involved traffic shall be included.

(v) The traffic study shall include the written instructions, if any, for determining the amount of gains. All instances where those instructions were not followed but were subordinated to other, unwritten instructions shall be clearly shown, together with references in each instance to the appropriate movement set forth in the abstract of movements under section 111.2(b) (3) (ii), (Exhibit A-15). Applicants shall furnish the unwritten instructions and the reasons for the deviation.

(vi) Where specific percentages (less than 100 percent) are applied to represent the amount of gains on movements, the criteria used to arrive at such percentages shall be stated precisely.

(vii) The estimates of gains in traffic and revenues shall be broken down sepa-

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rately for each connecting carrier from which the traffic is gained, as follows:

(A) Applicant's interline originated traffic by off-junction with connecting carrier.

(B) Applicant's interline terminated traffic by on-junction with connecting carrier.

(C) Applicant's overhead traffic, by on or off-junction with connecting carrier.

(viii) The traffic study shall contain a statement showing the revenue gains, the cost of handling the gained traffic, and the net gain thus derived, including a detailed description of the methods used to compute the costs of handling the gained traffic.

(4) As Exhibit A-16 (not applicable to trackage rights applications), a complete description of the proposed operating plan to be effectuated upon approval of the transaction. This exhibit shall provide data, projected at least 3 years following consummation of the proposed transaction, describing the following aspects of the operating plan:

(i) The patterns of service on the properties, including the proposed principal routes, proposed consolidations of mainline operations, and the anticipated traffic density and traffic mix on all main and secondary lines in the system.

(ii) The basic operating and train blocking plan of the system, including the identification of system classification yards, and the anticipated workload of such yards, supported by a proposed blocking plan based on projected origin-destination traffic data.

(iii) The location of existing shops and repair facilities, an identification of major installations to be discontinued, and a description of the system repair function of each remaining facility.

(iv) If commuter or other passenger services are operated over the lines of applicant, detail any impacts anticipated on such services, including delays which may be occasioned because a line is scheduled to handle increased traffic due to route consolidations.

(v) The equipment requirements of the proposed system, including locomotives, rolling stock by type, and maintenance-of-way equipment; plans for acquisition and retirement of equipment; and projected improvements in equipment utilization, together with an explanation of the operating changes that will cause such improvements.

(vi) The extent to which deferred maintenance or delayed capital improvements applying to any road or equipment properties involved, and the schedule for eliminating such deferrals. Also details of system rehabilitation and upgrading plans including proposed yard and terminal modifications, together with an estimate of anticipated service improvements or operating economies associated with such projects.

(5) As Exhibit A-17 (applies only to trackage rights applications) data, projected at least 3 years following the consummation of the proposed transaction, describing the following aspects of the operating plan:

(i) Any significant changes in patterns of service.

(i) Traffic level and density on lines proposed for joint operations.

(iii) Impact on the use of yards or shop facilities and any necessary modifications to yards or terminals.

(iv) Impacts on commuter or other other passenger service operated over a line which is to be downgraded or operated on a consolidated basis.

(v) Operating economies.

(vi) Any associated discontinuances or abandonments.

(6) As Exhibit A-18 (not applicable to trackage rights applications), general balance sheets, as appropriate, of the following:

(i) Transferee on a corporate entity basis;

(ii) Transferee's parent company on a corporate entity basis;

(iii) Each subsidiary of transferee and transferor, on a corporate entity basis;

(iv) Transferee and subsidiaries on a consolidated basis.

(v) Transferor on a corporate entity basis; and

(vi) Transferor and subsidiaries on a consolidated basis.

All such statements requested in (i)-(vi) shall show the latest available date, not exceeding six months prior to the filing of the application.

(vii) Where the transaction involves a proceeding other than a control, a pro forma balance sheet statement giving effect to the proposed transaction as of the date of the balance sheets required above. The pro forma data shall be presented in columnar form showing in the first column the balance sheet of transferee on a corporate entity basis, in the second column a balance sheet of transferor, on a corporate entity basis, in the third column pro forma adjustments and eliminations so as to indicate and in the fourth column, transferee's balance sheet "giving effect" to consummation of the proposed transaction. Each adjustment and elimination shall be properly footnoted and fully explained.

(viii) Where the transaction involves a control, a pro forma balance sheet of the acquiring carrier.

(7) As Exhibit A-19 (applies only to trackage rights applications), general balance sheet of the following:

(i) Applicant on a corporate entity basis;

(ii) Applicant's parent company on a corporate entity basis;

\*The term "Transferee" as used in these exhibits includes the following persons, e.g. in a control proceeding, the acquiring corporation; in a merger proceeding, the surviving corporation; in a consolidation, the resulting corporation; in a lease, the lessee; and in an acquisition, the purchaser.

\*The term "Transferor" as used in these exhibits includes the following persons, e.g. in a control proceeding, the corporation being acquired; in a merger proceeding, the merging corporations; in a consolidation, all corporations to be consolidated; in a lease, the lessor; and in a purchase, the seller.

(8) As Exhibit A-20 (not applicable to trackage rights applications), income statements, as appropriate, of the following:

(i) Transferee on a corporate entity basis;

(ii) Transferee's parent company on a corporate entity basis;

(iii) Each of transferee's subsidiaries on a corporate entity basis;

(iv) Transferee and subsidiaries on a consolidated basis;

(v) Transferor on a corporate entity basis;

(vi) Transferor and subsidiaries on a consolidated basis.

All statements requested in items (i)-(vi) are to be for each of the immediately preceding 3 calendar years, and for the months of the current year for which the amounts are available (preferably to the date of the balance sheet).

(vii) Where the transaction involves a proceeding other than a control, a pro forma income statement showing transferee's estimate of revenues, expenses and net income for the three years following consummation of the transaction. The pro forma data shall be presented in columnar form, the first column showing transferee's actual income statement on a corporate entity basis for the latest available period extended to a 12 month period, the second column a similar income statement for the transferor, the third column forecasted adjustments to the combined revenues, expenses and net income to reflect increases or decreases anticipated under the unified operation and the fourth column a compilation of the first three columns into a pro forma income statement forecasting operations during the first year following consummation and each of the two succeeding years. The adjustments are to be supported by a statement explaining the basis used in determining the estimated changes in revenues, expenses and net income appearing in the third column.

(viii) Where the transaction involves control, a pro forma income statement showing transferor's and transferee's best estimate of revenues, expenses, and net income for the three years following consummation of the transaction prepared in columnar form prescribed above.

(ix) Transferor's and transferee's statement of sources and application of funds for the current year, and a forecast of source and application of funds for each carrier (if a merger or consolidation, the surviving or resulting corporation) for the year following consummation of the proposed transaction, the form and content of these statements to be constructed in accordance with Schedule 309, Statement of Changes in Financial Position required in the Annual Report R-1 for Class I Railroads.

(9) As Exhibit A-21 (applies only to trackage rights applications), income statements, of the following:

(i) Lessee's on a corporate entity basis;

(ii) Lessee's parent company on a corporate entity basis (if effected);

All statements are to be for each of the immediately preceding 3 calendar

years, and for the months of the current year for which the amounts are available (preferably to the date of the balance sheet).

(iii) Lessee's pro forma income statement showing its best estimate of revenues, expenses and net income for one year following consummation of the transaction, giving effect to the acquisition of the trackage rights.

(c) Required exhibits, in addition to those required under section 1111.2(a), for applications filed under section 5(2) (a) (i) of the Act involving two or more Class II railroads, shall be as follows:

(1) As Exhibit B-13, that revenue carload data requested in section 1111.2(b) (1) (i) (except table B) and (iii).

(2) As Exhibit B-14, that revenue and commodity information required in section 1111.2(b) (2) (i), (iii), and (iv).

(3) As Exhibit B-15, that traffic study information required in section 1111.2(b) (3) (i) through (viii), however such exhibit is not required in applications involving non-connecting carriers or as noted in note 4.

(4) As Exhibit B-16, that operational information required in section 1111.2(b) (4) (i) through (vi), as applicable.

(5) As Exhibit B-17, that balance sheet data required in section 1111.2(b) (6) (i) through (viii).

(6) As Exhibit B-18, that income statement data required in section 1111.2(b) (8) (i) through (viii).

(d) Required exhibits, in addition to those required under section 1111.2(a), for applications filed under section 5(2) (a) (ii) of the Act to acquire trackage rights, joint use or joint ownership, where the line or aggregate lines involved in the transaction are 100 miles or less in length, shall be as follows:

(1) As Exhibit C-13, that operational information required in section 1111.2(b) (5) (i) through (vi).

(2) As Exhibit C-14, that balance sheet data required in section 1111.2(b) (7) (i) and (ii).

(3) As Exhibit C-15, that income statement data required in section 1111.2(b) (9) (i) through (iii).

Exhibits C-13, 14 and 15 apply also to joint use and joint ownership applications filed under this paragraph.

#### § 1111.3 Form and style.

The application and exhibits shall conform with Rule 15 of the General Rules of Practice (section 1100.15 of this chapter).

#### § 1111.4 Procedures.

(a) Procedures for applications and other submissions filed under section 5(2) or 5(3) of the Act.

(1) The original application shall be signed in ink by the applicant, if an individual; by all partners, if a partnership; and if a corporation, association or other similar form or organization, by its president, or such other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant, and shall be made under oath. The application shall contain an appropriate certi-

fication (if a corporation by its Secretary) showing that the affiant is duly authorized to verify and file the application.

(2) (i) There shall be filed with the Secretary of the Commission, Washington, D.C., the original application and, in filings under section 5(2), seven copies thereof and in filings under section 5(3), 19 copies thereof, for the use of the Commission. A copy of the application shall also be furnished to the Rail Services Planning Office and each of the Regional Directors of the Bureau of Operations, Interstate Commerce Commission, in which are located the headquarters of the carriers involved in the application.

(ii) Applicant should also be prepared to furnish copies of the application to intervenors or extra copies to the Commission upon request. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted. In like manner where certified copies of documents are filed with the original application, conformed copies thereof, showing certification in stamped or typewritten form, will be sufficient to accompany the additional copies of the application.

(3) All applications required to be filed with the Commission or served on designated persons shall include all exhibits, except as otherwise specifically noted.

(4) The applicant shall submit such additional information to support its application as the Commission may require.

(5) Applicant shall file concurrently with applications under section 5(2) or (3) all directly related applications, e.g., those seeking authority to construct or abandon rail lines or to issue securities.

(6) All traffic and diversion studies submitted by any party shall be prepared in conformity with the instructions contained in section 1111.2(b) (3) (Exhibit A-15). Non-conforming studies are subject to rejection.

(b) Procedures pertinent to applications filed pursuant to section 5(2) of the Act.

(1) Service of applications under section 5(2) of the Act. In addition to the application service requirements set forth in section 1111.4(a) (2) and (3), applicant shall serve by first class mail, and shall so certify to the Commission, (i) a conformed copy of the application on the Governor, or executive officer, and the public service commission of each State in which any part of the properties of the carriers involved in the proposed transaction is situated and (ii) a conformed copy of the application, on the Secretary of the United States Department of Transportation and the Attorney General of the United States.

(2) Notice. Subject to section 1111.4(b) (7), within 30 days after the date on which an application is filed with the Commission, and certification received by the Commission as to the service of applications described in the preceding

paragraph, notice will be published in the FEDERAL REGISTER.

(3) (i) Written comments, intervention by the Secretary of Transportation and the Attorney General, and replies.

(ii) Persons intending to participate in a proceeding shall submit written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. \_\_\_\_). The original and two copies thereof shall be filed with the Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g. party protestant or party in support, regarding the proposed transaction, specific reasons why approval would or would not be in the public interest, and a request for oral hearing if one is desired.

(iii) Persons submitting written comments to the Commission shall, at the same time, serve copies of any such written comments upon the applicant, Secretary of Transportation and the Attorney General.

(iv) In the event written comments are submitted, the Secretary of Transportation and the Attorney General shall be afforded 60 days from the date notice of the filing is published in the FEDERAL REGISTER to inform the Commission whether they will intervene as a party to the proceeding, and if so, to submit preliminary views on such application.

(v) Written replies to such written comments may be filed with the Commission within 20 days after the final date for filing such written comments, and copies of such replies shall be served on the applicant, the person filing the written comments, the Secretary of Transportation, and the Attorney General.

(4) Inconsistent applications. (i) All applications which are inconsistent, in whole or in part, with the initial application submitted under section 5(2) of the Act, shall be filed with the Commission within 90 days from the date notice of the filing of the initial application is published in the FEDERAL REGISTER.

(ii) Persons submitting inconsistent applications shall file and serve such applications in the manner specified in section 1111.4(a) (2) and (3) and (b) (1). Additionally, a copy of such application shall also be served upon the applicant, in the initial application, at the time of filing with the Commission.

(iii) Inconsistent applications shall include all information and exhibits required to be filed with an application under these regulations. In addition to fully supporting the alternate relief sought, inconsistent applications shall also address any inadequacies of the original application which would be remedied by the inconsistent application.

(iv) Subject to section 1111.4(b) (7) notice of the filing of an inconsistent application shall be published in the FEDERAL REGISTER, within 30 days of its filing.

(v) Written comments, intervention by the Secretary of Transportation and the

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Attorney General, and replies to the inconsistent application shall be governed by the requirements of section 1111.4(b)(3).

(5) Petitions for inclusion. (i) Petitions for inclusion in a proposed transaction arising under section 5(2) of the Act shall be filed with the Commission within 90 days from the date notice of the filing of an application is published in the FEDERAL REGISTER.

(ii) Petitions for inclusion shall contain specific information in support thereof and the public interest justifications therefor. Additionally, petitions for inclusion shall contain all information and exhibits required to be filed with an application under these regulations, insofar as such information and exhibits are pertinent to the individual petition. The required information and exhibits should be prepared to reflect fully the effect upon the proposed transaction as a result of petitioner's inclusion or non-inclusion, the effect which inclusion or non-inclusion in the proposed transaction would have upon petitioner, and any inadequacies in the original application which would be remedied by such inclusion.

(iii) Persons submitting such petitions to the Commission shall, at the same time, serve copies upon all parties to the proceeding, including, if applicable, the Secretary of Transportation, the Attorney General, and persons submitting written comments to the initial application.

(iv) Written replies to such petitions may be filed with the Commission within 30 days after the final date for filing such petitions, and copies of such replies shall be served on all parties to the proceeding.

(6) Evidentiary proceedings under section 5(2) of the Act. (i) The Commission may order an oral public hearing or a hearing by written submission with regard to applications filed pursuant to section 5(2) of the Act. The determination will be made on the basis of written comments, inconsistent applications, and petitions for inclusion received which contain information indicating a need for such hearing. Generally, such designation will be made following the last date for filing inconsistent applications or petitions for inclusion or the last date for filing written comments or replies thereto.

(ii) The Commission will conclude the oral hearing, hearing by written submission, or other evidentiary proceeding within 240 days following the date notice of filing of the initial application is published in the FEDERAL REGISTER, except where the transaction involves the merger or control of two or more Class I railroads, which evidentiary hearing shall be concluded not more than 24 months following the date of notice of filing in the FEDERAL REGISTER.

(iii) The Secretary of Transportation may propose any modification of any transaction filed under section 5(2) of the Act involving a carrier by railroad, and shall have standing to appear before the Commission in support of any such proposed modification.

(7) Rejection of applications filed under section 5(2) of the Act. (i) The Commission reserves the right to reject those applications which do not conform to the regulations prescribed herein regarding form, content, and documentation. Upon the filing of an application, the Commission will review the submitted application and determine whether it conforms with all applicable regulations. If the application is incomplete, or otherwise defective, the Commission may reject said application by order (which order will be administratively final) within 30 days from the date of filing of the application. Thereafter, a revised application may be submitted, and the Commission will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a de novo filing for the purpose of computation of the time periods prescribed under section 5(2) of the Act, provided that such resubmitted application is deemed complete.

(c) Procedures pertinent to applications filed pursuant to section 5(3) of the Act.

(1) Initiating transactions under section 5(3) of the Act. Any common carrier by railroad subject to Part I of the Act or the Secretary of Transportation may utilize the procedures pursuant to section 5(3) of the Act provided:

(i) That the transaction involves a merger, consolidation, unification or coordination project (as described in section 5(c) of the Department of Transportation Act), joint use of tracks or other facilities, or acquisition or sale of assets;

(ii) That the transaction has been proposed (A) by the Secretary of Transportation, with the consent of the common carriers by railroad which are parties to the transaction or (B) by any such carrier which, not less than 6 months prior to such submission to the Commission, submitted the proposed transaction to the Secretary of Transportation for evaluation pursuant to section 5(3) (f) of the Act; and

(iii) That the application is filed on or before December 31, 1981. At the time an application is filed with the Commission pursuant to section 5(3), notice of the filing of the application shall be furnished to the Secretary of Transportation by the proposing party (except where the Secretary is the proposing party).

(2) Applications to be filed with the Commission. In addition to the application filing and service requirements set forth in section 1111.4(a)(2), applicant shall submit, at the time of filing with the Commission, a sufficient number of complete applications to permit the Commission to furnish copies of the application to:

(i) The Governor, or executive officer, and public service commission of each State in which any part of applicant's properties is situated,

(ii) The Attorney General,

(iii) The Secretary of Labor, and

(iv) The Secretary of Transportation (except where the Secretary of Transportation is the proposing party).

(v) Said applications will be forwarded to the above-designated persons within 10 days of the filing of the application, together with a summary of the proposed transaction involved, and the proposing party's reasons and public interest justifications therefor.

(vi) Such summary and other information is to be prepared by applicant in accordance with section 1111.1(e).

(3) Notice. Subject to section 1111.4(c)(7), upon receipt of the original application, and the requested conformed copies, the Commission will review the draft notice submitted by applicant, in accordance with section 1111.2(a)(11) (Exhibit 11) and enter the assigned docket number and the date filed. Notice of the filing of the application will be given by publication in the FEDERAL REGISTER.

(4) Report of the Secretary of Transportation. The Secretary of Transportation shall submit a written report on the proposed transaction to the Commission in accordance with section 5(3) (f) of the Act, within 10 days from the date of submission of an application to the Commission.

(5) Written comments and replies. (i) Interested persons, other than those whose participation is specifically governed by section 5(3) of the Act, may make known to the Commission their intention to participate in the proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation (F.D. No. \_\_\_\_), and shall be filed with the Interstate Commerce Commission, Washington, D.C. 20423, not later than 30 days from the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g. party protestant or party in support, regarding the proposed transaction and specific reasons why approval would or would not be in the public interest. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, the Attorney General, and the Secretary of Labor.

(ii) Replies to such written comments may be filed within 20 days after the final date for filing such written comments, and copies of such replies shall be served on the applicant, the person filing the written comment, the Secretary of Transportation, the Attorney General, and the Secretary of Labor.

(6) Required public hearings on applications filed pursuant to section 5(3) of the Act.

(i) The Commission shall commence a public hearing on each application filed under this section within 90 days after the date of receipt of such complete application. Such hearing shall be held before a panel of the Commission duly designated by the Commission.

(ii) Upon referral of the application to the designated panel, and upon its receipt thereof, the panel shall request the views of (A) the Secretary of Transportation, regarding the effect of the proposed transaction upon the National Transportation Policy as stated by the Secretary, (B) the Attorney General, regarding the competitive or anticompetitive effect of the proposed transaction, and (C) the Secretary of Labor, regarding the effect of the proposed transaction on railroad employees and whether employee protection provisions contained in the proposal are adequate.

(iii) Within 35 days after receipt of said request or within such other reasonable time as the panel may prescribe, the views of the three above-named persons shall be submitted to the Commission in written report form. At the same time each such report of the Secretary of Transportation, the Attorney General and the Secretary of Labor is submitted to the Commission, the persons submitting such report shall serve, by first-class mail, and shall so certify to the Commission, a copy of the report upon all parties of record to the proceeding.

(iv) The designated panel shall complete the public hearing within 180 days after the date of referral of an application to the panel, and the panel may, in order to meet the requirements of the statute, prescribe rules and make such rulings as may tend to avoid unnecessary cost or delay.

(v) Such panel shall recommend a decision and certify the record to the full Commission for final decision within 90 days after the termination of such hearing. The full Commission shall hear oral argument on the matter so certified, and it shall render a final decision within 120 days after receipt of the certified record and recommended decision of such panel. The Commission may, in its discretion, extend any time period set forth in this paragraph, except that the final decision of the Commission shall be rendered not later than the second anniversary of the date of receipt of such an application by the Commission.

(7) Rejection of applications filed under section 5(3) of the Act. (i) The Commission reserves the right to reject those applications which do not conform to the regulations prescribed herein regarding form, content, and documentation. Upon the filing of an application, the Commission will review the submitted application and determine whether it conforms with all applicable regulations. If the application is incomplete, or otherwise defective, the Commission may reject said application by order of the Commission. Thereafter a revised application may be submitted, and the Commission will determine whether the resubmitted application conforms with all prescribed regulations. The resubmission or refiling of an application shall be considered a de novo filing for the purpose of computation of the time periods prescribed under section 5(3) of the Act, provided that such resubmitted application is deemed complete.

It is ordered, That a proceeding be, and it is hereby, instituted with the objective of promulgating an amended version to the regulations in 49 CFR Part 1111;

It is further ordered, That any interested person may participate in this proceeding by submitting the original and 19 copies of written facts, views, and arguments concerning the proposals detailed in this notice and order on or before July 7, 1976; that copies of all written submissions be made available for inspection by interested persons in Room 1221, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423; that notice be hereby given that the proposals may be modified in light of the comments received; and that no oral hearing be scheduled for the taking of testimony unless a need therefore should later appear;

And it is further ordered, That a copy of this Notice and Order be served upon all railroads subject to Part I and water carriers subject to Part III of the Interstate Commerce Act, and upon the Secretary of Transportation, the Secretary of Labor, the Attorney General, the United States Railway Association, all the Governors, state public service commissions, and state Departments of Transportation, the National Association of Regulatory Utility Commissioners, the Association of American Railroads, and the Short Line Railroad Association; and that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection; and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[Authority: 24 Stat. 380 and 383 as amended, 49 U.S.C. 5 and 17(1); 54 Stat. 933, 49 U.S.C. 904(a).]

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15363 Filed 5-25-76; 8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 100]

### OFFICE OF EDUCATION PROGRAMS

General Provisions

Pursuant to the authority contained in sections 417, 422, and 440 of the General Education Provisions Act (20 U.S.C. 1226c, 1231a and 1232i), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 100 of Title 45 of

the Code of Federal Regulations by adding a new Subpart C to read as set forth below.

Section 100.20 sets out the scope of the subpart as applying to all programs for which the Commissioner of Education has administrative responsibility (including all direct grant and contract programs, State-administered programs, and student financial assistance programs).

Section 100.21 requires each entity receiving funds under the programs set forth in § 100.20 to cooperate in any evaluations of the programs which may be conducted by the Secretary or the Commissioner, by establishing control groups or schools, facilitating the administration of questionnaires or other instruments, providing access to required records, and providing other assistance, as appropriate.

Sections 100.22-100.27 implement section 440 of the General Education Provisions Act, as added by Public Law 93-380. Section 440 states:

Except as provided in section 438(b)(1)(D) of this Act, the refusal of a State or local educational agency or institution of higher education, community college, school, agency offering a preschool program, or other educational institution to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for a denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years. In the case of any dispute arising under this section, reasonable notice and opportunity for a hearing shall be afforded the applicant.

Section 100.22 provides that if a dispute arises between an educational agency or institution and the Office of Education as to whether data may be withheld under section 440 and the matter cannot be resolved through informal means, the agency or institution will be given notice and an opportunity for a hearing to resolve the dispute.

Sections 100.23-100.27 set forth the hearing procedures which will be used and describe the Hearing Panel, the notice requirement, procedural rules, the initial and final decisions, and the effect of any decision.

These regulations do not apply to data collection activities by the Office of Civil Rights (OCR) since section 440 does not restrict the ability of OCR to obtain personally identifiable data in connection with the enforcement of civil rights requirements.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to: Office of Planning, Office of Education, Room 4057, 400 Maryland Avenue, S.W., Washington, D.C. 20202. All relevant material received on or before June 25, 1976, will be considered. Comments received will be available for



public inspection at the above office Monday through Friday between 8:30 and 4:00 p.m.

Dated: April 6, 1976.

T. H. BELL,  
U.S. Commissioner of Education.  
Approved: May 19, 1976.

DAVID MATTHEWS,  
Secretary of Health,  
Education, and Welfare.

Part 100 of Title 45 of the Code of Federal Regulations is amended by adding a new Subpart C, reading as follows:

**Subpart C—Evaluations and Data Gathering by the Office of Education**

**§ 100.20 Scope.**

This subpart applies to all programs for which the Commissioner has responsibility for administration, either as provided by statute or by delegation pursuant to statute.

(20 U.S.C. 1221(c); 1226b, 1230, 1231a)

**§ 100.21 Cooperation with evaluations.**

(a) Each agency, institution, and organization which receives Federal funds under a program described in § 100.20, whether under grant, contract, or other arrangement (including subgrant or sub-contract) shall, as a condition for receiving the funds, cooperate in evaluations of that program undertaken by the Secretary and the Commissioner.

(b) In conducting evaluations, the Secretary or the Commissioner may require the agency, institution, or organization to:

- (1) Establish and maintain control groups (or control schools);
- (2) Facilitate the administration of questionnaires, achievement tests, and other evaluation instruments by Federal officials (or contractors) to administrators, principals, teachers, students, program or project staff, and community members;
- (3) Conduct or arrange for personal interviews;
- (4) Provide access to necessary records or data or to establish records or collect data; and
- (5) Assist in the organization and administration of the evaluation, including record keeping.

(c) All evaluation activities shall take place at reasonable times and places.

(d) The rights of privacy of all persons who might be affected shall be protected in accordance with applicable law and regulations, including § 100a.263 and Parts 5b and 9 of this title.

(e) Where determined to be appropriate by the Commissioner, participation in an evaluation may be considered fulfillment of the evaluation requirements applicable to the program being evaluated, including § 100a.276 of this chapter.

(20 U.S.C. 1226c, 1231a(a))

**§ 100.22 Disputes regarding alleged violations of privacy rights.**

(a) Under section 440 of the General Education Provisions Act, an educational agency or institution may refuse to provide personally identifiable data on students or their families on the grounds that providing the data would constitute a violation of the right to privacy and confidentiality of students or their families, except when the information is sought in connection with a student's application for, or receipt of financial aid. (See section 438(b)(1)(D) of GEPA.)

(b) If there is a dispute between the agency or institution and the Federal government as to whether the data may be withheld under section 440, and the matter cannot be resolved through informal means, the agency or institution will be afforded reasonable notice and opportunity for a hearing to resolve the dispute.

(20 U.S.C. 12321)

**§ 100.23 Hearing Panel.**

The Commissioner will appoint a Hearing Panel consisting of not less than three persons to conduct any hearing under § 100.22(b).

(20 U.S.C. 12321)

**§ 100.24 Notice of hearing.**

The Panel will provide reasonable notice of the hearing to the institution or agency and to the Federal officials who are parties to the dispute.

(20 U.S.C. 12321)

**§ 100.25 Procedural rules.**

(a) With respect to hearings under § 100.22 where the Panel determines that oral testimony would not materially assist the resolution of disputed facts, the Panel shall take appropriate steps to afford to each party to the proceeding an opportunity for presenting the case, at the option of the Panel:

- (1) In whole or in part in writing, or
- (2) In an informal conference before the Panel which shall afford each party:
  - (i) Sufficient notice of the issues to be considered (where such notice has not previously been afforded); and
  - (ii) An opportunity to be represented by counsel.

(b) With respect to hearings where the Panel determines that oral testimony would materially assist the resolution of disputed facts, the Panel shall afford each party, in addition to provisions required by paragraph (a)(2) of this section:

- (1) An opportunity to obtain a record of the proceedings;
- (2) An opportunity to present witnesses on the party's behalf; and
- (3) An opportunity to cross-examine witnesses either orally or through written interrogatories.

(20 U.S.C. 12321)

**§ 100.26 Initial decision; final decision.**

(a) The Panel shall prepare an initial written decision which shall include findings of fact and conclusions based thereon.

(b) Copies of the initial decision shall be mailed promptly by the Panel to each party (or to the party's counsel) and to the Commissioner, with a notice affording each party an opportunity to submit written comments regarding the decision to the Commissioner within a specified reasonable time.

(c) The initial decision of the Panel transmitted to the Commissioner shall become the final decision of the Commissioner unless, within 25 days after the expiration of the time for receipt of written comments, the Commissioner advises the Panel in writing of his determination to review the decision.

(d) In any case in which the Commissioner modifies or reverses the initial decision of the Panel, he shall accompany that action with a written statement of the grounds for the modification or reversal.

(e) Review of any initial decision by the Commissioner shall be based upon the decision; the written record, if any, of the Panel's proceedings; and written comments or oral arguments by the parties to the proceeding.

(f) No decision under this section shall become final until it is served on the educational institution or agency involved or its attorney.

(20 U.S.C. 12321)

**§ 100.27 Effect of the decision.**

(a) Section 440 of the General Education Provisions Act provides, in part, that "except as provided in section 438(b)(1)(D) of this Act, the refusal (by an educational agency or institution) to provide personally identifiable data on students or their families, as a part of any applicable program, to any Federal office, agency, department, or other third party, on the grounds that it constitutes a violation of the right to privacy and confidentiality of students or their parents, shall not constitute sufficient grounds for the suspension or termination of Federal assistance. Such a refusal shall also not constitute sufficient grounds for denial of, a refusal to consider, or a delay in the consideration of, funding for such a recipient in succeeding fiscal years."

(b) If the final decision of the Commissioner is that section 440 does not authorize the educational agency or institution to withhold data, the provision quoted in paragraph (a) does not apply.

(c) All findings and determinations in any decision made under section 440 of the General Education Provisions Act shall be binding on the educational agency or institution and the Federal Government in any other administrative proceedings, including proceedings to withhold or terminate funds.

(20 U.S.C. 12321)

[FR Doc. 76-15297 Filed 5-25-76; 8:45 am]

**Food and Drug Administration**

**[21 CFR Part 606]**

[Docket No. 76N-0109]

**CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS**

**Recordkeeping Requirements and Submission; Clarification of Deadline for Comments**

In FR Doc. 76-12864, appearing at page 18095, in the FEDERAL REGISTER of Friday, April 30, 1976, the Food and Drug Administration (FDA) proposed to amend § 606.160 Records (21 CFR 606.160) of the good manufacturing practice regulations for blood and blood components to require certain new recordkeeping and submission of data to FDA. The deadline for comments on the proposal was incorrectly given as July 12, 1976; the intended deadline was June 14, 1976.

A correction of the proposal was published in the FEDERAL REGISTER of Wednesday, May 12, 1976, at page 19349. The correction changed the comment deadline to June 14, 1976, the date originally intended in the proposal submitted for publication.

Because of confusion created by the different comment deadlines in the original proposal and the correction to the proposal, the Commissioner of Food and Drugs affirms the comment deadline of July 12, 1976, as published in the FEDERAL REGISTER of April 30, 1976, as being the operative deadline.

Dated: May 21, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 76-15580 Filed 5-25-76; 11:05 am]



## notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF THE TREASURY

#### Comptroller of the Currency MERCANTILE NATIONAL BANK Suspension of Trading

It appearing that an extensor. of the Order, issued May 13, 1976, suspending trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby extended for the ten-day period commencing at midnight (e.d.t.) on May 22, 1976, and terminating at midnight (e.d.t.) on June 1, 1976.

Dated: May 21, 1976.

JAMES E. SMITH,  
Comptroller of the Currency.  
[FR Doc.76-15273 Filed 5-25-76;8:45 am]

[Public Debt Series, No. 14-76]

#### Office of the Secretary TREASURY NOTES OF SERIES D-1980 Interest Rates

MAY 19, 1976.

In the matter of United States of America Treasury Notes of Series D-1980, dated and bearing interest from June 10, 1976, due June 30, 1980.

#### I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for \$2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series D-1980. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Thursday, June 3, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof.

#### II. DESCRIPTION OF NOTES

1. The notes will be dated June 10, 1976, and will bear interest from that date, payable on a semiannual basis on December 31, 1976, and thereafter on

June 30 and December 31 in each year until the principal amount becomes payable. They will mature June 30, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

#### III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, June 3, 1976. Each tender must state the face amount of notes bid for, which must be \$1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed \$500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking in-

stitutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a  $\frac{1}{8}$  of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above 99.000. That rate of interest will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the \$2,000,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for \$500,000 or less without stated yield from any one bidder will be accepted in full at the average price<sup>1</sup> (in three decimals) of accepted competitive tenders.

#### IV. PAYMENT FOR AND DELIVERY OF NOTES

1. Settlement for accepted tenders in accordance with the bids must be made

<sup>1</sup> Average price may be at, or more or less than 100.000.

or completed on or before June 10, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by June 10, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Monday, June 7, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Thursday, June 3, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

2. Delivery of notes in bearer form will be made on or about June 16, 1976. Purchasers of bearer notes may elect to receive interim certificates on June 10, 1976, which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

#### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,  
Secretary of the Treasury.  
[FR Doc.76-15272 Filed 5-25-76;8:45 am]

[Public Debt Series, No. 13-76]

#### TREASURY NOTES OF SERIES M-1918 Interest Rates

MAY 20, 1976.

The Secretary of the Treasury announced on May 19, 1976, that the in-

terest rate on the notes described in Department Circular—Public Debt Series—No. 13-76, dated May 14, 1976, will be  $7\frac{1}{2}$  percent per annum. Accordingly, the notes are hereby redesignated  $7\frac{1}{2}$  percent Treasury Notes of Series M-1978. Interest on the notes will be payable at the rate of  $7\frac{1}{2}$  percent per annum.

DAVID MOSSO,  
Fiscal Assistant Secretary.  
[FR Doc.76-15273 Filed 5-25-76;8:45 am]

### DEPARTMENT OF DEFENSE

#### Department of the Air Force USAF SCIENTIFIC ADVISORY BOARD Meeting

MAY 12, 1976.

The USAF Scientific Advisory Board Foreign Technology Division (FTD) Advisory Group, Air Force Systems Command, will hold meetings on June 30, 1976 from 8 a.m. to 5 p.m. and July 1, 1976 from 8 a.m. to 1 p.m., at Wright-Patterson Air Force Base, Ohio, in Conference Room No. 276, Building 828.

The Group will receive classified briefings and participate in classified discussions relative to automated data processing support to FTD's foreign technology assessment process as well as review FTD's assessments of foreign laser research and development.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings are closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,  
Major, USAF, Executive,  
Directorate of Administration.  
[FR Doc.76-15324 Filed 5-25-76;8:45 am]

#### USAF SCIENTIFIC ADVISORY BOARD Meeting

MAY 18, 1976.

The dates for the USAF Scientific Advisory Board ad hoc Committee on Cruise Missile Technology meeting published in the FEDERAL REGISTER on May 4, 1976, Volume 41, Number 87, have been changed from May 25-28, 1976 to June 14-17, 1976.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

JAMES L. ELMER,  
Major, USAF, Executive,  
Directorate of Administration.  
[FR Doc.76-15323 Filed 5-25-76;8:45 am]

#### Office of the Secretary ADVISORY GROUP ON ELECTRON DEVICES

##### Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in

closed session at 201 Varick Street, New York, New York 10014 on June 17, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly, this meeting will be closed to the public.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives, OASD (Comptroller).

MAY 19, 1976.

[FR Doc.76-15285 Filed 2-26-76;8:45 am]

### DEPARTMENT OF JUSTICE

#### Law Enforcement Assistance Administration

#### NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

##### Meeting

This is to provide notice of meeting of the Organized Crime Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Organized Crime Task Force will be meeting at the Ramada Inn, 1900 N. Ft. Myer Drive, Board Room, Arlington, Virginia on June 23 and 24, 1976. The meeting will be open to the public.

Discussion will focus on the recommendations made by the National Advisory Committee on Criminal Justice Standards and Goals and the review of the entire Report of the Organized Crime Task Force.

Meetings Times: June 23—9 a.m.-8 p.m., June 24—9 a.m.-5 p.m.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C.

JAY A. BROZOST,  
Attorney-Advisor,  
Office of General Counsel.

[FR Doc.76-15327 Filed 5-25-76;8:45 am]

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# NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

## Meeting

This is to provide notice of meeting the Private Security Task Force of the National Advisory Committee on Criminal Justice Standards and Goals.

The Private Security Task Force will be meeting from 9 a.m. to 4 p.m. at the Peachtree Plaza Hotel, 229 Peachtree Street, N.E., Atlanta, Georgia on July 9, 1976. (If the Task Force members feel that the items on the agenda have not been adequately addressed by the time of adjournment on Friday, July 9, the meeting will reconvene on Saturday, July 10, 1976 at 9 a.m.) The meeting will be open to the public.

Discussion will focus on the review of the final draft of the Private Security Task Force Report and the review of recommendations made by the National Advisory Committee regarding selected Standards and Goals statements.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

JAY A. BROZOST,  
Attorney-Advisor,  
Office of General Counsel.

[FR Doc.76-15228 Filed 5-25-76;8:45 am]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

### OUTER CONTINENTAL SHELF OFFSHORE THE MID-ATLANTIC STATES

#### Availability of Final Environmental Impact Statement Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 154 tracts of submerged lands on the Outer Continental Shelf offshore New Jersey and Delaware (OCS Sale No. 40).

Single copies of the final environmental statement can be obtained from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Six World Trade Center, Suite 600D, New York, New York 10048, and from the Office of Public Affairs, Bureau of Land Management (130), Department of the Interior, Washington, D.C. 20240.

Copies of the final environmental statement will also be available for review in the main branches of the following public libraries: New York Public Library, 5th Avenue and 42nd Street, New York City; Nassau Library System, Garden City, Long Island, New York; Suffolk Cooperative Library System, Bellport, Long Island, New York; Free Library of Philadelphia, Logan Square, Philadelphia, Pennsylvania; Wilmington Institute Free Library and New Castle County Free Library, Wilmington, Delaware;

## NOTICES

ware; Rehoboth Beach Public Library, Rehoboth Beach, Delaware; Enoch Pratt Free Library, Baltimore, Maryland; Eastern Shore Area Library, Salisbury, Maryland; Trenton Free Public Library, Trenton, New Jersey; Atlantic City Free Public Library, Atlantic City, New Jersey; and Norfolk Public Library System, Norfolk, Virginia.

Approved: May 20, 1976.

GEORGE L. TURCOTT,  
Associate Director,  
Bureau of Land Management.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary of  
the Interior.

[FR Doc.76-15274 Filed 5-25-76;8:45 am]

[OR 11258]

## OREGON

### Termination of Proposed Withdrawal and Reservation of Lands

May 13, 1976.

Notice of a United States Forest Service application, OR 11258, for withdrawal and reservation of lands within the Willamette-Whitman National Forest as a scenic and recreation area was published as FEDERAL REGISTER Document No. 73-23284 on page 30114 of the issue for November 1, 1973. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1) such lands will be at 10:00 a.m. on June 18, 1976 relieved of the segregative effect of the above-mentioned application.

All of the lands involved in this termination are now included in the Hells Canyon National Recreation Area, established by Public Law 94-199 on December 31, 1975.

VIRGIL O. SEISER,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.76-15268 Filed 5-25-76;8:45 am]

## Office of the Secretary

[INT DES 76-17]

### ORME DAM AND RESERVOIR

#### Availability of Draft Environmental Statement

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Orme Dam and Reservoir, a feature of the Central Arizona Project, Arizona-New Mexico.

The environmental statement concerns construction of Orme Dam and Reservoir to regulate Colorado River water conveyed by the Granite Reef Aqueduct, conserve portions of the floodflows of the Salt and Verde Rivers, provide protection to the Phoenix Metropolitan area

from the flood hazards of the Salt-Verde River system, provide increased water-based recreation, and other purposes as described in the draft statement. Written comments may be submitted to the Regional Director (address below) within 45 days of this notice.

Copies of the draft environmental impact statement are available for inspection at the following locations:

Office of the Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-4991, FTS 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone 303-234-3006, FTS 234-3006.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005. Telephone 702-293-7464, FTS 598-7464.

Office of the Projects Manager, Arizona Projects Office, Bureau of Reclamation, Suite 2200, Valley Center Building, 201 N. Central Avenue, Phoenix, Arizona 85073. Telephone 602-261-3106, FTS 261-3106.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the Document Service, Environmental Law Institute, 1346 Connecticut Avenue, N.W., Washington, D.C. 20036. Please refer to the statement number above.

Dated: May 21, 1976.

STANLEY D. DOREMUS,  
Deputy Assistant  
Secretary of the Interior.

[FR Doc.76-15360 Filed 5-25-76;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### GRAIN STANDARDS

##### North Dakota Grain Inspection Point

Statement of considerations. Williston, North Dakota, is assigned to the Minot Grain Inspection, Inc., Minot, North Dakota, as a designated inspection point, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.). By definition, a designated inspection point is a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspection and within which the official inspection agency, or one or more of its licensed inspectors, is located (7 CFR 26.1(b)(13)). Williston, North Dakota, was assigned to Minot Grain Inspection, Inc., as an inspection point in June 1974 after it was established that there was a trade need for inspection services at Williston. Since that time, the expected volume of business has not developed; and as a result, there is not sufficient volume to justify the continued stationing of a licensed inspector at that point. Accordingly, Minot Grain Inspection, Inc., proposes that the assignment of Williston,

North Dakota, as a designated inspection point be revoked effective June 1, 1976. After June 1, 1976, Minot Grain Inspection, Inc., will provide official sampling services at Williston, North Dakota, and official inspection service at Minot, North Dakota.

It appears that through no fault of the Minot Grain Inspection, Inc., the low volume of inspections no longer warrants stationing a licensed inspector at Williston. Accordingly, the Agricultural Marketing Service proposes to revoke the assignment of Williston as a designated inspection point without prejudice to the Minot Grain Inspection, Inc.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to the proposed revocation to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than June 25, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done at Washington, D.C. on: May 21, 1976.

DONALD E. WILKINSON,  
Administrator.

[FR Doc.76-15316 Filed 5-25-76;8:45 am]

## Farmers Home Administration

[Designation Number A 344]

### ARKANSAS

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Lee County, Arkansas, as a result of drought conditions from August 1, 1975, through October 25, 1975, and cool weather from September 1, 1975, through September 25, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David Pryor that such designation be made.

Applications for emergency loans must be received by this Department no later than July 12, 1976, for physical losses and February 10, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

## NOTICES

Done at Washington, D.C. this 19th day of May, 1976.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.  
[FR Doc.76-15317 Filed 5-25-76;8:45 am]

[Designation Number A346]

### SOUTH DAKOTA

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following South Dakota Counties as a result of the natural disasters shown below:

Bon Homme—Drought from June 1, 1975, to September 15, 1975.

Douglas—Drought from July 1, 1975 to October 1, 1975.

Union—Drought from July 1, 1975, to November 1, 1975.

Therefore the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for emergency loans must be received by this Department no later than July 12, 1976, for physical losses and February 10, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 18th day of May, 1976.

DENTON E. SPRAGUE,  
Acting Administrator,  
Farmers Home Administration.

[FR Doc.76-15318 Filed 5-25-76;8:45 am]

[Designation Number A 345]

### WISCONSIN

#### Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in La Crosse County, Wisconsin, as a result of drought beginning July 1, 1975, to August 15, 1975; and a hailstorm and windstorm occurring on August 24, 1975.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for emergency loans must be received by this Department no later than July 12, 1976, for physical losses and February 10, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 19th day of May, 1976.

FRANK W. NAYLOR, Jr.,  
Acting Administrator,  
Farmers Home Administration.  
[FR Doc.76-15319 Filed 5-25-76;8:45 am]

## Forest Service

### TIMBER MANAGEMENT PLAN, BIENVILLE NATIONAL FOREST Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft environmental statement for the Timber Management Plan, Bienville National Forest, USDA-FS-P8 DES ADM 76-13.

The Bienville National Forest is one of six National Forests in Mississippi containing 177,073 acres in Jasper, Newton, Scott, and Smith Counties.

Management actions include timber harvesting and other timber management activities, road construction and reconstruction, prescribed burning and the use of pesticides.

This Draft environmental statement was transmitted to CEQ on May 19, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg, Room 3230, 12th St. & Independence Ave, SW, Washington, DC 20250.

USDA, Forest Service, 1720 Peachtree Rd, NW, Room 804, Atlanta, GA 30309.

USDA, Forest Service, 350 Milner Bldg, Box 1291, Jackson, MS 39205.

A limited number of single copies are available upon request to Forest Supervisor, B. F. Finison, Box 1291, Jackson, Mississippi, 39205.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to B. F. Finison, Forest Supervisor, Box 1291, Jackson, MS



39205. Comments must be received by July 15, 1976 in order to be considered in the preparation of the final environmental statement.

THOMAS W. SEARS,  
Acting Regional  
Environmental Coordinator.

MAY 19, 1976.

[FR Doc.76-15266 Filed 5-25-76;8:45 am]

#### ROCK CREEK ADVISORY COMMITTEE Meeting

The Rock Creek Advisory Committee will meet at 7 p.m. on Tuesday, June 29, 1976. Meeting place will be Drummond, Montana, in the St. Michael's Catholic Church basement.

The purpose of this meeting is to complete the review of management alternatives for the Lower Rock Creek Planning Unit and discuss procedures and schedule for public review of alternatives and preparation of the Draft Environmental Statement for the Lower Rock Creek Planning Unit.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: May 19, 1976.

CHARLES B. TRIBE,  
Program Officer—Planning,  
Lolo National Forest.

[FR Doc.76-15321 Filed 5-25-76;8:45 am]

#### DEPARTMENT OF COMMERCE

Domestic and International Business Administration

STANFORD UNIVERSITY, ET AL

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 15, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00404. Applicant: Stanford University, School of Medicine, Room S142, Stanford, California 94305. Article: Nikon Model M inverted microscope and accessories. Manufacturer: Nikon Optical Co., Japan. Intended use of article: The article is intended to be used for the study of the parasitic disease of man, schistosomiasis to obtain an understanding of the basic mechanisms of host-parasite interactions between the immature stages of the parasites and the fresh-water snails in which they develop. The article will also be used directly in the advanced training of postdoctoral fellows and other students. Application received by Commissioner of Customs: May 11, 1976.

Docket number: 76-00405. Applicant: The Wistar Institute, 36th and Spruce Streets, Philadelphia, Pennsylvania 19104. Article: Electron Microscope, Model EM-10 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations relating to membrane structure, virus material, and surveys of aging cells. The large variety of experiments to be conducted will include the following: (1) investigation of the structure, formation, and dynamics of membrane specializations of the nuclear envelope and the endoplasmic reticulum. (2) investigation of the sequence of events of pore formation. (3) analysis of the dynamics of the pore by the freeze-etching methods, and (4) virus research. Application received by Commissioner of Customs: May 11, 1976.

Docket number: 76-00406. Applicant: S.I.U. School of Medicine, Box 3926, Springfield, Illinois 62708. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for clinicians, students and residents learning techniques to be used in both the study of Pathology as well as instruction in research in many diverse areas of medicine. Application received by Commissioner of Customs: May 11, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Special Import Programs Division.

[FR Doc.76-15271 Filed 5-25-76;8:45 am]

#### VIRGINIA INSTITUTE OF MARINE SCIENCES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00326. Applicant: Virginia Institute of Marine Science, Route 17, Gloucester Point, Virginia 23062. Article: SDM-22 Marine Sensor, with extra Lamp. Manufacturer: Spectrum Electric Ltd., Canada. Intended use of article: The article is intended to be used for measuring the suspended sediment of thick fluid mud on the floor of estuaries and rivers which is discharged from dredge pipes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Special Import Programs Division.

[FR Doc.76-15270 Filed 5-25-76;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76D-0162]

#### FREEDOM OF INFORMATION SUMMARIES Availability of Revised Guideline

The Food and Drug Administration (FDA) announces the availability of a revised guideline developed by the Bureau of Veterinary Medicine. The guideline is used to prepare a summary, which is available to the public, of the safety and effectiveness data and information submitted to support approval of an original or supplemental new animal drug application (NADA).

Public information regulations published in the FEDERAL REGISTER of December 24, 1974 (39 FR 44602) included § 135.33a (now § 514.11 (21 CFR 514.11)) pursuant to recodification published in

the FEDERAL REGISTER of March 27, 1975 (40 FR 13802), which deals with confidentiality of data and information in a new animal drug application file and the availability for public disclosure of certain data and information after an approval has been published in the FEDERAL REGISTER. Section 514.11(e) (2) (ii) provides that for an NADA approved on or after July 1, 1975, a summary of safety and effectiveness data and information shall be prepared in one of two alternative ways and is immediately available for public disclosure, unless extraordinary circumstances are shown, when the approval of the NADA is published in the FEDERAL REGISTER.

In a notice published in the FEDERAL REGISTER of June 27, 1975 (40 FR 27286), FDA stated that it elected to require the NADA sponsor to prepare the summary and announced the availability of a guideline for use in preparing the summary. The guideline has now been revised because summaries submitted by NADA sponsors using the guideline frequently have not been adequate and have required revision.

The revised guideline, which will result in more informative summaries of safety and effectiveness data and information, may be obtained from the Food and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV-410), 5600 Fishers Lane, Rockville, MD 20852. Use of the revised guideline for NADA approvals shall start as soon as possible, but no later than August 24, 1976.

A copy of the revised Freedom of Information Summary Guideline is on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: May 20, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-15290 Filed 5-25-76;8:45 am]

[Docket No. 76N-0166]

#### GRAS SAFETY REVIEW OF CARNAUBA WAX AND JAPAN WAX

Public Hearing

The Food and Drug Administration is announcing that a public hearing will be held on June 28, 1976 so that data, information, and views can be presented orally on the safety of carnauba wax and Japan wax as food ingredients to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

In the FEDERAL REGISTER of February 10, 1976 (41 FR 5862) and February 13, 1976 (41 FR 6787), the Commissioner of Food and Drugs issued notices advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (the Select Committee), concerning the safety of the following nine categories of food ingredients and the Select

Committee's tentative determination that they are GRAS or subject to a prior sanction:

Beeswax, Carnauba wax, Hydrogenated fish oil, Inositol, Japan wax, Malic acid, Sorbic acid, Tallow and stearic acid, and Tocopherols.

No requests were received in response to the opportunity for hearing on hydrogenated fish oil, inositol, malic acid, sorbic acid, tallow and stearic acid, and tocopherols; therefore, no hearing will be held on these food ingredients.

The Select Committee received requests from the following organizations asking for an opportunity to appear and to make an oral presentation at a public hearing on carnauba wax:

American Wax Importers and Refiners Association, Inc., 225 West 34th St., New York, NY 10001.

National Confectioners Association of the United States, 36 South Wabash Ave., Chicago, IL 60603.

Film Division, Olin Corp., Pisgah Forest, NC 28768.

The request for a hearing on carnauba wax from the National Confectioners Association of the United States was later withdrawn.

The Select Committee received requests from American Wax Importers and Refiners Association, Inc., 225 West 34th St., New York, NY 10001, for an opportunity to appear at a public hearing on beeswax and on Japan wax. The request for a hearing on beeswax was subsequently withdrawn.

No other requests for hearing on carnauba wax, beeswax, and Japan wax were received. Written statements in lieu of oral presentations will be submitted on carnauba wax by Michelman Chemicals, Inc., 9089 Shell Rd., Cincinnati, OH 45236, and on beeswax by the Honey Industry Council of America, Inc., James Powers, Chairman, Route 2, Parma, ID 83660.

In accordance with the procedures set forth in the February 10 and 13, 1976 FEDERAL REGISTER notices, the following announcement is made:

1. A public hearing on carnauba wax will be held at 10 a.m., June 28, 1976, in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20014. Those who have requested an opportunity to make oral presentations will be expected to complete their presentations within the periods requested and in accordance with the following schedule:

American Wax Importers and Refiners Association, Inc.—30 minutes.  
Film Division, Olin Corp.—30 minutes.

2. A public hearing on Japan wax will be held at 2 p.m., June 28, 1976, in the Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20014. American Wax Importers and Refiners Association, Inc., will be expected to complete its presentation within the 30 minutes requested.

Dated: May 20, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.15291 Filed 5-25-76;8:45 am]

[FDA-225-76-4009]

#### INSPECTION OF DELAWARE MEDICATED FEED MILLS AND LIVESTOCK PRODUCERS

Memorandum of Understanding With the Delaware Department of Agriculture

The Food and Drug Administration is announcing that a Memorandum of Understanding has been executed with the Delaware Department of Agriculture on April 22, 1976 renewing their agreement concerning certain related objectives in carrying out their respective responsibilities. The purpose of the memorandum is to set forth the working arrangements to be followed concerning inspection of Delaware medicated feed mills and livestock producers of mutual obligation.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice. The Memorandum of Understanding with the Delaware Department of Agriculture reads as follows:

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
DELAWARE DEPARTMENT OF AGRICULTURE  
AND THE  
PHILADELPHIA DISTRICT,  
FOOD AND DRUG ADMINISTRATION

I. Purpose. It will be the purpose of this understanding to provide more effective consumer protection through more efficient investigational coverage of Delaware medicated feed mills and animal producers in an attempt to prevent the presence of drug and chemical residues in animal flesh and products marketed for human consumption.

II. Work-sharing program. A. Goals and Responsibilities:

1. The Delaware Department of Agriculture and FDA Philadelphia District Investigations Branch will share the responsibility for the inspection of all Delaware medicated feed mills to determine the level of industry compliance with current good manufacturing practices regulations.

2. Delaware Agriculture will inspect animal producers mixing and using medicated feeds to determine possible sources of misuse of medicated feeds and to educate producers regarding their responsibility for proper feed usage to prevent contamination of animal tissue and products with drug and chemical residues.

B. Commitment: 1. Inspection Inventory: An inventory of mills and mixer-users to be covered by this understanding, hereafter referred to as the cooperative establishment inventory (CEI), will be reviewed jointly and updated as necessary by FDA's data processing unit (DPU).

2. Inspection Commitment: The Delaware Department of Agriculture will conduct the number of feed mill inspections as required under its current contract with FDA.

III. General Provisions. A. Information Exchange: There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. Inspection Reports: Both agencies will report inspectional findings on form FD-2481 to be supplied by FDA. All such reports will be exchanged in a timely fashion not to exceed 30 days from the date of inspection



2. Correspondence: All written correspondence relating to this program will be exchanged in a timely fashion.

3. Data Retrieval: To provide for inclusion of inspectional data into FDA's data system for use by both agencies, information will be submitted on forms FD-481 and FD-481(a) attached to the inspection report and also supplied by FDA.

B. Work Planning: 1. Inspection Scheduling: Mills included in the CEI will be scheduled for routine surveillance inspection at least once every 4 years.

2. Accomplishments: A summary of accomplishment will be prepared by FDA periodically for State use.

C. Compliance Follow-Up: 1. Responsibility: It will be the responsibility of the agency which discovers a violation during a mill or producer inspection to determine the impact required to achieve compliance and to follow through to accomplish correction of the violation.

2. Impact Actions: The responsible agency may elect to use one of several types of impact available to it under its respective law. If it determines that an impact for achieving compliance can best be brought about under its partner agency's legal authority, referral to its partner would be the action of choice.

D. Residue Investigations: Response to USDA residue reports and requests for investigation will be handled as provided in a separate memorandum of understanding.

E. Commissioning: To permit Delaware Agriculture Inspectors to operate with the authority given by the Federal Food, Drug, and Cosmetic Act for medicated feed mill inspection, FDA will take the necessary steps to commission such inspectors and to issue them FDA identification and credentials.

F. Training: FDA will provide the state with the formal and on-the-job training considered necessary for qualification as FDA commissioned agents.

G. Program Review: Joint planning sessions will be held semi-annually to review this understanding, discuss the cooperative program, evaluate accomplishments, and plan future cooperative work. Sessions will alternate between the two agencies. Each session will be arranged for and moderated by FDA's Region III Assistant Food and Drug Director for Intergovernmental Affairs.

H. Performance Evaluation: Performance evaluation procedures as set forth in the FDA Field Management Directive #78 will be followed under this understanding.

IV. Term of Understanding. This understanding will expire on April 30, 1977, unless renewed and signed by the heads of both cooperating agencies to continue it in effect for another year.

This understanding in its entirety, or in part, may be revised in writing by mutual consent or terminated upon 30 days written notice by either agency.

Approved and accepted for the Delaware Department of Agriculture:

M. MARTIN ISAACS,  
Secretary, Department of  
Agriculture, State of Delaware.

Date: April 22, 1976.

Approved and accepted for the Food and Drug Administration:

LOREN Y. JOHNSON,  
Deputy Regional Food and Drug  
Director, Food and Drug Adminis-  
tration, Philadelphia District.

Date: April 20, 1976.

Effective date. This Memorandum of Understanding became effective April 22, 1976.

Dated: May 20, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-15293 Filed 5-25-76; 8:45 am]

[FDA-225-76-4008]

# INSPECTION OF WEST VIRGINIA FOOD STORAGE WAREHOUSES AND MEDICATED FEED MILLS

Memorandum of Understanding With the West Virginia Department of Agriculture

The West Virginia Department of Agriculture (WVDA) and the Food and Drug Administration (FDA) have renewed their agreement concerning certain related objectives in carrying out their respective responsibilities. The memorandum of understanding, which was executed on April 19, 1976, sets forth the working arrangements to be followed concerning inspection of West Virginia food storage warehouses and medicated feed mills of mutual obligation.

Pursuant to the publication of his statement in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice.

MEMORANDUM OF UNDERSTANDING BETWEEN THE

CONSUMER PROTECTION DIVISION, WEST VIRGINIA DEPARTMENT OF AGRICULTURE AND THE

BALTIMORE DISTRICT, FOOD AND DRUG ADMINISTRATION

I. Purpose. It will be the purpose of this understanding to provide more effective consumer protection through more efficient coverage of the West Virginia feed and food storage industries.

II. Work-sharing program. A. Goals and Responsibilities: WVDA, Consumer Protection Division, and FDA, Baltimore Investigations Branch, will share the responsibility for the inspection of all West Virginia Medicated Feed Mills and Food Storage Warehouses. Close coordination and communication will be maintained and joint planning and work scheduling will be performed to assure that manpower is efficiently utilized and regulatory efforts are properly meshed to achieve a high level of industry compliance.

B. Inspection Inventory: An inventory of firms covered by this agreement, hereinafter referred to as the cooperative establishment inventory (CEI) as prepared by both agencies will be maintained by FDA's data processing unit (DPU) and updated continuously as data is received from both agencies.

III. General Provisions. A. Information Exchange: There will be a complete interchange of information between the agencies with respect to the CEI and to all areas of mutual obligation.

1. CEI Inspections: All inspection reports, assay reports, and correspondence pertaining to firms in the CEI will be exchanged in a timely fashion.

a. WVDA Inspection Reports: All inspection reports will be submitted with an FD-481 (cover sheet) and an FD-481a (endorsement sheet).

(1) Medicated Feed Reports: Form FD-2481 will be used for reporting all inspection of feed mills and animal producers.

(2) Food Storage Warehouse Reports: FDA Form FD-2679, food warehouse inspection report, will be used for reporting inspections of food storage warehouses. A suitable modification of the form may be used.

b. FDA Inspection Reports: All inspection reports will be submitted with FD-481 and FD-481a. The list of observations (FD-483) will be mailed by the FDA investigator to the State upon completion of the inspection.

(1) Medicated Feed Reports: Form FD-2481 will be used for reporting all inspections of feed mills and animal producers.

(2) Food Storage Warehouse Reports: (a) NAI Inspections: The inspector will submit a summary of findings on the FD-481a. No additional narrative report will be required. Endorsement will consist of the supervisor's classification, follow-up date, signature, and date of endorsement.

(b) VAI and OAI Inspections: Regular FDA reporting procedures requiring a narrative report and supervisor's endorsement will be followed.

2. Samples: Copies of reports of analysis of violative out-of-state food products sampled by WVDA will be forwarded to FDA for appropriate follow-up. In addition, each agency's assay reports of CEI firms' products will be exchanged for information purposes.

3. Complaints: a. Received by WVDA: Consumer complaints involving out-of-state products will be investigated by WVDA and submitted to FDA for further follow-up. FDA will contact the home district of the involved manufacturer to request follow-up and feedback. All information received pertaining to the complaint investigation will be furnished to WVDA.

b. Received by FDA: FDA will refer complaints involving interstate products which investigation reveals were contaminated while in storage in West Virginia to WVDA for follow-up.

B. Work Planning: 1. Inspection Scheduling: DPU will prepare a listing of CEI firms scheduled for inspection for a particular month by the 15th of the preceding month. The list will be sent to the assistant director, WVDA, Consumer Protection Division, who will discuss assignment of the inspections with the Baltimore District Supervisory Investigator responsible for FDA programs in West Virginia. A final listing showing firms to be inspected by WVDA will be mailed to WVDA by the first of the month assigned.

2. Accomplishments: A cumulative monthly summary of WVDA's inspectional activities under this understanding will be provided to WVDA by the 15th of each month.

C. Compliance Follow-Up: 1. Responsibility: Compliance problems will be handled on a case-by-case basis. It will be the responsibility of the agency which discovers a violation to determine the impact required for achieving compliance and to follow through.

2. Impact Actions: The responsible agency may elect to use one of several types of impact—reinspection, sample collection, embargo or seizure, product recall, warning letter, joint inspection, hearing, prosecution, referral to the other agency, etc. The partner agency will cooperate within its authority with the responsible agency if compliance follow-up is requested. If referral is selected for impact, it will then become the responsibility of the agency to which referred to pursue the violation to achieve compliance.

D. Recall and Emergency: The agencies will cooperate to the fullest extent possible in handling emergency public health problems and in checking effectiveness of product recalls.

1. Disaster Work: Problems involving food contamination caused by such disasters as flood, fire, hurricane, train or truck wreck, etc., will be handled jointly. The Consumer Protection Division Director or his assistant will promptly notify the FDA Charleston resident inspector or Baltimore District Supervisory Investigator for West Virginia of the situation and request help as needed. The West Virginia Department of Health's General Environmental Control Section will be informed of disaster activities among all three agencies.

2. Recall: Each Agency will cooperate with the other in checking the effectiveness of product recalls. The recall initiator will request the assistance of the partner agency, if necessary.

E. Commissioning: 1. WVDA: State inspectors will continue to be commissioned by FDA to operate under the Federal Food, Drug, and Cosmetic Act and participate in the cooperative medicated feed program. It will be the responsibility of Baltimore District to maintain the status of commissioned inspectors by requesting commission renewals well in advance of the expiration date and to assist in the issuance of new commissions, as needed.

2. FDA: The FDA West Virginia resident inspector(s) will be designated by the Commissioner of the West Virginia Department of Agriculture as his authorized agent(s) and will be issued credentials granting authority "to detain, embargo, or quarantine agriculture products" when suspected of or found to be in violation of the provisions of Chapter 19, article 2, section 8 (1920) of the agricultural laws of West Virginia.

The commissioned inspector(s) will call the office of the Director of the Consumer Protection Division of the West Virginia Department of Agriculture when a violative lot(s) of agricultural products is (are) encountered to discuss the need to embargo before placing such lot(s) under embargo. If he is not able to contact the director or his assistant, he will place the lot(s) under embargo and immediately wire the office of the commissioner to notify him of the action taken.

F. Program Review: Joint planning sessions will be held semi-annually to review this agreement, discuss the cooperative program, evaluate accomplishments, and plan future cooperative work. During the first meeting a review of the inspection commitments will be made and adjustments made, if necessary. A new inspection commitment for the year beginning May 1 will be made at the second meeting. The FDA Assistant Regional Food and Drug Director for Intergovernmental Affairs will be responsible for organizing and conducting the sessions. The sessions will be alternately held in West Virginia and Baltimore.

G. Training: Training is considered essential for the maintenance of effective inspectional units. It will be discussed and planned for at each planning session.

1. Formal: Formal training courses sponsored by either agency will be made available whenever possible for the other's personnel.

2. On-the-Job: Joint inspections will be used frequently for training inspectors of

Article 2, Section 1, Paragraph b, defines agricultural products as "livestock and livestock products, poultry and poultry products, fruits and fruit products, vegetables and vegetable products, grains and hays and the products derived therefrom, tobacco, syrups, honey and other products derived from the business of farming; including such other products as may be manufactured, derived, or prepared from agricultural products, raw or processed, which are used as food for man or other animals."

## NEUROLOGIC DRUGS ADVISORY COMMITTEE

### Meeting Location Change

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced, in a notice published in the FEDERAL REGISTER of May 19, 1976 (41 FR 20606), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting location of the Neurologic Drugs Advisory Committee, scheduled for June 21 and 22, 1976 in Conference Rm. G, Parklawn Bldg., Rockville, MD, has been changed. It will meet in Conference Rm. A, Parklawn Bldg., Rockville, MD at 9:30 a.m.

Dated: May 20, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-15289 Filed 5-25-76; 8:45 am]

### Office of Education

#### PUBLIC SERVICE EDUCATION FELLOWSHIPS

##### Closing Date for Receipt of Applications From Institutions of Higher Education

Notice is hereby given that pursuant to the authority contained in section 941 of Title IX, Part C of the Higher Education Act of 1965, applications for an allocation of fellowships to support the graduate or professional study of persons planning to pursue a career in public service are being accepted from institutions of higher education.

Applications must be received by the U.S. Office of Education Application Control Center on or before June 28, 1976.

A. Applications sent by mail. An application sent by mail should be addressed as follows: U.S. Office of Education, Grants and Procurements Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.555. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than June 23, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

both agencies. It will be the responsibility of the inspection unit head to recognize inspectional weaknesses and request joint inspection, when indicated.

H. Performance Evaluation: Evaluation of the quality of each agency's inspectional performance is necessary to assure that its responsibility for enforcing its respective laws is being carried out. Performance evaluation will be a continual process in which the following three techniques will be used.

1. Scheduled Joint Evaluation Inspection: Each WVDA Inspector and each FDA investigator regularly performing inspections of CEI firms will be evaluated periodically during a joint inspection to provide one measure of his performance. Scheduling of these inspections will be the responsibility of the Baltimore District Supervisory Investigator for West Virginia.

a. Evaluation of FDA Investigators: The director or assistant director of WVDA's Consumer Protection Division may accompany each FDA investigator assigned regular inspection of CEI firms periodically to observe and evaluate his performance. An evaluation memo will be prepared and submitted to the director of Baltimore District's Investigations Branch who will be responsible for correcting any deficiencies.

b. Evaluation of WVDA Inspectors: The director of Baltimore District's Investigations Branch or a mutually acceptable designee will accompany each WVDA inspector regularly assigned inspections of CEI firms periodically to observe and evaluate his performance. An evaluation memo will be prepared and submitted to the WVDA Consumer Protection Division Director who will be responsible for correcting any deficiencies.

2. Rotational Coverage of Firms: As coverage of firms rotates between the two agencies, areas neglected by one agency will be brought to the attention of the other's inspection unit head who will be responsible for correcting the deficiency in his agency's coverage.

3. Report Review: As each agency reviews inspection reports submitted by its partner agency, inadequate reporting and/or handling of the inspection can be determined. Such inadequacies will be reported by the reviewer to the responsible inspection unit head to prevent recurrence.

IV. Term of Understanding. This understanding will expire on April 30, 1977, unless renewed by both agencies to continue it in effect until the following April 30.

This understanding in its entirety, or in part may be revised by mutual consent or terminated upon 30 days written notice by either agency.

Approved and accepted for the West Virginia Department of Agriculture:

GUS R. DOUGLASS,  
Commissioner, West Virginia  
Department of Agriculture.

Dated: April 19, 1976.

Approved and accepted for the Food and Drug Administration:

M. L. STRATT,  
Deputy Regional Food and Drug  
Director, Food and Drug Adminis-  
tration, Baltimore, District.

Dated: April 12, 1976.

Effective date. This Memorandum of Understanding became effective April 19, 1976.

Dated: May 20, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.76-15292 Filed 5-25-76; 8:45 am]



**B. Hand delivered applications.** An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 A.M. and 4:00 P.M. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 P.M. on the closing date.

**C. Program information and forms.** Information and application forms may be obtained from the Division of Training and Facilities, Bureau of Postsecondary Education, Office of Education, Room 3060, 7th and D Streets, SW., Washington, D.C. 20202.

**D. Applicable regulations.** Funding criteria which will govern the allocation of fellowships among institutions of higher education under the Public Service Education Fellowship Program are published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1134i-1134m)

(Catalog of Federal Domestic Assistance, Number 13.555; Public Service Education Fellowships)

Dated: April 16, 1976.

DUANE J. MATTHEIS,  
Acting U.S. Commissioner  
of Education.

[FR Doc 76-15301 Filed 5-25-76; 8:45 am]

#### PUBLIC SERVICE EDUCATION FELLOWSHIPS

##### Interim Final Criteria for Funding Applications for Fiscal Year 1976

Pursuant to the authority contained in Title IX, Part C of the Higher Education Act of 1965, as amended (20 U.S.C. 1134i et seq.), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, will evaluate applications submitted for fiscal year 1976 by institutions of higher education under section 943 of Title IX, Part C of the Act on the basis of the criteria set forth below.

(1) **Description of Program.** Section 941(a) of Part C of Title IX authorizes a fellowship program for graduate or professional study for persons who plan to pursue a career in public service. Fellowships for this purpose will be allocated to institutions of higher education which are approved on the basis of the criteria set forth below. Institutions of higher education receiving such an allocation shall recommend eligible students to the Commissioner for his selection.

(2) **Publication as Interim Final Notice of Rulemaking.** The funding criteria in this notice are needed to make fellowship awards for the 1976-1977 academic year. By law, funds appropriated for these awards must be obligated by the Office of Education on or before September 30, 1976 (see Pub. L. 94-94 and section 204 of Pub. L. 93-554). However, the award of public service fellowships

for the 1976-77 academic year should be made as soon as possible for programmatic reasons. Colleges and universities normally offer fellowships early in April of each year to attract high quality people and so that these recipients may have sufficient time to plan for the next academic year. Furthermore, delay makes it exceedingly difficult to make contacts with students because the academic year has ended and potential fellows have graduated and have left campus for the summer.

Before a fellowship award can be made the following procedures must be completed:

(1) Submission of application for a fellowship allocation by institutions of higher education;

(2) Notification by the Commissioner of the allocation among institutions of higher education of fellowship based on finalized funding criteria;

(3) Recruitment by these institutions of highly qualified applicants;

(4) Submission by these institutions to the Office of Education of the names and addresses of students nominated as prime candidates or as alternates for the fellowships;

(5) Approval of these nominations in the form of individual award letters to the students from the Commissioner.

Furthermore, the funding criteria set forth in this notice are subject to the delayed effective date provisions contained in section 431(d) of the General Education Provisions Act ("GEPA"; 20 U.S.C. 1232(d)). While the period of delay specified in section 431(d) is forty-five days, a delay of up to eighty-four days can occur as a result of the provisions therein concerning Congressional adjournment. Resort to proposed rulemaking procedures under section 431(b) (2)(A) of the GEPA and 5 U.S.C. 553 would entail an additional delay in the effective date of this notice of (1) thirty days for the receipt of comments, and (2) a further period for the consideration of comments and republication of the notice.

Considering the time required to receive public comment on the funding criteria set forth in this notice, the time needed to prepare and publish a final funding criteria document responding to any comment received, and the delayed effective date provisions of section 431(d) (discussed above), it appears that a final funding criteria could not take effect, following proposed rulemaking procedures, in time to govern timely awards of assistance for the coming school year.

It should also be noted that (except as noted below) the funding criteria are similar to the criteria utilized in fiscal year 1975 which were subject to public comment. These public comments were considered in the publication of the final funding criteria for FY 1975. The only important change in the attached funding criteria is the provision of priority to institutions which are asking for a fellowship allocation to support fellows currently receiving assistance under this program who are continuing their stud-

ies. This provision was unnecessary in FY 1975 because that was the first year the program was funded.

In view of all the foregoing, the Commissioner of Education for good cause finds that resort to proposed rulemaking procedures with respect to this notice would be impracticable, unnecessary and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

(3) **Invitation for Public Comment.**

As stated above, these funding criteria are being published as interim criteria to be used by the Commissioner for fiscal year 1976 only. Interested parties are invited to submit written comments, suggestions or objections regarding the use of these criteria for future fiscal years to the Division of Training and Facilities, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets, SW., Room 3060-ROB 3, Washington, D.C. 20202. The Commissioner will publish a notice of proposed rulemaking in the near future which will provide permanent regulations, including funding criteria, for this program. All comments regarding the criteria set forth below which are received on or before June 25, 1976 will be considered in the development of the notice of proposed rulemaking. Comments received will be available for public inspection at the above office Monday through Friday between 8 a.m. and 4:30 p.m.

(4) **Funding criteria.** The Commissioner will approve programs of study at institutions of higher education and allocate fellowships under Title IX, Part C of the Higher Education Act, as amended, on the basis of the following criteria:

(a) The extent to which a significant long-term need for public service education is addressed by the program;

(b) The extent to which relevant, supervised practicum and internship experiences are integrated into the program;

(c) The extent to which the institution will establish arrangements with government agencies or jurisdictions, or other nonprofit agencies for such activities as program development, personnel exchange, and field work;

(d) The extent to which the multidisciplinary background, education, research interests, and experience of the faculty and administrative staff of the institution qualify them to plan and implement a successful program of public service education;

(e) The extent to which the program will involve other graduate units of the institution in supportive, collaborative, or allied efforts of practical benefit to public service education;

(f) The extent to which the director of the program has clear responsibilities and sufficient time to devote to the program;

(g) The extent to which other institutional resources (such as facilities, equipment, libraries, etc.) are adequate to support the program;

(h) The extent to which there is substantial evidence of a commitment to

public service education by those most involved in the program, including the institution's administrative staff;

(i) The extent to which specific evidence is provided which demonstrates past success of graduates, if any, from the program in achieving leadership and management positions in public service careers;

(j) The extent to which procedures are planned to measure the effectiveness and success of the program;

(k) The extent to which the curriculum is sufficient to support a high quality program;

(l) The extent to which the allocation will provide, as far as practicable, an equitable distribution of these fellowships throughout the United States; and

(m) In addition to the above criteria, priority will be given to applications which:

(i) Will be used to support fellows who are currently receiving assistance under Part C of Title IX of the Act and who are continuing their graduate studies in the approved program;

(ii) Are for master's degree programs not exceeding 24 months in duration;

(iii) Are for on-going public service education programs which are given strong support by the institution of which they are a part. However, consideration will be accorded to applications from institutions which are establishing new programs if a convincing case can be made for their establishment in meeting a particular local, State, regional, or national need for public service education;

(iv) Are for programs to prepare persons for leadership and management positions, particularly in local and State government, and for positions in program administration involving intergovernmental relations. In addition, a few selected exemplary programs may be funded to prepare persons for careers in international service;

(v) Are for programs of an especially imaginative or innovative nature and which give promise of leading to significant improvement in the nature and character of public service education;

(vi) Are for programs designed to place graduates in fields and areas where delivery of public service is not effective; and

(vii) Are for programs which link other schools or departments of the institution, or two or more institutions, in collaborative efforts in fulfilling the above priorities.

(20 U.S.C. 1134E(1), (2))

(5) **Effective date:** Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these criteria have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein con-

cerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance, Number 13.555; Public Service Education Fellowships)

Dated: May 12, 1976.

T. H. BELL,  
U.S. Commissioner of Education.

Approved May 18, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

[FR Doc 76-15299 Filed 5-25-76; 8:45 am]

#### PUBLIC SERVICE EDUCATION INSTITUTIONAL GRANTS

##### Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 902 of Title IX, Part A of the Higher Education Act of 1965, applications are being accepted from institutions of higher education for Public Service Education Institutional Grants.

Applications must be received by the U.S. Office of Education Application Control Center on or before June 28, 1976.

**A. Applications sent by mail.** An application sent by mail should be addressed as follows: U.S. Office of Education, Grants and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: 13.555. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than June 23, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

**B. Hand delivered applications.** An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

**C. Program information and forms.** Information and application forms may be obtained from the Division of Training and Facilities, Bureau of Postsecondary Education, Office of Education, Room 3060, 7th and D Streets, SW., Washington, D.C. 20202.

**D. Applicable regulations.** Funding criteria which will govern awards under the Public Service Education Institutional Grant Program are published in this issue of the FEDERAL REGISTER.

(20 U.S.C. 1134-1134c)

(Catalog of Federal Domestic Assistance, Number 13.555; Public Service Education Institutional Grants)

Dated: April 16, 1976.

DUANE J. MATTHEIS,  
Acting

U.S. Commissioner of Education.

[FR Doc 76-15300 Filed 5-25-76; 8:45 am]

#### PUBLIC SERVICE EDUCATION INSTITUTIONAL GRANTS

##### Interim Final Criteria for Funding Applications for Fiscal Year 1976

Pursuant to the authority contained in Title IX, Part A of the Higher Education Act of 1965, as amended (20 U.S.C. 1134 et seq.), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, will evaluate applications submitted for fiscal year 1976 by institutions of higher education under section 902 of Title IX, Part A of the Act on the basis of the criteria set forth below.

(a) **Description of Program.** Section 901(a) (2) of Part A of Title IX authorizes the Commissioner of Education to make financial assistance available to institutions of higher education to establish, strengthen, and improve programs designed to prepare graduate and professional students for public service. Applications for assistance submitted by institutions of higher education will be evaluated on the basis of the criteria set forth below.

(b) **Publication as Interim Final Notice of Rulemaking.** The funding criteria in this notice are needed to make grant awards for the 1976-1977 academic year. By law, funds appropriated for these grants must be obligated by the Office of Education on or before September 30, 1976 (see Pub. L. 94-94 and section 204 of Pub. L. 93-554). However, these awards should be made as soon as possible in order to give institutions receiving a grant sufficient lead time to make plans, hire staff and acquire necessary materials and equipment.

Before a grant award can be made the following procedures must be completed:

(1) Submission of applications for institutional grants from institutions of higher education;

(2) Review by the Office of Education of these applications based on finalized funding criteria;

(3) Award of the institutional grants by the Office of Education.

Furthermore, the funding criteria set forth in this notice are subject to the delayed effective date provisions contained in section 431(d) of the General Education Provisions Act ("GEPA"; 20 U.S.C. 1232(d)). While the period of delay specified in section 431(d) is forty-five days, a delay of up to eighty-

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four days can occur as a result of the provisions therein concerning Congressional adjournment. Resort to proposed rulemaking procedures under section 431(b)(2)(A) of the GEPA and 5 U.S.C. 553 would entail an additional delay in the effective date of this notice of (1) thirty days for the receipt of comments, and (2) a further period for the consideration of comments and republication of the notice.

Considering the time required to receive public comment on the funding criteria set forth in this notice, the time needed to prepare and publish a final funding criteria document responding to any comment received, and the delayed effective date provisions of section 431(d) (discussed above), it appears that final funding criteria could not take effect, following proposed rulemaking procedures, in time to govern timely awards of assistance for the coming school year.

It also should be noted that (except as described below) the funding criteria are similar to the criteria utilized in fiscal year 1975 which were subject to public comment. These public comments were considered in the publication of final funding criteria for FY 1975. The only important change in the funding criteria for this year is the provision of priority to institutions which have received assistance under this program during the current fiscal year and which are applying for funds to continue the project. This provision was unnecessary in FY 1975 because that was the first year the program was funded.

In view of all of the foregoing, the Commissioner of Education for good cause finds that resort to proposed rulemaking procedures with respect to this notice would be impracticable, unnecessary and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

(c) *Invitation for Public Comment.* As stated above, these funding criteria are being published as interim criteria to be used by the Commissioner for fiscal year 1976 only. Interested parties are invited to submit written comments, suggestions or objections regarding the use of these criteria for future fiscal years to the Division of Training and Facilities, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets SW., Room 3060-ROB 3, Washington, D.C. 20202. The Commissioner will publish a notice of proposed rulemaking in the near future which will provide permanent regulations, including funding criteria, for this program. All comments regarding the criteria set forth below which are received on or before June 25, 1976, will be considered in the development of the notice of proposed rulemaking. Comments received will be available for public inspection at the above office Monday through Friday between 8 a.m. and 4:30 p.m.

(d) *Funding criteria.* The Commissioner will evaluate applications under Title IX, Part A of the Higher Education Act, as amended, on the basis of the following criteria, in addition to

the criteria set forth in 45 CFR 100a.26(b):

(1) The extent to which the proposed activities to be funded under Title IX, Part A are likely to result in the establishment, strengthening, and improvement of a program which prepares graduate and professional students for public service;

(2) The extent to which a significant long-term need for public service education is addressed by the institution of higher education in a specific program which is designed to prepare graduate or professional students for public service (hereinafter called "the program");

(3) The extent to which relevant, supervised practicum and internship experiences are integrated into the program;

(4) The extent to which the institution, as part of its program, has established arrangements with government agencies or jurisdictions, or other non-profit agencies, for such activities as program development, personnel exchange, and field work;

(5) The extent to which the multidisciplinary background, education, research interests, and experience of the faculty and administrative staff of the program qualify them to plan and implement a successful program of public service education;

(6) The extent to which the curriculum is sufficient to support a high quality program;

(7) The extent to which the program will involve other graduate or professional education units of the institution in ways which will be of practical benefits to public service education;

(8) The extent to which the director of the program has clear responsibilities and sufficient time to devote to the program;

(9) The extent to which other institutional resources (such as facilities, equipment, libraries, etc.) are adequate to support the program;

(10) The extent to which there is substantial evidence of a commitment to education for the public service by those most involved in the program, including the institution's administrative staff;

(11) The extent to which specific evidence is provided which demonstrates past success of graduates, if any, from the program in achieving leadership and management positions in public service careers;

(12) In addition to the above criteria, priority will be given to applications from institutions of higher education which have:

(i) Established, on-going public service education programs which are given strong support by the institution of which they are a part. However, consideration will be accorded to applications from institutions which are establishing new programs if a convincing case is made for their establishment in meeting a particular local, State, regional, or national need for public service;

(ii) Programs to prepare persons for leadership and management positions,

particularly in local and State government, and for positions in program administration involving intergovernmental relations. In addition, a few selected exemplary programs may be funded to prepare persons for careers in international service;

(iii) Programs of an especially imaginative or innovative nature which give promise of leading to significant improvement in the nature of public service education;

(iv) Programs designed to place graduates in fields and areas where delivery of public services is not effective;

(v) Programs which link other schools or departments of the institution, or two or more institutions, in collaborative efforts in fulfilling the above priorities;

(vi) Received assistance for the current fiscal year and which are applying for funds to continue the project. Requests for continuation awards will only be approved if there is an indication that there is a continuing need for the project and that satisfactory progress has been made in achieving the approved goals and objectives of the project;

(vii) Indicated that it is unlikely that the proposed project activities would be supported from other Federal funding.

(20 U.S.C. 1134a; 1134b(a))

(e) *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these criteria have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Number 13.555; Public Service Education Institutional Grants)

Dated: May 12, 1976.

T. H. BELL,  
U.S. Commission of Education.

Approved: May 19, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

[FR Doc.76-15298 Filed 5-25-76; 8:45 am]

#### NURSE TRAINING

##### Delegations of Authority

Notice is hereby given that the following delegation and redelegation have been made under Title VIII of the Public Health Service Act, as amended by the Nurse Training Act of 1975 (Public Law 94-63):

1. Delegation from the Secretary to the Assistant Secretary for Health to perform the authorities vested in the Secretary of Health, Education, and Welfare under Title VIII of the Public Health Service Act, as amended by the Nurse Training Act of 1975, (Public Law 94-63), except for the authority to issue regula-

tions and the authority under Section 851 relating to the establishment and the selection of members to the National Advisory Council on Nurse Training.

Previous delegations made by the Secretary of Health under Title VIII of the Public Health Service Act are hereby superseded. Previous redelegations made under the Secretary's previous delegations may continue for not more than 90 days from the date of signature of this document, but only to the extent that they are consistent with this delegation.

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Resources Administration, with authority to redelegate, to perform the authorities delegated to the Assistant Secretary for Health under Title VIII of the Public Health Service Act, as amended by the Nurse Training Act of 1975 (Public Law 94-63).

Previous delegations made by the Assistant Secretary for Health of authorities under Title VIII of the Public Health Service Act are hereby superseded. Previous redelegations, made under the previous delegations by the Assistant Secretary for Health, may continue for not more than 90 days from the date of signature of this delegation, but only to the extent that they are consistent with this delegation.

The above delegation and redelegation were effective on May 7, 1976.

Dated: May 17, 1976.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.  
[FR Doc.76-15306 Filed 5-25-76; 8:45 am]

#### Office of the Secretary TRANSPORTATION DEMONSTRATION GRANT PROGRAM Announcement of Program

The Assistant Secretary for Human Development will award up to five two year demonstration grants by January 14, 1977, aimed at determining the feasibility of coordinating and/or consolidating existing transportation resources within several Office of Human Development (OHD) programs at the sub-State level. These programs address the needs of the transportation disadvantaged, with emphasis on the elderly, handicapped, developmentally disabled, Head Start eligibles and other children from low income families, and Native Americans.

Pre-applications for determining grantee and program concept eligibility must be received by each Assistant Regional Director (ARD) for Human Development by July 27, 1976. Completed applications from accepted pre-applicants must be submitted to the Assistant Secretary for Human Development in Washington, D.C. by December 31, 1976.

A. *Background.* There are a large number and variety of Federal programs which provide transportation services,

each with its own statutory and regulatory provisions for program administration. These independent, categorical operations often result in transportation services in any given community which may be highly fragmented, duplicative or potentially underutilized.

Each categorical program often funds its own transportation system (single vehicles or mini-systems), or purchases transportation services from public or private providers for clients needing access to community facilities and services. Other mechanisms used by categorical programs to provide transportation services include client, staff or volunteer reimbursement.

In addition to the problem of bringing together social service agencies at the local level to work out a means for providing transportation services on a unified basis, there is the more difficult problem of linking social service agencies and public or private transit or paratransit systems.

B. *Program goal.* Given these concerns, therefore, the Office of Human Development set forth the following goal:

For the purpose of affecting national policy and programming, the Office of Human Development (OHD) will demonstrate the feasibility of coordination and/or consolidating transportation resources serving OHD target populations at the sub-State level.

The basic assumption of these demonstrations is that service efficiency (i.e., transportation services for a given dollar level) and service effectiveness (i.e., accessibility to services) will increase under a coordinated/consolidated special transportation system.

C. *Program objectives.* 1. Encourage OHD and other human service programs which provide transportation services to develop practical approaches to coordination and/or consolidation of transportation services at the local level.

2. Explore and test transportation service delivery systems and organizational methods which could lead to more integrated or centralized (hence more cost effective) transportation services.

3. Develop and test methods for greater coordination of existing public transportation providers in the bus and taxi modes with human service agency services.

4. Identify statutory, regulatory or administrative barriers to implementing coordinated and/or consolidated approaches to the organization and financing of transportation services, including public transportation programs.

To implement these objectives, OHD is soliciting interest from existing transportation providers nationwide for a limited amount of funding (in the range of \$25,000-\$100,000 per grant each year) to encourage interagency coordination/consolidation.

D. *Eligible applicants.* Eligible applicants for this program are:

1. A State, area or local public or non-profit agency which administers one or more of the following Office of Human Development programs:

- (a) Vocational Rehabilitation
- (b) Titles III and/or VII of the Older Americans Act
- (c) Developmental Disabilities
- (d) Head Start
- (e) Native American Programs

2. A nonprofit public purpose or private organization with existing transportation service responsibilities, such as a public or private transit authority, or a unit or combination of units of general purpose governments or a Health and Welfare Council.

Any proposed application must include the participation of at least three OHD programs as noted in Number 1(a)-(e) above.

E. *Program information and pre-application forms.* Project Guidelines are available to eligible applicants from each Office of the Assistant Regional Director of Human Development (ARD). These forms may be requested from the appropriate Assistant Regional Director for Human Development, as follows:

##### REGION I

Mrs. Rheable M. Edwards, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone: (617) 223-3235.

##### REGION II

Mr. John F. Devine, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 26 Federal Plaza, New York, New York, 10007, Telephone: (212) 264-4016.

##### REGION III

Mr. William A. Crunk, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, P.O. Box 13718, Philadelphia, Pennsylvania 19108, Telephone: (215) 596-6818.

##### REGION IV

Mr. L. Bryant Tudor, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 50 Seventh Street, N.E., Atlanta, Georgia 30323, Telephone: (404) 526-5478.

##### REGION V

Mr. Philip A. Jarmack, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 300 South Wacker Drive, Chicago, Illinois 60606, Telephone: (312) 353-4698.

##### REGION VI

Mr. Tommy B. Sullivan, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 1507 Pacific Avenue, Room 500, Dallas, Texas 75201, Telephone: (214) 749-2491.

##### REGION VII

Dr. A. Kenton Williams, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 601 East 12th Street, Kansas City, Missouri 64106, Telephone: (816) 374-5819.

##### REGION VIII

Mr. Edward Y. Okazaki, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 1961 Stout Street, Denver, Colorado 80202, Telephone: (303) 837-2622.



## REGION IX

Dr. C. Bruce Lee, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, 50 Fulton Street, San Francisco, California 94102, Telephone: (415) 556-4027.

## REGION X

Mr. William L. Hayden, Assistant Regional Director for Human Development, Department of Health, Education, and Welfare, Dexter Harton Bldg., 710 Second Avenue, Seattle, Washington 98101, Telephone: (206) 442-2430.

F. Application process. The application process is as follows:

1. Each applicant shall submit a pre-application, based upon OMB Form FMC-47 and supplemental instructions, to the Assistant Regional Director for Human Development for that Region, as appropriate. An original and two copies shall be submitted to the Regional Office (RO) by July 27, 1976. (Selection criteria, and indicators and weighting for those criteria will be appended to these forms.)

2. Each ARD, with the cooperation of Regional HD Program Units and Regional UMTA, FHWA, and DoT offices as appropriate, shall review the submitted pre-applications and recommend not more than three to OHD/CO as potential grantees for each region by August 17, 1976.

3. The HD Central Office shall review the pre-applications recommended by the ARDs and select up to 10 potential grantees by September 1, 1976.

4. The HD Central Office shall notify potential grantees of selection or non-selection by no later than September 10, 1976.

5. The HD Central Office shall then provide project application forms, based on the OMB Form DHEW-606T and supplemental instructions, to all applicants. (These forms will contain selection criteria for these proposals. Indicators and a weighing scheme will be provided to all applicants upon development.)

6. Each applicant, upon notification of pre-selection as a potential grantee, shall file a notice of pre-application with their appropriate A-95 and Metropolitan Planning Organization (MPO).

7. The HD Central Office, through a technical assistance contractor, will provide assistance to potential grantees on project development and application submission.

8. Each applicant shall then develop a project application using the OHD application forms and instructions.

9. Each applicant shall submit an original and two copies of the completed application to OHD, including all required A-95 and local clearances, by December 31, 1976.

10. OHD, with the cooperation of DoT, shall review project applications and recommend selection of five grantees to the ASHD by January 17, 1977.

11. The ASHD shall make up to five demonstration awards by January 21, 1977.

12. OHD will notify all applicants of selection/non-selection by January 28, 1977.

G. Mail applications. 1. A pre-application sent by mail will be considered to be received on time if:

(a) The pre-application was sent by registered or certified mail not later than July 27, 1976 as evidenced by the U.S. Postal Service Postmark, or on the original receipt from the U.S. Postal Service; or

(b) The pre-application is received on or before the closing date at the appropriate Regional Office Mailroom.

2. A completed application sent by mail will be considered to be received on time if:

(a) The application was sent by registered or certified mail not later than December 31, 1976 as evidenced by the U.S. Postal Service Postmark, or on the original receipt from the U.S. Postal Service; or

(b) The application is received on or before the closing date of either the Department of Health, Education, and Welfare or the Office of Human Development Mailrooms in Washington, D.C.

(In establishing the date of receipt for both pre-applications and completed applications, consideration will be given to the time date stamps of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the Office of Human Development.)

H. Hand delivered applications. 1. A pre-application to be hand delivered must be taken to the appropriate Regional Office of the Assistant Regional Director for Human Development.

2. A completed application to be hand delivered must be taken to the Office of the Assistant Secretary for Human Development, Room 5700 DHEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

(Hand delivered pre-applications or completed applications will be accepted during normal working hours. Pre-applications and completed applications will be accepted no later 5 p.m. on the closing date.)

(Catalog of Federal Domestic Assistance Numbers as follows):

13.600—Child Development—Head Start.

13.612—Native American Programs.

13.627—Rehabilitation Research and Demonstrations.

13.631—Development Disabilities—Special Projects.

16.636—Programs for the Aging—Research and Demonstration.

Dated: May 20, 1976.

STANLEY B. THOMAS, JR.,  
Assistant Secretary for  
Human Development.

[FR Doc. 76-15302 Filed 5-25-76; 8:45 am]

## Public Health Service

## CENTER FOR DISEASE CONTROL

Statement of Organization, Functions,  
and Delegations of Authority

Part 9 (Center for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education,

and Welfare (39 FR 1461, January 9, 1974, as amended) is amended to: (1) expand the scope of the functions of the Procurement and Materiel Management Office in the Office of Administrative Management to include responsibility for grants management policies and procedures on a Centerwide basis, and to change the name of the Procurement and Materiel Management Office to Procurement and Grants Office; (2) transfer coordination of the grants management functions in the National Institute for Occupational Safety and Health (NIOSH) from the Office of Extramural Coordination and Special Projects to the Office of Administrative and Management Services; (3) change the statement for the Office of Administrative Management to reflect the relationship of that office with other administrative offices of the Center; and (4) change the order of succession of officials to act as Center Director during the absence or disability of the Director.

Section 9-B Organization and Functions, is hereby amended as follows:

Under the heading entitled "OFFICE OF THE DIRECTOR (9A00)":

(1) delete the statement for the Office of Administrative Management (9A19) in its entirety and substitute the following:

Office of Administrative Management (9A19). Under the direction of the Executive Officer: (1) Assists and advises in the development, coordination, direction, and assessment of management activities throughout the Center and assures consideration of management implications in program decisions; (2) conducts the Center's activities in the areas of financial management, personnel management, management analysis, computer systems, engineering services, general services, grants management, procurement and materiel management, publications management, library, legislation reference, and other delegated authorities as may be assigned; (3) directly and/or through the individual staff offices of the Center, provides leadership, guidance, and evaluation of administrative management services performed for or by Bureaus, Institutes, and other components of the Center; (4) maintains liaison with officials of the Office of the Assistant Secretary for Health and the Office of the Secretary on management matters; (5) provides financial data and systems development in support of overall planning and budgeting systems; (6) participates in the development of the Center's goals and objectives.

(2) delete the statement for the Procurement and Materiel Management Office (9A1909) in its entirety and substitute the following:

Procurement and Grants Office (9A1909). (1) Advises the Director, CDC, and his staff, and provides leadership and direction for CDC procurement, grants, and materiel management activities; (2) plans and develops Centerwide policies, procedures, and practices in procurement, grants management, and materiel management areas;

(3) plans and directs the procurement of research and development, technical services, equipment and supplies, and the personal property, transportation, and warehousing operation; (4) executes, administers, and terminates negotiated and formal advertised contracts and purchase orders; (5) maintains a continuing review of Center-wide procurement, grants management, and materiel management operations to insure adherence to FPR, HEW, PHS, and CDC policies and standards; (6) maintains liaison with HEW, PHS, GSA, and other Federal agencies on procurement, grants, and materiel management policy, procedure and operating matters.

Under the heading entitled "NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (9C00)":

(1) amend item 2 in the statement for the Office of Administrative and Management Services (9C19) to read as follows: (2) coordinates management activities in the areas of financial management, administrative services, grants, procurement, printing, and facilities.

(2) amend item 4 in the statement for the Office of Extramural Coordination and Special Projects (9C24) to read as follows: (4) conducts in-depth review of research, training, and demonstration grants applications by use of consultant expert panels, as appropriate.

Section 9-C Order of Succession, is hereby amended to delete the list of officials, and substitute the following list: (1) Deputy Director; (2) Assistant Director for Program; (3) Assistant Director for Operations; (4) Executive Officer.

Dated: May 17, 1976.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.

[FR Doc. 76-15305 Filed 5-25-76; 8:45 am]

PUBLIC HEALTH SERVICE; FOOD AND  
DRUG ADMINISTRATIONStatement of Organization, Functions, and  
Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended in Section 6-B to reflect the reorganization of the Bureau of Veterinary Medicine.

(m) Bureau of Veterinary Medicine (6A12). Develops and recommends the veterinary medical policy of the Food and Drug Administration with respect to the safety and efficacy of animal drugs, feed additives, and devices. Evaluates, for animal safety and efficacy, proposed and marketed animal drugs and feed additives and marketed devices for animal use.

Coordinates the veterinary medical aspects of the FDA inspection and investigational programs and provides

veterinary medical opinions in drug hearings and court cases.

Plans, directs, and evaluates FDA's surveillance and compliance programs relating to animal drugs, animal feeds, and other veterinary medical matters.

(m-1) Office of the Director (6A1201). Directs overall Bureau activities and coordinates and establishes Bureau policy in the areas of research, management, scientific evaluation, compliance, and surveillance.

Directs systems for planning, programming, and budgeting and provides administrative, statistical, and informational support for the Bureau.

Approves new animal drug applications and feed additives.

(m-2) through (m-4) Reserved.

(m-5) Division of Veterinary Medical Research (6A1204). Conducts studies to aid in validating data supporting the safety and efficacy of animal drugs and feed additives.

Directs intermural and extramural research projects.

Develops methods for studying the pharmacokinetics and effects of drugs and feed additives in food animals.

Directs the development of experimental methods for inducing various disease conditions in animals; develops models for establishing safety and efficacy or toxicity of animal drugs and feed additives.

Conducts studies to evaluate the safety and efficacy of diagnostic agents and devices for animal use.

Conducts experiments on residues resulting from the use of animal drugs, feed additives, and adulterants, including the development and evaluation of methods for detecting such residues.

Conducts acute and chronic studies in domestic animals to evaluate the toxicity of food and feed contaminants or adulterants.

Develops actual evidence, based on animal experimentation, to support legal action under the Federal Food, Drug, and Cosmetic Act.

Maintains colonies of animals for experimental tests and studies.

(m-6) Division of Drugs for Avian Species (6A1207). Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives intended for use in avian species.

Reviews and determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in avian species.

Determines the safety and efficacy of drugs and feed additives proposed for use in avian species, as that use relates to the safety of food from these species, and their effect on the environment.

Evaluates proposed labeling to assure that it clearly indicates the uses and limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, the purity of the product.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for avian species and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives for avian species.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in avian species.

(m-7) Division of Drugs for Ruminant Species (6A1208). Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives intended for use in ruminant species.

Reviews and determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in ruminant species.

Determines the safety and efficacy of drugs and feed additives proposed for use in ruminant species, as that use relates to the safety of food from these species, and their effect on the environment.

Evaluates proposed labeling to assure that it clearly indicates the uses and limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, and purity of the product.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for ruminant species and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives for ruminant species.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in ruminant species.

(m-8) Division of Drugs for Swine and Minor Species (6A1209). Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives intended for use in swine and minor species.

Reviews and determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in swine and minor species.

Determines the safety and efficacy of drugs and feed additives proposed for use in swine or minor species, as that use relates to the safety of food from these species, and their effect on the environment.

Evaluates proposed labeling to assure that it clearly indicates the uses and limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, the purity of the product.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for swine and minor species and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives for swine and minor species.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in swine and minor species.

(m-9) Division of Drugs for Poultry Species (6A1210). Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives intended for use in poultry species.

Reviews and determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in poultry species.

Determines the safety and efficacy of drugs and feed additives proposed for use in poultry species, as that use relates to the safety of food from these species, and their effect on the environment.

Evaluates proposed labeling to assure that it clearly indicates the uses and limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, the purity of the product.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for poultry species and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives for poultry species.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in poultry species.

(m-10) Division of Drugs for Aquatic Species (6A1211). Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives intended for use in aquatic species.

Reviews and determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in aquatic species.

Determines the safety and efficacy of drugs and feed additives proposed for use in aquatic species, as that use relates to the safety of food from these species, and their effect on the environment.

Evaluates proposed labeling to assure that it clearly indicates the uses and limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, the purity of the product.

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limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, and purity of the product.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for swine and minor species and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives for swine and minor species.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in swine and minor species.

(m-9) *Division of Drugs for Non-Food Animals* (6A1210). Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives intended for use in non-food species.

Reviews and determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in non-food species.

Determines the effect on the environment of drugs and feed additives proposed for use in non-food species.

Evaluates proposed labeling to assure that it clearly indicates the uses and limitations of the product and provides other required information.

Evaluates the manufacturing facilities and procedures described in the application to confirm that the manufacturing controls are adequate to ensure the identity, strength, quality, and purity of the product.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for non-food species and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives for non-food species.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in non-food species.

(m-10) *Division of Compliance* (6A1212). Recommends Bureau policy concerning FDA's regulatory responsibilities for all animal drugs, feeds, devices, and non-drug substances.

Develops and evaluates compliance and surveillance programs for regulated industries in animal drugs, feeds, feed additives, devices, and related areas.

Develops and reviews regulations and standards for good manufacturing practices in animal feed and drug industries.

Provides support and guidance to the Field/District Offices on legal actions and provides Headquarters support in case development, coordination, and contested case assistance.

Coordinates replies to routine inquiries from consumers, State governments, and industry and answers to complicated veterinary medical questions after consultation with appropriate professionals.

Coordinates requests and activities pertaining to the Freedom of Information Act, Privacy Act, National Environmental Policy Act, and the Executive Order on Inflationary Impact Statements.

Reviews and evaluates antibiotic investigational and new animal drug applications for assay methodology pertaining to residue in edible products, bioavailability, and manufacturing controls; reviews and evaluates certifiable antibiotics for adherence to the certifiable antibiotic monograph regulations.

Coordinates the investigative and regulatory followup of all compliance programs, recalls, and drug residue reports.

Develops, reviews, and coordinates all FEDERAL REGISTER publications pertaining to Bureau functions.

Performs administrative document reviews to insure compliance with Agency policy and guidelines; advises on legal, regulatory, and administrative issues involving drugs, medicated feeds, feed additives, and other veterinary medical matters.

(m-11) *Division of Surveillance* (6A-1213). Evaluates the safety and efficacy of marketed animal drugs, medicated feeds, and devices and recommends action to correct deficiencies resulting from inadequate directions for use, warnings, and cautionary information.

Reviews and makes recommendations concerning label revisions, regulatory supplements, and withdrawal of approval of new animal drug applications.

Conducts continuing surveillance and veterinary medical evaluation of clinical experience and required reports.

Reviews establishment inspection reports, labeling, and other findings to determine whether animal drugs and devices are being marketed in accordance with the Federal Food, Drug, and Cosmetic Act and Agency policy and regulations.

Reviews and evaluates compliance and surveillance programs covering regulated industries in animal drugs, devices, and related areas.

Obtains and evaluates clinical and industry reports of adverse animal drug reactions and reviews consumer and veterinary practitioner complaints and reports.

Monitors and evaluates advertising and labeling to determine veracity of claims.

Provides medical and scientific advisory opinions on animal drugs and devices not covered by new animal drug applications.

Provides veterinary medical support for regulatory actions and obtains expert witnesses.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives.

(m-12) *Division of Animal Feeds* (6A1214). Reviews medicated feed applications to ascertain that feed composition, manufacturing procedures, labeling, and equipment meet specifications for approval of the use of the drug and comply with appropriate Agency regulations.

Reviews proposed drug premix, medicated, and pet feed labeling and regulations.

Recommends compliance programs involving the safety and labeling of animal feeds and provides medical and scientific support for regulatory actions.

Recommends and implements policies brought about by new information or programs related to animal feeds.

Evaluates the safety of animal feeds and feed ingredients and recommends programs concerning their adulteration and contamination.

Provides medical and scientific opinions on the toxic principles of contaminants of animal feeds for regulatory actions and compliance programs.

Makes recommendations toward the development of feed additive protocols and reviews feed additive data for safety.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Division of Veterinary Medical Research to gain further information on drugs and feed additives.

Administers the drug residue information and monitoring programs.

Dated: May 17, 1976.

JOHN OTTINA,  
Assistant Secretary for  
Administration and Management.

[FR Doc.76-15304 Filed 5-25-76; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration  
GULF HARBORS WOODLANDS

[Docket No. N-76-543; OILSR No. 0-4584-09-1132, No. ED-76-9-IS]

### Hearing

Notice is hereby given that: 1. Gulf Harbors Woodlands, Lindrick Corporation, its officers and agents, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) received a Notice of Suspension dated April 30, 1976, which was sent to the developer pursuant to 15 U.S.C. 1708(b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record

submitted for Lindrick Corporation and Gulf Harbors Woodlands, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an Answer dated May 17, 1976, in answer to the allegations of the Notice of Suspension dated April 30, 1976.

3. In said Answer the Respondent requested a hearing on the Suspension Order.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), it is hereby ordered, That a public hearing for the purpose of taking evidence on the propriety of the Suspension Order will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 2, 1976 at 2 p.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before May 28, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and the Suspension Order shall be continued in effect.

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 20, 1976.

JAMES W. MAST,  
Administrative Law Judge.

[FR Doc.76-15374 Filed 5-25-76; 8:45 am]

[Docket No. N-76-542 OILSR No. 0-3067-36-145]

### PONDEROSA PINES Hearing

Notice is hereby given that:

1. Ponderosa Pines, El Dorado Land Corporation, and James C. Manatt, President, authorized agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued February 24, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Ponderosa Pines, and the El Dorado Land Corporation located in Otero County, New Mexico, contain untrue statements of material fact or omit to state material facts required to be stated herein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer re-

ceived May 4, 1976, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), it is hereby ordered, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on June 25, 1976 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before June 3, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

The Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 18, 1976.

JAMES W. MAST,  
Administrative Law Judge.  
[FR Doc.76-15375 Filed 5-25-76; 8:45 am]

## AMERICAN INDIAN POLICY REVIEW COMMISSION HEARINGS CANCELLATION

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings previously scheduled on May 29 and 30 in Scottsdale, Arizona outside Phoenix have been cancelled. Despite the cancellation of the formal hearings, anyone wishing to submit written testimony to the Commission on the following subjects may do so.

1. The effectiveness of federal agencies in promoting economic development among the Indian people.
2. The alternatives to the present method of promoting development.
3. The problems of Indian development of resources.
4. The problems of state taxation of Indian resources.

5. Issues raised by the Alaskan Native Claims Settlement Act as regards Native development and control of their resources.

All testimony and additional documents for the record will be incorporated into the permanent records of the Commission. The Commission will submit recommendation for legislation to Congress on January 20, 1977.

Testimony should be sent to the American Indian Policy Review Commission, HOB Annex No. 2, 2nd and D Streets SW., Washington, D.C. 20515.

Dated: May 21, 1976.

KIRKE KICKINGBIRD,  
General Counsel.

[FR Doc.76-15376 Filed 5-25-76; 8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket 26324 etc.; Order 76-5-92]

### AIRLIFT INTERNATIONAL, INC.

United States-Latin America All-Cargo Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

Application of Airlift International, Inc., for amendment of its certificates of public convenience and necessity—Docket 26324.

Application of Airlift International, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended—Docket 27994.

United States-Latin America All-Cargo Service Investigation—Docket 29295.

### ORDER INSTITUTING INVESTIGATION

On June 23, 1975, Airlift International, Inc., for an exemption pursuant to ant to section 416(b) of the Federal Aviation Act of 1958, as amended (Act), for an exemption to conduct scheduled operations in foreign air transportation of property and mail between the co-terminal points New York, Miami, Houston, and San Juan, on the one hand, and Bogota and Cali, Colombia; Quito and Guayaquil, Ecuador; Iquitos and Lima, Peru; and Santa Cruz, Bolivia, on the other hand (docket 27994). The carrier requests that the authority be made effective pending final decision on its certificate application in docket 26324. Finally, Airlift requests that the Board set its certificate amendment application for hearing.

In support of its exemption application, Airlift alleges, *inter alia*, that: purely domestic all-cargo operations have never been profitable; Airlift has,

<sup>1</sup> On Mar. 31, 1976, Airlift filed Amendment No. 1 to its exemption request, in which the carrier added Barranquilla to the list of Colombian points for which authority is being sought.

<sup>2</sup> In docket 26324 Airlift requests authority to provide service between Atlanta, Dallas, Detroit, Chicago, Houston, Los Angeles, Miami, New Orleans, New York, and San Juan, on the one hand, and a point or points in Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Haiti, Mexico, Nicaragua, Panama, Peru, and Venezuela, on the other.

<sup>3</sup> Airlift indicates that the basic problem with domestic all-cargo operations is that they are restricted by demand to only 5 days per week, so that Airlift must depend on non-scheduled services for weekend periods. However, such services are affected by the 2 percent rule, which limits the carrier to approximately 120,000 miles per year.

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despite its lack of international authority, substantially improved its economic posture over the past 3 fiscal years; however, with even more fuel price increases expected, Airlift will be unable to continue its financial recovery or even maintain its existing posture by further internal efficiencies and rate increases; the limited authority requested will provide additional needed high-yield utilization for its aircraft, increase domestic segment loads, and expedite the re-institution of service at cities on its domestic system which are currently suspended; there is currently little U.S.-flag all-cargo service to Central and South America and none to the points for which temporary authority is sought; the Central and South American air cargo markets have reached or are reaching a level of maturity comparable to that which existed at the time of initial certification of U.S.-flag all-cargo service in the other two international areas now served by U.S. all-cargo carriers; and there would be a distinct improvement in air service to shippers in the affected areas with no significant adverse impact upon any other carrier.

In support of its motion for hearing of its certificate application, Airlift states that delay of action on its application has had and continues to have a serious adverse impact on a substantial segment of the shipping public; that delay will also have the effect of denying to a certificated carrier a source of financial strengthening which is immediately available to it and which could be granted without adverse effect on any other carrier; that the last examination of the all-cargo service needs of Central and South America was the *Airlift-ASA Acquisition/ASA Renewal Case*, which was decided by the Board in 1968 and which had as its primary focus the financial posture of the two carriers; that by contrast, the all-cargo service needs of the Pacific area were resolved in 1968, with awards which met with instantaneous, unqualified success; and that since there are three distinct market areas and three all-cargo carriers, it would appear reasonable to put Airlift on a par with the other two all-cargo carriers by permitting it to enter the only remaining major geographical area not receiving U.S.-flag scheduled all-cargo service.

The City of Houston and the Houston Chamber of Commerce filed an answer supporting the exemption and certificate requests. Answers in opposition to the exemption request and motion for hearing of Airlift's certificate application were filed by Pan American World Airways, Braniff Airways, and Trans International Airlines and World Airways.

\* Airlift is presently suspended at Boston, Tampa, West Palm Beach, New Orleans, Hartford-Springfield, and St. Louis, on route 120, and at St. Thomas on route 109. Indianapolis service was reinstituted on October 20, 1975, and Orlando service was reinstituted on July 1, 1976. Airlift serves Philadelphia by trunk through New York.

(combined answer). Eastern Air Lines filed an answer in opposition to the request for hearing. The opposing carriers contend that there is no statutory basis for grant of the requested exemption authority; that Airlift has failed to demonstrate that there is any real need for the proposed services; and that Airlift has provided no valid justification for hearing of its certificate application. Pan American further states that the exemption sought would change the character of Airlift's system and nearly double the number of points served by that carrier; that since the result of Airlift's proposed operations would be losses for all carriers providing services in today's declining cargo market, grant of Airlift's application would not be in the public interest; and that Airlift's forecasts are unduly optimistic.

Airlift filed a reply to the answers, stating that newly available 1974 Department of Commerce data indicate that air cargo between the United States and the countries to which it seeks to provide service has grown at an even faster pace than in prior years, and therefore its forecasts are probably understated.

Upon consideration of the various pleadings and of all relevant facts, we have decided to (1) deny Airlift's application for an exemption, and (2) institute an investigation to consider whether the public convenience and necessity require the amendment of the certificates of one or more U.S. carriers so as to permit direct all-cargo service between Miami, Houston, and San Juan, on the one hand, and Mexico City, Mexico; Managua, Nicaragua; Port-au-Prince, Haiti; Santo Domingo, Dominican Republic; Bogota, Colombia; Caracas, Venezuela; Guayaquil and Quito, Ecuador; Rio de Janeiro and Sao Paulo, Brazil; and Buenos Aires, Argentina, on the other hand.<sup>2</sup>

The issue of all-cargo service between the United States and Latin America has not been considered in a formal evidentiary hearing since 1968, and, as pointed out by Airlift, the emphasis in the *Airlift-ASA Acquisition and Renewal Case* was the financial condition of ASA and Airlift at the time of the proposed acquisition. The Board in the *U.S.-Caribbean-South American Service Investigation* specifically excluded the issue of

<sup>2</sup> In order to limit the scope of the proceeding instituted herein, we have restricted the domestic coterminals to Miami, Houston, and San Juan, since they are the southernmost points of entry and departure of air freight on Airlift's system between the United States and South America. Also, it is logical to assume that an all-cargo carrier would consolidate shipments at those points rather than provide direct service to numerous interior points. Further, we have selected only those countries listed in Airlift's application which exchanged at least 20 million pounds of freight with the United States in 1974. Finally, we have designated specific points in each country, since the certificates of carriers presently serving South America are in this form. The points listed are major hubs in the respective countries.

all-cargo service in that area. Thus, the all-cargo needs of the Caribbean and Central and South America have not been investigated in a number of years, and therefore the area is ripe for analysis of the potential cargo-generating ability of the countries involved and the need for certification of U.S.-flag all-cargo service to meet the specialized requirements of the shipping public.

The basis for our determination that a hearing is warranted in this case lies also in the tremendous growth which has taken place in air cargo exchanged with Latin American countries during the past several years. Overall, imports and exports transported by air between the United States and the countries involved herein increased at an average annual rate of 25.6 percent between 1971 and 1974, compared with an average rate of 10 percent for the Pacific and the Atlantic. Three of the nine countries—Mexico, Colombia, and Ecuador—receive no U.S.-flag all-cargo service, and foreign-flag carriers provide the bulk of service, both combination and all-cargo, in a large majority of the markets herein. Under all of these circumstances, we find that an investigation in this area is warranted, and that Airlift's certificate application in docket 26324 should be consolidated therein.

With regard to Airlift's exemption application, we are of the view that the carrier's request is too complex for informal processing and requires the benefit of a formal evidentiary record. The application raises several complex and controversial issues which cannot be determined on the basis of the limited evidence now before us. Furthermore, grant of Airlift's exemption request would have the effect of doubling its route system. Airlift has not shown that enforcement of the provisions of the Act, insofar as they would preclude the operations it proposes, would be an undue burden on it by reason of the limited extent of, or unusual circumstances affecting, its operations, and would not be in the public interest.

Finally, Airlift has not submitted sufficient information for us to determine the environmental consequences of its certificate amendment application at this time. Therefore, we will require the carrier to file the information set forth in Part 312 of the Board's Procedural Regulations. In view of the relatively complex nature of Airlift's request, we will allow Airlift and all other carriers filing applications in this proceeding 60 days from the service date of this order to file their environmental evaluations.

Accordingly, it is ordered, That:

1. A proceeding to be known as the United States-Latin America All-Cargo Service Investigation, docket 29295, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

[Docket 29055; Order 76-5-99]  
**FRONTIER AIRLINES, INC.**  
**Deletion of Intermediate Routes**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

Application of Frontier Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 73 so as to delete Borger, Tex., and St. Joseph, Mo., therefrom—Docket 29055.

This decision does not constitute a major Federal action significantly affecting the quality of the human environment (see n. 4).

**ORDER TO SHOW CAUSE**

By application filed on March 29, 1976, in docket 29055, Frontier Airlines, Inc., has requested amendment of its certificate of public convenience and necessity for route 73 so as to delete therefrom the intermediate points Borger, Tex., and St. Joseph, Mo. Concurrently, Frontier filed a petition requesting that the deletion be accomplished by show-cause procedures and that the exemption authority granted by order 74-6-7, which authorizes Frontier to serve Borger through Amarillo Air Terminal, be extended until final Board determination on its deletion request.<sup>1</sup>

By order E-5322, dated April 24, 1951, the Board granted Central Airlines temporary exemption authority to serve Borger, Tex. Central inaugurated service on May 15, 1951. Subsequently, Borger was certificated on Central's route 81 in the *Central Renewal Proceeding*, 16 C.A.B. 843 (195). As a result of Frontier's merger with Central, Borger became a point on Frontier's route in 1967. Despite the fact that Frontier's service to Borger remained constant and equipment was upgraded, poor traffic response and uneconomic operations forced Frontier in January 1970 to seek authority to serve Borger, as a hyphenated point with Amarillo, through the Amarillo Air Terminal. By order 70-5-121, May 26, 1970, the Board granted Frontier's request for exemption authority for a period of 2 years.<sup>2</sup> Subsequently on December 14, 1972, Frontier received a copy of a letter written to the Board by the manager of the Hutchinson County Airport serving Borger. The manager indicated that it was the desire of the City of Borger to be deleted from Frontier's certificate, rather than being served as a hyphenated point through Amarillo. Consequently, Frontier requested in its route realignment case that Borger be deleted. However, the Board concluded that matters of deletion were outside the gen-

eral purview of a route realignment and that they should be dealt with by separate applications to amend Frontier's certificate (order 75-7-5, p. 13).

St. Joseph, Mo., on the other hand, was initially certificated in 1959 on Frontier's route 73 in the *Seven States Area Investigation*, 28 C.A.B. 680 (1958). Frontier inaugurated service on March 1, 1959. Due primarily to St. Joseph's proximity to Kansas City and the much greater airline frequency available at the latter point, poor traffic response forced Frontier in January 1970 to seek permission to serve St. Joseph through the Kansas City Airport. By order 70-4-22, April 7, 1970, the Board granted Frontier's request noting that Frontier could better serve its passengers by concentrating its efforts at one airport. Since the issuance of order 70-4-22, Frontier and all other certificated carriers have moved their operations from Kansas City Municipal Airport (51 miles from St. Joseph) to Kansas City International Airport (30 miles and 40 minutes) driving time from St. Joseph via Interstate 29). This move has substantially improved the accessibility of St. Joseph passengers to Kansas City air services. Frontier likewise requested the deletion of St. Joseph in its route realignment case. As in the case of Borger, the Board concluded that the matter should be dealt with by a separate certificate amendment application.

In support of its requests, Frontier alleges that it has served Borger through Amarillo and St. Joseph through Kansas City for over 6 years; that, as a result, the public has received improved service, the Government's subsidy payments have been reduced, and Frontier has benefited from improved operational ability; and that the same conditions which warranted approval of authority to serve Borger and St. Joseph through nearby airports dictate that they should now be deleted from Frontier's certificate. The carrier alleges further, with regard to St. Joseph, that the move of Frontier's operations from Kansas City Municipal Airport to Kansas City International Airport has substantially improved the accessibility of St. Joseph passengers to Kansas City services and further augments the diseconomy of serving St. Joseph as a separate point. Finally, Frontier submits that since neither Borger nor St. Joseph objected to deletion in Frontier's route realignment proceeding, approval of its motion for a show-cause order is in the public interest.

No answers to Frontier's request have been received.

Upon consideration of the foregoing and all the relevant facts, we have decided to issue an order to show cause why the requested deletion of St. Joseph and Borger should not be granted. Accordingly, we tentatively find and conclude that the public convenience and necessity require the amendment of Frontier's certificate for route 73 so as

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require, and should the Board authorize, the certification of an air carrier or air carriers to engage in foreign air transportation of property and mail between the coterminal points Miami, Fla., Houston, Tex., and San Juan, P.R., on the one hand, and Mexico City, Mexico; Managua, Nicaragua; Port-au-Prince, Haiti; Santo Domingo, Dominican Republic; Bogota, Colombia; Caracas, Venezuela; Guayaquil and Quito, Ecuador; Rio de Janeiro and Sao Paulo, Brazil; and Buenos Aires, Argentina, on the other hand?

b. If the answer to (a) is in the affirmative, (1) which air carrier(s) should be authorized to engage in such service, and (2) what conditions, if any, should be placed on the operations of such carrier(s)?

3. The motion of Airlift International, Inc., for hearing of its application in docket 26324 be and it hereby is granted;

4. The application of Airlift International, Inc., in docket 27994 be and it hereby is denied;

5. Insofar as it conforms to the scope of this proceeding, the application of Airlift International in docket 26324 be and it hereby is consolidated with the proceeding instituted in paragraph 1, above, and to the extent not consolidated, the foregoing application be and it hereby is dismissed without prejudice;

6. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the service date of this order, and answers thereto shall be filed 10 days thereafter;

7. Airlift International and all other carriers filing applications in this proceeding shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 60 days of this order; and

8. A copy of this order shall be served upon persons listed in Airlift's certificate of service in docket 26324 and the following: The Departments of State, Interior, Transportation, Commerce, and Housing and Urban Development; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; and the Environmental Protection Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 76-15352 Filed 5-25-76; 8:45 am]

<sup>1</sup> To the extent the above-established procedure does not comply with Part 312 of the Board's Procedural Regulations, we hereby waive the requirement of Part 312 that applications contain an environmental evaluation for those carriers requesting consolidation with this proceeding.

<sup>2</sup> The carrier has invoked the automatic extension provisions of 6 U.S.C. 558(c) so as to continue the authority granted by order 74-6-7 beyond May 26, 1976, its present termination date.

<sup>3</sup> This authority was subsequently renewed by order 72-4-130, Apr. 25, 1972, and order 74-6-7, June 3, 1974.



to delete Borger, Tex., and St. Joseph, Mo.<sup>3</sup>

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Borger is only 45 miles and 60 minutes' driving time from Amarillo, and St. Joseph is only 30 miles and 40 minutes' driving time from Kansas City International Airport over interstate highways. Thus, both communities receive a multitude of schedules through reasonably convenient air service hubs. Moreover, both Borger and St. Joseph were low traffic-generating points on Frontier's system prior to being served through Amarillo and Kansas City, averaging only 2.16 and 1.36 passengers per departure, respectively, during the last 4 years of Frontier's service. Thus, if Frontier were required to reinstate service at the points, it would incur substantial startup costs and a subsidy need wholly disproportionate to the needs of the traveling public. Moreover, Frontier can continue to better serve its passengers by concentrating its manpower and facilities at Kansas City and Amarillo. No other carrier is certificated to serve these points, and the proposed action herein is simply a technical matter of conforming Frontier's certificate to conditions as they actually exist today. Finally, the absence of civic opposition to Frontier's request lends support to our decision that the show-cause procedure is appropriate.<sup>4</sup>

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue

<sup>3</sup> We also tentatively find that Frontier is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

<sup>4</sup> We further tentatively find and conclude that our action herein does not constitute a major Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969. Inasmuch as Frontier has no flight operations at Borger and St. Joseph at this time, the ultimate deletion of Frontier at Borger and St. Joseph will maintain the status quo, and, therefore, the requirement that Frontier file an environmental evaluation in accordance with Sec. 312.12 will be waived.

an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Frontier Airlines, Inc., for route 73 so as to delete Borger, Tex., and St. Joseph, Mo., therefrom;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of service of this order, file with the Board and serve upon all persons listed in paragraph 6, below, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; answers to objections shall be due 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The request of Frontier Airlines, Inc., for a waiver of the requirement of Part 312 that it file an environmental evaluation be and it hereby is granted; and

6. A copy of this order shall be served upon Frontier Airlines, Inc.; Mayors, Cities of Borger and St. Joseph; Governors, States of Missouri and Texas; Texas Aeronautics Commission; Director, Division of Aviation, Missouri Department of Transportation; Manager, Hutchinson County Airport; Manager, Rosecrans Field; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 76-15351 Filed 5-25-76; 8:45 am]

[Order 76-5-95; Docket 27813; Agreement C.A.B. 25570; R-1 through R-4, R-6 through R-12, R-15, R-16, R-18, R-19, R-23, R-25, R-31 through R-34, R-36; Agreement C.A.B. 25711, R-1 through R-19; Agreement C.A.B. 25761, R-1 and R-2; Agreement C.A.B. 25768, R-1 and R-2; Agreement C.A.B. 25779, R-1 through R-3]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers.

<sup>5</sup> All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted either at the 1975 Cannes Composite Passenger Traffic Conference, the February 1976 San Diego reconvened Passenger Traffic Conference, a March 1976 New York Resolution 015 Meeting, or by mail vote, have been assigned the above C.A.B. agreement numbers.

Insofar as transportation to and from the United States and its territories is concerned, Agreements C.A.B. 25570 and C.A.B. 25711 would establish new fare structures over the South Pacific and to/from Guam and American Samoa through March 31, 1977.<sup>1</sup> On the South Pacific, first-class and promotional fares would generally be increased approximately ten percent, and normal economy fares would be increased approximately seven percent. Group inclusive-tour (GIT) fares to/from Tahiti and New Caledonia would be increased by only five percent. Normal first-and economy-class fares to/from American Samoa would be increased in amounts ranging from 8 to 12 percent, and promotional fares in amounts ranging from 8 to 13 percent. Normal fares to/from Guam would generally be increased 8 percent and promotional fares 11 percent. Additionally, the agreements would simplify and standardize the payment and ticketing procedures relating to certain intra-Pacific and South Pacific GIT fares, introduce new Guam-Jakarta normal and excursion fares, and adjust South and North/Central Pacific proportional fares to reflect recent U.S. domestic-fare increases.

In response to Order 76-3-4, March 1, 1976, Pan American World Airways, Inc. (Pan American), the only U.S.-flag carrier providing South Pacific service, has submitted justification for the South Pacific agreement. No other comments have been received. The carrier states that the proposed agreement will provide \$2.5 million in additional revenue, 3.6 percent above that otherwise forecast for the year ending March 1977.<sup>2</sup> Pan

<sup>1</sup> Order 76-3-120, March 17, 1976, disposed of Agreement C.A.B. 25570 insofar as it related to traffic wholly between foreign points.

<sup>2</sup> Pan American states that its forecast includes U.S.-Pago Pago and military Category A and Z traffic, neither of which is affected by the agreement. For this reason, the actual impact will be less than the amount of the increase. Elasticity of demand is also alleged to be an important factor in its forecast of revenue improvement. However, we are unable to accept Pan American's elasticity argument. We note that fare increases are but one of many factors affecting traffic growth and would expect that a fare increase would actually depress the volume of traffic only when it exceeds the general inflation in all consumer prices, considering also the impact of changes in disposable income. International operations invariably include traffic originating at foreign points where the above considerations and their impact are not so easily reviewed as is the case in domestic transportation. Accordingly, we have eliminated the elasticity factor from Pan American's forecast.

American has provided a financial statement of historical results in South Pacific scheduled passenger service for calendar year 1975, and forecasts of results for the year ending March 1977 under both present and proposed fares. The carrier states that it experienced an operating loss of \$3.7 million and a return on investment (ROI) of -2.54 percent during the historical period; that it anticipates an operating loss of \$3.4 million and an ROI of -1.73 percent in the forecast year under present fares, and an operating loss of \$9 million and an ROI of 1.17 percent under the proposed fares. These results are based upon load factors of 43.84 percent during the historical period, 40.59 percent during the forecast period at present fares, and 38.98 percent forecast at proposed fares.

In response to the Board's expressed concern over continuation of certain promotional fares at discounts from normal economy fares in excess of fifty percent, Pan American contends that the agreement would, except in the case of a few GIT and affinity-group fares, set promotional fares at discounts which will not exceed fifty percent. The carrier also maintains that this agreement is considered to be an interim measure, since the carriers have agreed to meet again to restructure South Pacific fare relationships for the fall of 1976, and that it expects the results of that meeting will resolve the Board's concerns.

Upon full consideration of Pan American's economic justification, and other relevant matters, the Board has decided to approve the agreement in light of the carrier's evident need for additional revenue.<sup>3</sup> While Pan American forecasts a growth in traffic of 12.3 percent under present fares, this forecast is reduced to 7.9 percent under the proposed fares due to the elasticity factor it applies. However, this traffic growth is more than offset by a forecast increase of 21.3 percent in capacity, stemming from greater use of B-747 aircraft and introduction of 747SP aircraft. As a result, a load factor of 40.59 percent is postulated if present fares are continued, and 38.98 percent under the proposed fares. These low forecast load factors, together with the carrier's disappointing historical load factor of 43.84 percent, strongly suggest that Pan American should reassess the planned allocation of its capacity. In any event, for purposes of evaluating the agreement, we have adjusted Pan American's forecast traffic to reflect its historical load factor (see Appendix). The adjusted figures indicate that, for the forecast period, the carrier would achieve an ROI of 1.92 percent under present fares, and 7.30 percent under the proposed fares—well under the Board's 12 percent guideline.

<sup>3</sup> The Board will approve the increases proposed in fares to/from Guam and American Samoa and will likewise approve the other agreements as outlined earlier in the text.

posed fares—well under the Board's 12 percent guideline.

As previously indicated, the Board is not persuaded that load factors in the range of 45 percent reflect efficient operations over the longer term.<sup>4</sup> Pan American postulates load factors ranging from 39 percent to 41 percent under differing fare assumptions, well below its most recent historical load factor of 43.8 percent. At the time the 1975 IATA agreement was before us, its experienced load factor was 46.3 percent. Thus we see a continuing decline in passenger load factor from 46.3 percent in 1974 to 43.8 percent in 1975, and to a projected 39 percent to 41 percent for 1976 even though Pan American is the only U.S. carrier operating on the South Pacific route, and notwithstanding that it anticipates traffic growth in the upcoming year.

The projected decline in load factor stems in part from Pan American's decision to replace narrow-body aircraft with wide-body B-747's, which have a lower break-even load factor. We recognize that Pan American does not appear to be operating excess frequencies and that competition, as well as considerations of long-run, operational efficiencies, may justify the equipment which Pan American has chosen to use in this market. However, while we will approve the instant agreement on the basis of the carrier's revenue need, the Board is not prepared to approve future increases in normal passenger fares in this or in any other worldwide market based on unduly low-seat occupancy factors. Rather, we

will expect revenue needs to be met through higher load factors and we will evaluate future fare agreements most carefully to insure that passengers are not burdened by the costs of excessive unoccupied seats.

Although the agreement appears to narrow somewhat the spread between the level of normal economy fares and of promotional fares, a number of group fares to/from Honolulu are still discounted in excess of 50 percent. Furthermore, the same relationships which prompted our recent disapproval of normal economy fares over the North Atlantic in Order 76-4-175, April 30, 1976, prevail over the South Pacific as well. Nevertheless we will approve the agreement for its one-year term because of Pan American's obvious revenue need in this area. The carrier is in the midst of a transition in equipment used to service this route and the Board has not previously focused publicly and specifically on the level of economy fares and their relationship to other fares in this market as it has in the North Atlantic. However, we again emphasize that we will not approve future IATA agreements which burden normal fare passengers because of excessively discounted promotional fares and/or unduly low load factors.

The Board, acting pursuant to the Federal Aviation Act of 1958, and particularly Sections 102, 204(a) and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided approval is subject, where applicable, to conditions previously imposed or imposed herein by the Board:

<sup>4</sup> Order 75-7-80, July 17, 1975.

Agreement CAB	IATA No.	Title	Application
25711:			
R-1.....	001b	South Pacific Special Effectiveness Resolution.....	3/1
R-2.....	001f	Special Emergency Escape for JT31 (South Pacific) Agreement (revalidating and amending).....	3/1
R-3.....	002	Standard Revalidation Resolution.....	13/1
R-4.....	015a	South Pacific Proportional Fares North America (revalidating and amending).....	3/1
R-5.....	022g	JT31 (South Pacific) Special Rules for Sales of Passenger Air Transportation (revalidating and amending).....	3/1
R-6.....	022i	.....do.....	3/1
R-7.....	023a	Rounding-off Passenger Fares (amending). Provided that, with respect to rounding-off U.S. dollar fares under Resolution 023a, such rounding shall be accomplished by dropping amounts less than 50¢ and increasing amounts of 50¢ or more. Round-trip fares in U.S. currency shall not exceed twice the 1-way fare.....	13/1
R-8.....	056a	South Pacific 1st-Class Fares.....	3/1
R-9.....	060a	South Pacific Economy-Class Fares.....	3/1
R-10.....	070b	South Pacific 28-Day Excursion Fares (revalidating and amending).....	3/1
R-12.....	070p	South Pacific 23- and 30-Day Excursion Fares (revalidating and amending).....	3/1
R-13.....	071i	JT31 Advance-Purchase Excursion Fares, South Pacific (revalidating and amending).....	3/1
R-15.....	076u	JT31 South Pacific Affinity/Own-Use Incentive Group Fares (revalidating and amending).....	3/1
R-16.....	080d	South Pacific 23-Day Individual Inclusive-Tour Fares (revalidating and amending).....	3/1
R-17.....	080m	South Pacific 35-Day Individual Inclusive-Tour Fares (revalidating and amending).....	3/1
R-19.....	084dd	JT31 South Pacific Group Inclusive-Tour Fares (revalidating and amending).....	3/1

<sup>1</sup> South Pacific.

Agreement CAB	IATA resolution	Application
25761:		
R-1.....	300 (Mail 14) 084kk.....	3
R-2.....	300 (Mail 14) 084k.....	3



Agreement CAB	IATA No.	Title	Application
25768			
R-1	015	North American Proportional Fares, South Pacific (amending)	31
R-2	015	North American Proportional Fares, North/Central Pacific (amending)	31
Agreement C.A.B.			
IATA resolution			
Application			
25770			
R-1	300 (Mail 17) 053		3
R-2	300 (Mail 17) 053		3
R-3	300 (Mail 17) 070a		3

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25570 as indicated, are adverse to the public interest or in violation of the Act insofar as they would apply in air transportation to/from American Samoa and Guam, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
15570			
R-1	001	TC 3 Special Effectiveness Resolution (de-in)	3
R-2	001	Standard Revolving Resolution	3
R-3	001	Restriction of Applicability-Papua New Guinea (revalidating and amending)	3
R-4	001	Restriction of Application for Travel Solely Between Australia/Papua New Guinea and New Zealand (revalidating and amending)	3
R-5	014	Construction Rule for Passenger Fares (revalidating and amending)	3
R-6	014	Special TC3 Construction Rule, Australia/Papua New Guinea/New Zealand (revalidating and amending)	3
R-7	014	TC3 Special Rules for Sales of Passenger Air Transportation (revalidating and amending)	3
R-8	023	TC3 Special Rules for Sales of Passenger Air Transportation (revalidating and amending)	3
R-9	023	TC3 Special Rules for Sales of Passenger Air Transportation (revalidating and amending)	3
R-10	053	TC3 1st-Class Fares	3
R-11	053	TC3 Economy-Class Fares	3
R-12	070a	TC3 Excursion Fares (revalidating and amending)	3
R-13	070a	TC3 Australia-Fiji Advance-Purchase Excursion Fares (new)	3
R-14	070a	TC3 Special Round- and Circle-Trip Excursion Fares within the South West Pacific (revalidating and amending)	3
R-15	070a	Public Group Fares, Australia-Fiji (new)	3
R-16	070a	TC3 Affinity-Group Travel (revalidating and amending)	3
R-17	070a	TC3 Individual Fares for Ship's Crews (revalidating and amending)	3
R-18	070a	TC3 Individual Inclusive-Tour Fares (revalidating and amending)	3
R-19	070a	TC3 Group Inclusive-Tour Fares, Asia/South West Pacific (revalidating and amending)	3
R-20	070a	TC3 2nd- and 3rd-Day Group Inclusive-Tour Fares (revalidating and amending)	3
R-21	070a	Group Inclusive-Tour Fares, Australia-Fiji (new)	3
R-22	070a	TC3 Group Inclusive-Tour Fares, South West Pacific (revalidating and amending)	3
R-23	070a	Passenger Expenses en route, TC3 Filing Procedure (new)	3

3. It is not found that the following resolutions, incorporated in the agreements as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25711			
R-11	070a	South Pacific 15-Day Excursion Fares, via Paopae (revalidating and amending)	31
R-14	070a	JT31 South Pacific Group Fares (revalidating and amending)	31
R-18	070a	JT31 South Pacific Group Inclusive-Tour Fares (revalidating and amending)	31

Accordingly, it is ordered, That: 1. Those portions of Agreements C.A.B. 25570, C.A.B. 25711, C.A.B. 25761, C.A.B. 25768, and C.A.B. 25779 set forth in finding paragraphs one, two and three above be and hereby are approved subject to conditions previously imposed, where applicable, or imposed herein by the Board; 2. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effectiveness not earlier than June 1, 1976. The authority granted in this paragraph expires June 31, 1976; and 3. Tariffs implementing the approved agreements shall be marked to expire March 31, 1977.

\* Dissenting statements filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-15354 Filed 5-25-76; 8:45 am]

[Order 76-5-91; Docket 27573; Agreement C.A.B. 25850]

#### INTERNATIONAL AIR TRANSPORT ASSOCIATION

##### Commodity Rates

Issued under delegated authority May 20, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic

Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting reductions from general cargo rates, and was adopted pursuant to unopposed notices to the carriers and promulgated in IATA letter dated May 12, 1976.

Specific commodity item No.	Description and rate
9089	Empty gelatine capsules for medicine 225c/kg, minimum weight 500 kgs, from Bombay to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered That: Agreement C.A.B. 25850 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES J. DEEGAN,  
Chief Passenger and Cargo  
Rates Division, Bureau of  
Economics.

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-15353 Filed 5-25-76; 8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL 549-5; OPP-50156]

##### CHEVRON CHEMICAL CO.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172, was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA pro-

cedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-61) allows the use of 148.5 pounds of the insecticide Acephate (O,S-dimethyl acetylphosphorothioate) for household spot treatments (not while food is exposed) to evaluate control of American and German cockroaches. The program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from April 16, 1976, to April 16, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.  
[FR Doc.76-15263 Filed 5-25-76; 8:45 am]

[FRL 549-1; OPP-50153]

##### ELANCO PRODUCTS CO.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Elanco Products Company, Indianapolis, Indiana 46206. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1471-EUP-55) allows the use of 15 pounds of the fungicide a-(2-chlorophenyl)-a-(4-chlorophenyl)-5-pyrimidinemethanol on grapes to evaluate control of powdery mildew. A total of 30 acres is involved; the program is authorized only in the State of California. The experimental use permit is effective from April 16, 1976, to April 16, 1977. Any crops treated under this permit will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division

(WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.  
[FR Doc.76-15260 Filed 5-25-76; 8:45 am]

[FRL 549-2; OPP-50154]

##### FOREST SERVICE

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Forest Service of the U.S. Department of Agriculture, Washington, D.C. 20250. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 27586-EUP-15) allows the use of 7.1 pounds of an insecticidal formulation containing a-cubebene; 4-methyl-3-heptanol; and a-multistriatin (pheromone baited traps) in urban and forest situations; this insecticide will be used to evaluate control of the European elm bark beetle, and correspondingly, reduction of beetle-vectored, cases of Dutch elm diseases. A total of 21,884.2 acres is involved; the program is authorized only in the States of California, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Massachusetts, Mississippi, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin. The experimental use permit is effective from April 16, 1976, to April 16, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.  
[FR Doc.76-15261 Filed 5-25-76; 8:45 am]

[FRL 548-8; OPP-50152]

##### MOBIL CHEMICAL CO.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Mobil Chemical Company, Richmond, Virginia 23261. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 2224-EUP-14) allows the use of 72 pounds of the herbicide Bifenox (Methyl 5-(2,4-dichlorophenoxy)-2-nitrobenzoate) on tobacco to evaluate control of broadleaf weeds. A total of 45 acres is involved; the program is authorized only in the States of Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. The experimental use permit is effective from April 16, 1976, to April 16, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, JR.,  
Director,  
Registration Division.  
[FR Doc.76-15259 Filed 5-25-76; 8:45 am]

[FRL 549-4; OPP-50155]

##### OLIN CHEMICALS

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Olin Chemicals, Stamford, Connecticut 06904. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1258-EUP-10) allows the use of 700 pounds of the fungicide calcium hypochlorite in swimming pools to evaluate control of bacteria which may be the cause of infection. The program is au-



thorized only in the States of Florida, California, and Arizona. The experimental use permit is effective from April 16, 1976, to April 16, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/765-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc.76-15262 Filed 5-25-76; 8:45 am]

[FRL 548-3]

#### MARINE SANITATION DEVICE STANDARD Receipt of Petition

Notice is hereby given that the State of California has petitioned the Administrator of the U.S. Environmental Protection Agency to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), Mission Bay, Oceanside Harbor, and Dana Point Harbor. This action is requested pursuant to section 312(f)(3) of Pub. L. 92-500.

The petition states that the exclusion area for San Diego Bay is to be determined from the most recent National Oceanic and Atmospheric Administration chart. The petition lists six pump-out facilities for San Diego Bay, which include Harbor Police, Pearson Standard, Union Oil, Harbor Island Marina, Marina Cortez, and Coronado Cay's Marina, two pump-out facilities for Mission Bay, one pump-out facility in Oceanside Harbor, and two pump-out facilities for Dana Point Harbor. The pump-out facilities in San Diego Bay have an adjacent water depth of at least 10 feet and the Harbor Police facility has an approximate water depth of 20 feet. One of the facilities at Mission Bay has an adjacent water depth of 20 feet, which is the depth of the dredged entrance channel. The other pump-out facility in Mission Bay has an adjacent water depth of eight feet. The Harbor District pump-out station in Oceanside harbor is located immediately adjacent to the entrance channel, which is dredged to approximately 19 feet.

Both of the pump-out facilities located in Dana Point Harbor have adjacent water depths of approximately 10 feet, which is the depth of the Harbor and which will accommodate all boats that can use the other Harbor facilities. Each bay or harbor has at least one pump-out facility that is available for use on a 24-hour basis. Other privately operated

facilities normally are available during daylight hours. The pump-out rates of the docks facilities vary between five and ten gallons per minute and all of the pumping units discharge directly to the sanitary sewer and to a treatment facility that meets State and Federal requirements. A survey conducted by the California Regional Water Quality Control Board revealed no evidence of boat overcrowding at any pump-out facility. Most boats require only five minutes to empty the holding tank.

Comments and views regarding this requested action may be filed on or before July 9, 1976. Such communications or requests for a copy of the applicant's petition should be addressed to the Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, OWHM, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Dated: May 19, 1976.

JOHN A. RHETT,  
Acting Assistant Administrator  
for Water and Hazardous Materials.

[FR Doc.76-15264 Filed 5-25-76; 8:45 am]

[FRL 548-6]

#### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Delegation of Authority to State of California on Behalf of Ventura County and Northern Sonoma County Air Pollution Control Districts

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On July 10, 1975, William Simmons, then Executive Officer of the State of California Air Resources Board, submitted a request on behalf of the Ventura County and Northern Sonoma County Air Pollution Control Districts for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that

request were copies of the NSPS and NESHAPS regulations adopted by the Ventura County and Northern Sonoma County Air Pollution Control Districts and citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A), (B) and (C) of the following official letter to Mr. Lewis, now Executive Officer of the California Air Resources Board, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (11) of that letter dated February 2, 1976:

Mr. WILLIAM H. LEWIS, Jr., Executive Officer,  
California Air Resources Board, 1709 11th  
Street, Sacramento, CA 95814.

DEAR MR. LEWIS: This is in response to William Simmons letters of July 10, 1975, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Ventura County Air Pollution Control District and the Northern Sonoma County Air Pollution Control District.

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Ventura County and Northern Sonoma County Air Pollution Control Districts, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control Districts and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Ventura County and Northern Sonoma County Air Pollution Control Districts as follows:

A. Authority for ten categories of new sources located in the Ventura County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of the request for delegation. The categories of new sources covered by the delegation are incinerators; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants, and sewage treatment plants.

B. Authority for twelve categories of new sources located in the Northern Sonoma County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as of the date of the request for delegation. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

C. Authority for all sources located in the Ventura County and Northern Sonoma County Air Pollution Control Districts subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as of the date of the re-

quest for delegation. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Semi-annual reports will be submitted to EPA by the Ventura County and Northern Sonoma County Air Pollution Control Districts through the State of California Air Resources Board as specified in the State's Request for Delegation.

2. Enforcement of the NSPS and NESHAPS in the Ventura County and Northern Sonoma County Air Pollution Control Districts will be the primary responsibility of the Districts and the State of California Air Resources Board. If either of the Districts and the State determine that such enforcement is not feasible and so notify EPA, or where either of the Districts or the State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the appropriate District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of NSPS and NESHAPS does not commit the State of California and the Ventura County and Northern Sonoma County Air Pollution Control Districts to request or accept delegation of future standards and requirements. However, delegation of additional NSPS or NESHAPS standards or requirements, not in effect as of the State's Request of July 10, 1975, would require a new request for delegation.

4. The State of California and the Ventura County and Northern Sonoma County Air Pollution Control Districts are not requesting delegation of authority over Federal facilities within the Districts which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Ventura County or Northern Sonoma County District regulations.

5. The Ventura County and Northern Sonoma County Air Pollution Control Districts will at no time grant a variance from compliance with either Rule 72 or 73 of the Ventura County District, or Rule 70 or 71 of the Northern Sonoma County District, respectively, except as provided in this paragraph. Should either District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by a District shall also constitute grounds for revocation of delegation by EPA. However, if the Ventura County or Northern Sonoma County District in the future amends either Rule 72 or 73, or Rule 70 or 71, respectively, so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation, if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

6. The Ventura County and Northern Sonoma County Air Pollution Control Districts will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to their NSPS and NESHAPS regulations. Any use by a District of test methods to determine compliance with NSPS or NESHAPS not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Ventura County and Northern Sonoma County Air Pollution Control Districts and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or Ventura County or Northern Sonoma County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or a District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Ventura County or Northern Sonoma County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS or NESHAPS located within either the Ventura County or Northern Sonoma County Air Pollution Control Districts are required to submit all reports pursuant to the NSPS and NESHAPS to the appropriate Air Pollution Control District and to EPA, Region IX.

11. The Ventura County Air Pollution Control District shall ensure that all sources subject to the NSPS and NESHAPS located within the District shall comply with all requirements contained in 40 CFR Part 60 (except Subparts D and F) and Part 61 which have not been officially adopted by the District as Rules 72 and 73 of the Rules and Regulations and which have been promulgated as of the date of the request for delegation (i.e. test methods and emission monitoring requirements). When the District completes an appendix to its Rules and Regulations which sets forth the above requirements, such Appendix shall be submitted to EPA for review and approval. Any disparity between the requirements set forth in the Appendix and the federally promulgated requirements shall constitute grounds for revocation of delegation by EPA if not corrected.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Ventura County Air Pollution Control District shall be submitted to the Air Pollution Control District Office at 625 E. Santa Clara Street, Ventura CA 93001, and that all such reports by sources located in the Northern Sonoma County Air Pollution Control District shall be submitted to the Air Pollution Control District Office at 3318 Chanate Road, Santa Rosa CA 95404, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and Districts will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, Jr.,  
Regional Administrator.

cc: Ventura County Air Pollution Control District and Northern Sonoma County Air Pollution Control District

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr. Lewis on February 2, 1976 that authority to implement and enforce the NSPS NESHAPS was delegated to the State of California on behalf of the Ventura County and Northern Sonoma County Air Pollution Control Districts.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.  
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco, CA 94111.

Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 "M" Street, S.W., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Ventura County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 625 E. Santa Clara Street, Ventura, CA 93001, as well as to EPA, Region IX. Also effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Northern Sonoma County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 3313 Chante Road, Santa Rosa, CA 95404, as well as to EPA, Region IX.

Dated: April 14, 1976.

L. RUSSELL FREEMAN,  
Acting Regional Administrator,  
Region IX, EPA.

[FR Doc.76-15257 Filed 5-25-76; 8:45 am]

[FRL 548-7; OPP-30000/3]

#### PESTICIDE PROGRAMS

##### Notice of Presumption Against Registration and Continued Registration of Pesticide Products Containing Chlorobenzilate

The Deputy Assistant Administrator of the Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing chlorobenzilate as an ingredient for all uses.

The EPA amended 40 CFR 162 by promulgation on July 3, 1975, of its new regulations on the registration, reregistration and classification of pesticides (40 FR 28242). Section 162.11 of these regulations provides that a rebuttable presumption against registration or continued registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in 40 CFR 162.11(a)(3). If it is determined that such a presumption against registration or continued registration of a pesticide has arisen, the regulations require that the registrant be notified, by

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certified mail, that he has the opportunity to submit evidence in rebuttal of the presumption in accordance with § 162.11(a) (4). The Agency is taking this opportunity to inform affected registrants, and applicants, as well as the public at large, of the presumption against registration and continued registration of pesticide products containing chlorobenzilate and to solicit comments from interested parties relevant to the presumption.

A notice of a rebuttable presumption against registration or continued registration of a pesticide is not to be confused with notice of intent to cancel a pesticide. The latter is issued when it is determined that the pesticide may generally cause unreasonable adverse effects on the environment. A notice of a rebuttable presumption is issued, on the other hand, when the pesticide meets or exceeds the indicated criteria for risk. As is discussed below, this presumption may be rebutted. In addition, a party, seeking registration or continued registration, may submit evidence as to whether the economic, social and environmental benefits from use of the pesticide outweigh the risks. Thus, issuance of a notice of rebuttable presumption will not necessarily lead to a notice of intent to cancel or to deny the registration of a pesticide.

Pesticide products containing chlorobenzilate as an ingredient meet or exceed the following risk criteria, set forth in 40 CFR 162.11, for presuming against the registration of a pesticide product under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended:

(I) Chronic Toxicity.

(A) Oncogenic Effects.

40 CFR 162.11(a) (3) (ii) (A) provides that "(a) rebuttable presumption shall arise if a pesticide's ingredient(s) . . . [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure . . . Available data indicate that chlorobenzilate induces oncogenic effects in mice as a result of oral exposure. A study published by J. R. M. Innes, et al., *Bioassay of Pesticides and Industrial Chemicals for Tumorigenicity in Mice: Preliminary Note*, 42 J. National Cancer Institute 1101 (1969), reports the results of a long-term study on the oncogenic effects of chlorobenzilate on both sexes of two strains of mice. The test chemical was given by stomach tube from age 7 days until age 4 weeks and was mixed directly with the diet thereafter. The dosage rate for all test animals was 603 ppm. All animals were sacrificed after 83 weeks. The published results of this report indicate that chlorobenzilate induced a statistically significant increase in hepatomas in male test mice of both strains compared to the control group (P0.01). Hepatomas were reported in no female mice.

A study published by H. J. Horn, et al., *Toxicology of chlorobenzilate*, 3 *Agricultural and Food Chemistry* 752 (1955), reports the results of a long-term study on the chronic effects of chlorobenzilate

on both sexes of Carworth Farms rats. The test chemical was mixed directly with the diet from weaning until age 104 weeks. Twenty male and 20 female rats were fed 0 ppm; 20 male rats were fed 50 ppm; and 20 male and 20 female rats were fed 500 ppm. "Tissues from the brain, pituitary, thyroid, lung, stomach, large and small intestine, liver, testes, spleen, pancreas, kidneys, adrenals, bone, and muscle were pre-served from a representative number of animals in each group for microscopic examination. Histopathological observations were only made on animals surviving the full 104 weeks. Three adenofibromas were observed in female rats fed 0 ppm and one adenofibroma was observed in female rats fed 500 ppm (no female rats were fed 50 ppm). Several other tumors were observed in the examined mice, but the report gives no indication whether they were observed in the control animals or the test animals. In order to perform a thorough re-evaluation of this study, the Deputy Assistant Administrator is presently requesting the tissue slides and other information upon which this report is based.

An additional study may indicate that chlorobenzilate is oncogenic in rats as a result of oral exposure. By telephone conversation of May 14, 1976, Ciba-Geigy, Corporation has advised this Agency that it considers the contents of this study a trade secret under Section 10(b) of

FIFRA. Ciba-Geigy is being notified pursuant to Section 10(c) of FIFRA that the Deputy Assistant Administrator proposes to release this study for public inspection after 30 days.

For the foregoing reasons, the Deputy Assistant Administrator has determined that a rebuttable presumption exists against registration and continued registration of pesticide products containing chlorobenzilate as an ingredient for all uses. The registrants or applicants for registration may rebut this presumption by sustaining the burden of proving: (1) That when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects; or (2) that the determination by the Agency that the pesticide meets or exceeds the chronic risk criteria set forth in 40 CFR 162.11 (a) (3) (ii) was error.

At the time that a registrant or applicant for registration submits evidence in rebuttal of the presumption, he may also submit evidence as to whether the economic, social and environmental benefits of the use of chlorobenzilate as an ingredient outweigh the risk of use.

Registrations currently in effect for the following products containing chlorobenzilate as an ingredient are:

Registrant	EPA Registration No.	Product
Aceto Chemical Co., Inc., 126-02 Northern Blvd., Flushing, N.Y. 11368.	2740-155	Chlorobenzilate 4E Miticide.
Agan Chemical Manufacturers, Ltd., Ashdod c/o Sokoor, Inc., 415 Madison Ave., New York, N.Y. 10017.	11603-12	Chlorobenzilate Technical.
AR Chemical Corp., 1614 11th St., Portsmouth, Ohio 45662.	7122-05	Guardian Chlorobenzilate WE Miticide 25%.
Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409.	100-332 100-424 100-453 100-460 100-533	Gelgy Chlorobenzilate 25W. Gelgy Chlorobenzilate 4% Dust. Gelgy Chlorobenzilate 4E. Spectracide Rose & Flower Spray. Acarabon 04T.
Crystal Manufacturing Corp., 1325 North Post Oak Rd., Houston, Tex. 77058.	9603-23	Chlorobenzilate 4 EC.
Hahn Exterminating Service, 161 North Trimble Rd., Mansfield, Ohio 44066.	960-2-1	Hahn's Spida-KML.
Makhteshim Deer Sheva Chemical Works, Ltd., c/o Solchem, Inc., 415 Madison Ave., New York, N.Y. 10017.	11678-13 11678-34 1318-149	Chlorobenzilate Technical. Benzilan 4E Selec Chlorobenzilate 25 EC Miticide (25% Emulsifiable Solution).
Selen Supply Co., Collins Ave. and Railroad, Eaton, Colo. 80015.	20178-1	Chlorobenzilate Technical.
Shanna Co., Inc., 130 Route 22, North Plainfield, N.J. 07060.	148-1164	Mitrol E-4.
Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City, Kans. 66110.	9518-2	Benz-O-Chlor 4-E.
Tower Chemical Co., P.O. Box 585, Clermont, Fla. 32711.	9518-15	Chlorobenzilate Technical.
Trans Chemical Industries, Inc., 1 Penn Plaza, New York, N.Y. 10001.	9518-21	Chlorobenzilate Technical II.

Current applicants for registration for products containing chlorobenzilate as an ingredient are:

Applicant	EPA file symbol/ state regulation no.	Product
Aceto Chemical Co., Inc., 126-02 Northern Blvd., Flushing, N.Y. 11368.	2749-GU U	Chlorobenzilate Technical.
Agro Chemical Co., Crop Protection Chemical Division, P.O. Box 2451, Tulsa, Okla. 74101.	FL St. 3238-9437	Standard Brand Chlorobenzilate 4-E.
American Refining & Manufacturing Co., P.O. Box 332, Miami, Fla. 33147.	FL St. 34164-9251	Mitrol.
Consolidated Chemical Co., Subsidiary of Colorado International Corp., P.O. Box 7257, Denver, Colo. 80207.	3-329-R	Chlorobenzilate Technical.
Helena Chemical Co., 5100 Poplar Ave., Clark Tower, Suite 204, Memphis, Tenn. 38137.	FL St. 5505-3102 FL St. 5905-7061 FL St. 5905-7890	Chlorobenzilate 4E. Cybenzilate. Helena Chlorobenzilate 4E.
Rose Ext. Co., 2122 East 2d St., Cleveland, Ohio 44115.	OH St. 30257-8881	Chlorobenzilate Miticide.
Tex Ag Co., Inc., P.O. Box 633, Mission, Tex. 78572.	TX St. 33722-3570	Rid-A-Mite.

The above registrants and applicants for registration are being notified by certified mail of the rebuttable presumption existing against registration and

continued registration of their products. The registrants and applicants for registration shall have until June 28, 1976, to submit evidence in rebuttal of

the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

During the time allowed for submission of rebuttal evidence, any member of the public or any other federal agency is invited to submit written comments and other information relevant to the presumption against registration and continued registration contained in this notice to the Federal Register Section,

Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should bear the identifying notation "OPP-30000/3". Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a) (5) (ii). Comments received after the speci-

fied time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a) (5) (ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. during normal working days.

Dated: May 14, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.76-15258 Filed 5-25-76; 8:45 am]

# FEDERAL COMMUNICATIONS COMMISSION

## MEXICAN STANDARD BROADCAST STATIONS

### Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations, modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Mexican list No. 276, Apr. 1, 1976

Call letters	Location	Power (watts)	Antenna radiation (mv/m, kw)	Schedule	Class	Antenna height (feet)	Ground system Number of radials	Length (feet)	Proposed date of change or commencement of operation
XEWA	Monterrey, N.L., N. 25°40'15", W. 109°18'30".	500	630 kHc	ND-U-175	U	11	118	120	455 Immediately.
(New)	Cd. Guzman, Jal., N. 19°43'14", W. 103°27'34".	200	550 kHc	ND-D-175	D	111	358	120	358 Sept. 30, 1976.
(New)	Chetumal, Q. Roo, N. 19°25'30", W. 88°17'50".	200	590 kHc	ND-D-175	D	111	352	120	352 Do.
(New)	Villa Juarez, Pue., N. 20°17'47", W. 97°38'48".	250	570 kHc	ND-D-175	D	111	432	120	432 Do.
(New)	Palenque, Chi., N. 17°33'10", W. 91°58'10".	500D/100N	600 kHc	ND-U-175	U	111	558	120	546 Do.
XEFL	Fresnillo, Zav., N. 23°10'35", W. 106°01'150N	610 kHc	610 kHc	ND-U-175	U	111	323	120	323 Immediately.
XEBU	Chihuahua, Chih., N. 28°41'27", W. 50°01'1250N	680 kHc	680 kHc	ND-U-175	U	111	577	120	394 Do.
XEFB	Guadalajara, Jal., N. 20°41'58", W. 103°23'21".	500	630 kHc	ND-U-175	U	111	501	120	328 Do.
XETK (antenna shared with XERJ, 1350 kHc).	Maratlan, Sim., N. 23°11'55", W. 100°01'250N	680 kHc	680 kHc	ND-U-175	U	111	312	120	325 Do.
(New)	Naoling, Ver., N. 19°39'15", W. 100°51'52".	1,000	630 kHc	DA-D	D	11			Sept. 30, 1976.
XERPM (PO 10kW, 5.0kWN).	Mexico, D.F., N. 19°29'13", W. 99°02'33".	50,000D/5,000N	680 kHc	ND-D-190	U	11	507	120	528 Do.
(New)	Atoyac de Alva, Gro., N. 17°10'00", W. 100°25'40".	500	680 kHc	ND-D-190	D	11	367	120	367 Do.
XENE	Tepic, Nay., N. 21°30'12", W. 104°52'25".	250	680 kHc	ND-D-190	D	11	362	120	362 Do.
XETRA	Progreso, Yuc., N. 21°15'00", W. 89°39'30".	50,000	680 kHc	DA-2	U	11			Do.
XEDP	Cd. Cuauhtemoc, Chih., N. 23°50'00", W. 106°55'10".	5,000	710 kHc	ND-D-190	D	11	555	120	347 Immediately.
XEX	Leon, Gto., N. 21°07'28", W. 101°41'01".	5,000D/200N	710 kHc	ND-U-190	U	11	547	120	547 Do.
(New)	Hermosillo, Son., N. 29°04'30", W. 110°37'37".	500	730 kHc	ND-D-190	D	11	333	120	333 Sept. 30, 1976.
XEABC (PO 5.000kW DA-2).	Los Reyes, Mex., N. 19°28'19", W. 98°58'35".	20,000D/5,000N	770 kHc	DA-2	U	11			June 30, 1976.
XEML (PO 0.250kW)	Apatzingan, Mich., N. 19°08'30", W. 102°15'06".	1,000	770 kHc	ND-D-175	D	11	380	140	230 July 30, 1976.
XEMV	Los Mochis, Sin., N. 25°47'00", W. 105°00'00".	2,500	770 kHc	ND-D-190	D	11	322	120	322 Immediately.
XEZN (PO 0.250kW)	Celaya, Gto., N. 20°31'24", W. 100°45'55".	500	780 kHc	ND-D-175	D	11	157	120	131 Sept. 30, 1976.
XERSV (PO 5kW)	Cd. Oregan, Son., N. 27°30'50", W. 109°56'38".	5,000D/250N	810 kHc	ND-D-190	U	11	380	90	362 Do.
XEBA (PO 1kW, ND-D-177, 289, 120, 230).	Guadalajara, Jal., N. 20°43'20", W. 103°18'20".	10,000	880 kHc	DA-D	D	11			Do.

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Call letters	Location	Power watts	Antenna radiation mV/m/kW	Schedule	Class	Antenna height (feet)	Ground System Number of radials	Length (feet)	Proposed date of change or commencement of operation
X1VQ (PO Navolato, Sin., N. 24°48'30", W. 107°23'57")	Culiacan, Sin., N. 24°48'30", W. 107°23'57"	800 kHz 1,000	ND-D-184	D	II	297	90	297	Do.
XEMY (PO 0.500kW)	Cd. Mante, Tam., N. 22°44'30", W. 96°58'24"	800 kHz 1,000	ND-D-176	D	II	167	120	164	Do.
XEPN	Cd. Juarez, Chih., N. 31°42'45", W. 106°23'38"	800 kHz 1,000 D/500N	ND-D-190	U	II	195	90	280	Immediately.
XEAO	Mexicali, B.C.N., N. 32°38'33", W. 115°30'23"	900 kHz 250	ND-U-175	U	III	200	120	263	Do.
(New)	Mascota, Jal., N. 20°31'15", W. 104°47'00"	900 kHz 500 D/250N	ND-U-190	U	III	270	120	270	Sept. 30, 1976
XEHG	Cd. Obregon, Son., N. 27°28'30", W. 109°58'00"	900 kHz 1,000 D/250N	ND-U-175	U	III	221	90	221	Immediately.
XELT (PO 1,000kW, 0.250 kW, ND-U-190)	Guadalajara, Jal., N. 20°39'44", W. 103°23'47"	900 kHz 50,000 D/250N	DA-D ND-N-190	U	III	267	120	267	Sept. 30, 1976
XEMAB	Cd. Del Carmen, Camp., N. 18°30'08", W. 91°45'30"	950 kHz 250	ND-U-175	U	III	204	120	264	Immediately.
XEVJ (PO 1kW, 0.100 kW)	Nueva Rosita, Coah., N. 27°55'23", W. 101°11'45"	950 kHz 10,000 D/1,000N	ND-U-180	U	III	264	90	264	Sept. 30, 1976
XEROO	Chetumal, Q.R., N. 19°31'24", W. 89°17'30"	950 kHz 10,000 D/500N	ND-U-175	U	III	200	90	200	Immediately.
XEEZ (PO 1,000kW, 0.100 kW)	Culiacan, Sin., N. 24°48'30", W. 107°23'57"	950 kHz 10,000 D/1,000N	ND-U-175	U	III	223	90	227	Sept. 30, 1976
(New)	Juchitán, Oax., N. 17°04'31", W. 95°07'01"	950 kHz 1,000	DA-D	D	III				Do.
XEOL (PO 0.500kW, 0.100 kW)	Tehuacan, Pue., N. 19°48'53", W. 97°22'32"	950 kHz 10,000 D/250N	ND-U-175	U	II	284	90	284	Do.
XEUM (PO 0.500kW, 0.250 kW)	Valladolid, Yuc., N. 20°40'40", W. 88°12'42"	950 kHz 10,000 D/250N	ND-U-190	U	II	249	120	249	Do.
XEMA	Matamoros, Tam., N. 25°22'45", W. 97°31'09"	1,000 kHz 500	DA-D	D	II				Do.
XELH (PO 1kW, 0.1kW)	Guadalajara, Jal., N. 20°40'27", W. 103°23'47"	1,000 kHz 50,000 D/5,000N	ND-U-187	U	II	243	120	230	Do.
(New)	Chetumal, Q.R., N. 19°31'24", W. 89°17'30"	1,000 kHz 1,000	ND-D-190	D	II	211	120	211	Do.
(New)	Mototzintla, Chis., N. 15°22'41", W. 92°14'00"	1,000 kHz 10,000	ND-D-190	D	II	215	90	215	Do.
(New)	Cd. Madero, Tam., N. 25°10'30", W. 97°18'00"	1,000 kHz 1,000	DA-D	D	II				Do.
(New)	Mazatlan, Sin., N. 23°11'55", W. 106°28'20"	1,000 kHz 1,000	ND-D-175	D	II	207	90	207	Do.
(New)	Vallarta, Jal., N. 20°30'00", W. 105°11'42"	1,000 kHz 5,000	ND-D-224	D	II	410	120	228	Do.
(New)	Cancun, Q.R., N. 21°04'52", W. 86°46'18"	1,000 kHz 500	DA-D	D	II				Do.
XEXK (PO 0.250kW)	Pozos Riecos, Ver., N. 20°32'03", W. 97°28'28"	1,000 kHz 500	ND-D-175	D	II	205	90	205	Do.
XEPKS	Rosario, B.C.N., N. 27°40'45", W. 117°06'00"	1,000 kHz 50,000	ND-D-272	U	I-B	230	120	230	Immediately.
(New)	Torreón, Coah., N. 23°32'15", W. 103°27'55"	1,000 kHz 500	ND-D-190	D	II	240	120	236	Sept. 30, 1976
(New)	Tapachula, Chis., N. 14°54'00", W. 92°16'09"	1,100 kHz 750	ND-D-175	D	II	179	120	179	Do.
(New) (assignment deleted)	Naranjos, Ver.	1,100 kHz 250	ND-D-190	D	II				Do.
XEVS (PO 0.250kW)	Villa de Seris, Son., N. 29°03'39", W. 110°58'40"	1,100 kHz 1,000	ND-D-187	D	II	221	120	207	Do.
(New) (assignment deleted)	Alamo, Ver.	1,100 kHz 250	ND-D-190	D	II				Do.
(New)	Cancun, Q.R., N. 21°04'52", W. 86°46'18"	1,100 kHz 250	DA-D	D	II				Do.
(New)	Morelia, Mich., N. 19°42'14", W. 101°06'28"	1,100 kHz 250	ND-D-175	D	II	166	90	166	Do.
XEJP (antenna shared with XECMR, 1380 kHz)	Mexico, D.F., N. 19°28'47", W. 99°04'09"	1,100 kHz 10,000	ND-D-190	U	III	236	90	236	Immediately.
(New)	Tulum, Q.R., N. 20°12'34", W. 87°25'47"	1,100 kHz 200	ND-D-190	D	III	214	120	214	Sept. 30, 1976
XKYI	Cancun, Q.R., N. 21°04'52", W. 86°46'18"	1,100 kHz 1,000	DA-D	D	II				Do.
XECT	Monterrey, N.L., N. 25°41'10", W. 100°18'07"	1,100 kHz 500	ND-D-175	D	II	285	120	207	Immediately.
(New)	Tampico, Tam., N. 22°13'00", W. 97°51'19"	1,100 kHz 5,000 D/500N	DA-D	U	II				Sept. 30, 1976

Call letters	Location	Power watts	Antenna radiation mV/m/kW	Schedule	Class	Antenna height (feet)	Ground System Number of radials	Length (feet)	Proposed date of change or commencement of operation
(New)	Cosolapa, Oax., N. 18°34'54", W. 95°39'06"	1,200 kHz 250	ND-D-190	D	II	206	120	206	Do.
XEWI	Culiacan, Sin., N. 24°48'30", W. 107°23'57"	1,200 kHz 1,000	ND-D-190	D	II	208	120	208	Do.
(New)	Isla Mujeres, Q.R., N. 21°14'00", W. 86°44'00"	1,200 kHz 500	DA-D	D	II				Do.
(New)	Teloloapan, Gro., N. 18°22'06", W. 95°52'31"	1,200 kHz 2,000	ND-D-190	D	III	196	120	196	Do.
XENX	Mazatlan, Sin., N. 23°11'55", W. 106°28'20"	1,200 kHz 3,000 D/250N	ND-U-175	U	III	175	90	175	Immediately.
XERRT	Cd. Madero, Tam., N. 25°14'30", W. 97°50'10"	1,200 kHz 5,000 D/2,000N	DA-D ND-N-190	U	III	176	90	176	Do.
XEYW	Uman, Yuc., N. 20°52'30", W. 89°44'00"	1,200 kHz 2,500 D/500N	ND-U-190	U	III	194	120	194	Sept. 30, 1976
XEDB (PO 1kW, 0.250kW)	Tonala, Chis., N. 16°05'42", W. 98°45'42"	1,200 kHz 5,000 D/250N	ND-U-178	U	III	197	90	164	Do.
XEYE	La Paz, B.C.S., N. 24°09'41", W. 110°20'44"	1,300 kHz 10,000	ND-D-190	D	III	188	120	188	Do.
XEQN (PO 5,000kW, 0.250 kW)	Torreón, Coah., N. 23°38'48", W. 103°28'17"	1,300 kHz 10,000 D/250N	ND-U-208	U	III	262	120	262	Do.
XEHY (PO 1kW, ND-D-175)	Villa de la C, Gro., N. 20°08'10", W. 100°08'30"	1,300 kHz 5,000 D/1,000N	DA-D ND-N-175	U	III	112	120	188	Do.
XECMQ (PO N. 19°28'50", W. 99°12'05", ND-U-186) (antenna shared with XEJP, 1150 kHz)	Mexico, D.F., N. 19°28'47", W. 99°04'09"	1,300 kHz 10,000 D/1,000N	ND-U-186	U	III	246	120	205	July 31, 1976
XESF	Montemorelos, N.L., N. 25°11'34", W. 99°49'31"	1,300 kHz 1,000 D/1,000N	ND-U-175	U	III	230	120	230	Immediately.
XERJ (PO N. 23°11'55", W. 106°28'20", 5kW, 5kW, ND-U-175) (antenna shared with XETK, 630 kHz)	Mazatlan, Sin., N. 23°11'55", W. 106°28'20"	1,300 kHz 5,000 D/500N	ND-U-224	U	III	312	120	328	Sept. 30, 1976
XEYR	Teapa, Tab., N. 17°33'07", W. 92°57'18"	1,300 kHz 5,000 D/1,500N	ND-U-190	U	IV	200	90	197	Immediately.
XEIK	Piedras Negras, Coah., N. 28°12'25", W. 100°31'02"	1,300 kHz 5,000 D/250N	ND-U-175	U	III	197	90	197	Sept. 30, 1976
XEY	Celaya, Gro., N. 20°51'24", W. 100°48'56"	1,300 kHz 1,000 D/250N	ND-U-190	U	III	180	120	180	Immediately.
XEQY (PO 0.500kW, DA-D)	Toluca, Mex., N. 19°17'01", W. 99°40'09"	1,300 kHz 5,000 D/500N	DA-D	U	III				Sept. 30, 1976
(New)	Cd. Valles, S.L.P., N. 21°59'04", W. 99°00'58"	1,300 kHz 5,000	ND-D-175	D	III	205	120	205	Do.
XEZY	Cd. Hidalgo, Chis., N. 14°40'57", W. 92°06'55"	1,300 kHz 1,000 D/250N	ND-U-175	U	III	178	90	178	Do.
(New) (assignment deleted)	Atoyac de Alvar, Gro., N. 17°10'00", W. 100°25'40"	1,300 kHz 5,000	ND-D-190	D	III	178	120	178	Do.
XEZP	Las Cruces, Gro., N. 18°58'41", W. 98°28'08"	1,300 kHz 1,000	ND-D-190	D	III	178	120	178	Do.
XEZG	Ixmiquilpan, Hgo., N. 20°29'04", W. 99°13'05"	1,300 kHz 500	ND-D-175	D	III	177	90	177	Immediately.
XEEY	Jalpa, Zac., N. 21°37'50", W. 104°59'23"	1,400 kHz 250	ND-D-190	D	III	173	120	173	Sept. 30, 1976
XEFCD	Cd. Camargo, Chih., N. 27°41'49", W. 105°10'09"	1,400 kHz 5,000 D/1,000N	ND-U-175	U	III	197	90	197	Do.
(New)	Zapotlanejo, Jal., N. 20°37'24", W. 103°03'49"	1,400 kHz 5,000 D/1,000N	ND-U-190	U	III	171	120	171	Do.
XELHW	Rosario, Sin., N. 23°03'53", W. 105°50'46"	1,400 kHz 2,500 D/250N	ND-U-216	U	III	300	90	180	Immediately.
XELE	Matemala, S.L.P., N. 25°37'58", W. 100°38'26"	1,400 kHz 1,000 D/200N	ND-U-178	U	IV	164	120	121	Sept. 30, 1976
(New)	Reforma, Chis., N. 17°59'02", W. 93°09'40"	1,400 kHz 500 D/250N	ND-D-190	D	III	167	120	167	Do.
XECU (PO 0.250kW, ND-U-184)	Los Mochis, Sin., N. 25°44'20", W. 106°02'43"	1,400 kHz 1,000 D/250N	ND-U-185	U	III	167	90	167	Do.
XEHJ (PO 1,000kW)	Cd. Miguel A. Tam., N. 20°20'20", W. 99°05'55"	1,400 kHz 5,000 D/250N	ND-U-196	U	III	197	120	164	Do.
XEXU	Villa Frontera, Coah., N. 20°58'02", W. 101°26'28"	1,400 kHz 1,000 D/1,000N	ND-U-175	U	III	100	180	166	Do.
XETKR (PO 1kW, 0.5 kW, ND-U-180)	V. de Guadalupe, N.L., N. 25°41'48", W. 100°12'05"	1,400 kHz 5,000 D/500N	ND-U-190	U	III	166	180	166	Do.
(New)	Cancun, Q.R., N. 21°04'52", W. 86°46'18"	1,400 kHz 250	ND-D-175	D	III	183	120	180	Do.



## NOTICES

Call letters	Location	Power watts	Antenna radiation mV/m/kW	Schedule	Class	Antenna height (feet)	Ground System Number of radials	Length (feet)	Proposed date of change or commencement of operation
XEIB	Todos Santos, BCS, N. 23°30'45", W. 110°14'30".	1490 kHt 250		ND-U-175	U	IV	197	130	197 Do.
XEPOP (PO 0.250kW D)	Puebla, Pao., N. 19°03'04", W. 98°12'05".	1490 kHt 450D/1,250		ND-U-175	U	IV	148	90	148 June 30, 1978.
(New)	Melchor Ocampo, Mich., N. 17°37'37", W. 102°08'30".	1500 kHt 500		ND-D-175	D	II	148	90	148 Sept. 30, 1978.
XEQU (PO 0.500kW D)	Los Reyes, Mich., N. 15°25'00", W. 102°28'00".	1550 kHt 1,000		ND-D-190	D	II	161	130	161 Do.
XEIC	Cuernavaca, Mor., N. 18°54'54", W. 99°14'14".	1540 kHt 1,000		DA-4	U	II			Do.
XEOP	Pozos Ricos, Ver., N. 20°32'14", W. 97°29'14".	1540 kHt 1,000		ND-D-190	D	II	160	130	160 Do.
(New)	Pachuca, Hgo., N. 20°07'44", W. 98°43'54".	1550 kHt 1,000		DA-D	D	II			Do.
(New) (previously Tonalá, Jal., N. 20°37'50", W. 103°14'38").	Zapopan, Jal., N. 20°40'34", W. 103°28'12".	1550 kHt 500		ND-D-190	D	II	159	130	159 Do.
XEHC	Ensenada, BCN, N. 31°51'19", W. 116°38'09".	1590 kHt 1,000D/1,000N		ND-U-175	U	III	197	130	197 Immediately.
XEYX	Mexicali, BCN, N. 32°40'00", W. 115°27'00".	1590 kHt 10,000		ND-D-175	D	III	143	90	143 Sept. 30, 1978.

[SEAL]

WALLACE E. JOHNSON,  
Chief, Broadcast Bureau,  
Federal Communications Commission.

[FR Doc. 76-15218 Filed 5-25-76; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket Nos.: CP74-160, CP74-207, and CP75-83-3]

Availability of Staff Draft Environmental  
PACIFIC INDONESIA LNG CO. AND  
WESTERN LNG TERMINAL CO.  
Impact Statement

MAY 26, 1976.

Notice is hereby given in the above dockets that on May 26, 1976, as required by Section 2.81(b) of Commission Order No. 415-C, a draft environmental impact statement (DEIS) prepared by the staff of the Federal Power Commission was made available for comments. This DEIS deals with applications by Pacific Indonesia LNG Company requesting authorization pursuant to Sections 3 and 7 of the Natural Gas Act to import (CP74-160) liquefied natural gas (LNG) from the Republic of Indonesia to a proposed LNG terminal in Oxnard, California, and to sell (CP74-207) the imported natural gas to Southern California Gas Company. Concurrent with these applications, Western LNG Terminal Company filed an application seeking certification (CP75-83-3) pursuant to Section 7 of the Natural Gas Act to construct and operate certain facilities necessary to unload, store, revaporize, and transport the re-vaporized gas. This latter application seeks approval for the construction and operation of an unloading dock and trestle, two 550,000-barrel LNG storage tanks, seawater vaporizer units, 12.2 miles of 42-inch pipeline, and other appurtenant facilities.

This statement has been circulated for comments to Federal, state and local agencies, has been placed in the public files of the Commission, and is available

for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., and at its regional office located at 555 Battery St., San Francisco, CA 94111. Copies of the DEIS are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the draft statement for the Commission's consideration. All comments must be filed on or before July 12, 1976.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15424 Filed 5-25-76; 8:45 am]

[Docket No. RP74-94-3]

ARKANSAS LOUISIANA GAS CO.  
Notice of Extension of Time

MAY 12, 1976.

On May 3, 1976, Arkansas Louisiana Gas Company (City of Winfield, Kansas) to extend the date for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued April 8, 1976, in the above designated matter.

The motion states that the parties have been notified and have no objection. Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including May 24, 1976, and briefs opposing exceptions to and including June 14, 1976.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15313 Filed 5-25-76; 8:45 am]

[Docket No. E-7775]

## APPALACHIAN POWER CO.

Extension of Time and Postponement of  
Hearing Date

MAY 19, 1976.

On May 7, 1976, Appalachian Power Company filed a motion to extend the procedural dates fixed by order issued December 24, 1975, as most recently modified by notice issued April 9, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, June 30, 1976.  
Service of Intervenor Testimony, July 30, 1976.  
Service of Company Rebuttal, August 18, 1976.  
Hearing, September 15, 1976 (10:00 A.M., e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15315 Filed 5-25-76; 8:45 am]

[Docket No. E576-53]

IOWA ELECTRIC LIGHT AND POWER CO.  
Application

MAY 18, 1976.

Take notice that on May 10, 1976, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell to certain institutional investors, 75,000 shares of Cumulative Preference Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska

## NOTICES

with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Cumulative Preference Stock will be issued on approximately June 30, 1978. The Cumulative Preference Stock is subject to the prior rights and preferences of the existing outstanding classes of the Company's Cumulative Preferred Stock.

According to the Applicant, the purpose for which the Preferred Stock is to be issued is for the repayment of outstanding long-term promissory notes, which notes were issued to obtain funds for the Company's construction program, principally the construction of a nuclear-fueled generating station near Palo, Iowa, during 1972-1974. (The station was placed in service in June, 1974.)

Any person desiring to be heard or to make protest with reference to this Application should on or before June 4, 1976 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (16 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15310 Filed 5-25-76; 8:45 am]

[Docket No. E576-42]

PACIFIC POWER & LIGHT CO.  
Order Authorizing Guaranty of Notes

MAY 13, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

Pacific Power & Light Company (Applicant), on March 8, 1976, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, for an order (1) authorizing it to assume liability for payment of up to \$215,000,000 in an aggregate principal amount of Interim Notes to be issued by the Wyodak Construction Company, Inc., a Wyoming Corporation (Construction Company) to certain Banks under a Loan Agreement for which Banks Manufacturers Hanover Trust Company (MHTC) is acting as agent, to fund the construction of the Wyodak Steam Electric Generating Project (Wyodak Project); (2) authorizing it upon purchase of the Wyodak Project from the Construction Company under the Purchase Agreement, to issue five-year term promissory notes to finance such purchase of the Wyodak Project by paying the Interim Notes issued by Con-

struction Company in an amount not exceeding \$215,000,000 in an aggregate principal amount pursuant to the Loan Agreement; and (3) disclaiming jurisdiction with respect to the proposed sale to the Construction Company and the proposed repurchase of the Wyodak Project, pursuant to the Purchase Agreement.

Applicant is incorporated under the laws of the State of Maine, with its principal business office at Portland, Oregon and is engaged primarily in the generation, transmission, distribution and sale of electrical energy in the States of Oregon, Wyoming, Washington, California, Montana and Idaho.

Applicant and Black Hills Power & Light Company (Black Hills) are jointly constructing a coal-fired, steam-electric generating plant having an expected aggregate capacity of 330,000 KW and associated equipment and facilities, excluding transmission facilities, on a site near Gillette, Wyoming (such equipment, facilities and site being referred to herein as the "Wyodak Project"), adjacent to coal reserves owned by Wyodak Resources Development Corp., a coal-mining subsidiary of Black Hills. It is contemplated that Applicant will be entitled to 90 percent of the output of the Wyodak Project and Black Hills 10 percent of the output upon completion with Black Hills having the right, upon certain conditions being satisfied, to increase its participation in the Wyodak Project.

To facilitate the financing of the construction of the Wyodak Project, Applicant and Black Hills intend to convey all their right, title and interest in and to the Wyodak Project to Construction Company, a wholly owned subsidiary of BEDCO Leasing Company, Inc., which is a wholly owned subsidiary of Blyth Eastman Dillon & Company, Inc., a Delaware Corporation engaged in the investment banking business. Neither Applicant nor Black Hills has any ownership interest in Blyth. The Articles of Incorporation of Construction Company will prohibit it from owning or operating an operational electric generating facility and the Purchase Agreement will require that Construction Company sell the Wyodak Project before it is operational.

Construction Company will finance all of the costs of the financing and construction of the Wyodak Project through borrowings by Construction Company. Such borrowings will be made through the Loan Agreement with the Banks pursuant to which the Banks will commit to lend the Construction Company up to \$215,000,000 to finance construction of the Wyodak Project. These loans will be evidenced by promissory notes of Construction Company. To induce the Banks to enter into the Loan Agreement with Construction Company, Applicant and Black Hills will have an unconditional several (but not joint) obligation under the terms of the Purchase Agreement to purchased an undivided 90 percent and 10 percent interest, respectively, in the Wyodak Project. Payment of the purchase price of the Wyodak Project by Ap-

plicant and Black Hills must be made regardless of whether Construction Company performs its obligations under the Purchase Agreement, including its obligation to sell the Wyodak Project. Through the unconditional and noncancelable obligation to purchase the Wyodak Project or cause it to be purchased under the Purchase Agreement, the Applicant and Black Hills will guarantee the obligations of Construction Company evidenced by such Interim Notes to the Banks in their several respective percentage shares. The guaranty is to be absolute and unconditional and it will apply notwithstanding any default on the part of Construction Company or any compromise, settlement, modification, amendment, release or termination of any or all of the obligations, covenants or agreements of Construction Company.

The electric energy which the Wyodak Project will make available to the Applicant's system will increase the liability of service to its customers and is, therefore, desirable and compatible with the public interest. In addition, financing construction of the Wyodak Project by the Construction Company affords the Applicant greater financial flexibility, leaving intact its other alternative sources of borrowing, i.e., lines of credit, commercial paper and Eurodollar facility. Consequently, the proposed assumption of liability as guarantor by Applicant of Interim Notes in the amounts of \$215,000,000, to be issued by Construction Company, to fund the construction of the Wyodak Project is desirable and will serve the public interest.

In addition, Applicant seeks authorization, if it and Black Hills are unable to cause a third party to purchase the Wyodak Project from Construction Company, for use by applicant and Black Hills, by lease or otherwise, to issue five-year term promissory notes in an aggregate principal amount not to exceed \$215,000,000 to finance such purchase of the Wyodak Project. The Purchase Agreement provides in pertinent part that Applicant and Black Hills will together have an unconditional obligation to purchase the Wyodak Project, if a sale to a third party or a lease cannot be arranged. The Term Loans shall be made on the date on which Applicant and Black Hills purchase the Wyodak Project from Construction Company, but in no event later than December 15, 1978. Each Term Note shall (i) be appropriately executed and delivered, (ii) be payable to the order of the Bank making the term loan evidenced thereby, (iii) be dated the date the term loans are made, (iv) be stated to mature in ten (10) consecutive semi-annual installments, each as nearly equal as may be, and (v) bear interest from the date thereof at a rate per annum equal to 125 percent of the MHTC Rate, provided that any amounts not paid when due shall thereafter be payable at a rate per annum equal to the sum of 2 percent plus 125 percent of the MHTC Rate until such amount shall be paid in full. Interest on each Term Note shall be payable quar-

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terly during the term thereof and upon payment in full of the unpaid principal amount thereof.

It is our view that Applicant's request for authorization to issue \$215,000,000 in Term Notes for the possible repurchase of the Wyodak Project is premature since these notes will not be needed until mid 1978. It is contemplated by the parties that Construction Company will sell the Wyodak Project to a lessor for the use of Applicant and Black Hills under a lease or other similar arrangement. If a sale to a third party cannot be arranged, the Applicant and Black Hills, together, have an unconditional obligation to purchase the Wyodak Project. Since Applicant's obligation to purchase the Wyodak Project is contingent upon the Construction Company not selling to a third party, we are dismissing that portion of Applicant's petition which requests authorization to issue term notes without prejudice to be refiled at the appropriate time pursuant to section 204 of the Federal Power Act.

Applicant further seeks an order of the Commission disclaiming jurisdiction over the proposed transfer of the Wyodak Project to Construction Company. The planned financing of the project calls for the conveyance by Applicant and Black Hills of all their right, title and interest in and to the Wyodak Project to Construction Company. The Articles of Incorporation of the Construction Company will prohibit it from owning or operating an operational electric generating facility and the Purchase Agreement will require that Construction Company sell the Wyodak Project either to Applicant or others before it is operational.

Section 201(b) of the Federal Power Act, 16 U.S.C. §24(b), exempts generating facilities from the jurisdiction of the Commission except as specifically provided in Parts II and III of the Act. Section 203 makes no exception to this exemption regarding the disposition of facilities. The facilities proposed to be transferred are confined to non-operational electric generating facilities. By the proposed transaction, Applicant will not be transferring facilities which are subject to the jurisdiction of the Commission, within the meaning of section 203 of the Federal Power Act. *Duke Power Company v. Federal Power Commission*, 401 F.2d 930 (CA-DC, 1968); *Arizona Public Service Company*, 32 FPC 1525 (1964).

Written notice of the application has been given to the Public Utility Commission of Oregon, the Public Service Commission of Wyoming, the Utilities and Transportation Commission of Washington, the Public Utilities Commission of California, the Public Service Commission of Montana, the Public Utilities Commission of Idaho and to the Governor of each of those States.

Notice has also been given by publication in the *Federal Register*, stating any person desiring to be heard or to make any protest with reference to said application should do so on or before April 9, 1976.

file petitions or protests with the Federal Power Commission, Washington, D.C. 20426. No protest, petition or request to be heard in opposition to the granting of the application has been received.

**The Commission finds:** (1) Applicant, a corporation, is a public utility within the meaning of section 204 of the Federal Power Act, subject to the jurisdiction of the Commission as heretofore determined and set forth in the Commission's Order issued March 28, 1962, *Pacific Power & Light Company*, Docket No. E-7025.

(2) The proposed guaranty by Applicant of Interim Notes to be issued by the Wyodak Construction Company will constitute on assumption of liability as guarantor within the purview of section 204 of the Federal Power Act.

(3) The proposed assumption of liability as guarantor by Applicant will be for a lawful object, within the corporate purposes of the Applicant and compatible with the public interest which is appropriate for and consistent with the proper performance by Applicant of service as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(4) By the proposed transaction, Applicant will not be transferring facilities which are subject to the jurisdiction of the Commission, within the meaning of section 203 of the Federal Power Act.

(5) Applicant's petition for authorization to issue \$215,000,000 in term notes to be utilized for the possible repurchase of the Wyodak Project is dismissed without prejudice to be refiled at the appropriate time pursuant to Section 204 of the Federal Power Act.

(6) The period of public notice given in this matter is reasonable.

The Commission orders: (A) the proposed guaranty by Applicant of Interim Notes to be issued in the principal amount of \$215,000,000 by the Wyodak Construction Company, as described above, is hereby authorized subject to the provisions of this order.

(B) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost, or any other matter which is now pending or which may come before this Commission.

(C) Nothing in this order shall be construed to imply any guaranty or obligation on the part of the United States with respect to any security to which this order relates.

(D) Applicant shall, at such time, that a lease back arrangement is entered into file such Agreement with the Commission, so that a determination can be made of whether or not such lease back constitutes a sale for resale subject to the jurisdiction of the Commission.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15311 Filed 5-25-76; 8:46 am]

[Project No. 199]

# SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

## Order Modifying Prior Order, Terminating Investigation and Dismissing Applications MAY 13, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

By order issued March 13, 1975,<sup>1</sup> the Commission found, inter alia, that South Carolina Public Service Authority (SCPSA), licensee for the Santee-Cooper Project No. 199, was required to make application to the Commission for approval of construction activities involving the use or alteration of project works, lands or waters prior to initiation of such activities by any person, and that unauthorized construction activities involving the use and alteration of project works, lands or water taking place. The Commission ordered, inter alia, that SCPSA forthwith cease or cause to have ceased all construction activities which had not been specifically approved by the Commission, and further ordered that SCPSA submit within 90 days revised exhibits and information for all completed construction activity which involved the use and alteration or project works, lands or waters not previously approved by the Commission.

On April 7, 1975, SCPSA filed a pleading entitled an application for rehearing and clarification of the March 13, 1975, order. By order of May 7, 1975, this application was dismissed on the ground, inter alia, that no final order had been entered for which rehearing would lie. The Commission stated:

The cessation of all [construction] activities was ordered precisely because we do not have sufficient information to determine whether these changes are substantial or what particular activities may require our approval. Our intent was to maintain this project in its approved status until we are able to make a preliminary review of all potential violations of Articles 3, 4, and 9 of this license. This investigation will be expedited and completed as promptly as the adequacy of SCPSA's submissions will permit.<sup>2</sup>

On June 6, 1975, SCPSA filed with the United States Court of Appeals for the Fourth Circuit a petition for review of the Commission's Order to Cease Construction Activities.<sup>3</sup>

The Santee-Cooper Project No. 199 occupies portions of Berkeley, Calhoun,

<sup>1</sup>Order to Cease Construction Activities and Consolidating Proceedings, South Carolina Public Service Authority, Project No. 199, Docket No. E-9110, issued March 13, 1975, 53 F.P.C. ---- (1975) (hereinafter Order to Cease Construction Activities).

<sup>2</sup>Order Dismissing Application for Rehearing of Order to Cease Construction Activities, South Carolina Public Service Authority, Project No. 199, Docket No. E-9110, issued May 7, 1975, 53 F.P.C. ---- (1975).

<sup>3</sup>South Carolina Pub. Serv. Auth. v. FPC, No. 75-1558, 4th Cir. June 8, 1975. Currently pending before the Court is a motion to dismiss SCPSA's petition, filed by the Commission on July 11, 1975.

Clarendon, Orangeburg, and Sumter Counties in southeastern South Carolina. The project includes, inter alia, Lake Marion, a 90,775-acre reservoir adjacent to the Santee River, and Lake Moultrie, a 60,400-acre reservoir adjacent to the headwaters of the Cooper River. Project lands above elevation 76.8 feet msl (measured at Santee Dam) total 41,825 acres, and 476 miles of shoreline encircle project waters.

Among the developments included within the Project No. 199 boundary are residential subdivisions containing, according to the application for new license filed by SCPSA on September 4, 1973,<sup>4</sup> 3,289 lots, 3,007 of which have been leased to private groups or individuals.<sup>5</sup> We have before us applications filed by SCPSA on behalf of lessees of lots located on projects reservoirs or tributaries.<sup>6</sup> These applications include: (1) application for construction of boat house and slip, filed on behalf of Dr. Carl H. Weaver on July 9, 1975; (2) application for construction of a pier, filed on behalf of Clyde S. Owens on August 18, 1975; (3) application for construction of a pierhead at the end of an existing pier, filed on behalf of Thomas C. Douglas on August 20, 1975; (4) application for construction of a pier, filed on behalf of Hampton W. Wickert on September 16, 1975; (5) application for construction of a pier, filed on behalf of John D. Wimberly on October 10, 1975; (6) application for construction of a pier and boat ramp, filed on behalf of Thomas M. Richardson on October 30, 1975; (7) application for construction of a pier, filed on behalf of Dr. John M. Wilson on October 31, 1975; (8) application for construction of a pier, filed on behalf of Mrs. Mary E. Sprawls on November 21, 1975; and (9) application for construction of a pier, filed on behalf of Dr. Howard Snyder on December 8, 1975, (10) application for construction of a pier, filed on behalf of Fred W. Nardin on February 27, 1976; (11) application of excavation and construction of a pier, filed on behalf of Carol L. Miles on March 22, 1976; (12) application for construction of a pier, filed on behalf of David H. Bass on March 31, 1976; and (13) application for construction of a pier, filed on behalf of C. H. Jordan on April 18, 1976. Each of these applications asks for Commission approval of the pro-

<sup>4</sup>This acreage, like those for Lake Moultrie, project lands and project shoreline, is according to the application for new license for Project No. 199 filed by SCPSA on September 4, 1973.

<sup>5</sup>The original license for Project No. 199 was issued to Columbia Navigation Co. on April 2, 1926. Transfer of the license to SCPSA was approved by the Commission April 4, 1939. The license expired on April 1, 1976, and the project is being maintained and operated under an annual license.

<sup>6</sup>In its letter filed October 28, 1975, see note 3, infra, SCPSA indicated that 3,050 lots at existing subdivisions were under lease as of that date.

<sup>7</sup>All of the applications discussed below were filed after the March 13, 1975, Order to Cease Construction Activities.

posed construction or, in the alternative, a Commission order finding that the proposed construction would not constitute a substantial alteration of the Project No. 199 project works.

## MOTION BY SCPSA

Also before us is a motion in the form of a letter filed by SCPSA on October 28, 1975.<sup>8</sup> In its letter, SCPSA states that pursuant to the Order to Cease Construction it has endeavored to halt every type of construction activity carried on by SCPSA, its lessees, and other owners of property within the project boundaries. SCPSA feels that the absolute ban on every type of construction activity imposed by the March 13, 1975, order has worked hardships with respect to several matters which SCPSA feels are not related to the actual issues which prompted the Commission's Order to Cease Construction. Specifically, SCPSA states that a number of lessees and lot-owners have foregone the construction of such improvements as boat slips, piers, and retaining walls for erosion control purposes. SCPSA feels that the Commission's primary concern in issuing the Order to Cease Construction was not minor improvements by individual lessees or lot-owners, but construction—such as dredging and filling, the building of canals, the placement of effluent outfall lines, or construction of bulkheads which would substantially alter the existing reservoir shoreline—that would significantly alter or otherwise affect the project works, lands or waters.

Conceding the Commission's jurisdiction over these major construction activities, SCPSA requests that the Commission modify its Order to Cease Construction to allow, without individual Commission approval, the construction of improvements on leased lots; associated piers, boat docks, and boat ramps; embankments and bulkheads to prevent further erosion of the existing shoreline; public recreational facilities such as picnic areas, boat ramps, docks, and parking and sanitary facilities; spur roads to provide access to existing roads from leased lots; and utility lines to provide services to property owners and lessees within the project boundaries.

By letter filed November 28, 1975, the Society of Law & Ecology for Wyboo (LEW) commented on SCPSA's proposal.<sup>9</sup> LEW opposes each of SCPSA's proposed modifications of the Order to Cease Construction. LEW states its opposition to: construction of improvements on leased lots because the proposal is vague and indefinite, and would appear to give unlimited authority for any and all con-

struction activities on those lots; construction of piers, boat docks, boat ramps, embankments, and bulkheads until a detailed construction procedure, including consideration of environmental factors, has been established; construction of recreational facilities in a piecemeal and uncontrolled fashion, without planning or consideration of the quality of project waters and proper leased areas without sufficient lands use development plans or safeguards against sediment run-off into project waters; and provision of utility services to property owners or lessees if such services include sewage or waste disposal. LEW requests that a public hearing be held before the Commission orders any modifications in the Order to Cease Construction.<sup>10</sup>

## COMMISSION INVESTIGATION

On February 12, 1976, prompted by reports that unauthorized construction activities had taken place at Project No. 199, we ordered an investigation of SCPSA's compliance with our Order of March 13, 1975, and the project license. The investigation revealed that extensive construction had taken place since March 13, 1975; that such construction was in violation of the Commission's order of that date; and that such violation or violations were directly attributable to SCPSA's inadequate inspection and control procedures. By order issued March 19, 1976, we required SCPSA to file "a detailed plan calculated to correct the inadequacies of its current efforts to detect and control unauthorized activities within or affecting the project . . . ." The plan was to relate not only to the Order to Cease Construction Activities, but also to SCPSA's motion filed October 28, 1975.<sup>11</sup>

SCPSA filed its response on March 27, 1976. The filing describes an Inspection and Control program, summarized as follows:

1. SCPSA has reorganized certain staff positions to place all responsibility for administration of project lands and waters under one manager.<sup>12</sup> The manager will supervise five sections: Inspection and Compliance; Developed Land; Undeveloped Land; Environmental Control; and Utilization Planning. Each section will have its own area of responsibility, as suggested by the section names.

<sup>8</sup>SCPSA on December 8, 1975, filed a "Response" to LEW's comments, and LEW in turn filed a "Reply" to SCPSA's "Response" on January 9, 1976. These additional, unsolicited filings add nothing of substance to this proceeding.

<sup>9</sup>Initial Order Upon Investigation, issued March 19, 1976, 55 F.P.C. ---- (1976).

<sup>10</sup>A Staff report on the investigation, copies of which were attached to the Initial Order upon investigation, stated:

Given SCPSA's current lack of control over construction at the project, it appears that to grant SCPSA's pending request for authorization to allow certain construction without prior Commission approval . . . would be to give lessees carte blanche to undertake practically any construction.

<sup>11</sup>Previously, responsibility for management of project lands was shared by two departments.



2. SCPSA has begun a detailed inventory of all existing structures, including canals, on project lands and waters. The inventory involves the recording of information respecting each lot on a form designed for that purpose. The forms will be filed and used to detect new construction by comparing current inventory forms with those on file.

3. SCPSA has authorized the hiring of two additional employees, whose principal responsibility will be to inspect project lands and waters on a continuing basis.

4. SCPSA has adopted for the present a program of inspecting project lands and waters, consisting of: overflights of the project at least once a month, primarily to detect construction activity; after completion of the inventory program, an inspection of the project by boat once every three months; prompt inspection of the sites of possible unauthorized construction activities; inspection of proposed sites for construction of boat docks, piers, retaining walls, and similar structures, prior to SCPSA's approval of such activity; notification of other governmental agencies of unauthorized construction activities; and periodic communications to lessees, including a reminder of the necessity for prior approval of construction activities. Such a notice was mailed by SCPSA to each commercial, residential, and marginal lessee on February 20, 1976.

SCPSA states that following full implementation of the Inspection and Control Plan, modifications may be necessary from time to time. SCPSA states that it will advise the Commission if such modifications become necessary.

#### Discussion

We believe that SCPSA's plan for inspection and control of project lands and waters is adequate, and necessary if SCPSA is to adhere to its commitment to "do its best to prevent construction of any canal, and dredging operation, the placement of any effluent outfall lines, or the construction of any bulkhead which will substantially alter the existing reservoir shoreline," as stated in its filing of October 28, 1975. The discussion which follows is predicated upon SCPSA's implementation and maintenance of that program.

The primary concern that motivated our Order to Cease Construction in this proceeding was that activities were taking place affecting the Commission's jurisdiction responsibilities under the Federal Power Act (Act) and the National Environmental Policy Act of 1969 for which the Commission had given no approval and of which, in many cases, it had no information other than that provided in Army Corps of Engineers' notices of applications for construction permits. In order to meet those jurisdictional responsibilities, we ordered SCPSA not only to cease or cause to have ceased all construction activities, but also to file for Commission approval revised exhibits and other information reflecting any changes in project works, lands or waters not previously approved by the Commission, pursuant to Section 9(a) of the Act and Articles 3, 4, and 9 of the license for Project No. 199.

We have reviewed the applications, listed above, filed by SCPSA on behalf of individual lessees or lot-owners for construction of piers, boat ramp, boat-

house, slip, and slough, and considered the October 28, 1975, filing of SCPSA and the comments thereon by LEW. In certain respects SCPSA is correct in asserting that some proposed construction activities do not comprise substantial alteration of or additions to project works, lands or waters, and therefore should not require prior Commission approval. SCPSA points out, for example, that in licenses recently issued the Commission has authorized licensees to grant permits for the construction of wharves, access roads, landings, and other similar facilities within project boundaries, subject to specified conditions.<sup>14</sup>

LEW presents no persuasive argument to support its opposition to modification of the Order to Cease Construction Activities to authorize the construction of piers, boat ramps, boathouses, slips, and similar and appurtenant structures on leased lots. Although LEW states that a "detailed procedure for the construction of" such facilities should be established, it does not recommend or propose additions to the existing procedure. SCPSA employs a permit system for approval of these structures, and has prescribed specifications for their construction. Full implementation of the inspection and control procedures proposed by SCPSA will adequately ensure the compliance of the lessees. Moreover, we believe that the recreational benefits of the proposed structures for lessees and for the general public, as hereinafter provided, will outweigh the minor effects upon the project environment which may be caused. Accordingly, by this order we modify our Order to Cease Construction Activities to authorize the construction of piers, boat docks, boat ramps, and similar structures at lots leased prior to the date of this order. This authorization is conditioned upon the requirements that each lessee procure from SCPSA a permit for proposed structures, that such permits shall require multiple occupancy and use of such facilities, where feasible, and that the facilities shall be constructed and maintained in such manner as to be consistent with shoreline aesthetic values.

In its comments, LEW also opposes the construction of embankments and bulkheads to prevent further erosion at the project shoreline until a detailed program is presented which includes a discussion of environmental considerations. Again LEW fails to suggest the content of such a program or to explain how a program would further enhance the mitigation of the immediate problem of shoreline erosion. Moreover LEW's opposition to erosion-control structures appears inconsistent with the concern expressed elsewhere in its comments on sediment run-off detrimental to the quality of project waters.

<sup>14</sup> See, e.g., Order Issuing License (Major), Indiana & Michigan Electric Co., Project No. 2551, issued December 15, 1975, 54 F.P.C. ---- (1975) (Article 30); Order Issuing License (Major), Pacific Gas and Electric Co., Project No. 2661, issued October 29, 1975, 54 F.P.C. ---- (1975) (Article 28).

Construction of embankments and bulkheads will control sediment run-off, mitigate erosion problems, and stabilize the project shoreline. By this order we further modify our Order to Cease Construction to authorize the construction of bulkheads, embankments, retaining walls, or similar structures on the project shoreline for erosion control purposes. We emphasize, however, that this approval extends only to bulkheads or retaining walls constructed to protect the existing shoreline, and that no reservoir or shoreline encroachment is authorized without prior Commission approval.<sup>15</sup> We also require by this order that in issuing permits for erosion-control structures on the project shoreline, SCPSA shall consider whether the planting of vegetation will be adequate to control erosion at the site in question, in lieu of bulkhead or other structures. Implementation of SCPSA's inspection program should ensure compliance with these requirements.

With respect to SCPSA's request for authorization to construct, without prior Commission approval, recreational facilities such as picnic areas, boat ramps, boat docks and parking and sanitary facilities provided by the Authority for the public, we approve of SCPSA's desire to undertake such construction, but have difficulty ascertaining the possible scope of such authorization. It is not clear, for example, whether SCPSA proposes building these facilities at existing residential subdivisions for the private use of the lessees, or intends that either new public recreation areas would be developed or that existing public use areas at the project would be improved. Nor is it clear how such authorization would relate to the recreational use plan proposed in SCPSA's Exhibit R, filed September 4, 1973. Therefore, by this order we authorize construction of facilities for outdoor recreational use only at existing improved recreational sites. Any sanitary facilities constructed at these sites shall comply with appropriate State and local health regulations, and SCPSA shall ensure that effluent lines from those sanitary facilities shall not discharge into, nor adversely affect the quality of, project waters.

SCPSA also seeks authorization to permit the construction or installation of houses, cottages, mobile homes, or other residential structures on leased lots, spur roads to provide access to existing roads from leased lots, and utility lines to provide services to leased lots. In its filing of October 28, 1975, SCPSA indicated that there were roughly 2,150 leases outstanding for lots on which no improvements had been made, and it anticipated that relatively few residences would be built on those lots. However, in recent responses to questions by Staff relating to SCPSA's application for new

<sup>15</sup> Staff's report of March 4, 1976, stated that Staff members encountered several examples of bulkheads built beyond the reservoirs' low water mark and backfilled, thus encroaching upon the lakes and extending the lessees' usable land.

license, SCPSA has indicated that there are only about 1,000 leased, unimproved lots, but on the other hand that they are not certain how many of these lots would be improved in the event Commission authorization were granted. We assume for purposes of this discussion that the more recent statements are correct.

LEW opposes construction of improvements on leased lots because it feels the request is vague and indefinite, and might allow construction of all sorts, including dredging on the leased property. It is our understanding and, we are certain, SCPSA's understanding as well, that any dredging at Project No. 199 must have the prior specific approval of the Commission. As to residential structures, SCPSA's request regards leased lots in existing subdivisions; as SCPSA states, new subdivisions are either the subject of applications pending before the Commission, or included in the Exhibit R. Structures to be built will be in developed areas, in many cases next to or near existing residential structures. Moreover, the leases for the lots in question were executed prior to March 13, 1975: what LEW would have us do is to deny lessees of unimproved lots the opportunity to do what they executed the leases (and are paying rent thereon) for: to construct houses or cottages for recreational purposes. We do not find LEW's objection to this construction to be meritorious.

By this order we grant SCPSA's request for authorization to permit the construction of homes, cottages, mobile homes, or other residential structures on lots leased prior to March 13, 1975. SCPSA shall require each lessee to procure a permit for the construction of any residential facility. We condition this authorization to require that any permit issued for construction of houses, cottages, or other land-based facilities shall require the lessee to maintain a buffer zone and a set back between maximum high water level (elevation 76.8 feet msl at Santee dam) and the proposed structure of sufficient width to protect the scenic, aesthetic, public recreational, and other environmental values of the reservoir shoreline. In no case shall the buffer zone be less than 30 feet. Lessees shall comply with the appropriate State and local health regulations in the construction of sanitary facilities on project lands, and shall prevent the discharge from any effluent line from sanitary facilities into project waters.

By this order we also approve the construction, without individual Commission approval, of short spur roads or driveways to provide access to subdivision lots from existing subdivision roads. Larger roads to be constructed for general public use will continue to require prior Commission approval. As to utility lines, SCPSA shall require that such utility lines conform to the relevant provisions

of the Commission's Order No. 414, issued November 27, 1970.<sup>16</sup>

The construction authorized by this order may be undertaken by SCPSA or, with the prior approval of SCPSA, by third parties. Construction of any such facilities in navigable waters of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

LEW's request for a public hearing prior to modification of the Order to Cease Construction must be denied insofar as it relates to the construction authorized by this order. LEW has posed no issue of substance with respect to the construction activities herein authorized. Moreover, the Order to Cease Construction required SCPSA to submit the appropriate applications for the use and alteration of project works, lands and waters to the Commission for review and approval. This SCPSA has done, and we have determined that the activities authorized herein are not those for which the Project No. 199 license requires individual Commission approval. Provision is made hereinafter for the dismissal as moot of the applications for construction of piers and similar structures filed by SCPSA on behalf of certain individuals. Other applications filed by SCPSA are being processed by Commission Staff and we take no action on those applications by this order.

The maintenance and repair of existing facilities at Project No. 199 is of course permitted without prior approval.<sup>17</sup> However, Commission approval for any construction not specifically authorized by this order must be obtained prior to commencement of such construction. This includes, but is not limited to, dredging or dragline operations within the project boundary, and the removal of earthen plugs between project waters and canals that have already been constructed.<sup>18</sup>

The authorization conferred by this order is consistent with the terms and conditions of SCPSA's license for Project No. 199. Thus, this order is not a "major Federal action" within the meaning of Section 102 of the National Environmental Policy Act of 1969.<sup>19</sup> Moreover, only limited construction activities are herein authorized, and any adverse environmental impacts of such activities will be minor and short-term in nature. The construction of bulkheads and retaining walls along project shorelines will control erosion and stabilize reservoir boundaries. Accordingly, a detailed statement of the environmental impact of these

<sup>16</sup> Protection and Enhancement of Natural Historic, and Scenic Values in the Design, Location, Construction, and Operation of Project Works, 44 F.P.C. 1491 (1970).

<sup>17</sup> Cf. Section 9(c) of the Act, 16 U.S.C. § 803(c).

<sup>18</sup> See Report to the Commission, supra note 12.

<sup>19</sup> 42 U.S.C.A. § 4332.

construction activities need not be prepared.

**The Commission Finds:** (1) This order is not a major Federal action nor will the activities authorized by this order have a significant adverse effect upon the Project No. 199 environment. A detailed statement of the environmental impact of the construction activities hereinafter authorized need not be prepared.

(2) Certain construction activities, hereinafter specified, do not significantly alter or affect the Santee-Cooper Project No. 199 project works, lands or waters, and individual Commission approval for such construction should not be necessary.

(3) The Commission's Order to Cease Construction Activities at Project No. 199 of March 13, 1975, should be modified to permit, without individual Commission approval, the construction of: (A) piers, boat docks, boat ramps, and similar structures on lots leased prior to the date of that order; *Provided*, That SCPSA shall require each lessee to procure a permit from SCPSA for construction of any such facility to be constructed on or over project lands and waters after the date of this order; *Provided, further*, That SCPSA shall, concerning permits for piers, boat docks, and similar structures, require multiple occupancy and use of such facilities, where feasible; *Provided, further*, That SCPSA shall ensure that such facilities are constructed and maintained in a manner consistent with shoreline aesthetic values; (B) bulkheads and retaining walls on existing project shoreline, for erosion control purposes only; *Provided*, That in issuing permits for bulkheads and retaining walls, consideration shall be given to whether the planting of vegetation will adequately control erosion at the site in question in lieu of bulkhead or retaining wall; (C) recreational facilities such as picnic areas, parking facilities, sanitary facilities, boat ramps, and boat docks for public recreational use at existing improved recreational sites in residential subdivisions and at public or quasi-public recreational areas; *Provided*, That any sanitary facilities constructed at these sites shall comply with appropriate State and local health regulations; *Provided, further*, That any effluent lines from those sanitary facilities shall not discharge into, nor adversely affect the quality of project waters; (D) houses, cottages, mobile homes, or other single-family residential structures on project lands on lots in existing subdivisions leased for such purposes prior to March 13, 1975; *Provided*, That as a condition of any permit issued to construct houses, cottages, or other land-based facilities, the lessee shall be required to maintain a buffer zone and a set-back between high water level (elevation 76.8 feet msl at Santee dam) and the proposed structure of sufficient width to protect the scenic, aesthetic, public recreational, and other environmental values of the reservoir

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shoreline, but in no case shall the buffer zone be less than thirty feet; *Provided, further*, That sanitary facilities constructed in connection with such residential structures shall comply with State and local health regulations; *Provided, further*, That effluent lines from such sanitary facilities shall not discharge into, nor affect, the quality of, project waters; (E) short driveways or spur roads to provide access to leased lots within existing subdivisions from existing subdivisions roads; and (F) utility lines to provide services to lots within existing subdivisions; *Provided*, That such utility lines conform to the requirements of the relevant provisions of the Commission's Order No. 414, issued November 26, 1970.

(4) The authorization conferred by this Order is conditioned upon South Carolina Public Service Authority's implementation and maintenance of the plan for inspection and control of project lands and waters, filed with the Commission on March 27, 1976, to ensure compliance of lessees with the conditions of this order and to detect and control both authorized and unauthorized activities within the project boundary or affecting project lands or waters.

(5) The construction activities described in paragraph (3) above, may be undertaken by the South Carolina Public Service Authority or, with the approval of SCPSA, by third parties. The construction of any such facilities in navigable waters of the United States should be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

(6) No construction except that specifically described in paragraph (3), above, is authorized by this order.

(7) The Society of Law & Ecology for Wyboo presents no issue of substance with respect to the construction activities authorized by this order. LEW's request for a public hearing prior to modification of the March 13, 1975 Order to Cease Construction Activities should be denied insofar as it relates to construction authorized by this order.

(8) The applications for approval of construction filed by the South Carolina Public Service Authority on behalf of the following named individuals should be dismissed as moot: application for construction of a boathouse and slip, filed on behalf of C. H. Weaver on July 9, 1975; application for construction of a pier, filed on behalf of C. S. Owens on August 18, 1975; application for construction of a pierhead at the end of an existing pier, filed on behalf of T. C. Douglas on August 20, 1975; application for construction of a pier, filed on behalf of H. W. Wickert on September 18, 1975; application for construction of a pier, filed on behalf of J. D. Wimberly on October 10, 1975; application for construction of a pier and boat ramp, filed on behalf of T. M. Richardson on October 30, 1975; application for construction of a pier, filed on behalf of J. M. Wilson on October 31, 1975; application for construction of a pier, filed on behalf of Mary E. Sprawls on November 21, 1975;

application for construction of a pier, filed on behalf of Dr. Howard Snyder on December 8, 1975; application for construction of a pier, filed on behalf of Fred W. Nardin on February 27, 1976; application for excavation and construction of a pier, filed on behalf of Carol L. Miles on March 22, 1976; application for construction of a pier, filed on behalf of David H. Bass on March 31, 1976; and application for construction of a pier, filed on behalf of C. H. Jordan on April 18, 1976.

The Commission orders: (A) The Commission's March 13, 1975, Order to Cease Construction Activities at Project No. 199 is hereby modified to authorize, without individual Commission approval, the construction activities described in finding paragraph (3), (4), (5), and (6), above.

(B) The request of Society of Law & Ecology for Wyboo for a public hearing in this proceeding is hereby denied insofar as it relates to the authorization conferred by this order.

(C) The application described in finding paragraph (8), above, are hereby dismissed as moot.

(D) The investigation initiated by the Commission's Notice and Order of Investigation issued February 12, 1976, is hereby terminated.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15312 Filed 5-25-76; 8:45 am]

[Project No. 199; Docket No. E-9110]

#### **SOUTH CAROLINA PUBLIC SERVICE AUTHORITY AND JAMES H. QUACKENBUSH, JR.**

##### **Order Granting Motion for Consolidation**

May 10, 1976.

Before Commissioners: Richard L. Dunham, Chairman; John H. Holloman III, and James G. Watt.

By order issued July 30, 1974, the Commission, among other actions, set for hearing, and consolidated for the purpose of hearing and decision, all pending matters pertaining to Santee-Cooper Project No. 199, stating, with respect to its obligation under section 10(a) of the Federal Power Act to assure that the project "will be best adapted to a comprehensive plan for . . . beneficial public uses".

"[W]e are concerned with the practice of allowing increased use of project lands and waters on a piecemeal basis rather than being related to a comprehensive consideration of their capacity to serve known and foreseeable proposed uses which might be imposed upon them.

On September 25, 1974, the so-called "Mill Creek" application was filed seeking approval of a residential development which would consist of 60 single family homesites, 70 mobile homesites, 129 condominium units, six community docks, a convenience store, a laundromat, a service station, four public areas (including public boat ramps, swimming

facilities and/or picnic areas) and a nature trail on a 111 acre tract. Sewage from the development would undergo tertiary treatment in a waste treatment plant at the development area. Effluent would be discharged at the bottom of the original riverbed of the Santee River through a six-inch diameter outfall line.

On May 5, 1975, the so-called "Clarendon Shores" application was filed seeking approval of a residential development which would consist of 249 single family homesites, three community docks, three public areas (including public boat ramps, facilities and natural areas) and a nature trail on a 169 acre tract. A 100,000 g.p.d. tertiary waste treatment plant for processing waste from the development would discharge effluent into Lake Marion, one of the project waters, at a point 800 feet from the high water elevation by a diffuser located at the end of a weighted four-inch diameter polyethylene outfall line.

Public notice of the Mill Creek and Clarendon Shores applications was given, and two petitions to intervene in connection with the latter application were filed and granted.

In a reply filed by the Commission Staff on December 4, 1975, in response to a motion to sever one of the consolidated matters, the Staff moved to consolidate the Mill Creek and Clarendon Shores applications with the other consolidated matters for the purpose of hearing and decision. But by order issued February 17, 1976, the Commission denied that motion to consolidate without prejudice because it was not acceptably within the scope of the motion to sever then under consideration, and because the parties may not have been fairly apprised of the pendency of the Staff's motion to consolidate.

On April 16, 1976, the Staff again moved to consolidate the Mill Creek and Clarendon Shores applications with the other consolidated matters: (1) an application filed by the South Carolina Public Service Authority for a new license for Santee-Cooper Project No. 199; (2) an application to authorize the construction of an effluent outfall line in Lake Marion; (3) an application seeking approval of the so-called "Pintail Island" residential development which would consist of 92 single family homesites, five public areas, roadways, including an access causeway, and a 40,000 g.p.d. waste treatment plant; (4) a complaint alleging preferential leasing of project lands by the South Carolina Public Service Authority and (5) a complaint in Docket No. E-9110 alleging illegal dredging.

The Staff, in its motion, calls attention to the foregoing quotation from the Commission's order of July 30, 1974, and to the further statement therein that "[t]o avoid duplicative and time consuming procedures, we will consolidate these [pending] matters and issues and any applications of a similar nature into a single proceeding [Footnote omitted and emphasis added by the Staff]." A review of the Mill Creek and Clarendon Shores applications in consolidation with the other consolidated matters would permit the comprehensive study of the cumula-

tive interrelated effects of those proposed actions on Project No. 199 and avoid a piecemeal approach, the Staff asserts, and, consequently, it is including the proposed Mill Creek and Clarendon Shores developments in the draft environmental impact statement which is currently being prepared. And finally, the Staff asserts, counsel for all parties have been contacted and have authorized the Staff to express their concurrence in the Staff's motion.

The Commission finds: The Mill Creek and Clarendon Shores applications involve questions of law and/or fact in common with the matters which have been consolidated by the Commission's prior orders herein, and it is appropriate and in the public interest to grant the motion of the Commission Staff filed April 16, 1976, to consolidate the said Mill Creek and Clarendon Shores applications with the other consolidated matters herein for the purpose of hearing and decision.

The Commission orders: The motion of the Commission Staff filed April 16, 1976, to consolidate the Mill Creek and Clarendon Shores applications with the other consolidated matters herein for the purpose of hearing and decision, is granted.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15314 Filed 5-25-76; 8:45 am]

#### **GENERAL ACCOUNTING OFFICE**

##### **REGULATORY REPORTS REVIEW**

###### **Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 20, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the NRC and FCC submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 14, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5218, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

###### **NUCLEAR REGULATORY COMMISSION**

NRC requests approval of a new Form NRC-314, "Certificate of Disposition of

Materials." Form NRC-314 is completed by NRC licensees whose licenses are expiring and who do not file an application for renewal of their licenses. Form NRC-314 is reviewed by the NRC to determine whether the licensee has materials on hand which must be transferred or otherwise disposed of prior to expiration of the license and, if materials have been transferred or disposed of, to determine whether transfer or disposition of the materials is in accordance with the NRC's regulations. Respondents are firms, institutions, and individuals licensed to possess and use radioactive materials under NRC licenses. Each certificate requires approximately 20 minutes to prepare. Approximately 900 respondents each file one certificate annually.

###### **FEDERAL COMMUNICATIONS COMMISSION**

FCC requests clearance of a revision of FCC Form 402, Application for License in the Private Operational Fixed Microwave Radio Service. The use of this form is required by Section 94.27(a) of the Commission's Rules. It is required to be filed when applying for a new station authorization, for a modification of station license, or for a new authorization to operate one or more fixed stations at temporary locations in the private operational fixed microwave radio service. The revised Form 402 has been redesigned to incorporate Form 402-S, Supplemental Technical Information into Form 402. Burden is estimated to range from 1 to 19 hours depending upon the nature of the Application. The FCC anticipates receiving approximately 3,850 applications during the coming year.

NORMAN F. HEYL,  
Regulatory Reports Review Officer.  
[FR Doc. 76-15286 Filed 5-25-76; 8:45 am]

#### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice 76-47]

##### **NASA SPACE PROGRAM ADVISORY COUNCIL (SPAC)**

###### **Applications Committee Meeting**

The NASA SPAC Applications Committee will meet on June 18, 1976, in room 404, Building 180 at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California. Members of the public will be admitted to the meeting beginning at 9:00 a.m. on a first-come, first-served basis up to the seating capacity of the room which will accommodate about 15 persons. Visitors will be requested to sign a visitor's register.

The NASA SPAC Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently the Committee comprises 7 members including the Chairman, Mr. Thomas Rogers. For further information regarding the meeting, please contact the Recording Secretary, Mr. Louis B.C. Fong, (202) 755-8617. The agenda for the meeting is as follows:

Time	Topic
9 a.m.-----	Chairman's Remarks.
9:30 a.m.-----	Early Shuttle Missions. Experimental payloads under consideration for the first six developmental flights and for early operational missions of the Space Shuttle will be described. Committee members will be asked to comment on the general plan and provide suggestions on experiments or classes of experiments which might enhance the return on these early missions.
10:30 a.m.-----	New Initiatives. The Chairman will summarize his discussions with each of the Committee members regarding major new initiatives for consideration by NASA which were identified in the Outlook for Space Study and which pose fundamental issues in NASA's planning. Committee members will be asked for any further comments and recommendations before the Committee's position on these initiatives is forwarded to the SPAC in response to a request made to each of the SPAC Committees at the March 3 and 4, 1976, meeting of the Council.
11:30 a.m.-----	Tracking and Data Relay Satellite System and Data Handling Technology Development. The Committee's ad hoc group will report on the results of its in-depth review of NASA's plans in both of these areas. Committee guidance and recommendations will be solicited.
1:30 p.m.-----	Assessment of Ecological Impact by the American Institute of Biological Sciences (AIBS)/NASA Life Sciences Study Team. The Committee has expressed a particular interest in what the Life Sciences Committee has been studying on the depletion of ozone and the impact of increased ultra-violet on the biosphere. This is the first in a series of reports to the Committee and is a summary of the Life Sciences Committee study.



21530

Time  
2:15 p.m.

**Topic**  
*Review and Assessment of the Joint Meeting.* The Committee will review the results of its first joint meeting with the Physical Sciences Committee on June 17, 1976, and consider how these joint meetings might be improved to insure that science in applications is given adequate treatment in the SPAC committees. Subjects for future joint meetings will be considered.

8:15 p.m.-----Adjourn.

Dated: May 14, 1976.

WILLIAM W. SNAVELY,  
Assistant Administrator, for DOD  
and Interagency Affairs.

[FR Doc.76-15349 Filed 5-25-76;8:45 am]

# **NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR HISTORY AND PHILOSOPHY OF SCIENCE Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for History and Philosophy of Science.

Date and time: June 11, 1976—9 a.m. to 5 p.m.

Place: Room 511, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Ronald J. Overmann, Assistant Program Director, History and Philosophy of Science, Rm. 205B, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4182.

Purpose of panel: To provide advice and recommendations concerning support for research in the History and Philosophy of Science.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects.

These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b). Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Directors, NSF, on February 11, 1976.

M. REBECCA WINKLER,  
Acting Committee  
Management Officer.

MAY 21, 1976.

[FR Doc.76-15335 Filed 5-25-76;8:45 am]

## **NOTICES**

### **OFFICE OF MANAGEMENT AND BUDGET**

#### **COMMISSION ON GOVERNMENT PROCUREMENT; RECOMMENDATION A- 40—FIELD CONTRACT SUPPORT**

##### **Executive Branch Position Established**

Notice is hereby given of the executive branch's acceptance of a modified version of Commission on Government Procurement (COGP) Recommendation A-40. The modified recommendation follows:

Transfer to Defense Contract Administration Services (DCAS) all plants assigned to the Military Departments by the Secretary of Defense which no longer meet the criteria for such assignment under the DOD plant cognizance program. Continue to assign plants to the military departments which meet the criteria.

The COGP found that the establishment of DCAS by the Department of Defense (DOD) in 1965 had improved the effectiveness of field contract support provided to its procuring activities. It concluded that further economies could be realized by the transfer of additional contract support plant cognizance responsibilities to DCAS. This resulted in COGP Recommendation A-40 which reads, "Transfer all plant cognizance now assigned to the Military Departments to the Defense Contract Administration Services with the exception of those plants exempted by the Secretary of Defense (for example, GOCO plants and Navy SUPSHIPS)."

A task group, composed of representatives of the three military departments, the Defense Supply Agency, DCAS, and the Office of the Assistant Secretary of Defense for Installations and Logistics, was unable to find evidence that further economies would result from transferring all plant cognizance to DCAS. The task group favored continuation of the existing DOD policy for determining plant cognizance, as set forth in DOD Instruction 4105.50. However, it also recognized the need for closer and more timely adherence to this policy.

The report of this task group was published in the FEDERAL REGISTER (Volume 39, Number 50, March 13, 1974) for the purpose of soliciting public comment. Only one observation resulted which has been considered.

DOD reported March 23, 1976, that it has implemented Recommendation A-40 as modified. DOD's implementation includes the establishment of a Contract Administration Coordinating Committee. One of its functions is to review periodically existing plant cognizance assignments and to make recommendations for adjustments based on the criteria of DOD Instruction 4105.59.

Establishment of the Contract Administration Coordinating Committee provides a suitable mechanism for fostering uniform contract administration policies and procedures and for effective utilization of DCAS through timely adjust-

ments in plant cognizance assignments. I believe these measures accomplish the intent of the Commission. Therefore, I accept Recommendation A-40 as modified and implemented to be in the Government's best interest.

Dated at Washington, D.C., on May 20, 1976.

HUGH E. WITT,  
Administrator.

[FR Doc.76-15336 Filed 5-25-76;8:45 am]

### **RENEGOTIATION BOARD**

#### **STATEMENT OF ORGANIZATION AND FUNCTIONS**

##### **Amended Procedures**

The Statement of Organization published in the issue of June 6, 1957 (FR Doc. 67-6258; 32 FR 8104), as heretofore amended, is hereby further amended as follows:

1. Section 3 is revised to read as follows:

3. *Organization.* The renegotiation activity is carried on by the Renegotiation Board and its regional boards, at the following locations:

Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446.

Eastern Regional Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20447.

Western Regional Renegotiation Board, Los Angeles World Trade Center, Suite 1050, 350 South Figueroa Street, Los Angeles, California 90071.

##### **CENTRAL ORGANIZATION**

The Renegotiation Board is composed of five members. Each is appointed by the President by and with the advice and consent of the Senate. The President designates one member to serve as Chairman.

The Board is assisted by a staff of professional and other employees, including lawyers, accountants, and business analysts. The major staff units are: Director of Operations; Office of Administration; Office of Financial Analysis; Office of General Counsel; Office of Planning and Development; and Office of Screening, Compliance and Exemptions.

2. The first and second paragraphs of section 4 are revised to read as follows:

4. *Availability of information.* Requests for general information about renegotiation should be directed to the Renegotiation Board, 2000 M Street, NW., Washington, D.C. 20446, as follows: On matters relating to filing requirements, to the Director, Office of Screening, Compliance and Exemptions; on matters relating to interpretations of the act or regulations, to the General Counsel; on matters relating to employment with the Board, to the Director, Office of Administration; on matters relating to small business, to the Small Business Adviser; on matters of a general nature, to the Director, Office of Planning and Development.

## **NOTICES**

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Forms and instructions for filing renegotiation reports may be obtained at the headquarters of the Board, from the Director, Office of Screening, Compliance and Exemptions, and from the Chairmen of the respective regional boards. Such materials may also be obtained in person at the field offices of the Department of Commerce.

Dated: May 21, 1976.

R. C. HOLMQUIST,  
Chairman.

[FR Doc.76-15346 Filed 5-25-76;8:45 am]

### **SMALL BUSINESS ADMINISTRATION ALBUQUERQUE DISTRICT ADVISORY COUNCIL**

#### **Public Meeting; Change of Date**

The Small Business Administration Albuquerque District Advisory Council has changed the date of its meeting from May 14, 1976, Friday, to June 15, 1976, Tuesday, at 10 a.m. The meeting will be held at the same location, American Bank of Commerce Complex, Second and Lomas Streets, NW., Albuquerque, New Mexico. For further information write or call A. Panagakos, U.S. Small Business Administration, 5000 Marble, N.E., Suite 320, Patio Plaza Building, Albuquerque, New Mexico 87110, (505) 766-3574.

Dated: May 14, 1976.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy.

[FR Doc.76-15329 Filed 5-25-76;8:45 am]

[License No. 09/14-0085]

### **BANCAL CAPITAL CORP.**

#### **Filing of Application for Transfer of Control of Licensed Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR § 107.701 (1976)) for the transfer of control of BanCal Capital Corporation (BanCal), 845 South Figueroa Street, Los Angeles, California 91342, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 09/14-0085.

BanCal was licensed on August 30, 1965. Its present combined paid-in capital and paid-in surplus is \$1,339,000. The proposed transfer of control is subject to and contingent upon approval by SBA.

Overseas Technology, Inc. (OTI), a California corporation, plans to purchase all but 700 shares of the stock of BanCal. OTI intends to assign its agreement to acquire BanCal to Oceanic Group, Inc. (Oceanic), a California Corporation which is to be owned equally by OTI and Kibun California, Inc. (Kibun), also a California Corporation. OTI is owned by Overseas Technology Investment, Inc., a Japanese company. Kibun is owned by

Kibun Co., Inc., also a Japanese company. After the acquisition, the name will be changed to Oceanic Capital Corporation and the office will be moved to 300 Montgomery Street, Suite 908, San Francisco, California 94104.

The new officers and directors of BanCal will be:

Donald Rickard Watts, President, Director, 25 La Cuesta Drive, Greenbrae, California 94904.

Robert Hugh Chappell, Vice President, Director, 568 Sand Hill Circle, Menlo Park, California 94025.

Jeffrey Lee Moering, Secretary, Director, 520 Lombard Street, San Francisco, California 94133.

John Charles Roberts, III, Director, 255 Ridgeway Road, Hillsborough, California 94010.

Thomas Yoshitami Arai, Director, 3-26-18 Kami-Kitazawa, Setagaya-ku, Tokyo, Japan.

Eljiro Hoashi, Director, 15-723, 52-ban 5-chome, Nakano, Nakano-ku, Tokyo, Japan.

Yoshiyasu Iwasa, Director, 47-10, 2-chome, Gohongi, Meguro-ku, Tokyo, Japan.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and the probability of successful operation of BanCal under the new officers' control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations. The foreign based investor must be responsible in order to be acceptable to SBA and must meet the standard established by section 301(c) of the Act. SBA has the authority to license SBIC's purchased by responsible foreign-based investors, if said SBIC is to be operated and managed by U.S. management.

Notice is hereby given that any interested person may, on or before June 10, 1976, submit to SBA, in writing, any relevant comments on the transfer of control. Any such comments should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published by the transferee in newspapers of general circulation in Los Angeles and San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 19, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.76-15332 Filed 5-25-76;8:45 am]

### **CONCORD DISTRICT ADVISORY COUNCIL Public Meeting**

The Small Business Administration Concord District Advisory Council will hold a public meeting from 10:00 a.m. until 12:00 noon, Thursday, June 10, 1976, at the Federal Building, Room 304, 55 Pleasant Street, Concord, New Hampshire 03301, to discuss such business as may be presented by members, staff of

the Small Business Administration and others present.

For further information write or call Bert Teague at the above address, (603) 834-4724.

Dated: May 14, 1976.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy.

[FR Doc.76-15330 Filed 5-25-76;8:45 am]

### **DETROIT DISTRICT ADVISORY COUNCIL Public Meeting**

The Small Business Administration Detroit District Advisory Council will hold a public meeting at 9:00 a.m., Tuesday, June 15, 1976, in the Patrick V. McNamara Federal Building, Detroit, Michigan 48226, to discuss such business as may be presented by members, staff of the Small Business Administration and others present.

For further information write or call Raymond L. Harshman at the above address, (313) 226-7240.

Dated: May 14, 1976.

ANTHONY S. STASIO,  
Chief Counsel for Advocacy.

[FR Doc.76-15331 Filed 5-25-76;8:45 am]

[Proposed License No. 06/06-0181]

### **DIMAN FINANCIAL CORP.**

#### **Application for a License To Operate as a Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR § 107.102 (1976)), under the name of Diman Financial Corporation (Diman), 13601 Preston Road, Suite 717E, Dallas, Texas 75240, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Don R. Dixon, President, General Manager, Director, 2508 Canyon Creek Drive, Richardson, Texas 75080.

Don Mann, Vice President, Secretary, Treasurer, Director, 2416 Fairway Drive, Richardson, Texas 75060.

The Domino Investment Group, Inc., Sole Shareholder, 13601 Preston Road, Dallas, Texas 75240.

The corporation will have only one class of stock. There are 100,000 shares of common stock authorized, and the initial paid-in capital and paid-in surplus will be \$404,000. The capitalization will be increased to at least \$500,000 within a reasonable period of time.

The Domino Investment Group, Inc., (Domino) is domiciled solely in the State of Texas. Both this corporation and Diman were organized and incorporated by Messrs. Dixon and Mann, who also serve as principal officers and directors

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of both companies. Domino is owned 50 percent by Don R. Dixon, trustee for Dixon Children's Trusts and 50 percent by Donn Mann, trustee for Mann Children's Trusts.

The applicant will conduct its operations principally in the State of Texas and in other areas within the United States and its territories and possessions as may be approved by SBA from time to time. Pursuant to the provisions of § 107.101(c) of the SBA rules and regulations, a diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 10, 1976, submit to SBA in writing, comments on the proposed licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published by the proposed licensee in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: May 18, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.76-15334 Filed 5-25-76; 8:45 am]

[Proposed License No. 02/09-0315]

#### FIFTY-THIRD STREET VENTURES, INC.

##### Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a Small Business Investment Company under the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Fifty-Third Street Ventures, Inc. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102.

The applicant, with its principal place of business at One East 53rd Street, New York, New York 10022 will begin operations with \$1,125,000 or paid-in capital and surplus which will be sold to approximately 35 shareholders in a non-public offering.

The officers and directors of the applicant will be as follows:

Alan J. Patricof, Chairman, Treasurer and Director, 630 Park Avenue, New York, New York 10021.

Edwin A. Goodman, President, Secretary and Director, 1060 Park Avenue, New York, New York 10028.

Patricia M. Ciochetti, director, 27 East 62nd Street, New York, New York 10021.

Robert G. Parla, director, 806 Harding Street, Westfield, New Jersey 07090.

Messrs. Patricof and Goodman will own 4.4 percent and 8.8 percent respectively of the applicant's common voting stock.

Mr. Patricof is also President, a Director and the majority shareholder of Alan Patricof Associates, Inc., which will serve as management consultant and administrator of the applicant. All of the directors and officers of the applicant are associated with Alan Patricof Associates, Inc.

The applicant will conduct its operations principally in the metropolitan area of the City of New York, and will review potential investments reflecting a broad spectrum of business activity.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before June 10, 1976 submit to SBA written comments on the proposed license. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: May 18, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc.76-15334 Filed 5-25-76; 8:45 am]

#### VETERANS ADMINISTRATION VETERANS ADMINISTRATION WAGE COMMITTEE Meetings

Pursuant to the provisions of section 10 of the Public Law 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, July 1, 1976  
Thursday, July 15, 1976  
Thursday, August 12, 1976  
Thursday, August 26, 1976  
Thursday, September 9, 1976

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC.

Dated: May 19, 1976.

R. L. ROUDEBUSH,  
Administrator.

[FR Doc.76-15350 Filed 5-25-76; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[AB 6 (Sub-No. 30)]

##### BURLINGTON NORTHERN INC.

Abandonment Between Riverside Junction and New Duluth, in St. Louis County, Minnesota

MAY 21, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby directed to publish the appended notice in a newspaper of general circulation in St. Louis County, Minn., on or before June 7, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER at notice to interested persons.

Dated at Washington, D.C., this 14th day of May, 1976.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 14, 1976, it has been determined that the proposed abandonment of the Burlington Northern Inc. line between Riverside Junction and New Duluth, a distance of approximately 4.06 miles, all in St. Louis County, Minn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the associated environmental impacts are considered insignificant because (1) the line has not been utilized since August 1972, (2) no industrial development plans are dependent on the subject line, and (3) no major ecological effects are involved. Furthermore, if the abandonment is authorized, the line may be incorporated into the facilities of the Lake Superior Museum of Transportation and Industry for steam engine train excursions. In addition, the adjacent rail property may be developed for use as a bikeway.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 22, 1976.

This negative environment determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-15366 Filed 5-25-76; 8:45 am]

[AB 18 (Sub-No. 14)]

#### CHESAPEAKE AND OHIO RAILWAY CO. Abandonment Portion Paw Paw Subdivision Between Hartford and Paw Paw, All Within Van Buren County, Michigan

MAY 21, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is

the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Van Buren County, Mich., on or before June 7, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 14th day of May, 1976.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 14, 1976, it has been determined that the proposed abandonment of the Chesapeake and Ohio Railway Company line between Hartford and Paw Paw, a distance of approximately 13.28 miles, all in Van Buren County, Mich., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that should the abandonment be approved, diverting the current rail traffic to motor carrier would add approximately 7 trucks daily to the highways of the corridor and would result in minimal changes in ambient environmental conditions, fuel consumption, and safety hazards. No historic or archaeological site would be affected by the proposed action. Development of industrial parks adjacent to the line may be adversely affected by the abandonment.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental

impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-15364 Filed 5-25-76; 8:45 am]

[AB 43 (Sub-No. 17)]

#### ILLINOIS CENTRAL GULF RAILROAD CO. Abandonment Between Washta and Anthon, in Ida and Woodbury Counties, Iowa

MAY 21, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Ida and Woodbury Counties, Iowa, on or before June 7, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 14th day of May, 1976.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 14, 1976, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Co. (ICG) of its line of railroad between Washta and Anthon, a distance of 15.02 miles, all in Ida and Woodbury Counties, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the traffic volume exhibited on the line was low and the amount of traffic permanently

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diverted to motor carrier is not expected to create any substantial alterations in existing air quality and fuel consumption. Also, no land use plans of an economic or industrial importance exist which would necessitate the continued operation of the line.

As noted in the TAS, if the abandonment is approved, the Woodbury County Conservation Board has expressed an interest in acquiring a portion of the right-of-way to be used for public recreational use. In addition, the Office of the Woodbury County Engineer has indicated an interest in the acquisition of another portion of the right-of-way upon abandonment for an improved highway corridor.

Since the subject line is owned in fee, the right-of-way corridor would be suitable for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-276-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before June 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-15366 Filed 5-25-76; 8:45 am]

[AB 50 (Sub-No. 5)]

#### SEABOARD COAST LINE RAILROAD CO. Abandonment in Washington, Beaufort County, North Carolina

MAY 21, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Beaufort County, N.C., on or before June 7, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering

a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C. this 14th day of May, 1976.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 14, 1976, it has been determined that the proposed abandonment by the Seaboard Coast Line of a segment of line at the terminal end of the Washington Subdivision, Rocky Mount Division, a distance of 0.47 miles, in Washington, Beaufort County, N.C., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic volumes on this segment of line are low. Although the subject line currently serves a team track which will be eliminated upon abandonment, an alternate SCL team track is available in close proximity to the subject line and can provide similar service to the affected shippers. Additional motor carrier operations to alternate railheads are not expected to create any substantial alterations in existing air quality and fuel consumption. Highway safety can be expected to be improved upon abandonment because several grade crossings and the segment located within Third Street will be eliminated.

A potential exists for future industrial and commercial development in this area; however, the abandonment of the subject rail segment is not expected to deter future development. The City of Washington is interested in purchasing the depot upon authorization of the abandonment as a civic center to be used in conjunction with their Bicentennial celebration. The remaining portions of the right-of-way will be either returned to highway use or converted to additional parking space for a local church.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-276-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-15371 Filed 5-25-76; 8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 21, 1976.

An application, as summarized below, has been filed requesting relief from

the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before June 10, 1976.

FSA No. 43167—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc., (No. 90), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals at Houston, Texas, New Orleans, Louisiana, Mobile, Alabama, Pensacola, Port St. Joe, Panama City, and Tampa, Florida, to ports and terminals in Europe, Scandinavia, and the United Kingdom. Grounds for relief—Water competition. Tariff—Sea-Land Service, Inc., tariff No. 259, I.C.C. No. 104, F.M.C. No. 133. Rates are published to become effective on June 20, 1976.

FSA No. 43168—*Joint Water-Rail Container Rates—Orient Overseas Container Line, Inc.* Filed by Orient Overseas Container Line, Inc., (No. 2), for itself and interested rail carriers. Rates on general commodities, between the Far East and Philippine ports, and rail carrier's terminals on the U.S. Atlantic and Gulf Coasts.

Grounds for relief—Water competition. By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15367 Filed 5-25-76; 8:45 am]

Notice No. 56

#### ASSIGNMENT OF HEARINGS

MAY 21, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FF 84 Sub 1, C. S. Greene And Company, Inc., and FF 434 Sub 1, Transconex, Inc., now assigned May 25, 1976, at Washington, D.C. is postponed indefinitely.

MC 140484 (Sub 9), Lester Coggins Trucking Inc. now assigned June 2, 1976 in Washington, D.C. is postponed to June 9, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. No. 36352, Petroleum Crude Oil, Griffith, Ind., to New York State Points, now being assigned June 13, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 141726 and 141726 (Sub No. 1), National Distributors, Inc. now assigned July 26, 1976 at San Francisco, California is now being cancelled, application dismissed.

MC 59120 Sub 38, Eazor Express, Inc. now assigned June 28, 1976, at Pittsburgh, Pa., will be held in Federal Office Bldg., Room 2218, 1001 Liberty Ave.

MC-C 8538, Hygrade Products, Inc.—Revocation of Permit, now assigned June 7, 1976, at Philadelphia, Pa., will be held in the Court Room 615, City Hall, Broad & Market Street.

MC-C 8804, Purolator Security, Inc., V. W.F.B., Inc., Et Al, now assigned June 8, 1976, at Philadelphia, Pa., will be held in Court Room 615, City Hall, Broad & Market Street.

MC-F 12722, Harry J. Scarl, Scarl's Delivery Service, Inc., and Richard P. Horgan—Investigation of Control—Metro Express, Inc., now assigned June 10, 1976 at Philadelphia, Pa., will be held in Court Room 615, City Hall, Broad & Market Street.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15369 Filed 5-25-76; 8:45 am]

[Notice No. 264]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76586. By application filed May 14, 1976, FAR EAST TRUCK LEASING, INC., 517 West 46th St., New York, N.Y., 10019, seeks temporary authority to lease a portion of the operating rights of TOWERS TRANSPORTATION, INC., 228 North Ave. East, Elizabeth, N.J., 07201, under section 210a(b). The transfer to FAR EAST TRUCK LEASING, INC., of a portion of the operating rights of TOWERS TRANSPORTATION, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15368 Filed 5-25-76; 8:45 am]

#### IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

\* Authority is owned by Cross Transportation, Inc. and was leased to Towers Transportation, Inc. in November, 1971 pursuant to authority granted under section 210a(b) in MC-F-11343.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 7, 1976. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 41406 (Sub-No. E25), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lake County, Ill., to points in Ohio on, south and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio extending along Interstate Highway 70 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including points in the Cincinnati, Ohio commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E26), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Lake County, Ill., to points in Ohio east and north of a line beginning at the Ohio-Michigan State line at Toledo, Ohio and extending along Interstate Highway 75 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 13, thence along Ohio Highway 13, to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line; from points in Lake County, Ill., to points in West Virginia north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E27), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, trans-

porting: *Steel and steel products*, from points in Cook County, Ill., on and north of Interstate Highway 55 except points in the Chicago, Ill., commercial zone; DuPage County, Ill.; Will County, Ill., on and north of a line beginning at the Will-Kendall County line and extending along Interstate Highway 80 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Will-DuPage County line; and Kane County, Ill.; to points in Ohio on, south and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio, extending along Interstate Highway 70 to Columbus, Ohio, to junction U.S. Highway 62 to Washington Court House, Ohio, and extending along U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including points in the Cincinnati Ohio commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E28), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Cook County, Ill., on and north of Interstate Highway 55, except points in Chicago, Ill., commercial zone; DuPage County, Ill.; Will County, Ill., on and north of a line beginning at the Will-Kendall County line, extending east along Interstate Highway 80, thence along Interstate Highway 80 extending northeast along Interstate Highway 55 to the Will-DuPage County line, and points in Kane County, Ill., to that part of Ohio on, east and north of a line beginning at Toledo, Ohio extending south along Interstate Highway 75 to U.S. Highway 20, thence along U.S. Highway 20 to Norwalk (including Fremont) Ohio, to junction Ohio Highway 13, thence along Ohio Highway 13 to U.S. Highway 40 to Bridgeport, Ohio at the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E29), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Helsley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in Cook County, Ill., on and south of the Des Plaines River, Illinois Highway 83 and Illinois Highway 171 except points in the Chicago, Ill., commercial zone as defined by the Commission; points in Will County south and east of a line beginning at the Will-DuPage County line, thence along Interstate Highway 55, thence along Interstate Highway 55 to Interstate Highway 80 at the Will-Ken-



dall County lines: points in LaSalle, Grundy, and Kankakee Counties, Ill.; to that part of Ohio on, east and north of a line beginning at the Ohio-Michigan State line at Toledo, Ohio, and extending along U.S. Highway 20 to Norwalk, Ohio to junction U.S. Highway 250, thence along U.S. Highway 250 to Dover, Ohio, extending along Interstate Highway 77 to intersection Interstate Highway 70 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Monroe, Mich.

No. MC 41406 (Sub-No. E30), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in the Chicago, Ill. commercial zone, as defined by the Commission in 1 M.C.C. 673, and to points in Ohio east and north of a line beginning at the Ohio-Michigan State line at Toledo, Ohio and extending along Interstate Highway 75 to U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70 and extending to the Ohio-West Virginia State line; points in West Virginia north of Interstate Highway 70; from points in Portage, Ind., to points in Ohio east and north of a line beginning at the Ohio-Michigan State line at Toledo, Ohio and extending along Interstate Highway 75 to U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line; points in West Virginia north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Monroe, Mich.

No. MC 41406 (Sub-No. E31), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, and to points in Ohio, south and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio extending along Interstate Highway 70 to Columbus, Ohio extending along U.S. Highway 62 to Washington Court House, Ohio and to junction U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including points in the Cincinnati, Ohio commercial zone, as defined by the

Commission. The purpose of this filing is to eliminate the gateway of Middletown, Ohio.

No. MC 41406 (Sub-No. E32), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from La Salle and Streator, Ill., to points in Ohio on, south and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio extending along Interstate Highway 70 to Columbus, Ohio extending along U.S. Highway 62 to Washington Court House, Ohio to junction U.S. Highway 22 to Cincinnati, Ohio at the Ohio-Kentucky State line, including points in the Cincinnati, Ohio commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Middletown, Ohio.

No. MC 41406 (Sub-No. E33), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel from Kankakee, Ill.*, to points in Ohio on, south and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio extending along Interstate Highway 70 to Zanesville, Ohio, to junction U.S. Highway 22 to Washington Court House, Ohio extending along U.S. Highway 62 to Ripley, Ohio at the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E34), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Galesburg, Ill., to points in Ohio on, south, and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio, extending along Interstate Highway 70 to Columbus, Ohio to junction U.S. Highway 62 to Ripley, Ohio at the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E35), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from Pekin, Peoria, and Mapleton, Ill., to points in Monroe, Washington, Meigs, Gallia, and Lawrence Counties, Ohio; that part of Scioto County, Ohio, on and south of a line beginning at the Adams-Scioto County line extending along U.S. Highway 52 to junction Ohio Highway 139, thence along Ohio Highway 139 to the Scioto-Jackson County line; that part of Jackson County, Ohio, on and south of a line beginning at the Scioto-Jackson County line extending along Ohio Highway 139 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Jackson-Vinton County line; that part of Athens County, Ohio, on and south of a line beginning at the Vinton-Athens County line extending along U.S. Highway 50 to junction U.S. Alternate Highway 50, thence along U.S. Alternate Highway 50 to the Athens-Washington County line; that part of Belmont County, Ohio, on, south, and east of a line beginning at the Monroe-Belmont County line extending along Ohio Highway 145 to junction Ohio Highway 148, thence along Ohio Highway 148 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Belmont-Jefferson County line; and that part of Jefferson County, Ohio, on and south of U.S. Highway 22. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 41406 (Sub-No. E36), filed November 13, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from points in McHenry County, Ill., to points in Ohio on, south, and east of a line beginning at the Ohio-West Virginia State line at Bridgeport, Ohio, extending along Interstate Highway 70 to Columbus, Ohio to junction U.S. Highway 62, thence along U.S. Highway 62 to Washington Court House, Ohio, and extending along U.S. Highway 22 to Cincinnati, Ohio, at the Ohio-Kentucky State line, including points in the Cincinnati, Ohio, Commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Gary, Ind. and Middletown, Ohio.

No. MC 65941 (Sub-No. E25), filed January 22, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, between points in Ohio on and

south of Interstate Highway 70 and on and west of Interstate Highway 77, on the one hand, and, on the other, points in Ohio, Brooke and Marshall counties, W. Va., and points in Greene, Washington, and Allegheny counties, Pa. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E26), filed January 22, 1975. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials*, except those requiring special equipment, between points in Ohio on and south of U.S. Interstate Highway 70 and on and west of U.S. Interstate Highway 77, on the one hand, and, on the other, points in Washington County, Pa., and points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va. The purpose of this filing is to eliminate the gateway of Martins Ferry, Ohio.

No. MC 65941 (Sub-No. E32), filed May 8, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: George V. Thieroff (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *commodities* which because of size or weight require the use of special equipment, provided that the loading and/or unloading which necessitates the special equipment is performed by consignor or consignee or both, (A) Between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Ohio north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 33 to junction U.S. Highway 50, to junction Ohio Highway 73, to junction Ohio Highway 122, to junction U.S. Highway 35 to the Indiana-Ohio State line. (B) Between points in Tennessee, points in West Virginia on and south of U.S. Highway 60, and points in that part of Virginia within an area extending from the West Virginia-Virginia State line at U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina and the Virginia-Tennessee State lines to the Virginia-West Virginia State line to points of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Monroe, Lorain, Harrison, Ashtabula, Lake, Geauga, Trumbull, Mahoning, Belmont, Wayne, Medina, Ottawa, Lucas, Portage, Carroll, Jefferson, Summit, Cuyahoga, Erie, Huron, Sandusky, and Wood counties, Ohio. (C) Between points in Kentucky, on the one hand, and, on the other, points in Belmont, Jefferson, and Monroe counties, Ohio. The purpose of this filing is to eliminate the gateways of Tazewell, Bland, or Giles Counties, Va.; Ohio,

Brooke, or Marshall counties, W. Va.; and Martins Ferry, Ohio.

No. MC 92983 (Sub-No. E62), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., PO Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Caustic soda*, in bulk, in tank vehicles, from points in South Dakota to Houston, Tex.; (B) *Liquid chemicals*, in bulk, in tank vehicles, from points in South Dakota located on and west of a line extending from the South Dakota-Nebraska State line along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction unnumbered highway two miles east of Blunt, thence along unnumbered highway to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-North Dakota State line to points in Rhode Island; (C) *Such chemicals* as are embraced within fats and oils and blends and products thereof (except fats, oils, blends and products thereof derived from petroleum and petroleum soap products and paint), in bulk, in tank vehicles, from points in South Dakota to points in Florida; (D) *Chemicals*, in bulk, in tank or hopper vehicles, from points in South Dakota located on and west of a line extending from the northern border of Pennington County along South Dakota Highway 79 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line to points in Michigan located on and east of a line extending from Port Austin, on Lake Huron along Michigan Highway 53 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 25, thence along U.S. Highway 25 to Port Huron; (E) *Such agricultural insecticides* as are embraced within chemicals, in bulk, in hopper vehicles, and arsenic acids, in bulk, in tank vehicles, from points in South Dakota to points in Alabama (except Bay Minette);

(F) *Chemicals*, in bulk, in tank or hopper vehicles, (1) from points in South Dakota to points in Tennessee (except those located in Claiborne, Grainger, Hancock, Hawkins, Greene, Washington, Sullivan, Unicoi, Carter, and Johnson Counties), and (2) from points in South Dakota (except those located in Marshall, Day, Roberts, and Grant Counties) to points in Tennessee located in Claiborne, Grainger, Hancock, Hawkins, Greene, Washington, Sullivan, Unicoi, Carter, and Johnson Counties; (G) *Liquid chemicals*, in bulk, in tank or hopper vehicles, (1) from points in South Dakota located in and west of Corson, Dewey, Sully, Hyde, Buffalo, Brule, Aurore, Douglas, Hutchinson, and Yankton Counties to points in Texas located in and east of Fannin, Hunt, Kaufman, Henderson, Freestone, Leon, Brazos, Washington, Austin, Wharton, and Matagorda Counties (except Brazoria, Cham-

bers, Ft. Bend, Galveston, Harris, Liberty, and Montgomery Counties), and (2) from points in South Dakota located in and east of Campbell, Walworth, Potter, Faulk, Hand, Jerauld, Sanborn, Davison, Hanson, McCook, Turner, and Clay Counties to points in Texas located in, east, and south of Cooke, Denton, Tarrant, Johnson, Hood, Somervell, Bosque, Hamilton, Lampasas, Burnett, Llano, Gillespie, Kendall, Bandera, Medina, Frio, LaSalle, and Webb Counties (except Brazoria, Chambers, Ft. Bend, Galveston, Harris, Liberty, and Montgomery Counties); (H) *Chemicals*, in bulk, in tank or hopper vehicles, from points in South Dakota to points in Mississippi; (I) *Chemicals*, in bulk, (1) from points in South Dakota to points in Louisiana, (2) from points in South Dakota to points in Connecticut and to points in Indiana located in and south of Vigo, Clay, Owen, Monroe, Brown, and Jackson Counties and points located on and south of a line extending from the western border of Jennings County along U.S. Highway 50 to Aurora, on the Ohio River, (3) from points in South Dakota located on and west of a line extending from the South Dakota-Nebraska State line along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction unnumbered highway, two miles east of Blunt, thence along unnumbered highway to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-North Dakota State line to points in Indiana located in and south of Warren, Tippecanoe, Clinton, Tipton, Madison, Delaware, and Randolph Counties [except those points in Indiana described in (2) above], and (4) from points in South Dakota located on and west of a line extending from the South Dakota-Wyoming State line along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line to points in Indiana located on and south of Indiana Highway 14 [except those points in Indiana described in (2) and (3) above];

(J) *Chemicals*, in bulk (except liquid hydrogen, liquid oxygen, and liquid nitrogen), from points in South Dakota to points in Georgia; (K) *Inedible animal fats and soybean oil foots*, in bulk, in tank vehicles, from points in South Dakota to Memphis, Tenn.; (L) *Chemicals*, in bulk, (1) from points in South Dakota to points in Indiana, (2) from points in South Dakota to points in Missouri located on and east of a line extending from the southern border of Texas County along U.S. Highway 63 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 89, thence along Missouri Highway 89 to junction Missouri Highway 100, thence along Missouri

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Highway 100 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 94, thence along Missouri Highway 94 to junction Missouri Highway C, thence along Missouri Highway C to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 15, thence along Missouri Highway 15 to the northern border of Shelby County, and points located in and east of Clark, Lewis, and Howell Counties, (3) from points in South Dakota located on and west of a line extending from the South Dakota-North Dakota State line along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Cheyenne River, thence along the Cheyenne River to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line to points in Missouri located in and east of Schuyler, Adair, Macon, Randolph, Howard, Boone, Monticau, Miller, Pulaski, Laclede, Wright, Douglas, and Ozark Counties [except those points in Missouri described in (2) above], (4) from points in South Dakota to points in Illinois located on and south of a line extending from the Illinois-Indiana State line along the southern and western borders of Chicago to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 5, thence along Illinois Highway 5 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Illinois Highway 92, thence along Illinois Highway 92 to Moline, (5) from points in South Dakota located on and west of a line extending from the South Dakota-North Dakota State line along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to the South Dakota-Nebraska State line to points in Illinois located on and south of a line extending from Lake Michigan along the northern and western borders of Chicago to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Mississippi River [except those points in Illinois described in (4) above],

(6) from points in South Dakota located on and west of a line extending from the southern border of Custer County along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the South Dakota-North Dakota State line to points in Illinois [except Jo Daviess County and except those points in Illinois described in (4) and (5) above], and to points in Wisconsin located in Rock, Walworth, Racine, Kenosha, and Milwaukee Counties, (7) from points in Fall River Coun-

ty, S. Dak., located on and west of U.S. Highway 385 to points in Jo Daviess County, Ill., and points in Wisconsin located on and south of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Wisconsin Highway 28, thence along Wisconsin Highway 28 to Sheboygan [except those points in Wisconsin described in (6) above], (8) from points in South Dakota to points in Iowa located on and east of a line extending from the Iowa-Missouri State line along unnumbered highway through Vincennes and Argyle to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction U.S. Highway 61, thence along U.S. Highway 61 to Davenport, (9) from points in South Dakota located on and west of a line extending from the South Dakota-North Dakota State line along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line to points in Iowa located in Van Buren, Jefferson, Lee, Henry, Des Moines, Washington, Louisa, Muscatine, and Scott Counties and points in Clinton County located on and east of U.S. Highway 67 from the southern border of Clinton [except those points in Iowa described in (8) above], (10) from points in South Dakota located on and west of a line extending from the South Dakota-Nebraska State line along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the South Dakota-North Dakota State line to points in Iowa located in Davis, Wapello, Keokuk, Johnson, Cedar, and Jackson Counties to points in Clinton County located west and north of U.S. Highway 67 from the southern border to Clinton County, (11) from points in South Dakota to points in Ohio,

(12) from points in South Dakota to points in Michigan located on and south of a line extending from Parkdale, on Lake Michigan along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to the eastern border of Wexford County, thence along the eastern and northern border of Wexford, Osceola, Claire, Gladwin, and Arenac Counties to Lake Huron, (13) from points in South Dakota located on and west of a line extending from the southern border of Custer County along South Dakota Highway 79 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line to points in Michigan located in and south of Antrim, Otsego, Montmorency, and Aldena Counties [except those points in Michigan described in (12) above], and (14) from

points in South Dakota located on and west of U.S. Highway 385 in Fall River County to points in the Lower Peninsula of Michigan [except those points in Michigan described in (12) above]; (M) *Liquid chemicals*, in bulk, in tank vehicles, (1) from points in South Dakota located in and south of Moody, Lake, McCook, Hanson, Hutchinson, and Bon Homme Counties to points in Kentucky located on and east of a line extending from the Kentucky-Illinois State line along U.S. Highway 45 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line, and (2) from points in South Dakota located in, north, and west of Brookings, Kingsbury, Miner, Sanborn, Davison, Douglas, and Charles Mix Counties to points in Kentucky; and (N) *Chemicals*, in bulk, (1) from points in South Dakota located on and west of a line extending from the South Dakota-North Dakota State line along South Dakota Highway 73 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 63, thence along South Dakota Highway 63 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to the South Dakota-Nebraska State line to points in Pennsylvania located on and east of U.S. Highway 13, (2) from points in South Dakota located on and west of a line extending from the southern border of Custer County along South Dakota Highway 79 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line to points in Pennsylvania located in and east of Fayette, Westmoreland, Indiana, Jefferson, Elk, and McKean Counties [except those located on and east of U.S. Highway 13], and (3) from points in South Dakota located on and west of U.S. Highway 385 in Fall River County to points in Pennsylvania [except those located on and east of U.S. Highway 13].

The purpose of this filing is to eliminate the gateways: (A) points that are in both the Olathe, Kans., and the Kansas City, Kans.-Kansas City, Mo., commercial zone (a point formerly known as Turner, Kans.), and Tulsa, Okla.; (B) points that are in both the Olathe, Kans., and the Kansas City, Kans.-Kansas City, Mo., commercial zones (a point formerly known as Turner, Kans.), and Muscatine, Iowa; (C), (E) Olathe, Kans., and that Kansas City, Mo.-Kansas City, Kans., commercial zones (a point formerly known as Turner, Kans.), and points in Arkansas that are within the Memphis, Tenn., commercial zone; (D) Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.), and the plant site of Blockson Chemical Co., at Joliet, Ill.; (F), (H) Olathe, Kans., and the Kansas City, Mo.-Kansas City, Kans., commercial zones, and Saginaw, Mo., and points within 15 miles thereof; (G)

Olathe, Kans., and the Kansas City, Kans., Kansas City, Mo., commercial zones (a point formerly known as Turner, Kans.), and Verona, Mo.; (I), (J) Kansas City, Mo.-Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (K) points in Illinois on and north of Illinois Highway 17; (L) (1)-(10) Burlington, Iowa; (L) (11)-(14) Burlington, Iowa, and the plant site of the Blockson Chemical Co., a division of the Olin Mathieson Chemical Corp., at or near Joliet, Ill.; (M) Burlington, Iowa, and the plant site of the Hawkeye Chemical Co., at or near Clinton, Iowa; and (N) Burlington, Iowa and Des Moines, Iowa.

No. MC 92983 (Sub-No. E63), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Soybean oil*, in bulk, in tank vehicles, from points in Oregon to points in Michigan; (B) *Animal fats and oils*, in bulk, in tank vehicles, from points in Oregon to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois (except Chicago, Chicago Heights, East St. Louis, Decatur, and Rockford, Ill.), Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York (except New York City and Port Ivory, N.Y.), North Carolina, Ohio (except Cincinnati and Ivorydale, Ohio), Pennsylvania, Rhode Island, South Carolina, Vermont, and West Virginia; (C) *Inedible animal fats and soybean oil foods*, in bulk, in tank vehicles, from points in Oregon to points in Illinois on and north of Illinois Highway 17 (except Bradley); (D) *Acids*, in bulk, in tank vehicles, from points in Oregon to Lecom, Okla.; (E) *Acids and chemicals* (except cryogenic liquids, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank or hopper vehicles, (1) from points in Oregon to points in Illinois, Iowa, and Missouri, (2) from points in Oregon (except Sherman, Gilliam, Morrow, Umatilla, Wallowa, Union, and Baker Counties) to points in Minnesota located in and south of Yellow Medicine, Chippewa, Kandiyohi, Stearns, Benton, Mille Lacs, Kanabec, Pine, and Carlton Counties, (3) from points in Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S. Highway 97 to junction Highway 58, thence along Oregon Highway 58 to junction Oregon Highway 99, thence along Oregon Highway 99 to junction Oregon Highway 36, thence along Oregon Highway 36 to junction Oregon Highway 126, thence along Oregon Highway 126 to Florence on the Pacific Ocean, to points in Minnesota on and south of a line beginning at the Minnesota-North Dakota State line and extending along the southern and eastern borders of Wilkin County to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 71,

thence along U.S. Highway 71 to the United States-Canada International Boundary line, (4) from points in Oregon to points in Kansas on and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 181, thence along Kansas Highway 181 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Nebraska State line, and (5) from points in Oregon (except Sherman, Gilliam, Morrow, Umatilla, Wallowa, Union, and Baker Counties) to points in South Dakota located in Brookings, Moody, Minnehaha, Turner, Lincoln, Union, Clay, and Yankton Counties;

(F) *Vegetable oils*, in bulk, in tank vehicles, from points in Oregon to points in New York and Pennsylvania; (G) *Vegetable oils and blends and products thereof*, in bulk, in tank vehicles, (1) from points in Oregon to points in Wisconsin located in and south of Crawford, Richland, Sauk, Adams, Waushara, Waupaca, Shawano, Oconto, and Marinette Counties, and (2) from points in Oregon located in Curry and Josephine Counties to points in Wisconsin located in, south, and east of LaCrosse, Jackson, Clark, Marathon, Lincoln, Oneida, and Forest Counties; (H) *Polyvinyl acetate, linseed oil, linseed oil blends, and linseed oil products*, in bulk in tank vehicles, from points in Oregon to Houston, Tex.; (I) *Mineral fats, oils, blends and products thereof* (except those derived from petroleum, soap products, and paints), in bulk, in tank vehicles, from points in Oregon to Memphis, Tenn.; (J) *Cottonseed oil, soybean oil and blends and products thereof* (except soap products and paints), in bulk, in tank vehicles, from points in Oregon to Macon, Ga., and Jackson, Miss.; (K) *Vegetable oils and vegetable oil products* (excluding soap products and paints), in bulk, in tank vehicles, (1) from points in Oregon to points in Alabama, Georgia (except Macon), Louisiana, Mississippi (except Jackson), New York, and Pennsylvania, and (2) from points in Oregon located in Coos, Curry, and Josephine Counties to points in Michigan located in St. Clair, Macomb, Wayne, and Monroe Counties; (L) *Vegetable and animal fats and oils*, in bulk, in tank vehicles, from points in Oregon to points in Louisiana, Mississippi, and Tennessee; (M) *Vegetable and animal fats and oils* (excluding soap products and paints), in bulk, in tank vehicles, (1) from points in Oregon to points in Delaware, Florida, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Virginia, and West Virginia, (2) from points in Oregon located in and west of Multnomah, Clackamas, Marion, Linn, Lane, Douglas, and Coos Counties to points in Texas located in and east of Bowie, Morris, Marion, Harrison, Gregg, Rusk, Nacogdoches, Angelina, Polk, Liberty, and Chambers Counties, (3) from points in Oregon to points in Indiana located in and south of Vermillion, Parke, Montgomery, Clinton, Howard, Grant, Wells, and Adams Coun-

ties, (4) from points in Oregon located in and west of Multnomah, Clackamas, Marion, Linn, Lane, and Klamath Counties to points in Indiana located in and south of Benton, White, Cass, Miami, Wabash, Huntington, and Allen Counties, (5) from points in Oregon to points in Ohio (except Williams, Defiance, Paulding, Henry, Fulton, Lucas, Wood, and Ottawa Counties), (6) from points in Oregon located in and west of Multnomah, Clackamas, Marion, Linn, Lane, and Klamath Counties to points in Ohio (except Williams and Fulton Counties), and (7) from points in Oregon located in and west of Clatsop, Tillamook, Yamhill, Marion, Linn, Lane, and Klamath Counties to points in Ohio; restricted in (M) (5) through (7) against the transportation of washing compounds and fatty acid esters to Dayton, Ohio;

(N) *Animal fats and oils* (except lard), in bulk, in tank vehicles, from points in Oregon to points in Arkansas; (O) *Fats and oils*, in bulk, in tank vehicles, (1) from points in Oregon to points in Arkansas (except Sebastian, Scott, Polk, Sevier, and Little River Counties), and (2) from points in Oregon located in and west of Umatilla, Morrow, Wheeler, Crook, Deschutes, and Klamath Counties to points in Arkansas; (P) *Fats and oils* (except those used as feed ingredients), in bulk, in tank vehicles, from points in Oregon to points in Ohio; and (Q) *Fats and oils* (except petroleum and petroleum products), in bulk, in tank vehicles, from points in Oregon to points in Illinois (except Champaign and Jacksonville, Ill.). The purpose of this filing is to eliminate the gateways of: (A) Nebraska, and Muscatine, Iowa; (B) Nebraska, and Dubuque, Iowa; (C) Nebraska and Iowa; (D) Nebraska; (E) Fremont, Nebr.; (F), (G), & (H) St. Louis, Mo.; (I) Kansas; (J) & (K) Missouri, and Memphis, Tenn.; (L) Kansas City, Kans.; (M) Kansas City, Kans., and Memphis, Tenn.; (N) Kansas City, Kans.; and (O), (P) & (Q) points in Missouri within the Dupon, Ill., commercial zone.

No. MC 92983 (Sub-No. E64), filed June 4, 1974. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products*, in bulk, in tank vehicles, (1) from Milan, Ill., to points in Iowa on, north, and east of a line beginning at the Mississippi River and extending along the northern borders of Clayton and Fayette Counties to junction with the eastern border of Chickasaw County, thence along the eastern border of Chickasaw County to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line, (2) from Milan, Ill., to points in Indiana located on and south of a line beginning at the Illinois-Indiana State line and extending along the northern borders of

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Warren and Tazewell Counties to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 205, thence along Indiana Highway 205 to junction Indiana Highway 327, thence along Indiana Highway 327 to junction Indiana Highway 8, thence along Indiana Highway 8 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line, (3) from Peru, Ill., and points within five miles thereof, to points in Illinois on and west of a line beginning at Dallas City on the Mississippi River along Illinois Highway 9 to junction Illinois Highway 94, thence along Illinois Highway 94 to junction Illinois Highway 61, thence along Illinois Highway 61 to junction unnumbered Highway at Bigney, thence along unnumbered highway through Coastburg to junction Illinois Highway 104, thence along Illinois Highway 104 to junction unnumbered highway at Kingston, thence along unnumbered highway through Barry and New Canton to Cincinnati landing on the Mississippi, and (4) from Peru, Ill., and points within five miles thereof to points in Missouri in and north of Mercer, Grundy, Livingston, Carroll, Saline, Howard, Boone, Cole, Callaway, that portion of Montgomery located on and south of Missouri Highway 19 from the western border to junction Interstate Highway 70, thence along Interstate Highway 70 to the eastern border of Audrain and Ralls Counties.

(B) *Feed*, in bulk, (1) from Galesburg, Ill., to points in Minnesota, Nebraska, South Dakota, and points in Missouri located in and west of Worth, Gentry, DeKalb, Clinton, Clay, Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton, and McDonald Counties, (2) from Danville, Ill., to points in Minnesota, Nebraska, and South Dakota, and points in Missouri located in Worth, Nodaway, and Atchison Counties and that portion of Holt County located on, north, and west of a line extending from the Missouri-Nebraska State line along U.S. Highway 159 to junction Missouri Highway 118, thence along Missouri Highway 118 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Missouri Highway 113, thence along Missouri Highway 113 to the northern boundary of the county, (3) from Sullivan, Ill., to points in Minnesota and South Dakota and points in Nebraska (except Richardson County), and (4) from Peru, Ill., to points in Minnesota, Nebraska, and South Dakota and points in Missouri located in and west of Stone, Lawrence, Greene, Polk, Hickory, Benton, Pettis, Saline, Chariton, Macon, Knox, and Clark Counties; (C) *Such petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Illinois located in and north of Mercer, Henry, Whiteside, Lee, DeKalb, Kane, McHenry, and Lake Counties to

points in Missouri located in Lincoln, Montgomery, and Pike Counties, (2) from points in Illinois located in and north of Mercer, Henry, Whiteside, Lee, DeKalb, Kane, DuPage, and Cook Counties to points in Missouri located in Adair, Audrain, Boone, Callaway, Carroll, Chariton, Clark, Grundy, Howard, Knox, Lewis, Linn, Livingston, Macon, Marion, Mercer, Monroe, Putnam, Ralls, Randolph, Saline, Schuyler, Scotland, Shelby, and Sullivan Counties, and (3) from points in Illinois located on and north of Illinois Highway 9 to Cole County, Mo.; (D) *Such petroleum and petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Illinois to points in Wisconsin located on and west of a line extending from LaCrosse along Wisconsin Highway 35 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Wisconsin-Minnesota State line, and (2) from points in Illinois (except those points located east of a line from the Illinois-Wisconsin State line along Illinois Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line) to points in Wisconsin located in and west of LaCrosse and Trempealeau Counties and points located on and west of a line extending from the southern border of Eau Claire County along Wisconsin Highway 27 to the western border of Douglas County, thence along the western border to Lake Superior (except those points in Wisconsin described in (1) above).

(E) *Such petroleum and petroleum products* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles and acids and chemicals as are embraced within contractors' materials and supplies, in bulk, in tank or hopper vehicles, from points in Illinois to points in Minnesota; (F) *Such liquid or dry chemicals* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Illinois to points in Nebraska located in and north of Chase, Perkins, Lincoln, Dawson, Buffalo, Hall, Merrick, Polk, Butler, Saunders, and Douglas Counties (except Dakota County), (2) from points in Illinois located in and north of Mercer, Knox, Peoria, Tazewell, McLean, DeWitt, Champaign, and Vermillion Counties to points in Nebraska located in and south of Dundy, Hayes, Frontier, Gosper, Phelps, Kearney, Adams, Hamilton, York, Seward, Lancaster, Cass, and Sarpy Counties, (3) from points in Illinois located in and south of Mercer, Knox, Peoria, Tazewell, McLean, Champaign, and Vermillion Counties to points in Wisconsin located on and west of a line extend-

ing from LaCrosse along U.S. Highway 53 to junction Wisconsin Highway 121, thence along Wisconsin Highway 121 to junction Wisconsin Highway 88, thence along Wisconsin Highway 88 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to the northern border of Buffalo County and points located in Pepin, Pierce, Dunn, St. Croix, Polk, and Burnett Counties, and (4) from points in Illinois located in and west of Henderson, McDonough, Schuyler, Cass, Morgan, Macoupin, Madison, Bond, Clinton, Marion, Jefferson, Hamilton, and White Counties and points in Mercer County located on and west of Illinois Highway 94 to points in Wisconsin located in and west of Grant, Crawford, Vernon, Monroe, Jackson, Clark, Taylor, Price, and Ashland Counties (except those points in Wisconsin described in (3) above); (G) *Such acids and chemicals* as are embraced within contractors' materials and supplies, in bulk, (1) from points in Illinois located in and north of Kanakee, Grundy, LaSalle, Marshall, Knox, Warren, and Henderson Counties and points in Peoria County located on and north of Illinois Highway 116 to points in Missouri located in and west of Schuyler, Adair, Macon, Randolph, Boone, Cole, Miller, Camden, LaCade, Webster, Christian, and Taney Counties, (2) from points in Illinois located in and west of St. Clair, Randolph, Perry, Jackson, Williamson, and Pope Counties and points in Madison County located on and west of Illinois Highway 159 to points in Iowa (except those in Lee County located south of Iowa Highway 2), and (3) from points in Illinois located in and south of Henderson, Warren, Knox, Stark, Marshall, Putnam, LaSalle, Kendall, DuPage, and Cook Counties (except those points in Illinois described in (2) above) to points in Iowa located in and south of Woodbury, Crawford, Carroll, Guthrie, Dalls, Polk, Marion, Mahaska, Wapello, Jefferson, Henry, and Des Moines Counties.

(H) *Such paint and paint materials* as are embraced within contractors' materials and supplies, in bulk, in tank vehicles, (1) from points in Illinois to points in Minnesota, (2) from points in Illinois located on and west of a line extending from Savanna, on the Mississippi River along Illinois Highway 84 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Ohio River to points in Wisconsin located in and west of Grant, Iowa, Suak, Columbia, Greenlake, Winnebago, Outagamie, and Brown Counties, and (3) from points in Illinois located on and south of a line extending from the Mississippi River along Illinois Highway 64 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Illinois-Indiana State line [ex-

cept those points in Illinois described in (2) above] to points in Wisconsin located in and west of LaCrosse, Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, and Ashland Counties; (I) *Such acids and chemicals* (except petroleum products) as are embraced within contractors' materials and supplies, in bulk, from points in Illinois to points in South Dakota; (J) *Chemicals* as are embraced within contractors' materials and supplies, in bulk, (1) from points in Illinois to points in North Dakota located in and west of Adams, Hettinger, Stark, Dunn, McKenzie, Williams, and Divide Counties, and (2) from points in Illinois located in and south of Mercer, Henry, Bureau, LaSalle, Kendall, and Will Counties to points in North Dakota located in and east of Sioux, Grant, Morton, Mercer, McLean, Mountrail, and Burke Counties.

(K) *Crude corn and soybean oils*, in bulk, in tank vehicles, (1) from points in Illinois (except Jo Daviess County) to points in Nebraska located in and north of Kimball, Cheyenne, Garden, Arthur, McPherson, Logan, Blaine, Loup, Valley, Greeley, Nance, Platte, Colfax, Cumming, and Burt Counties, (2) from points in Illinois located in and north of Whiteside, Bureau, Marshall, LaSalle, Livingston, Ford, Champaign, and Vermillion Counties to points in Nebraska located in and south of Deuel, Keith, Lincoln, Custer, Sherman, Howard, Merrick, Polk, Butler, Saunders, Dodge, and Washington Counties, (3) from points in Illinois located in and north of Whiteside, Lee, Kane, DeKalb, DuPage, and Cook Counties to points in Kansas and to points in, west, and north of Pike, Montgomery, Gasconade, Phelps, Texas, and Howell Counties, (4) from points in Illinois located in Rock Island, Henry, Bureau, Putnam, LaSalle, Kendall, Grundy, Kankakee, and Will Counties to points in Kansas (except Cherokee County) and to points in Missouri located in and west of Mercer, Grundy, Livingston, Caldwell, Ray, Lafayette, Jackson, Cass, and Bates Counties, (5) from points in Illinois located in and north of Mercer, Knox, Peoria, Tazewell, McLean, Champaign, and Vermillion Counties [except those points in Illinois described in (3) and (4) above] to points in Kansas located in and west of Phillips, Rooks, Trego, Ness, Hodgeman, Ford, and Meade Counties, (6) from points in Illinois located in and north of Whiteside, Lee, DeKalb, Kane, DuPage, and Cook Counties to points in Arkansas (except those located in Clay, Greene, and Mississippi Counties and points in Craighead County located east of the Francis River), (7) from points in Illinois located in Kendall and Will Counties to points in Arkansas located in and south of Sebastian, Logan, Yell, Perry, Pulaski, Jefferson, Arkansas and Desha Counties, (8) from points in Illinois to points in Nevada, and (9) from points in Illinois (except Jo Daviess County) to points in Idaho, Oregon, and Washington and to points in Wyoming located on and west of a line extending

from the Wyoming-Colorado State line along Wyoming Highway 230 to junction Wyoming Highway 130, thence along Wyoming Highway 130 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Wyoming-Montana State line.

(L) *Petroleum products*, in bulk, in tank vehicles, (1) from Rockford, Ill., and five miles thereof to points in Missouri located in Adair, Audrain, Boone, Callaway, Carroll, Chariton, Clark, Grundy, Howard, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Pike, Putnam, Rall, Randolph, Saline, Schuyler, Scotland, Shelby, Sullivan, Cole, and Warren Counties and that portion of St. Charles County located on, south, and west of a line extending from the northern border of the county along Missouri Highway 79 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri River, (2) from Rockford, Ill., and five miles thereof to points in Minnesota and points in Wisconsin located in and west of Bayfield, Sawyer, Rusk, Barron, Dunn, Pepin, Buffalo, Trempealeau, and LaCrosse Counties, (3) from Chillicothe, Ill., and points within five miles thereof, to points in Minnesota and to points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line from Chasme, Wis., and extending along County Highway D to junction Wisconsin Highway 179, thence along Wisconsin Highway 179 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction with the eastern border of Monroe County, thence along the eastern border of Monroe, Jackson, and Clark Counties to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to junction with the south border of Taylor County, thence along the southern and eastern border of Taylor, Price, and Iron Counties to the Wisconsin-Michigan State line, (4) from Chillicothe, Ill., and points within five miles thereof to Ironwood, Mich., (5) from Chillicothe, Ill., and points within five miles thereof to points in Missouri bordered by Callaway, Cole, Boone, Howard, Saline, Carroll, Livingston, Grundy, Mercer, Putnam, Schuyler, Scotland, Clark, Lewis, Marion, and Ralls Counties and to the portion of Audrain County located on and west of Missouri Highway 19, (6) from Rockford, Ill., and five miles thereof to points in Iowa located in Mills, Montgomery, Fremont, Page, and Taylor Counties and that portion of Ringgold County located on and west of U.S. Highway 169.

(7) From Chillicothe, Ill., and points within five miles thereof to points in Illinois on and west of a line beginning at the Mississippi River, and extending along U.S. Highway 136 to junction unnumbered highway, thence along unnumbered highway through Basco, West Point, Woodville, and Lorraine, to junction Illinois Highway 61, thence along Illinois Highway 61 to junction unnumbered highway, thence along unnumbered highway through Plainville to junction Illinois Highway 104, thence along Illinois Highway 104 to junction unnumbered highway, thence along unnumbered highway through Plainville to junction Illinois Highway 57, thence along Illinois Highway 57 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Mississippi River and to points in Iowa located on, west, and south of a line beginning at the Iowa-Minnesota State line and extending along the eastern boundaries of Emmet and Palo Alto Counties, thence along the northern, eastern, and southern boundary of Webster County to Greene County, thence along the eastern boundary of Greene County, the northern boundary of Dallas and Polk Counties, and thence along the eastern boundary of Polk County to Marion County, thence along the northern, eastern, and southern boundary of Marion County to Iowa Highway 5, thence along Iowa Highway 5 to the northern boundary of Appanoose County, thence along the northern boundary of Appanoose and Davis Counties to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 218, thence along U.S. Highway 218 to Keokuk on the Mississippi River, (M) *Indealible fats, grease, and tallows* (other than petroleum derivative), in bulk, in tank vehicles, (1) from points in Illinois located on, west, and north of a line extending from southern border of Pike County along the Illinois River to the southern border of Cass County, thence along the southern border to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 91, thence along Illinois Highway 91 to junction Illinois Highway 90, thence along Illinois Highway 90 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line and to New York and Port Ivory, N.Y., (2) from points in Illinois located on and west of a line extending from the Wisconsin-Illinois State line along Illinois Highway 78 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Iowa State line to Cincinnati and Ivorydale, Ohio, (3) from points in Illinois located in and north of Mercer, Henry, Bureau, Putnam, Grundy, and Will Counties and points in LaSalle County



located on, north, and east of Illinois Highway 18 and to Sherman, Tex., (4) from points in Illinois to Faribault, Minneapolis, and St. Paul, Minn., and (5) from points in Illinois located on and north of a line extending from the Iowa-Illinois State line along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line to Kansas City, Mo.

(N) *Animal fats, grease, and tallow*s, in bulk, in tank vehicles, (1) from points in Illinois located in Adams, Hancock, Henderson, Warren, Mercer, Rock Island, Whiteside, Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Connecticut, Maine, Massachusetts, New Jersey, and New Hampshire, to points in New York located in and east of Cayuga, Tompkins, and Tioga Counties (except New York City and Port Ivory), to points in Pennsylvania located in and east of Susquehanna, Wyoming, Luzerne, Columbia, Schuylkill, Dauphin, and York Counties and to points in Rhode Island and Vermont, (2) from points in Illinois to points in Wisconsin located on and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 61 to junction Wisconsin Highway 81, thence along Wisconsin Highway 81 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to Danbury, on the St. Croix River, (3) from points in Illinois located in Mercer, Rock Island, Whiteside, Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in North Carolina located in and east of Cleveland, Catawba, Alexander, Wilkes, and Alleghany Counties, (4) from points in Illinois located in Rock Island, Whiteside, Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Florida, Georgia, and South Carolina, (5) from points in Illinois located in Whiteside, Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Alabama, (6) from points in Illinois located in Whiteside, Lee, Ogle, Boone, McHenry, and Lake Counties to points in Mississippi located in and south of Warren, Claiborne, Copiah, Lawrence, Jefferson Davis, Lamar, Forrest, Stone, and George Counties, and (7) from points in Illinois located in Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Mississippi (except those located in Benton, Tippah, Alcorn, Prentiss, and Tishomingo Counties) and to points in Shelby County, Tenn.; (O) *Animal fats*, in bulk, in tank vehicles, (1) from points in Illinois located in and north of Whiteside, Lee, DeKalb, Kane, DuPage, and Cook Counties (except Carroll, Jo Daviess, Stephenson, and Winnebago Counties) to points in Texas located in and south of Newton, Jasper, Tyler, Polk, San Jacinto, Walker, Grimes, Brazos, Burleson, Lee, Travis, Blanco, Gillespie, Kimble, Sutton, Crockett, Pecos, and Jefferson Davis Counties, (2) from points in Illinois located in Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Texas located in, east, and south of Lamar, Delta, Hunt,

Collin, Denton, Tarrant, Parker, Palo Alto, Stephens, Shackelford, Jones, Fisher, Scurry, Borden, Martin, and Andrew County, (4) from points in Illinois located in and north of Whiteside, Lee, DeKalb, Kane, DuPage, and Cook Counties to points in Arkansas located in Sevier, Little River, and Miller Counties, and (5) from points in Illinois located in Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Arkansas (except Sevier, Little River, and Miller Counties).

(P) *Fats* (except molasses and except petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Illinois located in and north of Carroll, Ogle, Boone, McHenry, Cook, and DuPage Counties to points in Missouri located in and west of Schuyler, Adair, Linn, Chariton, Saline, Pettis, Henry, St. Clair, Vernon, Barton, and Jasper Counties and to points in Kansas and Nebraska, (2) from points in Illinois located in Whiteside, Lee, LaSalle, DeKalb, Kane, Kendall, Grundy, Will, and Kankakee Counties to points in Kansas located in and west of Nemaha, Marshall, Riley, Geary, Morris, Chase, Butler, and Cowley Counties to points in Nebraska, and (3) from points in Illinois located in Bureau, Putnam, Livingston, Ford, Iroquois, Champaign, and Vermillion Counties to Cheyenne County, Kans., and to points in Nebraska located in, north, and west of Douglas, Saunders, Seward, York, Hamilton, Adams, Kearney, Phelps, and Furnas Counties; (Q) *Animal fats*, in bulk, in tank vehicles, from points in Illinois located in Carroll, Jo Daviess, Stephenson, and Winnebago Counties to points in Louisiana located in Caddo, Bossier, DeSoto, Sabine, Vernon, Beauregard, Calcasieu, and Cameron Parishes; (R) *Fats* (except molasses, and except petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Illinois to points in Nevada, (2) from points in Illinois to points in Idaho, Oregon, and Washington and to points in Wyoming located in Uinta and Lincoln Counties, and (3) from points in Illinois located in and north of Whiteside, Bureau, Putnam, LaSalle, Grundy, and Kankakee Counties to points in Wyoming located in and west of Laramie, Albany, Carbon, Fremont, Hot Springs, and Park Counties (except Uinta and Lincoln Counties); (S) *Feed* (not including tankage), in bulk, (1) from Monmouth, Ill., to points in Kansas, and (2) from Monmouth, Ill., to points in Minnesota, Nebraska, and South Dakota; (T) *Petroleum products*, in bulk, in tank vehicles, (1) from Amboy, Ill., and points within ten miles thereof to points in Missouri located in and east and north of Mercer, Grundy, Livingston, Carroll, Saline, Howard, Boone, Cole, Callaway, Montgomery, Warren, and Lincoln Counties (2) from Amboy, Ill., and points within ten miles thereof to points in Iowa on and south of a line beginning at Ballard on the Mississippi River and extending along unnumbered highway through Montrose to junction U.S. Highway 218, thence along U.S. Highway 218

to junction Iowa Highway 2, thence along Iowa Highway 2 to junction with the eastern border of Wayne County, thence along the eastern and northern boundaries of Wayne, Decatur, Ringgold, Taylor, Montgomery, and Mill Counties to the Iowa-Nebraska State line, (3) from Amboy, Ill., and points within ten miles thereof to points in Minnesota, and (4) from Amboy, Ill., and points within ten miles thereof to points in Iowa on and east of a line beginning at Burlington, Iowa, and extending along U.S. Highway 34 to junction unnumbered highway (formerly a portion of U.S. Highway 34) thence along unnumbered highway through Lockridge to junction U.S. Highway 34, thence along U.S. Highway 34 to Ottumwa, thence along U.S. Highway 63 to the Iowa-Minnesota State line.

(U) *Petroleum products* (except cryogenic liquids) requiring temperature control in transit to maintain liquid form, in bulk, in tank vehicles, (1) from points in Illinois located in and east of Adams, Pike, Calhoun, Jersey, Madison, St. Clair, Randolph, Perry, Jackson, Williamson, and Pope Counties to points in Iowa located east of U.S. Highway 169 (except Scott, Clinton, and Jackson Counties), (2) from points in Illinois located on and south of U.S. Highway 138 (except those points described in Illinois in (1) above) to points in Iowa located east of U.S. Highway 169 (except those located in and east of Van Buren, Jefferson, Keokuk, Iowa, Benton, Buchanan, Fayette, and Winneshiek Counties), (3) from points in Illinois located in and south of Adams, Schuyler, Cass, Morgan, Macoupin, Montgomery, Bond, Clinton, Marion, Wayne, and White Counties to points in Minnesota located in and south of Lac Qui Parle, Chippewa, Renville, McLeod, Carver, Scott, and Dakota Counties, (4) from points in Illinois located in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties to points in Minnesota located in and north of Big Stone, Swift, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, and Washington Counties (except Pine, Carlton, St. Louis, Lake, and Cook Counties), (5) from points in Illinois located in and south of Adams, Schuyler, Cass, Morgan, Macoupin, Madison, St. Clair, Washington, Perry, Jackson, Williamson, and Pope Counties to points in Wisconsin located in and west of LaCrosse Trempealeau, Eau Claire, Chippewa, Rusk, Price, and Iron Counties, (6) from points in Illinois located on and west of Illinois Highway 4 in Madison, St. Clair, and Randolph Counties and Monroe County to points in Michigan located on and west of a line extending from the Michigan-Wisconsin State line along Michigan Highway 28 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to junction Michigan Highway 38, thence along Michigan Highway 38 to Baraga, on Keweenaw Bay, (7) from points in Illinois located in and south of Hancock, McDonough,

Fulton, Peoria, Woodford, Livingston, Ford, and Iroquois Counties and points in Kankakee County located on and east of U.S. Highway 45 to points in Iowa located on and west of U.S. Highway 169, and (8) from points in Illinois to points in California.

The purpose of this filing is to eliminate the gateways of: (A) (1) Fulton, Ill.; (A) (2) Bettendorf, Iowa, and Champaign, Ill.; (A) (3) Ft. Madison, Iowa; (B) the plant site of Protein Blenders, Inc., near Iowa City, Iowa; (C) Ft. Madison, Iowa; (D) Guttenberg, Iowa; (E) plant site of Iowa-Guttenberg Terminal, Inc., at Guttenberg, Iowa, or Guttenberg, Iowa; (F) Muscatine, Iowa; (G) Burlington, Iowa; (H) Iowa (except Bettendorf, Clear Lake, Coralville, and Dubuque); (I) Windham, Iowa, and points within 15 miles thereof; (J) Des Moines, Iowa; (K) (1)-(5) Clinton, Iowa; (K) (6)-(7) Clinton, Iowa, and points in Missouri within the Dupo, Ill., commercial zone; (K) (8) Clinton, Iowa, and Nebraska; (K) (9) Clinton, Iowa, and Kansas; (L) (1) Ft. Madison, Iowa; (L) (2)-(3) Guttenberg, Iowa; (L) (4) Guttenberg, Iowa, and Eau Claire, Wis.; (L) (5) Ft. Madison, Iowa; (L) (6)-(7) points in Iowa within the Alexandria, Mo., commercial zone; (M), (N) Dubuque, Iowa; (O) (1)-(2) Dubuque, Iowa, and the Memphis, Tenn., commercial zone; (O) (3)-(4) Dubuque, Iowa, and points in Missouri in the Dupo, Ill., commercial zone; (P) Dubuque, Iowa; (Q) Dubuque, Iowa, and Kansas City, Mo.-Kansas City, Kans., commercial zone; (R) (1) Dubuque, Iowa, and Nebraska; (R) (2) Dubuque, Iowa, and Kansas; (S) (1) Waverly, Mo.; (S) (2) the plant site of Protein Blenders, Inc., near Iowa City, Iowa; (T) (1) Ft. Madison, Iowa; (T) (2) points in Iowa within the Alexandria, Mo., commercial zone; (T) (3) Guttenberg, Iowa; (T) (4) points in Iowa within the Fulton, Ill., commercial zone; (U) (1)-(2) Alexandria, Mo.; (U) (3)-(5) Alexandria, Mo., and Guttenberg, Iowa; (U) (6) Alexandria, Mo., Guttenberg, Iowa, and Eau Claire, Wis.; (U) (7) Alexandria, Mo.; and (U) (8) Kansas.

No. MC 92983 (Sub-No. E65), filed June 4, 1973. Applicant: AMERICAN BULK TRANSPORT CO., 818 Grand Ave., P.O. Box 2508, Kansas City, Mo. 64142. Applicant's representative: H. B. Foster (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Chemicals*, in bulk, in tank or hopper vehicles, from Chicago, Ill., to points in Minnesota and points in Wisconsin located on and west of a line extending from the Wisconsin-Minnesota State line along the southern, eastern, and northern boundary of LaCrosse County to the western boundary of Trempealeau County, thence along the western boundary of Trempealeau County to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 121, thence along Wisconsin Highway 121 to junction Wisconsin Highway 93, thence along Wisconsin Highway 93 to junction

U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to junction Wisconsin Highway 85, thence along Wisconsin Highway 85 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 40, thence along Wisconsin Highway 40 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to the eastern boundary of Douglas County, thence along the eastern boundary of Douglas County to Lake Superior; (B) *Acids and chemicals* (except petroleum and petroleum products), in bulk, in tank vehicles, (1) from points in Illinois (except those points west of a line extending from the Illinois-Iowa State line along Illinois Highway 92 to junction Illinois Highway 192, thence along Illinois Highway 192 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Illinois-Missouri State line to points in Nebraska located on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 66 to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line, (2) from points in Illinois (except Chicago) to points in South Dakota.

(3) From points in Illinois except Chicago on and south of a line beginning at the Iowa-Illinois State line and extending along the northern and eastern border of Whiteside County to junction unnumbered highway, thence along unnumbered highway to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 72, thence along Illinois Highway 72 to junction Illinois Highway 2, thence along Illinois Highway 2 to the Wisconsin-Illinois State line and on and north of a line beginning at the Illinois-Iowa State line and extending along Interstate Highway 80 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 71, thence along Illinois Highway 71 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction unnumbered highway, thence along unnumbered highway through Leonore to Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 115, thence along Illinois Highway 115 to junction unnumbered highway, thence along unnumbered highway through Clifton, Martin, and Beaverville to the Illinois-Indiana State line to points in Iowa on, south, and west of a line beginning at the Minnesota-Iowa State line and extending along unnumbered highway thru Dolliver to junction Iowa Highway 43, thence along Iowa Highway 43 to

junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 212, thence along Iowa Highway 212 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction Iowa Highway 22, thence along Iowa Highway 22 to junction Iowa Highway 77, thence along Iowa Highway 77 to junction Iowa Highway 78, thence along Iowa Highway 78 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Iowa Highway 16, thence along Iowa Highway 16 to junction unnumbered highway, thence along unnumbered highway through Floris to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line.

(4) From points in Illinois on and south of a line beginning at the Iowa-Illinois State line and extending along Interstate Highway 80 to junction Interstate Highway 180, thence along Interstate Highway 180 to junction Illinois Highway 71, thence along Illinois Highway 71 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction unnumbered highway, thence along unnumbered highway through Leonore to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 115, thence along Illinois Highway 115 to junction unnumbered highway, thence along unnumbered highway through Clifton, Martin, and Beaverville to the Indiana-Illinois State line and on and east of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 92 to junction Illinois Highway 192, thence along Illinois Highway 192 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction unnumbered highway, thence along unnumbered highway across Spring Lake through Manito to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction

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tion Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 67, thence along U.S. Highway 67 to Alton on the Mississippi River to points in Iowa on and west of a line beginning at the Minnesota-Iowa State borders of Winneshiek, Fayette, and Bu-line and extending along the eastern chanan Counties and northern and eastern borders of Linn County to junction Iowa Highway 1, thence along Iowa Highway 1 to junction with the northern border of Washington County, thence along the northern borders of Washington, Keokuk, Mahaska, Marion, Warren, Madison, and Adair Counties to junction U.S. Highway 6 thence along U.S. Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 92, thence along Iowa Highway 92 to junction Iowa Highway 48, thence along Iowa Highway 48 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Nebraska State line, (5) from Chicago, Ill., to points in South Dakota and Nebraska and to points in Iowa located in, south, and west of Worth, Cerro Gordo, Floyd, Bremer, Buchanan, Linn, Johnson, Washington, Henry, and Lee Counties and to points in Missouri located in, north, and west of Lewis, Shelby, Randolph, Boone, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Lawrence, and Barry Counties.

(6) From points in Illinois located on, north, and east of U.S. Highway 20 to points in Missouri located on and west of a line extending from the Missouri-Iowa State line along U.S. Highway 61 to junction Missouri Highway 16, thence along Missouri Highway 16 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, (7) from points in Illinois on and north of a U.S. Highway 30 to points in Missouri located on and west of a line extending from the Missouri-Iowa State line along U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 39, thence along Missouri Highway 39 to the Missouri-Arkansas State line, (8) from points in Illinois on and south of a line extending from the Illinois-Iowa State line along U.S. Highway 30 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago, to points in Minnesota located on and west of a line extending from the Minnesota-Iowa State line along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to Minneapolis, thence along U.S. Highway 169 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence

along U.S. Highway 71 to junction unnumbered highway, thence along unnumbered highway from Grand Falls to junction Minnesota Highway 11 near Laurel, and along Minnesota Highway 11 to Loman on the Rainy River.

(9) From points in Illinois located on and south of a line extending from the Illinois-Iowa State line along U.S. Highway 34 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line to points in Minnesota (except those points described in part (8) above) and to points in Wisconsin located on and west of a line extending from LaCrosse along U.S. Highway 53 to Barron County, thence along the east boundary of Barron and Washburn Counties to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to Douglas County and thence along the east boundary of Douglas County to Lake Superior; (10) from points in Illinois located on, south, and west of a line extending from the Illinois-Iowa State line along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to Hamilton County, thence along the western boundaries of Hamilton, Saline, and Pope Counties to the Illinois-Kentucky State line to points in Wisconsin on and west of line extending from Prairie du Chien along Wisconsin Highway 27 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 73, to junction Wisconsin Highway 29, to junction Wisconsin Highway 13 thence along Wisconsin Highway 13 to Ashland (except those points in Wisconsin described in part (9) above); and (11) from points in Illinois located on and west of a line extending from Alton, Ill., along Illinois Highway 143 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 150, thence along Illinois Highway 150 to Chester, to points in Wisconsin located on, north, and west of a line extending from the Wisconsin-Illinois State line along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay; (C) *Cottonseed oil and soybean oil, blends and products, cottonseed oil products and soybean oil products* (except soap products and paints), in bulk, in tank vehicles.

(1) From points in Illinois to Macon, Ga., and Jackson, Miss., (2) from points

in Illinois located on and north of a line extending from the Indiana-Illinois State line along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Iowa State line to Osceola, Ark., and (3) from points in Illinois to Dallas, Tex.; (D) *Vegetable oils and vegetable oil products* (except soap products and paints), in bulk, in tank vehicles, from points in Illinois to points in Louisiana; (E) *Wine*, in bulk, in tank vehicles, (1) from Chicago, Ill., to points in Connecticut, Maryland, New Jersey, and points in Pennsylvania located on and south of a line extending from the West Virginia-Pennsylvania State line along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 271, thence along Pennsylvania Highway 271 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway crossing at Millersburg Ferry, thence along U.S. Highway 209 to junction with the Pennsylvania-New York State line and points in New York located in and south of Orange and Dutchess Counties, and (2) from Chicago, Ill., to points in Colorado, Idaho, and points in Montana located in and west of Big Horn, Yellowstone, Stillwater, Sweet Grass, Wheatland, Meagher, Cascade, Teton, Pondera, and Toole Counties, points in Wyoming (except Campbell, Crook, and Western Counties and that portion of Niobrara County located north of U.S. Highway 20); (F) *Fats and oils* (except fats, oils, blends, and products thereof derived from petroleum, soap products, and paints), in bulk, in tank vehicles, (1) from Dupu, Ill., to points in California, and (2) from Dupu, Ill., to points in Florida, South Carolina, and points in Georgia located in and south of Floyd, Bartow, Pickens, Dawson, Lumpkin, White, and Habersham Counties and points in North Carolina located in, south, and east of Polk, Rutherford, Cleveland, Catawba, Iredell, Davie, Forsyth, and Rockingham Counties, and points in Oklahoma located in McCurtain, Choctaw, and Bryan Counties and points in Texas located in and south of Bowie, Red River, Lamar, Fannin, Grayson, Denton, Wise, Jack Young, Throckmorton, Haskell, Stonewall, Kent, Garza, Lubbock, Hockley, and Cochran Counties; (G) *Fats and oils*, in bulk, in tank vehicles, (1) from Dupu, Ill., to points in Nevada, and (2) from Dupu, Ill., to points in Idaho, Oregon, Washington, and Wyoming; (H) *Animal fats and oils*, in bulk, in tank vehicles, from Dupu, Ill., to points in Maine and points in Michigan located in the Upper Peninsula and Emmet County and that portion of

Sheboygan County located on and north of Michigan Highway 68, points in New Hampshire located on and east of a line extending from the Vermont-New Hampshire State line along U.S. Highway 302, thence along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction U.S. Highway 3, thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line, and points in Wisconsin located in, west, and north of Lafayette, Dane, and that portion of Dodge County on and north of Wisconsin Highway 33, Fond du Lac and Sheboygan Counties; (I) *Vegetable oils*, in bulk, in tank vehicles, from Dupu, Ill., to points in Kansas, Minnesota, Nebraska, Pennsylvania, New York, and Wisconsin.

(J) *Such fats and oils* as are embraced within liquid chemicals (except petroleum chemicals), in bulk, in tank vehicles, from Dupu, Ill., to points in Minnesota, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin and points in Kentucky (except Henderson, Webster, and Crittenden) and Livingston Counties and points in Indiana located in and east of Lake Porter, Starke, Pulaski, Cass, Howard, Tipton, Hamilton, and that portion of Marion County on and east of U.S. Highway 31, including the Indianapolis commercial zone, Johnson, Brown, Jackson, Washington, Orange, Crawford, and Perry Counties; (K) (1) *Liquid chemicals* (except those derived from petroleum), and (2) *Acids and chemicals* (except petroleum and petroleum products, synthetic resins and varnishes), in bulk, in tank vehicles, from points in Illinois on and south of a line beginning at the Minnesota-Illinois State line and extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 71 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line; (L) *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Illinois on and south of a line beginning at the Illinois-Minnesota State line and extending along U.S. Highway 24 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line to points in North Dakota south and west and on a line beginning at the Michigan-North Dakota State line and extending along North Dakota Highway 50 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction North Dakota Highway

200, thence along North Dakota Highway 200 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 31, thence along North Dakota Highway 31 to the South Dakota-North Dakota State line to points in South Dakota on, south, and west of a line beginning at the North Dakota-South Dakota State line and extending along South Dakota Highway 65 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction South Dakota Highway 63, thence along South Dakota Highway 63 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction South Dakota Highway 44, thence along South Dakota Highway 44 to junction South Dakota Highway 50, thence along South Dakota Highway 50 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line.

(2) From points in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 108 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 185, thence along Illinois Highway 185 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to Russellville on the Wabash River to points in North Dakota and South Dakota (except for those points in North Dakota and South Dakota described in (1) above), (3) from points in Illinois located on and south of a line extending from the Illinois-Iowa State line along U.S. Highway 67 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago on Lake Michigan to points in Idaho and points in Michigan on, south, and west of a line extending from the United States-Canada International Boundary line along U.S. Highway 93 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Michigan Highway 35, thence along Michigan Highway 35 to junction County Highway 209, thence along County Highway 209 to junction Michigan Highway 200, thence along Michigan Highway 200 to junction County Highway 279, thence along County Highway 279 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Michigan-Wisconsin State line, and (4) from points in Illinois on and south of a line beginning at the Illinois-Iowa State line and ex-

tending along U.S. Highway 136 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line (except those points described in (3) above) to points in Montana on, south, and west of a line beginning at the United States-Canada International Boundary line and extending along County Highway 242 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Montana Highway 24, thence along Montana Highway 24 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 200S, thence along Montana Highway 200S to junction U.S. Highway 10, thence along U.S. Highway 10 to the Montana-North Dakota State line; (M) *Acids and liquid chemicals* (except those derived from petroleum), in bulk, in tank vehicles, from points in Illinois located on and north of U.S. Highway 34 to points in Texas located on and west on a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Interstate Highway 45, thence along Interstate Highway 45 to Galveston on the Gulf of Mexico (except for those points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, and Montgomery Counties); (N) *Acids and chemicals*, in bulk, in tank vehicles.

(1) From points in Illinois located on and north of U.S. Highway 34 to Shreveport, La., (2) from points in Illinois to points in Colorado located on, south, and west of a line extending from the Colorado-Wyoming State line along the western boundary of Larimer County to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Kansas State line to points in Kansas located on, south, and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 283 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Kansas-Missouri State line and also located north and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, and to points in Oklahoma located on

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and north of U.S. Highway 54 to the Kansas-Missouri State line, and to points in Oklahoma located on and north of a line extending from the Oklahoma-Texas State line along U.S. Highway 66 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Oklahoma Highway 33, thence along Oklahoma Highway 33 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction Oklahoma Highway 58, thence along Oklahoma Highway 58 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, (3) from points in Illinois located on and north of U.S. Highway 50 to points in Kansas south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, and to points in Oklahoma on and west of a line beginning at the Missouri-Oklahoma State line and extending along Interstate Highway 44 to junction U.S. Highway 75, thence along U.S. Highway 75 to Indian Nation Turnpike, thence along Indian Nation Turnpike to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 377, thence along U.S. Highway 377 to the Oklahoma-Texas State line [except those points in Oklahoma described in (2) above].

(4) From points in Illinois located on and south of U.S. Highway 24 to points in Kansas north of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 283 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 159, thence along U.S. Highway 159 to junction U.S. Highway 73, thence along U.S. Highway 73 to the Kansas-Missouri State line, and south and west of a line extending from the Kansas-Nebraska State line, along U.S. Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line, and to points in Nebraska located on and south of a line beginning at the Wyoming-Nebraska State line and extending along U.S. Highway 26 to junction Nebraska Highway 71, thence along

Nebraska Highway 71 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line, (5) from points in Illinois located on and north of U.S. Highway 34 to points in Arkansas located on and west of a line extending from the Arkansas-Missouri State line along U.S. Highway 71 to Little River County, thence along the north boundary of Little River County to the Arkansas-Oklahoma State line, (6) from points in Illinois to points in Arizona, California, Nevada, New Mexico, Oregon, and Utah, (7) from points in Illinois located on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 54 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line, to Dallas Tex., (8) from points in Illinois located on and south of a line extending from the Illinois-Iowa State line along Interstate Highway 80 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago on Lake Michigan to points in Wyoming located on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to the Wyoming-Colorado State line.

(9) From points in Illinois to points in Washington; and (O) *Petroleum products*, in bulk, in tank vehicles, (1) from Fulton, Ill., to points in Indiana on and south of Indiana Highway 28, (2) from Fulton, Ill., to points in Missouri located on and north of U.S. Highway 36 and on and east of U.S. Highway 65, (3) from Fulton, Ill., to points in Minnesota and to points in Wisconsin on, north, and west of a line beginning at the Mississippi River at Lynxville and extending along Wisconsin Highway 171 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Wisconsin Highway 82, thence along Wisconsin Highway 82 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence along Wisconsin Highway 97 to junction Wisconsin Highway 153, thence along Wisconsin Highway 153 to junction Wisconsin Highway 107, thence along Wisconsin Highway 107 to junction Highway FF, thence along Highway FF to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 17, thence along Wisconsin Highway

17 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Michigan State line, and (4) from Fulton, Ill., to points in the Upper Peninsula of Michigan on and north of a line beginning at the Wisconsin-Michigan State line and extending along Michigan Highway 64 to junction Michigan Highway 28, thence along Michigan Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lanse on Lake Superior.

The purpose of this filing is to eliminate the gateways of: (A) plant site of Iowa-Guttenberg Terminal, Inc., approximately 2 miles south of Guttenberg, Iowa; (B) Iowa City, a point within 15 miles of Windham, Iowa; (C), (D) Memphis, Tenn.; (E) (1) Lawrenceburg, Ind.; (E) (2) Atchison, Kans.; (F) (1) Memphis, Tenn., and Colorado; (F) (2) Memphis, Tenn.; (G) (1) Nebraska; (G) (2) Kansas; (H) Dubuque, Iowa; (I) St. Louis, Mo.; (J) Selma, Mo., and points within five miles thereof; (K), (L), (N) (1) Kansas City, Mo.-Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (N) (6) Kansas City, Mo.-Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (N) (8), Kansas City, Mo.-Kansas City, Kans., commercial zone (a point formerly known as Turner, Kans.); (O) (1) Bettendorf, Iowa, and Champaign, Ill.; (O) (2) Burlington, Iowa; (O) (3) Guttenburg, Iowa; and (O) (4) Guttenburg, Iowa, and Eau Claire, Wis.

No. MC 107064 (Sub-No. E212), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Virginia to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E213), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Virginia to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii), to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site

and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E214), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Virginia to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E215), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Massachusetts to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E216), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Massachusetts to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E217), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Michigan to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical

Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E218), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in Minnesota to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E219), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in New Hampshire, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E220), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry fertilizer*, in bags, from points in New Jersey, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E221), filed December 18, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in New Jersey, to points in New Mexico, restricted against the transportation of

chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E342), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags, and in mixed loads of bulk and bags, from points in Wyoming, to points in Louisiana, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E343), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Nevada, to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E344), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in New Mexico to points in Mississippi, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E345), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous*

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No. MC 107064 (Sub-No. E368), filed December 17, 1975. Applicant: **STEERE TANK LINES, INC.** P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: **H. L. Rice, Jr.** (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*



and fertilizer ingredients, from points in Louisiana, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E369), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Mississippi, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E370), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Nevada, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E371), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Louisiana, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E372), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative:

H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Alabama, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E373), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Arkansas, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E374), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E375), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Mississippi, to points in New Mexico, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E376), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Mississippi, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E377), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in South Carolina, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E378), filed December 17, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in New Mexico, to points in Alabama, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E379), filed December 17, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Nevada, to points in Kentucky, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of

this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E380), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Tennessee, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E381), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Alabama, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E382), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry fertilizer*, in bags, from points in Iowa, to points in Arizona, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E383), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in South Carolina, to points in New Mexico, restricted against the transportation of

chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E384), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* from points in Arkansas, to points in Nevada, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E385), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid sulphur and petroleum products), from points in Louisiana, to points in Colorado, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E386), filed December 17, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Arizona, to points in Illinois, restricted against the transportation of chemicals from points in the United States (except Alaska and Hawaii) to the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 113855 (Sub-No. E11), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier,

transporting: *Heavy machinery and other contractors' materials, supplies, and equipment*, which because of size or weight require the use of special equipment. (A) between points in North Dakota, on the one hand, and, on the other, points in Nebraska. (South Dakota)\*

(B) (1) between points in Minnesota and Iowa, on the one hand, and, on the other, points in California, Washington and Oregon.

(2) between points in Nebraska on and east of U.S. Highway 81 and on and north of U.S. Highway 30 and points in North Dakota on and east of U.S. Highway 81 on the one hand, and, on the other, points in California.

(3) between points in Nebraska on and east of U.S. Highway 81, on the one hand, and, on the other, points in Oregon and Washington.

(4) between points in Nebraska west of U.S. Highway 81 and on and east of U.S. Highway 281, on the one hand, and, on the other, points in Washington and points in Oregon on and west of Interstate Highway 5. (Sioux Falls, Beresford or Hawarden, S.D.)\*

(C) (1) between points in Wyoming, on the one hand, and, on the other, points in North Dakota on and east of a line beginning at South Dakota-North Dakota State line and extending along U.S. Highway 83 to junction of U.S. Highway 52, to the United States-Canada International Boundary Line.

(2) between points in Laramie, Albany, Carbon, Sweetwater, Uinta, Lincoln, Goshen, Platte, Crook and Weston Counties, Wyo., on the one hand, and, on the other, points in North Dakota west of the line indicated in (1) above. (points in South Dakota on and east of South Dakota Highway 73)\*

The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No MC 114019 (Sub-No. E432), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in the Appendix to the report in Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, (1) between points in Illinois, Indiana, and that part of Ohio on, north and west of a line beginning at the Pennsylvania-Ohio State line, and extending along Ohio Highway 14 to its junction with Ohio Highway 9, thence along Ohio Highway 39, thence along Ohio Highway 39 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey and New York. (2) between

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points in that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line at Lake Erie, and extending along Interstate Highway 79 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to the Pennsylvania-Ohio State line, on the one hand, and, on the other, points in that part of New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to its junction with U.S. Highway 287, thence, along U.S. Highway 287 to its junction with U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line, points in that part of Connecticut, Massachusetts, and Rhode Island on and south of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC 114019 (Sub-No. E433), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Floor tile, and materials and accessories used in the installation of floor tile when moving with shipments of floor tile (except in bulk) from New York, N.Y. and Philadelphia, Pa. and points within 30 miles thereof, to points in Indiana (except Indianapolis) and points in that part of Michigan on, north, and west of a line beginning at Lake St. Clair and extending along Michigan Highway 102 to its junction with U.S. Highway 96, to its junction with U.S. Highway 23, to its junction with U.S. Highway 12, to its junction with Michigan Highway 156, to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Hopestown, Ohio.

No. MC 114019 (Sub-No. E434), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glassware and such materials, supplies and equipment, as are used in the manufacture of glassware (except commodities in bulk and commodities requiring special equipment), from points in that part of Pennsylvania, on, south and east of a line beginning at the West Virginia-Pennsylvania State line, thence along Interstate Highway 70, to its junction with Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to its junction with U.S. Highway 119, thence along U.S. Highway 119 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to its junction with Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to its junction with Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to its junction with U.S. Highway 22, thence along U.S. Highway

22 to its junction with U.S. Highway 522, thence along U.S. Highway 522 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to its junction with Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to its junction with Pennsylvania Highway 405, thence along Pennsylvania Highway 405 to its junction with U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, and points in that part of West Virginia on and south of U.S. Highway 40 points in New York City, N.Y. and Philadelphia, Pa. and points within 30 miles thereof, and Baltimore and Sparrows Point, Md., to points in the State of Michigan. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC114019 (Sub-No. E435), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glassware and such materials, supplies and equipment, as are used in the manufacture of glassware, (except in bulk and except commodities requiring special equipment), from points in New York along a route beginning at Windsor Beach, N.Y. and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, thence along New York Highway 245 to Dansville, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, thence along New York Highway 17 to the New York-Pennsylvania State line; points in that part of Pennsylvania on and south of U.S. Highway 62, and points in that part of West Virginia and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 35 to junction U.S. Highway 60, to the West Virginia-Virginia State line, New York, N.Y. and Philadelphia, Pa. and points within 30 miles thereof, and Baltimore and Sparrows Point, Md., to points in Iowa, Kansas, Minnesota (except points in the Minneapolis-St. Paul, Minn. commercial zone), Nebraska, North Dakota and South Dakota. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio and the plant site of Owens-Illinois Glass Company, at or near Gas City, Ind.

No. MC 114019 (Sub-No. E436), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Prepared foods (other than frozen), except in bulk, from points in that part of New York on and east of a line beginning at Lake Ontario and extending along New York Highway 18 to its junction with U.S. Highway 15,

thence along U.S. Highway 15 to its junction with New York Highway 63, thence along New York Highway 63 to its junction with New York Highway 36, thence along New York Highway 36 to its junction with New York Highway 17, thence along New York Highway 17 to its junction with U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with Pennsylvania Highway 307, thence along Pennsylvania Highway 307 to its junction with Pennsylvania Highway 92, thence along Pennsylvania Highway 92 to its junction with Pennsylvania Highway 315, thence along Pennsylvania Highway 315 to its junction with Pennsylvania Highway 115, thence along Pennsylvania Highway 115 to its junction with U.S. Highway 209, thence along U.S. Highway 209 to its junction with Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to points in that part of Missouri on and west of U.S. Highway 65, points in that part of Kansas on and east of U.S. Highway 281, and Denver, Colo.; (Chicago or Morrison, Ill.) \*; (2) Foodstuffs (other than frozen) except in bulk, from points in the above indicated origin territory, to points in Minnesota, Iowa, North Dakota, South Dakota and Nebraska. (Rochester, N.Y.) \* Restriction: The authority described above is restricted to the transportation of the commodities described therein when moving from, to, or between warehouses and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 114019 (Sub-No. E437), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except commodities in bulk), (1) from points in Wisconsin and those in Iowa, on, north, and west of a line beginning at the Mississippi River, and extending along Iowa Highway 78 to its junction with U.S. Highway 63, thence south along U.S. Highway 63 to the Iowa-Missouri State line, to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and points in that part of Virginia on and east of U.S. Highway 21, New York, N.Y. and Philadelphia, Pa. and points within 30 miles thereof, and the District of Columbia. (2) from points in Iowa and Wisconsin to points in Pennsylvania,

West Virginia, and points in that part of Virginia on, and west of U.S. Highway 21, and Cleveland, Akron, Canton, Columbus, Dayton, and Cincinnati, Ohio, and points in New York (except that part of New York bounded by a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 57, thence along New York Highway 57 to Lake Ontario, to the point of beginning. The purpose of this filing is to eliminate the gateway of Chicago, Ill. and/or Cleveland or Columbus, Ohio.

No. MC 114019 (Sub-No. E438), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers, glassware, and bottle caps, from points in that part of New York bounded by a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 98 to Point Breeze, to point of beginning, and from points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to its junction with Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to its junction with Pennsylvania Highway 108, thence along Pennsylvania Highway 108 to the Ohio-Pennsylvania State line; and points in that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 14 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to its junction with West Virginia Highway 16, thence along West Virginia Highway 16 to its junction with West Virginia Highway 39, thence along West Virginia Highway 39 to the Virginia-West Virginia State line; New York City, N.Y., Philadelphia, Pa., and points within 30 miles thereof, and Baltimore and Sparrows Point, Maryland, to points in Illinois, Missouri and Wisconsin. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio and Winchester, Ind.

No. MC 114019 (Sub-No. E439), filed June 4, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629.

Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Edible chemical and chemical compounds, (except in bulk), (1) from points in New York, Pennsylvania, Maryland, Delaware, and those points in New Jersey within thirty miles of New York, N.Y. and Philadelphia, Pa., to points in Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, points in that part of Missouri on and west of U.S. Highway 63, and points in that part of Wisconsin on, west and north of a line beginning at the Illinois-Wisconsin State line, thence along Interstate Highway 90 to its junction with Wisconsin Highway 26, thence along Wisconsin Highway 26 to its junction with Wisconsin Highway 68, thence along Wisconsin Highway 68 to its junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan; (2) from points in Ohio and West Virginia, to Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Iowa, Minnesota, points in that part of Kansas on and west of U.S. Highway 81 and points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along Wisconsin Highway 104 to junction U.S. Highway 51 to the Wisconsin-Michigan State line; (3) from points in that part of Indiana and Ohio on and north of U.S. Highway 30, to points in that part of Missouri on and west of U.S. Highway 63, and points in that part of Kansas on and east of U.S. Highway 81; (4) from points in Indiana, to points in North Dakota, Wyoming, South Dakota, Minnesota, and points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to its junction with Interstate Highway 80, to the Nebraska-Wyoming State line.

(5) From points in that part of Indiana on and north of Indiana Highway 26, to points in Colorado, Kansas, points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line thence along Nebraska Highway 2 to its junction with Interstate Highway 80, to the Nebraska-Wyoming State line, and points in that part of Iowa south and west of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 30, to junction with Iowa Highway 218, thence along Iowa Highway 218 to the Iowa-Missouri State line and Kansas City, Mo.; (6) from Gary, Ind., to points in Missouri; (7) from points in that part of Indiana, on, and south of Indiana Highway 26, to points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along Interstate Highway 90 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line; (8) from points in Indiana

on and west of a line beginning at the Michigan-Indiana State line, thence along Indiana Highway 19 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Illinois State line, to points in Missouri; (9) from Rock Island, Ill., to points in Colorado, Kentucky and Tennessee; (10) from Gary, Ind., to points in that part of Kentucky and Tennessee, on and west of U.S. Highway 45; Restriction: The authority granted above is restricted against the transportation of canned and frozen commodities from points in Maryland and Delaware. The purpose of this filing is to eliminate the gateway of Utica, Ill. and/or points in Ohio.

No. MC 115331 (Sub-No. E45), filed May 16, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: J. R. Ferris (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry ammonium nitrate, in bulk, from Louisiana, Mo., to points in Indiana, on north, and east of a line beginning at the Indiana-Illinois State line, extending along Indiana Highway 114 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC 115331 (Sub-No. E46), filed May 16, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Ill. 62201. Applicant's representative: J. R. Ferris (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and dry fertilizer materials, from the plant site and warehouse facilities of W. R. Grace and Company at or near Atlas, Mo., to points in Michigan and points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along Ohio Highway 119 to its junction with Ohio Highway 65, thence along Ohio Highway 65 to its junction with Ohio Highway 47, thence along Ohio Highway 47 to its junction with U.S. Highway 39, thence along U.S. Highway 39 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of the plant-site of W. R. Grace and Company at or near Henry, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15370 Filed 5-25-76; 8:45 am]

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# **federal register**

WEDNESDAY, MAY 26, 1976



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PART II:

## **FEDERAL ELECTION CAMPAIGN ACT**

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Proposed Regulations

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## FEDERAL ELECTION COMMISSION

[11 CFR Ch. I]

[Notice 1976-27]

## FEDERAL ELECTION CAMPAIGN ACT

## Notice of Proposed Rulemaking

The Federal Election Commission today publishes proposed regulations under the Federal Election Campaign Act of 1971, as amended in 1974, and 1976. The proposed regulations include Parts 100-108 (Disclosure), Part 109 (Independent Expenditures), Part 110 (Contribution and Expenditure Limitations), Part 111 (Compliance Procedures), Part 112 (Advisory Opinion Procedures), Part 113 (Office Accounts), Part 114 (Corporation and Union Political Activity), Part 115 (Government Contractors), Parts 120-124 (Convention Financing), Parts 130-134 (Presidential Primary Matching Funds).

The Commission will welcome immediate critical commentary with regard to the proposed regulations. The period for comment will close on Monday June 14, 1976.

The Commission also announces the following schedule of hearings on the proposed regulations:

Monday, June 7, 1976, Parts 100-108 (Disclosure), Chaired by Commissioner Joan D. Aikens.

Tuesday, June 8, 1976, Parts 112 (Advisory Opinion Procedure), 113 (Office Accounts), 120-124 (Convention Financing), 130-134 (Presidential Primary Matching Funds), Chaired by Commission Chairman Vernon W. Thomson.

Wednesday, June 9, 1976, Part 109 (Independent Expenditures), Part 110 (Contribution and Expenditure Limitations), Part 111 (Compliance Procedure), Chaired by Commissioner Robert O. Tiernan.

Friday, June 11, 1976, Part 114 (Corporation and Union Political Activity), Part 115 (Government Contractors), Chaired by Commissioner Thomas E. Harris.

Hearings will commence at 9:30 a.m., on each of the dates described. After a luncheon recess at 12:30 p.m., the hearings will resume at 2:00 p.m.

Persons wishing to testify should submit a request in writing to the above designated chairmen for the respective hearings, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. It will be appreciated if copies of prepared testimony are supplied the Commission at the same address at least one working day prior to the date upon which the testimony is to be submitted. The prepared material should be submitted to the Commission's Office of General Counsel, as should any other written commentary regarding these proposed regulations.

In particular, the Commission requests comment on: § 100.7(b)(5)(i), relating to the reporting of communications; the definition of common control in §§ 100.14(c)(2) and 110.9(a); the definition of independent expenditure in § 109.1; all of the provisions of Part 110, covering contribution and expenditure limitations; all of the provisions of Part 114, covering corporate and union fundraising, and especially the definition of

§ 114.1, and the solicitation sections, § 114.5 and 6; and Part 133, covering termination of payments to Presidential candidates receiving matching funds.

The Commission stresses the importance it attaches to the comment and hearing procedure which is initiated by this notice. Last year's hearings on disclosure, for example, produced many useful amendments to the then pending regulations. The Commission accordingly encourages the most thoroughgoing analysis and criticism of the materials published today.

Dated: May 24, 1976.

VERNON W. THOMSON,  
Chairman for the  
Federal Election Commission.

## PART 100—DISCLOSURE

## Subpart A—Scope

Sec.	
100.1	Scope.
Subpart B—Meaning of Terms Used in This Subchapter	
100.2	Candidate.
100.3	Commission.
100.4	Contribution.
100.5	Support.
100.6	Election.
100.7	Expenditure.
100.8	Federal office.
100.9	File, filed or filing.
100.10	Identification.
100.11	Occupation.
100.12	Principal place of business.
100.13	Person.
100.14	Political committee.
100.15	Political party.
100.16	National committee.
100.17	State.
100.18	State committee, subordinate committee.

AUTHORITY: Sec. 308, 86 Stat. 17, and sections 311 and 316, as redesignated and amended, 88 Stat. 1279, 1282, 2 U.S.C. §§ 437d, 438. Interpret or apply section 301, 86 Stat. 11, as amended, 88 Stat. 1272, 2 U.S.C. § 431.

## Subpart A—Scope

## § 100.1 Scope.

This subchapter is issued by the Federal Election Commission under title III of the Federal Election Campaign Act of 1971 (Public Law 92-225), as amended in 1974 (Public Law 93-443), and as amended in 1976 (Public Law 94-—) and is applicable to campaigns for nomination or election to the offices of President and Vice President of the United States; and Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

## Subpart B—Meaning of Terms Used in This Subchapter

## § 100.2 Candidate.

An individual is a candidate for Federal office, whether or not elected, whenever any of the following events occur:

(a) The individual has taken the action necessary, under relevant state law, to qualify in a primary, runoff, special or general election convention or caucus; or

(b) The individual has received contributions or made expenditures, or has given consent for any other person to

receive contributions or make expenditures, with a view toward bringing about his or her election; or

(c) If after written notification by the Commission that any other person is receiving contributions or making expenditures on the individual's behalf, the individual fails to disavow this activity by letter to the Commission within 30 days of receipt of the notification.

## § 100.3 Commission.

"Commission" means the Federal Election Commission 1325 K Street, N.W., Washington, D.C. 20463.

## § 100.4 Contribution.

(a) "Contribution" means—

(1) A gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President. For purposes of subsection (a),

(i) The term "loan" includes a guarantee, endorsement and any other form of security where the risk of non-payment rests with the surety, guarantor or endorser as well as with a political committee, candidate or other primary obligor. A loan is a contribution to the extent that the obligation remains outstanding.

(ii) The term "money" includes currency of the United States or of any foreign nation, checks, money orders or any other negotiable instrument payable on demand.

(iii) The term "anything of value" includes securities, goods, facilities, equipment, supplies, personnel, advertising, services or other in-kind contributions provided without charge (other than volunteer services under § 100.4(b)(2)) or at a charge which is below the usual charge for the items. The amount of the contribution of a thing of value is the difference between the usual charge for the goods or services at the time of the contribution and the amount charged the candidate or political committee.

(iv) "Purpose of influencing"

A gift, subscription, loan, advance or deposit of money or anything of value made to a candidate or political committee, directly or indirectly, is considered to be made for the purpose of influencing the nomination for election, or election to Federal office, except gifts of a personal nature are presumptively not made for the purpose of influencing an election.

(2) The donation of costs of fundraising, such as the cost of a meal as part of a fundraising dinner;

(3) A written contract, promise, or agreement such as a signed pledge card, whether or not legally enforceable, to make a contribution.

(4) A transfer of funds to a political committee or candidate from another

political committee, other political organization or other similar source whether or not such organization is a political committee. The transfer occurs whenever the treasurer or other designated agent of the transferee committee or the candidate obtains control over the funds.

(5) The payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge. No compensation is considered paid to an employee:

(i) (A) Who is paid on an hourly or salaried basis;

(B) Who is expected to perform duties for an employer for a particular number of hours per period; and

(C) Who engages in political activity during what would otherwise be a regular work period;

if the taken or released time is made up or completed by that employee within a reasonable period.

(ii) Who is paid on a commission or piece-work basis, or is paid only for work actually performed, whose time is considered the employee's own to use as he or she sees fit and who engages in political activity during what would otherwise be normal working hours.

(iii) Where the time used by the employee to engage in political activity is bona fide, although compensable, vacation time or other earned leave time.

(6) The extension of credit for a length of time beyond normal business or trade practice, unless the creditor has made a commercially reasonable attempt to collect the debt, see § 114.10.

(b) The term "contribution" does not include:

(1) Payments made for the purpose of determining whether an individual should become a candidate, such as conducting a poll, if the individual does not otherwise subsequently become a candidate.

(2) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee.

(3) The rental value of an individual's residence used for campaign-related activity.

(4) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided without charge by an individual, in rendering voluntary personal services to a candidate on the individual's residential premises, to the extent that the cumulative value of those activities by any individual on behalf of the candidate do not exceed \$500 with respect to an election. For purposes of this paragraph a contribution by a married individual shall not be attributed to a spouse.

(5) The sale of any food or beverage by a vendor (whether incorporated or not) for use in a candidate's campaign at a charge less than the normal or comparable commercial charge, if the charge for use in a candidate's campaign is at least equal to the cost of food or beverage

to the vendor, to the extent that the cumulative value of the difference between the normal or comparable commercial charge and the cost of such food and beverage to the vendor does not exceed \$500 for an election.

(6) Any unreimbursed payments for travel or living expenses related to the travel made by a person who volunteers services to a candidate, to the extent that the cumulative value of the payments does not exceed \$500 for an election.

(7) The payment of the costs of preparation, display, or mailing or other distribution incurred by a state or local committee of a political party, with respect to a printed slate card, sample ballot, palm card, or other printed listing, of three or more candidates for any public office for which an election is held in the state in which the committee is organized. The subsection shall not apply in the case of costs incurred by the committee with respect to the preparation and display of listings made on broadcasting stations, or in newspapers, magazines, and similar types of general public political advertising such as billboards, posters, signs and bumper stickers.

(8) Any news story, commentary or editorial of any broadcasting station, newspaper, magazine, or other periodical publication unless the facility is owned or controlled by any political party, political committee or candidate.

(9) Any payment made or obligation incurred by a corporation or a labor organization which, under the provisions of § 441b of the Act, would not constitute an expenditure by the corporation or labor organization.

(10) An honorarium, as defined in § 110.11.

(11) Legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for the services is a person other than the regular employer of the individual rendering the services), other than services attributable to activities which directly further the election of a designated candidate or candidates for Federal office, but amounts paid or incurred for the services shall be reported in accordance with Part 104.

(12) Legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with this Act or chapter 95 or 96 of the Internal Revenue Code of 1954 (unless the person paying for the services is a person other than the regular employer of the individual rendering the services) but amounts paid or incurred for these services shall be reported in accordance with Part 104.

(13) A loan of money by a national or State bank made in accordance with applicable banking laws and regulations, and in the ordinary course of business, but these loans (i) shall be reported in accordance with Part 104; and (ii) shall be considered a loan by each endorser or guarantor, in that proportion to the unpaid balance that each endorser or guar-

antor bears to the total number of endorers or guarantors.

(14) A gift, subscription, loan, advance or deposit of money or anything of value made to a national committee of a political party or a State committee of a political party which is specifically designated for the purpose of defraying any cost incurred with respect to the construction or purchase of any office facility which is not for the purpose of influencing the election of any candidate in any particular election for Federal office, except that such a transaction shall be reported in accordance with Part 104.

## § 100.5 Support.

The term "support" means to make a contribution of any amount or value to, or to make an expenditure of any amount or value on behalf of, a candidate or political committee.

## § 100.6 Election.

"Election" means the process by which individuals, whether opposed or unopposed, seek nomination for election, or election, to Federal office. Specific types of elections, defined below, are included in this definition.

(a) General election. "General election" means:

(i) (i) An election held in even numbered years on the Tuesday next after the first Monday in November, or

(ii) An election which is held to fill a vacancy in a Federal office (special election) and which is intended to result in the final selection of a single individual to the office at stake.

(b) Primary election.

(1) "Primary election" means an election

(i) Which is held prior to a general election, as a direct result of which candidates are nominated, in accordance with applicable state law, for election to Federal office in a subsequent election, or

(ii) Which is held for the expression of a preference for the nomination of persons for the election to the office of President of the United States, or

(iii) Which is held to elect delegates to a national nominating convention.

(2) With respect to individuals seeking Federal office as independent candidates, or without nomination by a major party (as defined in 26 U.S.C. § 9002(6)), the primary election is considered to occur at the choice of the candidate—

(i) The day prescribed by applicable state law as the last day to qualify for a position on the general election ballot, or

(ii) The date of the last major party primary election, caucus or convention in that state.

(iii) In the case of non-major parties, the date of the nomination by that party.

(c) Runoff election. "Runoff election" means any election held after a

(1) Primary election prescribed by applicable state laws as the means for deciding with candidate(s) should be certified as a nominee for the Federal office sought, or

(2) General election prescribed by applicable state law as the means for de-

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ciding which candidate should be certified as an officeholder elect.

(d) *Caucus or convention.* A caucus or convention of a political party which has authority to select a nominee is an election.

(e) *Special election.* "Special election" means an election which is held to fill a vacancy in a Federal office, and which may be a primary, general or runoff election.

#### § 100.7 Expenditure.

(a) "Expenditure" means:  
(1) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or to the office of presidential or vice presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates for a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President.

(1) For purposes of subparagraph (1) (A) The term "payment" includes:  
(1) The repayment of the principal of any outstanding obligation, the proceeds of which constituted a contribution under these regulations, and  
(2) The payment of any interest on an obligation, and  
(3) A guarantee or endorsement by a candidate or a political committee of a loan.

(B) The term "money" includes, currency of the United States or of any foreign nation, checks, money orders or any other negotiable instrument payable on demand.

(C) The term "anything of value" includes, securities, goods, facilities, equipment, supplies, personnel, advertising, services, or other in-kind contributions provided without charge (other than volunteer services under § 100.4(b)(2)) or at a charge which is below the usual charge for the items. The amount of the expenditure of a thing of value is the difference between the usual charge for the goods or services at the time of the expenditure and the amount charged the candidate or committee.

(2) A written contract, promise, or agreement, whether or not legally enforceable, to make any expenditure.

(3) A transfer of funds from a political committee to another political committee or candidate. A transfer occurs whenever the treasurer or other designated agent of the transferee committee or the candidate obtains control over the funds.

(4) An independent expenditure, see Part 109.

(b) The term "expenditure" does not include:

(1) Contributions by an individual from personal funds to a political committee or candidate.

(2) Payments made for the purpose of determining whether an individual should become a candidate, such as con-

ducting a poll, if the individual does not become a candidate.

(3) Any news story, commentary, or editorial of any broadcasting station, newspaper, magazine, or other publication, unless the facility is owned or controlled, by any political party, political committee or candidate.

(4) Non-partisan activity, designed to encourage individuals to register or to vote. For purposes of this section, non-partisan activity means that no effort is made to determine the party or candidate preference of individuals before encouraging them to register or to vote.

(5) (i) Any communication by a membership organization or corporation to its members or stockholders, so long as the membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization, including a labor organization, or by a corporation, directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate) shall, if those costs exceed \$2,000 per election, be reported to the Commission on FEC Form 7. For the purpose of this paragraph—

(A) "Labor organization" means a national or international union in the case of a communication going to its national membership, or means a state or local union in the case of a communication going to the state or local members;

(B) "Election" means all elections for Federal office taking place on the same day in a state, except that the Presidential general election is one election;

(C) "Communication primarily devoted" means a newspaper, pamphlet or other writing, a phone bank, phone calls, a broadcast or other oral presentation, the principal purpose or effect of which is the express advocacy of the election or defeat of a clearly identified candidate;

(D) The aggregate costs exceeding \$2,000 per election shall be reported on the filing dates provided in § 104.4, and shall include the total amount expended and the candidate supported.

(ii) For purposes of this paragraph, "members" means, in the case of a political party or club (which is not organized primarily for the purpose of influencing the nomination for election, or election of any person to Federal office), dues paying or contributing members in good standing and not all enrolled members of the party.

(6) The use of real or personal property and the cost of invitations, food and beverages voluntarily provided without charge by an individual, to a candidate, on the individual's residential premises, to the extent that the cumulative value of those activities by the individual on behalf of a candidate do not exceed \$500 with respect to an election. For purpose of this subparagraph an expenditure by

a married individual shall not be attributed to a spouse.

(7) Any unreimbursed payment for travel or living expenses related to the travel made by a person who volunteers services to a candidate, to the extent that the cumulative amount for an individual incurred with the respect to a candidate does not exceed \$500 for an election.

(8) The rental value of an individual's residence used for campaign-related activity.

(9) Any communication by a person which is not made for the purpose of influencing the nomination for election, or election of an individual to Federal office.

(10) Any payments from non-campaign funds for routine living expenses of a candidate which would have been incurred without candidacy, including food and residence.

(11) The payment of the costs of preparation, display, or mailing or other distribution incurred by a state or local committee of a political party with respect to a printed slate card, sample ballot, palm card, or other printed listing, or three or more candidates for any public office for which an election is held in the state in which the committee is organized. The subsection shall not apply in the case of costs incurred by a committee with respect to a preparation and a display of listings made on broadcasting stations, or in newspapers, magazines, and similar types of general public political advertising, such as billboards, posters, signs and bumper stickers.

(12) Any payment made or obligation incurred by a corporation or a labor organization which, under the provisions of the last paragraph, 2 U.S.C. section 441(b), would not constitute an expenditure by the corporation or labor organization.

(13) (i) Any costs incurred by a candidate or his or her authorized committees in connection with the solicitation of contributions by a candidate who has received Presidential Primary Matching Fund Payments (or a minor or new party candidate receiving general election public financing under 26 U.S.C. § 90004) not exceeding 20% of the expenditure limitation applicable to the candidate.

(ii) For purposes of this subsection, "in connection with the solicitation of contributions" means any cost reasonably related to fund raising activity, including the costs of printing and postage, the production of and space or air time for advertisements used for fund-raising, and the costs of meals, beverages and other costs associated with a fund-raising reception or dinner.

(iii) The fundraising expenditures need not be allocated on a state by state basis, except where the fundraising activity is aimed at a particular state and takes place within 28 days of a primary election, convention or caucus, see § 110.

Subsection (ii), defining an expenditure made in connection with solicitation of contributions, generally follows AO 1975-78, which set the broad policy in this area.

Accord: AOs 1975-62 and 33, and OCS 1975-27 and 105.

(14) Legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for the services is a person other than the regular employer of the individual rendering the services), other than services attributable to activities which directly further the election of a designated candidate or candidates for Federal office but amounts paid or incurred for the services shall be reported in accordance with Part 104.

(15) Legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with this Act or chapter 95 or 96 of the Internal Revenue Code of 1954 (unless the person paying for the services is a person other than the regular employer of the individual rendering the services) but amounts paid or incurred for these services shall be reported in accordance with part 104.

(16) A loan of money by a national or State bank made in accordance with the applicable banking laws, but such a loan shall be made in accordance with § 100.4(b)(13).

#### § 100.8 Federal office.

"Federal office" means the office of the President, or Vice President, Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

#### § 100.9 File, filed or filing.

"File," "filed," and "filing" means with respect to reports and statements required to be filed under this Chapter:

(a) Delivery to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, the Secretary of the Senate, Washington, D.C. 20510, or the Clerk of the House of Representatives, Washington, D.C. 20515, as required by Part 105, by the close of the prescribed filing date, or

(b) (1) Deposit as registered or certified mail in an established U.S. Post Office and postmarked no later than midnight of the day of the filing date, except that pre-election reports so mailed must be postmarked not later than midnight of the twelfth day before the date of the election.

(2) Reports and statements sent by first class mail must be received by the close of business of the prescribed filing date to be timely filed.

#### § 100.10 Identification.

"Identification" means (1) in the case of an individual, his or her full name, including first name, middle name or initial, if available, last name, and full address of his or her principal place of residence, and (2) in the case of any other person, the full name and mailing address.

#### § 100.11 Occupation.

"Occupation" means principal job title or position and whether or not self-employed.

#### § 100.12 Principal place of business.

"Principal place of business" means the full name under which the business is conducted and the city in which the person is employed or conducts business.

#### § 100.13 Person.

"Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

#### § 100.14 Political committee.

"Political committee" means any committee, club, association or other group of persons which anticipates receiving, or receives contributions, or makes expenditures, totaling more than \$1,000 in value during a calendar year.

(a) The following are four categories of political committees:

(1) *Principal campaign committee.* "Principal campaign committee" means the political committee designated by a candidate as his or her principal campaign committee pursuant to § 101.2.

(2) *Single candidate committee.* "Single candidate committee" means a political committee other than a principal campaign committee which makes or receives contributions or makes expenditures on behalf of only one candidate.

(3) *Multicandidate committee.* "Multicandidate committee" means a political committee which (i) has been registered with the Commission, Clerk or Secretary for at least 6 months; (ii) has received contributions designated for Federal elections from more than 50 persons; and (iii) (except for any State political party organization) has made contributions to 5 or more Federal candidates see § 110.

(4) *Party committee.* "Party committee" means a political committee which represents a political party and is part of the official party structure at the nation, state, or local level.

(b) A political committee is either an authorized committee or an unauthorized committee:

(1) *Authorized committee.* An "authorized committee" is a political committee which is authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate, or has not been disavowed pursuant to § 100.2(c).

(2) *Unauthorized committee.* An "unauthorized committee" is a political committee which has not been authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate, or has been disavowed pursuant to § 100.2(c).

(c) *Affiliated committee.* An "affiliated committee" includes:

(1) All authorized committees of the same candidate.

(2) (i) Multicandidate committees other than national state, or subordinate state party committees, and the House and Senate campaign committees of each party which are under common control.

(ii) The possession of the power or ability by one committee, association, group or person, whether directly or indirectly, to direct or cause the direction

of the management and policies of a political committee shall constitute common control.

(iii) For purposes of this subsection, or directed or controlled means possession of the authority, power or ability or one entity to create, fund, establish policies for, or otherwise direct the activities of another entity. For example:

(A) All of the political committees set up by a single corporation and its subsidiaries are treated as a single political committee;

(B) All of the political committees set up by a single national or international union and its local unions are treated as a single political committee;

(C) All of the political committees set up by an organization of unions and all its state and local central bodies are treated as a single political committee;

(D) All the political committees established by a trade association and its state and local members are treated as a single political committee. For organizations not covered by the above, indicia of this authority, power or ability include:

(1) Ownership or significant control of voting securities;

(2) Provisions of by-laws, constitutions or other document by which one entity has the authority, power or ability to direct another entity;

(3) The authority, power or ability to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officers or members of an entity;

(4) Similar patterns of contributions;

(5) The transfer of funds between committees which represent a significant portion of the funds of either the transferor or transferee committee.

(iv) Committees shall not be deemed to be under common dominion and control merely because they engage in joint solicitation or activities on a shared cost basis, in proportion to their respective membership or the membership of the parent committee, association, group or person.

(v) A committee, association, or any other group or persons which is affected by the definition or indicia of common control set forth, supra, may demonstrate to the Commission any independent factual circumstances which it believes rebut a finding of common control.

#### § 100.15 Political party.

"Political party" means an association, committee, or organization which nominates or selects a candidate for election to any Federal office, whose name appears on an election ballot as the candidate of the association, committee or organization.

#### § 100.16 National committee.

"National committee" means the organization which, by virtue of the by-laws of a political party, is responsible for the day-to-day operation of the political party at the national level.

#### § 100.17 State.

"State" means each state of the United States, the District of Columbia, the

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Commonwealth of Puerto Rico, and any territory or possession of the United States.

**§ 100.18 State committee, subordinate committee.**

(a) "State committee" means the organization which, by virtue of the by-laws of a political party, is responsible for the day-to-day operation of the political party at the state level.

(b) "subordinate committee of a state committee" means any organization which, by virtue of the by-laws of the state committee, is responsible for the day-to-day operation of the political party at the level of city, county, neighborhood, ward, district, precinct or any other subdivision of a state, or any organization under the control or direction of the state committee.

**PART 101—CANDIDATE STATUS AND DESIGNATIONS**

Sec.

101.1 Duration of a candidate status.

101.2 Candidate designations.

101.3 Waiver of candidate reporting.

**AUTHORITY:** Sec. 308, 86 Stat. 17, as amended, 2 U.S.C. § 438, interpret and apply 86 Stat. 14, as amended, 2 U.S.C. § 432(f), § 435(b), and § 437b.

**§ 101.1 Duration of candidate status.**

Once an individual becomes a candidate under § 100.2 and does not have a waiver of candidate reporting under § 101.3, he or she continues to be a candidate for reporting purposes until all debts and obligations for which the candidate is personally obligated arising in connection with the election are extinguished. Candidacy then may be terminated by letter, containing the information required by § 102.4.

**§ 101.2 Candidate designations.**

Within a reasonable period after attaining candidate status an individual is required to:

(a) file a Statement of a Candidate for Nomination or Election to Federal Office on FEC Form 2, or file by a letter containing the same information in which such candidate shall—

(1) Designate a principal campaign committee in accordance with § 103.5, and

(2) designate at least one national or state bank as a campaign depository under § 103.1, and

(b) File a Statement of Authorization on FEC Form 2a or by letter containing the same information for any political committee other than a principal campaign committee which will be authorized to accept contributions or make expenditures on behalf of that candidate.

(c) Commence filing personal reports of receipts and expenditures in accordance with Part 105, unless a waiver of personal reporting is obtained under § 101.3, or unless reporting is exempted under § 105.1(c).

(d) If the candidate, or his or her authorized committee(s), receive contributions designated for the general election prior to the date of the primary

election, the candidate or his or her authorized committee(s) shall use acceptable accounting methods to distinguish between contributions received for the primary election and contributions received for the general election. Acceptable methods include, (1) the designation of separate accounts for each election, caucus or convention and (2) the establishment of separate books and records for each election.

**§ 101.3 Waiver of candidate reporting.**

A candidate is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate indicates on FEC Form 2 or a letter and states that:

(a) Within 5 days after personally receiving any contributions the candidate will surrender possession of the entire contribution to the treasurer of his or her principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's personal funds or accounts. Contributions conveyed by check, money order or other written instrument shall be assigned directly to the political committee and shall not be cashed or redeemed by the candidate.

(b) The candidate shall not make any unreimbursed expenditures for his or her campaign, except that this paragraph does not preclude a candidate from making an expenditure from personal funds to the candidate's designated principal campaign committee which shall be reported by the committee as a contribution received.

(c) The waiver shall continue in effect as long as the candidate complies with the conditions under which it was applied for.

**PART 102—REGISTRATION AND ORGANIZATION OF POLITICAL COMMITTEES**

Sec.

102.1 Registration of political committees.

102.2 Forms and filing.

102.3 Change or correction in information.

102.4 Discontinuance of registration.

102.5 Identification number.

102.6 Registration of State committees; establishment of campaign committees by political committees.

102.7 Organization.

102.8 Receipt of Contribution.

102.9 Accounting for contributions and expenditures.

102.10 Petty cash fund.

102.11 Designation of principal campaign committee.

102.12 Authorization of political committees.

102.13 Notice; solicitation of contributions.

102.14 Records, retention.

102.15 Segregated funds.

**AUTHORITY:** Sec. 308, 86 Stat. 17, as amended, 2 U.S.C. § 438(a)(1) (Supp. 1975), interpret and apply section 303, 86 Stat. 14, as amended, 2 U.S.C. §§ 431, 433 and 437.

**§ 102.1 Registration of political committees.**

(a) Each political committee except as specified in subsections (b) and (c), shall file a Statement of Organization with the Federal Election Commission, the Secretary of the Senate, or the Clerk

of the House, as appropriate, within 10 days after the date of its organization, or within 10 days after the date on which the committee has information which causes it to anticipate receiving contributions or making expenditures exceeding \$1,000 in a calendar year for Federal candidates, whichever is later.

(b) Each authorized single candidate committee shall file the Statement of Organization required by paragraph (a) of this section, and any amendment thereto, or termination thereof required by sections 102.3 or 102.4 of this Part, with the affiliated principal campaign committee. The principal campaign committee shall file a copy of this Statement, amendment, or termination as in (a).

(c) A political committee which has previously filed a Statement of Organization with the Commission, the General Accounting Office, the Clerk of the House of Representatives or the Secretary of the Senate, and has not validly terminated is not required to file a new Statement.

**§ 102.2 Forms and filing.**

(a) The Statement of Organization shall be filed on Federal Election Commission Form 1, which may be obtained from the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463. The Statement shall include the following:

(1) The name and address and type of committee;

(2) The names, addresses, and relationships of affiliated or connected organizations (see paragraph (b) of this section);

(3) The area, scope or jurisdiction of the committee;

(4) The name, address, and committee position of the custodian of books and accounts;

(5) The name, address, and committee position of other principal officers, including assistant treasurer and assistant secretary (if any) and officers and members of the finance committee, if any.

(6) The name, address, office sought, and party affiliation of (i) each candidate(s) for Federal office whom the committee is supporting and (ii) each candidate whom the committee is supporting for nomination or election to any other public office; or if the committee is supporting the entire ticket of any party, the name of the party and the state in which the election is held.

(7) A statement whether the committee's existence will continue beyond the calendar year;

(8) The disposition of residual funds which will be made in the event of dissolution;

(9) A listing of all banks, safety deposit boxes, or other repositories used;

(10) A statement listing any reports (other than those required by these regulations) regarding candidates for Federal office filed under state or local law by the committee with state or local officers, and the names, addresses, and positions of such officers. See 2 U.S.C. § 435 and § 111.7.

(b) (1) "Affiliated organization" means an affiliated committee as defined in

§ 100.14(c) of this subchapter. Only a principal campaign committee is required to report the name and address of all other authorized committees of its candidate. The other authorized committees need only report the name of their principal campaign committees.

(2) "Connected organization" includes any organization which is not a political committee but which organized or financially supported the registrant.

**§ 102.3 Change or correction in information.**

Any change or correction in the information previously filed in the Statement of Organization shall be reported within 10 days following the date of the change or correction by filing an amended Statement of Organization or by filing a letter noting the change(s).

**§ 102.4 Discontinuance of registration.**

(a) Any political committee not having outstanding debts or obligations owed to or by it incurred on behalf of Federal candidates which, after having filed one or more Statements of Organization, seeks to disband or determines that it will not longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000, shall file a notice of termination on FEC Form 3 or by letter containing the same information with the Commission, the Clerk of the House or the Secretary of the Senate, as appropriate. The notice shall contain a final report of receipts and disbursements, including a statement as to the disposition of residual funds if the committee is disbanding.

(b) A principal campaign committee may not terminate until

(1) All debts of other authorized committees of a candidate have been extinguished and,

(2) The candidate is no longer a candidate.

**§ 102.5 Identification number.**

Upon receipt of a Statement of Organization under this Part, or upon Commission review of statements already filed, an identification number shall be assigned to the statement, receipt shall be acknowledged, and the political committee shall be notified of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed under the Act, as well as on all communications concerning reports and statements.

(1) All debts of other authorized committees of a candidate have been extinguished and,

(2) The candidate is no longer a candidate.

**§ 102.6 Registration of state committees; establishment of campaign committees by political committees.**

(a) (1) Each state committee, and each subordinate committee of a state committee, which intends to solicit, receive, or make contributions or expenditures, in excess of \$1,000, to, for or on behalf of any candidate for Federal office, or

(2) Any political committee which has solicited or received contributions for or on behalf of, or made expenditures or transfers to or on behalf of, any candidate for Federal office, shall either:

(b) (1) Register as a political committee and report all receipts and expenditures, Federal and non-Federal, pursuant to these regulations and establish separate accounts for Federal and non-Federal contributions and expenditure; or

(2) Establish a separate Federal campaign committee, which shall register as a political committee. The Federal campaign committee shall establish a segregated Federal account in either a state or national bank.

(c) An account established for Federal candidates, or a separate Federal campaign committee, may not—

(1) Receive contributions other than contributions

(i) Designated for the committee, or

(ii) Received as the result of a solicitation which expressly states that the contribution will be used for Federal elections; or

(2) Receive transfers from an account or committee established by a state committee, subordinate committee of a state committee, or another political committee except from another Federal campaign account or committee.

(d) The Federal campaign committee or account may make transfers for any lawful purpose. The committee shall file a Statement of Organization and shall file reports and statements pursuant to Part 105.

**§ 102.7 Organization of political committees.**

(a) Every political committee shall have a chairman and a treasurer, who shall not be the same individual.

(b) A political committee may designate—

(1) A vice chairman who shall act as chairman in the event of a temporary or permanent vacancy in the office;

(2) An assistant treasurer who shall act as treasurer in the event of a temporary or permanent vacancy in the office.

(c) No contribution or expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of the chairman or the treasurer.

(d) No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or an agent, authorized orally or in writing by the chairman or treasurer.

**§ 102.8 Receipt of contribution.**

Every person who is not an authorized agent of the treasurer or candidate, and who receives a contribution in excess of \$50 on behalf of a political committee or candidate shall, on demand of the treasurer or candidate, and in any event within 5 days after receipt, render to the treasurer or an authorized agent or candidate an accounting thereof, which shall include—

(a) The exact amount of the contribution and the date received and,

(b) The identification of the contributor and, in the case of a contribution in excess of \$100, the occupation and principal place of business or employment, if any.

**§ 102.9 Accounting for contributions and expenditures.**

It shall be the duty of a candidate (not having received a waiver under § 101.2) and of the treasurer of a political committee or an agent authorized by the treasurer to receive contributions and/or make contributions to—

(a) Keep an account of all contributions made to or for the committee, and,

(1) The identification of every person making a contribution or contributions aggregating in excess of \$50; and

(2) The occupation and principal place of business of individuals whose contributions aggregate in excess of \$100 in a calendar year, and

(3) The date received; and

(4) The amount of the contribution.

(b) Keep an account of all expenditures made by or on behalf of the committee, and,

(1) The identification of every person to whom any expenditure is made,

(2) The date of the expenditure,

(3) The amount of the expenditure,

(4) The name of each candidate on whose behalf the expenditure was made, and

(5) The office sought by the candidate.

(c) Obtain and keep a receipted bill from the person to whom the expenditure is made for every expenditure made by or on behalf of a political committee—

(1) In excess of \$100;

(2) In a lesser amount if the aggregate amount of expenditures during a calendar year to the same person exceeds \$100;

(3) The receipted bill shall contain—

(i) The full name and address of the person to whom the expenditure is made,

(ii) The amount of the expenditure,

(iii) The purpose of the expenditure, and

(iv) The date the expenditure was made.

(4) Instead of a receipted bill, the treasurer may keep

(i) The canceled check(s) showing payment(s) of the bill, and

(ii) The bill, invoice or other contemporaneous memorandum of the transaction containing the same information as required in (c) (3) of this section.

(d) Keep full and complete records of proceeds from the sale of tickets and mass collections at each dinner, luncheon, rally, and other fundraising events, and these records shall include the date, location, and nature of each event. He or she shall also keep full and complete records of the proceeds from the sale of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, and similar materials, and these records shall reflect the cost of the items to the committee, the sale price, and the total volume sold. These records shall be preserved in accordance with § 104.

(e) Use his or her best efforts to obtain the required information, and shall keep a complete record of the efforts to do so.

**§ 102.10 Petty cash fund.**

A political committee may maintain a petty cash fund out of which it may

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make expenditures not in excess of \$100 to any person in connection with a single purchase or transaction. If a petty cash fund is maintained, it shall be the duty of the treasurer of the political committee to keep and maintain a written journal of all disbursements, including the purpose of each disbursement from the fund. The treasurer need not preserve receipts or invoices in connection with the transaction except as provided in § 102.9(c). A check made payable to "cash" shall not be made in excess of \$100 except to replenish a petty fund.

#### § 102.11 Designation of principal campaign committee.

(a) Each candidate for Federal office (other than for election to the office of Vice President of the United States), shall designate a political committee as his or her principal campaign committee, see § 101.2 even if the candidate does not plan to use the committee to receive or expend funds.

(b) No political committee may be designated as the principal campaign committee of more than one candidate.

(c) No political committee which supports more than one candidate may be designated as a principal campaign committee, except that, after nomination, a candidate for the office of President of the United States may designate the national committee of a political party as his or her principal campaign committee.

(d)(1) For the purposes of this subsection, any occasional, isolated or incidental support of a candidate shall not be construed as "support" of that candidate.

(2) For purposes of this subsection, "occasional, isolated incidental support" means making contributions to, or expenditures on behalf of, a candidate from another candidate's principal campaign committee not exceeding \$1000 for any election when combined with any personal contributions from the contributor candidate.

#### § 102.12 Authorization of political committee.

(a) (1) Any political committee authorized by a candidate to receive contributions or make expenditures shall be authorized in writing by the candidate. The authorization shall include a designation of campaign depositories to be used by such political committee in accordance with § 101.2.

(2) or in the event that an individual fails to disavow activity pursuant to § 100.2(e) and is therefore a candidate upon notice by the Commission, he or she shall authorize the Committee in writing and designate a campaign depository in accordance with § 101.2.

(b) A candidate is not required to authorize a national, state or subordinate state party committee which solicits funds to be expended on the candidate's behalf pursuant to 2 U.S.C. § 441a(d).

#### § 102.13 Notice; solicitations of contributions.

Each political committee shall include on the face or front page of all literature

and advertisements soliciting contributions the following notice:

"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

#### § 102.14 Records; retention.

The treasurer of a political committee shall preserve all receipts, bills, accounts and all other records in accordance with the requirements of § 110.2.

#### § 102.15 Segregated funds.

All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of that committee.

### PART 103—CAMPAIGN DEPOSITORIES

Sec.	
103.1	Notification of the Commission.
103.2	Depositaries.
103.3	Deposits and expenditures.
103.4	Vice-Presidential candidate campaign depositories.

**AUTHORITY:** Sec. 308, 86 Stat. 17, 2 U.S.C. § 438, Interpret or apply section 302, 86 Stat. 12, 2 U.S.C. § 433 and § 437b.

#### § 103.1 Notification of the Commission.

Each committee shall notify the Commission of the banks it has designated as its depositories, pursuant to §§ 101.2 and 102.3.

#### § 103.2 Depositaries.

Only national or state banks chartered by the United States or a state may be designated as campaign depositories. One or more depositories may be established in one or more states. One or more accounts may be established in a depository.

#### § 103.3 Deposits and expenditures.

(a) All contributions received by a candidate, his or her authorized political committee(s) and any other political committee(s) shall be deposited in a checking in the appropriate campaign depository by the candidate, or by the treasurer of the committee or his or her agent, within 10 days of the candidate's or treasurer's receipt thereof. An expenditure may be made by a candidate or committee only by check drawn on an account in a designated campaign depository, except expenditures to one person for \$100 or less made from a petty cash fund maintained pursuant to § 102.10.

(b) Contributions which appear to be illegal shall be, within 10 days—

(1) Returned to the contributor; or

(2) Deposited into the campaign depository, and reported in which case the treasurer shall make and retain a written record noting the basis for the appearance of illegality. The treasurer shall take all reasonable steps to determine the legality of the contribution. Refunds shall be made when a contribution is determined to have been illegal, and the treasurer shall so note by amending the current report or noting on the candidate's or committee's next required report.

#### § 103.4 Vice-Presidential candidate campaign depositories.

The campaign depository(ies) designated by a political party's candidate for Presidents shall be the campaign depository(ies) of that political party's candidate for the office of Vice-President.

### PART 104—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec.	
104.1	General.
104.2	Form and content of reports.
104.3	Disclosure of receipt and consumption of in-kind contributions.
104.4	Filing dates.
104.5	Uniform reporting of contributions.
104.6	Uniform reporting of expenditures.
104.7	Allocation of expenditures among candidates.
104.8	Disclosure of earmarked contributions and expenditures.
104.9	Continuous reporting of debts and obligations.
104.10	Waiver of reporting requirements.
104.11	Political committees; cash on hand.
104.12	Members of Congress; reporting exemption.
104.13	Formal requirements regarding reports and statements.

**AUTHORITY:** Sec. 308(a) (13), 86 Stat. 17, as amended, 2 U.S.C. § 438, Interpret or apply section 304, 86 Stat. 14, as amended, 2 U.S.C. § 434.

#### § 104.1 General.

(a) Each political committee registered with the Commission, the Clerk of the House, the Secretary of the Senate, or with a principal campaign committee (Part 102 of this subchapter) shall file quarterly reports of contributions and expenditures (unless waived) until:

(1) All debts and obligations relating to that committee's Federal election activity are extinguished; and

(2) The committee has filed a valid Notice of Termination (§ 102.4).

(b) Each candidate for Federal office (other than a vice-presidential candidate) shall file quarterly reports of contributions and expenditures until all debts and obligations relating to that candidacy on which he or she is personally obligated are extinguished, unless the candidate is granted a waiver pursuant to § 101.3, or has terminated candidate status under § 101.1.

(c)(1) In an election year, a political committee or candidate is exempt from filing a quarterly report if the political committee or candidate did not receive contributions in excess of \$1,000 or make expenditures in excess of \$1,000 in that quarter.

(2) In any year in which the election for which an individual is a candidate is not held, the candidate and his or her authorized committees shall only be required to file quarterly reports for a calendar quarter in which the candidate or committee received contributions or made expenditures, or both, the total amount of which, taken together, exceeds \$5,000. However,

(3) the political committee or candidate shall notify the Commission in writing at the close of the first quarter in which the exemption applies; and

(4) The political committee or candidate shall continue to file the pre-election, post-election and annual reports required by § 104.4 until terminated or waived; and

(5) If any one of a candidate's authorized committees (including a principal campaign committee) receives or expends in excess of \$1,000, all authorized committees shall file reports with the principal campaign committee, which shall file the consolidated report pursuant to § 104.2(c).

#### § 104.2 Form and content of reports.

(a) Except as noted below, each report filed by a political committee or candidate under this part shall be on FEC Form 3, and shall reflect all receipts and disbursements of a candidate or committee.

Forms may be obtained from the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

(b) Each report filed under this part shall include all receipts and disbursements from the close of the last period reported to the close of the current reporting period, and shall disclose:

(1) The amount of cash on hand at the beginning of the calendar year and at the beginning of the reporting period, including currency, balances on deposits in banks and savings and loan institutions, checks, negotiable money orders, and other paper commonly accepted by a bank in a deposit;

(2) The identification, occupation, and principal place of business, if any, of each person who has made a contribution to or for the committee or candidate during the reporting period in an amount or value in excess of \$100, or in an amount of less than \$100 if the person's contributions within a calendar year total more than \$100, together with the amount and date of such contributions;

(3) (i) The total of contributions made to or for a committee or candidate during the reporting period and not reported under subparagraph (2) of this paragraph;

(ii) Candidates and committees, which, in addition to the required totals, choose to itemize contributions not in excess of \$100, shall itemize these by attaching a separate schedule. Contributions of \$100 or less shall not be commingled with the required itemized contributions in excess of \$100.

(4) The identification of each political committee or other political organization from which the reporting committee or the candidate received, or to which the reporting committee or the candidate made, any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers and complete disclosure, pursuant to § 110.6 of each transaction involving earmarked funds;

(5) Each:

(i) (A) Loan to or from any political committee; or

(B) Loan to a candidate or his or her authorized committees which is:

(ii) (A) Over \$100 in value and made during the reporting period; or

(B) Less than \$100 in value and the total of the loans from the maker is over \$100 shall be reported together with the identification, occupation, and principal place of business, if any, of each lender, endorser, or guarantor, as the case may be. The report shall include the date and amount of the loan.

(6) The total amount of proceeds from—

(i) The sale of tickets to each dinner, luncheon, rally, and other fundraising event;

(ii) Mass collections made at these events; and

(iii) Sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, and similar materials, as long as the items are sold by the candidate or an authorized committee.

(7) Each receipt in excess of \$100 received during the reporting period, not otherwise listed under subparagraphs (2) through (6) of this paragraph, together with the identification, date and amount received, occupation and principal place of business of each such person from whom such receipts have been received during the reporting period; including

(i) The interest or other proceeds from the investment, in an interest-bearing account, note, bill, stock, bond or other similar device, of funds transferred out of a checking account in a campaign depository and

(ii) Rebates and refunds received by the candidate or committees;

(8) (i) The total of all receipts by or for the committee or candidate during the reporting period and the calendar year; and

(ii) Total receipts less transfers between affiliated political committees (as defined in § 100.14).

(9) The identification of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period which total more than \$100, or in an amount less than \$100 if the total exceeds \$100 within a calendar year, together with the amount, date and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditures were made;

(10) The total of expenditures made by or on behalf of the committee or candidate during the reporting period and the calendar year together with total expenditures less transfers between affiliated political committees (as defined in § 100.14(c)) candidate;

(11) The amount and nature of outstanding debts and obligations owed by or to the committee including any written contracts, agreements, or proposals to make contributions or expenditures. (Section 104.9 of this part sets forth the special reporting requirements applicable to debts and obligations.

(c) (1) Except as noted in (2) below, each principal campaign committee shall consolidate in its report for each election the reports required to be filed with it,

including (i) the candidate's report (unless waived) and (ii) reports submitted to it by any authorized committees and (iii) the principal campaign committee's own report. The consolidation shall be completed on FEC Form 3b and be submitted with the reports of the principal campaign committee and the reports or applicable portion of reports of the committees shown on the consolidation.

(2) For pre-election reports, the principal campaign committee may, if necessary, file the consolidated report disclosing the total receipts and expenditures by all authorized committees with respect to that election without including all of the detailed reports of committees required to file with it.

(i) Committees required to file with a principal campaign committee shall file a copy of their report with the Commission or with the Clerk of the House, or the Secretary of the Senate, as custodian for the Commission by the 10th day preceding the election, in addition to filing with the principal campaign committee, unless the principal campaign committee files a complete consolidated report 10 days prior to the election under (c)(1) above.

(ii) The principal campaign committee shall then file a consolidated report no later than 5 days before the election. The report to include the detailed reports from committees required to file with it, if the detailed report was not filed 10 days prior to the election.

(d) Candidates and authorized committees which are following § 101.2(b) shall report primary and general activity separately.

#### § 101.3 Disclosure of receipt and consumption of in-kind contributions.

(a) (1) Each in-kind contribution shall be valued at the usual and normal charge on the date received and reported if in excess of \$100 on the appropriate schedule of receipts, identified as to its nature and listed as a "contribution in-kind."

(2) Except for items noted in (c) below, each contribution shall be reported as an expenditure at the same usual and normal charge and reported on the appropriate expenditure schedule, identified and listed as an "in-kind contribution."

(b) (1) The usual and normal charge of goods shall be the retail price of those goods in the market from which they ordinarily would have been purchased at the time of their contribution.

(2) The usual and normal charge of any services, other than those provided by an unpaid volunteer, shall be the hourly or piecework rate charge for the services prevailing at the time the services were rendered.

(c) Contributions of stock, bonds, art objects, and other similar items to be liquidated shall be reported as follows:

(1) If the item has not been liquidated at the close of a reporting period, the committee or candidate shall report as a memo entry (not as cash) the item's fair market value on the date received, including the identification (and where in



excess of \$100, occupation and principal place of business) of the contributor.

(2) When the item is sold, the committee or candidate shall report the proceeds on the report of receipts and expenditures, including the identification (and where in excess of \$100, occupation and principal place of business) of the purchaser, if known and the identification of the contributor.

#### § 104.4 Filing dates.

(a) Except as provided otherwise in this section, each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to that office shall file the reports of receipts and expenditures required under this part.

(b) Pre-election and post-election reports. (1) Candidates. (i) Pre-election report. Individuals not having a waiver under § 101.3 shall file a pre-election report no later than the 10th day before every election in which they are a candidate.

(A) Each report filed by registered or certified mail shall be postmarked not later than the 15th day before the election.

(B) This report shall disclose all receipts and disbursements as of the 15th day before the election.

(ii) Post-election report.

(A) Individuals required to file a pre-election report shall also file a post-election report no later than the 30th day after the election.

(B) This report shall include all receipts and disbursements as of the 20th day after the election.

(2) Principal campaign committees. The principal campaign committee of every candidate shall file pre- and post-election reports in the same manner as specified for candidates by subparagraph (1). The pre-election report shall be a consolidated report of all authorized political committees of the candidate or a detailed report. See § 104.2(c).

(3) Authorized political committees. Authorized political committees shall file pre- and post-election reports with the principal campaign committee or the Clerk of the House or the Secretary of the Senate, as custodian for the Commission pursuant to § 104.2(c) (2) (i).

(4) Contributions to Presidential candidates from political committees which are not reporting monthly—

(i) Political committees which make a contribution to a Presidential candidate shall file pre- and post-election reports relating to the election next occurring after the contribution is made.

(ii) If the contribution is made less than 15 days before an election, the contribution shall be reported on the post election report relating to that election.

(iii) For the purposes of this subparagraph, contributions to the principal campaign committee of a Presidential candidate are considered contributions relating to the next election in which that candidate is on the ballot or has a slate of authorized delegates on the ballot. If two or more elections are held on one day, the contribution shall be

considered to relate to each election on that day in which the candidate is a candidate.

(c) *Annual report.* In any calendar year in which an individual is a candidate but there is no election for the office sought, an annual report shall include all transactions as of December 31 and shall be filed by January 31 of the following year.

(d) *Quarterly report.* A report shall be filed on April 10, July 10, October 10, and January 31 following the close of the immediately preceding calendar quarter in which the candidate or political committee received contributions in excess of \$1,000 or made expenditures in excess of \$1,000, or, in non-election years, when contributions and expenditures together exceed \$5,000, see § 102.

(1) These reports shall include all receipts and disbursements as of the close of the calendar quarter.

(2) When the last day for filing any quarterly report required by (c) above occurs within 10 days before or after an election, the quarterly report need not be filed so long as the pre-election reports required by § 104.4(b) (1) are timely filed.

(e) If any contribution of \$1,000 or more is received by a candidate, a treasurer or his or her authorized agent subsequent to the 15th day, but more than 48 hours before 12:01 a.m. of the day on which an election is to be conducted, the identification, occupation and principal place of business of the contributor shall be reported to the Commission, the Clerk of the House or Secretary of the Senate, as custodian for the Commission, within 48 hours of receipt. For purposes of this paragraph, report means—

(1) A letter signed by the treasurer or his or her agent, hand delivered within 48 hours of the receipt of the contribution, or

(2) A telegram, or mailgram followed by a letter signed by the treasurer or his or her agent, sent registered or certified mail and postmarked within 48 hours of the receipt of the contribution.

For purposes of this subparagraph (e) only, "election" means an election for which the ballot bears the name of the candidate, or delegates committed to the candidate, who received (or one of whose authorized committees received) the contribution, or an election for which a candidate is conducting a write-in campaign.

(f) *Monthly reporting.* (1) In any calendar year in which a general election is held, each Presidential candidate who makes contributions or expenditures in more than one state, his or her principal campaign committee and any other authorized committee, shall file the reports required by this Part 105 by the 10th day of the month in each month except January, November, and December of the calendar year, instead of pre- and post-primary reports and quarterly reports. These reports shall include all receipts and disbursements as of the last day of the month immediately preceding the month in which the report is filed.

(2) The pre- and post-election reports required to be filed under paragraph (b) relating to a general election, the 4th quarterly reports required to be filed under paragraph (d) and the reports required to be filed prior to an election under paragraph (e), shall nevertheless be filed.

(3) For candidates, the monthly reporting requirement shall continue until a candidate files with the Commission a statement that his or her name will not appear on any ballot in a primary or the general election. Any candidate filing this statement shall thereafter file reports pursuant to paragraphs (c) and (d) of this section.

(4) Political committees which make contributions or expenditures in more than one state, may, upon request to and approval by the Commission, file monthly reports as set out above.

#### § 104.5 Uniform reporting of contributions.

(a) Each contributor of an amount in excess of \$100 shall be disclosed by identification, occupation, and principal place of business, if any. If a contributor's name or address is known to have changed since an earlier contribution reported during the calendar year, the exact name or address previously used shall be noted with the first subsequent entry.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same person and the aggregate exceeds \$100 within a calendar year, the identification, occupation, and principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms.

(c) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

All contributions from the same person during the calendar year shall be listed under the same name.

#### § 104.6 Uniform reporting of expenditures.

(a) A candidate or committee shall report each expenditure by or on behalf of a candidate or committee in excess of \$100, and shall include the identification of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same recipient and the total exceeds \$100 for the calendar year, the identification of that recipient shall be listed on the prescribed reporting forms.

#### § 104.5 Uniform reporting of contributions.

(a) Each contributor of an amount in excess of \$100 shall be disclosed by identification, occupation, and principal place of business, if any. If a contributor's name or address is known to have changed since an earlier contribution re-

ported during the calendar year, the exact name or address previously used shall be noted with the first subsequent entry.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same person and the aggregate exceeds \$100 within a calendar year, the identification, occupation, and principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms.

(c) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

All contributions from the same person during the calendar year shall be listed under the same name.

#### § 104.6 Uniform reporting of expenditures.

(a) A candidate or committee shall report each expenditure by or on behalf of a candidate or committee in excess of \$100, and shall include the identification of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same recipient and the total exceeds \$100 for the calendar year, the identification of that recipient shall be listed on the prescribed reporting forms.

#### § 104.7 Allocation of expenditures among candidates.

A political committee making an expenditure on behalf of more than one candidate for Federal or non-Federal office shall allocate the expenditure(s) among the candidates on a reasonable basis pursuant to Part 106, and report the allocation for each Federal candidate. The treasurer shall retain all documents supporting the allocation in accordance with § 110.2.

#### § 104.8 Continuous reporting of debts and obligations.

(a) Debts and obligations which remain outstanding after the election shall be continuously reported until extinguished. See § 105.1(b). These debts and obligations shall be reported on separate schedules together with a statement explaining the circumstances and conditions under which each debt and obligation is incurred or extinguished.

(b) A debt, obligation, or other promise to make an expenditure of \$500 or less, shall be reported as of the time payment is made or no later than 60 days after incurrence, whichever comes first. A loan of money in the ordinary course of business and any debt or obligation over \$500 shall be reported as of the time of the transaction.

#### § 104.9 Waiver of reporting requirements.

Upon application to the Commission, a political committee may be relieved, at the discretion of the Commission, of the duty to file reports of receipts and dis-

bursements if the treasurer of that political committee certifies that the political committee

(a) Primarily supports persons seeking State or local office; and

(b) Does not operate in more than one state or does not operate on a statewide basis.

#### § 104.10 Political committees; cash on hand.

Political committees and candidates which have cash on hand at the time of registration (which committee or candidate anticipates using in an election) shall disclose on their first report the source(s) of these funds, including the information required by Part 104.2. The cash balances are assumed to be composed of those contributions most recently received by the committee or candidate.

#### § 104.11 Members of Congress; reporting exemption.

A Member of the Congress is not required to report, as contributions received or as expenditures made, the value of photographic, matting, or recording services furnished to him by the Senate Recording Studio, the House Recording Studio, or by an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who furnishes such services as his primary duty as an employee of the Senate or House of Representatives, or if the services were paid for by the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee. This subsection does not apply to recording services furnished during the calendar year before the year in which the Member's term expires.

#### § 104.12 Formal requirements regarding reports and statements.

(a) Each individual having the responsibility to file a report required under this subchapter shall sign the original report.

(b) Each candidate, political committee, or other person required to file any report or statement under this subchapter shall:

(1) Maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which shall provide in sufficient detail the necessary information and date from which the filed reports and statements may be verified, explained, clarified, and checked for accuracy and completeness;

(2) Preserve a copy of each report or statement filed; and

(3) Keep those records and reports available for audit, inspection, or examination by the Commission or its authorized representatives for a period of not less than 3 years from the end of the year in which the report or statements were filed.

(c) Acknowledgments by the Commission, the Clerk of the House, or the Secretary of the Senate, of the receipt of statements of organization or reports or

statements filed under this subchapter are intended solely to inform the person filing the report of its receipt and neither the acknowledgment nor the acceptance of a report or statement shall constitute express or implied approval, or in any manner indicate that the contents of any report or statement fulfill the filing or other requirements of the Act of these regulations.

(d) Each treasurer of a political committee, each candidate, and any other person required to file any report or statement under these regulations and under the Act shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained in it.

### PART 105—DOCUMENT FILING

Sec.	
105.1	Place of filing; House candidates and committees.
105.2	Place of filing; Senate candidates and committees.
105.3	Place of filing; Presidential candidates and committees.
105.4	Place of filing; Committees and others.
105.5	Microfilm copies of original reports filed with the Clerk and the Senate Secretary forwarded to the Commission.
105.6	Reports filed with the Clerk and Secretary; copies transmitted to Commission.

AUTHORITY: 2 U.S.C. § 437d and will implement 2 U.S.C. §§ 432, 433, 434, and 438.

#### § 105.1 Place of filing; House candidates and committees.

Reports and statements and any modifications or amendments thereto, required to be filed under Parts 101, 102, and 104 of these regulations by a candidate for nomination or election to the office of Representative in/or Delegate or Resident Commissioner to the Congress of the United States, and by the candidate's principal campaign committee shall be filed in original form with and received by the Clerk of the House of Representatives, as custodian for the Federal Election Commission.

#### § 105.2 Place of filing; Senate candidates and committees.

Reports and statements and any modifications or amendments thereto, required to be filed under Parts 101, 102, and 104 of these regulations by a candidate for nomination or election to the office of United States Senator and by the candidate's principal campaign committee shall be filed in original form with and received by the Secretary of the Senate, as custodian for the Federal Election Commission.

#### § 105.3 Place of filings; Presidential candidates and committees.

Reports and statements and any modifications or amendments thereto, required to be filed under Parts 101, 102, and 104 of these regulations by a candidate for nomination or election to the office of President and Vice President of the United States, and by the candidate's principal campaign committee shall be

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filed in original form with the Federal Election Commission.

**§ 105.4 Place of filing: committees and others.**

(a) Reports and statements, and any modifications or amendments thereto, required to be filed under Parts 101, 102, and 104 of these regulations by political committees (other than a candidate's principal campaign committee and other authorized committees of a candidate).

(1) Which support only candidates for nomination or election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, shall be filed in original form with and received by the Clerk of the House of Representatives as custodian for the Federal Election Commission.

(2) Which support only candidates for nomination or election to the office of United States Senator, shall be filed with, and received by the Secretary of the Senate, as custodian for the Federal Election Commission.

(b) Reports and statements, and any modifications or amendments thereto, required to be filed under Parts 101, 102, and 104 of these regulations by all other political committees, and all persons making independent contributions or expenditures, shall be filed in original form with the Federal Election Commission.

**§ 105.5 Microfilm copies of original reports filed with the Clerk and the Senate Secretary forwarded to the Commission.**

Upon receiving a report or statement filed under §§ 105.1, 105.2 and 105.4(a), the Secretary of the Senate and the Clerk of the House shall each forward to the Commission a microfilm copy of each report and statement filed with each of them as promptly as possible after receipt of the original report or statement, together with an index to the microfilmed reports and statements.

**§ 105.6 Reports filed with the Clerk and Secretary: copies transmitted to the Commission.**

(a) Upon receiving a statement or report filed under §§ 105.1, 105.2 and § 105.4(a), the Secretary of the Senate and the Clerk of the House of Representatives shall each forward to the Commission, as promptly as possible after receipt, a photocopy or photocopies of each report or statement.

(b) The Secretary of the Senate and the Clerk of the House shall place on each report and statement received a time and date stamp reflecting the time and date the original report or statement was received.

**PART 106—ALLOCATION OF CANDIDATE AND COMMITTEE ACTIVITIES**

Sec. 106.1 Allocation of expenditures among (or between) candidates and activities.  
106.2 Allocation of expenditures among States by candidates for Presidential nomination.

Sec. 106.3 Allocation of expenses between campaign and non-campaign related travel by a candidate.

AUTHORITY: Sec. 308, 86 Stat. 17, as amended (2 U.S.C. § 438). Interpret or apply sections 301-308, 86 Stat. 18, (2 U.S.C. §§ 431-437) and 18 U.S.C. § 608(c) (4).

**§ 106.1 Allocation of expenditures among (or between) candidates and activities.**

(a) General Rule.—Expenditures made on behalf of more than one candidate shall be attributed to each candidate in proportion to the benefit each can be reasonably expected to derive. The amount attributed shall be reported by each candidate or his or her authorized committee(s) in proportion to the benefit reasonably expected to be derived or, if the expenditure is unauthorized, it shall be reported as an independent expenditure by the person making it.

(b) An authorized expenditure made by a candidate or political committee on behalf of another candidate shall be reported as a contribution in-kind (transfer) to the candidate on whose behalf the expenditure was made, except that expenditures made by party committees pursuant to, 2 U.S.C. § 441(a) need not be so reported.

(c) Exceptions. (1) Expenditures for rent, overhead general administrative and other day-to-day costs of political committees need not be attributed to individual candidates, unless these expenditures are made on behalf of a clearly identified candidate or candidates.

(2) Expenditures for educational campaign seminars, for training of campaign workers and for registration or get-out-the-vote drives of multicandidate committees need not be attributed to candidates unless these expenditures are made on behalf of a clearly identified candidate or candidates.

(d) For purposes of this section "clearly identified" means—

(1) The candidate's name appears;  
(2) A photograph or drawing of the candidate appears; or  
(3) The identity of the candidate is apparent by unambiguous reference.

(e) Party committees and other political committees which have established Federal campaign committees pursuant to § 102.6 shall allocate administrative expenses on a reasonable basis between Federal and non-Federal activities in proportion to the amount of funds expended on Federal and non-Federal elections, or on another reasonable basis.

**§ 106.2 Allocation of expenditures among states by candidates for presidential nomination.**

(a) Expenditures made by a candidate or his or her authorized committee(s) which seek to influence the nomination of a candidate for the Office of President in a particular state shall be attributed to that state. This allocation of expenditures shall be reported on FEC Form 3C.

(b) Expenditures for administrative, staff and overhead costs directly relating

to the national campaign headquarters shall be reported but need not be attributed to individual states. Expenditures for staff, media, printing and other goods and services used in a campaign in a specific state shall be attributed to that state.

(c) An expenditure by a presidential candidate for use in two or more states, which cannot be attributed in specific amounts to each state, shall be attributed to each state based on the voting age population in each state which can reasonably be expected to be influenced by such expenditure.

(1) Expenditures for publication and distribution of newspaper, magazine, radio, television and other types of advertisements distributed in more than one state shall be attributed to each state in proportion to the estimated viewing audience or readership of voting age which will reasonably be expected to be influenced by these advertisements.

(2) Expenditures for travel within a state shall be attributed to that state. Expenditures for travel between states need to be attributed to any individual state.

**§ 106.3 Allocation of expenses between campaign and noncampaign related travel.**

(a) All expenditures for campaign-related travel paid for by a candidate from a campaign account or by his or her authorized committees or by any other political committee shall be reported.

(b) (1) Travel expenditures paid for by a candidate from personal funds, or from a source other than a political committee, shall constitute reportable expenditures if the travel is campaign-related.

(2) Where a candidate's trip involves both campaign-related and non-campaign related stops, the expenditures allocable for campaign purposes are reportable, and are calculated on the actual cost-per-mile of the means of transportation actually used, starting at the point of origin of the trip, via every campaign-related stop and ending at the point of origin.

(3) Where a candidate conducts any campaign-related activity in a stop, the stop is a campaign-related stop and travel expenditures made are reportable. Campaign-related activity shall not include any incidental contacts.

(c) (1) Where an individual, other than a candidate, conducts candidate-related activities on a trip, the portion of the trip attributed to each candidate shall be allocated on a reasonable basis.

(2) Travel expenses of a candidate's spouse and family are reportable as expenditures only if the spouse or family members conduct campaign-related activities.

(d) Expenses incurred by a candidate for the United States Senate or House of Representatives for travel between Washington, D.C., and the state or district in which he or she is a candidate need not be reported as expenditures, unless the expenses are paid by a can-

didate from a campaign account, by a candidate's authorized committee(s), by any other political committee(s), or from an office account, see Part 113.

(e) Notwithstanding (b) and (c) above, the reportable expenditure for a candidate who uses government conveyance or accommodations for travel which is campaign-related is the rate for comparable commercial conveyance or accommodation. In the case of a candidate authorized by law or required by national security to be accompanied by staff and equipment, the allocable expenditures are the costs of facilities sufficient to accommodate the party, less authorized or required personnel and equipment. If such a trip includes both campaign and non-campaign stops, equivalent costs are calculated in accordance with paragraphs (b) and (c) of this section.

**PART 107—CONVENTION REPORTS**

Sec. 107.1 Reports; committees shall report.  
107.2 Reports; political parties.  
107.3 Convention reports; time and content of filing.  
107.4 Convention expenses; definitions.

AUTHORITY: Secs. 308(a) (13), 86 Stat. 17, 2 U.S.C. 438, Interpret or apply section 307, 86 Stat. 18, 2 U.S.C. 437, as amended.

**§ 107.1 Reports by Municipal and Private Host Committees.**

Each committee or other organization which represents a state, a political subdivision thereof, or any other group of persons, in dealing with officials of a national political party with respect to matters involving a presidential nominating convention held in that state, shall file reports with the Commission as set out in § 107.3 of this Part.

**§ 107.2 Reports by political parties.**

(a) Each committee or other organization, including a national committee which represents a national major, minor, or new political party in making arrangements for the convention of that party held to nominate a candidate for the office of President or Vice President shall file reports with the Commission as set out in § 107.3 of this Part.

(b) A state party committee or a subordinate committee of a state party committee which assists delegates and alternates to the convention from that state with travel expenses and arrangements, or which sponsors caucuses, receptions and similar arrangements, or which sponsors caucuses, receptions and similar activities at the convention site need not report under this Part 107.

**§ 107.3 Convention reports time and content of filing.**

(a) Each committee organization required to file under §§ 107.1-2 shall within 60 days following the last day the convention is officially in session, but not later than 20 days prior to that date of the general election; file with the Commission a convention report on FEC Form 4, which shall contain all receipts

and disbursements in connection with the convention and shall be complete as of \_\_\_\_ days following the convention.

(b) If the committee spends or receives any funds after 60 days following the convention, the committee shall file, no later than 10 days after the end of the next calendar quarter, a report disclosing all transactions completed as of the close of that calendar quarter and shall continue to file quarterly reports until all debts and obligations have been extinguished.

(c) Each committee shall file a final report with the Commission not later than 10 days after it ceases activity, unless such status is reflected in either the reports submitted pursuant to §§ 107.3 (a) or (b).

**§ 107.4 Convention expenses; definition.**

For the purposes of this part, receipts and disbursements, in connection with a convention, means convention expenses as defined in Part 120 of these regulations.

**PART 108—FILING COPIES OF REPORTS AND STATEMENTS WITH STATE OFFICERS**

Sec. 108.1 Filing requirements.  
108.2 Filing copies of reports of Presidential and Vice Presidential candidates.  
108.3 Filing copies of reports by other Federal candidates and committees.  
108.4 Filing copies of reports by committees supporting Presidential candidates.  
108.5 Time and manner of filing copies.  
108.6 Duty of state officers.  
108.7 Effect on state law.

AUTHORITY: Sec. 308(a) (13), 86 Stat. 17, 2 U.S.C. § 438, Interpret or apply section 309, 86 Stat. 18, 2 U.S.C. §§ 439 and 453.

**§ 108.1 Filing requirements.**

A copy of each statement and report required to be filed under this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent state officer) of the appropriate state. For purposes of this part, the term "appropriate state" means the state or jurisdiction designated in § 108.2 or § 108.3.

**§ 108.2 Filing copies of reports by Presidential and Vice Presidential candidates.**

A copy of each report and statement required to be filed shall be filed by the candidate or authorized committee with the state officer of each state or other jurisdiction in which an expenditure is made during a reporting period by a candidate for the office of President or Vice President or on the candidate's behalf, the report to contain at least all transactions pertaining to that state.

**§ 108.3 Filing copies of reports by other Federal candidates and committees.**

A copy of each report and statement required to be filed under this subchapter by other candidates and political committees shall be filed with the state officer of each state or other jurisdiction

in which a candidate, other than for President or Vice President, seeks election.

**§ 108.4 Filing copies of reports by committees supporting Presidential candidates.**

Committees, other than a presidential candidate's principal campaign committee, and other authorized committees, which make contributions to, or expenditures on behalf of, presidential candidates shall file a copy of reports and statements only in the state(s) in which the recipient and contribution committees have their headquarters.

**§ 108.5 Time and manner of filing copies.**

A copy required to be filed with a state officer under this part shall be filed at the same time as the original report is filed. Each copy of a report or statement shall be a complete, true, and legible copy of the original report or statement filed.

**§ 108.6 Duty of State officers.**

It is the duty of the Secretary of State, or the equivalent state officer,

(a) To receive and maintain in an orderly manner all reports and statements required to be filed;

(b) To preserve such reports and statements for a period of 10 years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives need be preserved for only 5 years from the date of receipt;

(c) To make the reports and statements filed available for public inspection and copying during regular office hours commencing as soon as practicable but not later than the end of the day on which it was received and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person, such per copy expense to be reasonable.

**§ 108.7 Effect on state law.**

(a) The provisions of the Federal Election Campaign Act of 1971, as amended, and rules and regulations issued thereunder, supersede and preempt any provision of state law with respect to election to Federal office.

(b) Federal law supersedes state law concerning the (1) Organization and registration of political committees supporting federal candidates; (2) Disclosure of receipts and expenditures by Federal candidates and political committees, and (3) Limitations on contributions and expenditures regarding Federal candidates and political committees.

(c) The Act does not supersede state laws which provide for the (1) Manner of qualifying as a candidate; (2) Dates and places of elections; (3) Voter registration; (4) Prohibition of false registration, voting fraud, theft of ballots and similar offenses; or (5) Candidate's personal financial disclosure are not superseded by Federal law.

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# PART 109—INDEPENDENT EXPENDITURES

Sec.	
109.1	Definition of independent expenditures.
109.2	Reporting of independent expenditures.
109.3	Certification of independent expenditures.
109.4	Non-authorization notice.

## § 109.1 Definition.

(a) "Independent Expenditure" means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identifiable candidate which:

(1) Is made without the direct or indirect cooperation or prior consent of or consultation with the candidate or any agent or authorized committee of the candidate;

(2) Is not made either directly or indirectly in concert with or at the request or suggestion of, the candidate or any agent or authorized committee of the candidate.

(b) For the purpose of this definition—

(1) "Person" means an individual, partnership, committee, association or any organization or group of persons but does not mean a labor organization, corporation, or national bank, see Part 114;

(2) "Expressly advocating" means any communication containing a message advocating election or defeat;

(3) "Clearly identifiable candidate" means that a candidate's name, photo, or drawing appears, or the candidate's identity is otherwise apparent by unambiguous reference.

(4) "Made with the direct or indirect cooperation or with the consent of, or consultation with, or by request or suggestion of a candidate or any agent or authorized committee of the candidate" means:

(i) Any arrangement, coordination, or direction by the candidate or his/her agent prior to the publication, distribution, display or broadcast of the communication; an expenditure will be presumed to be so made when it is—

(A) Based on information about the candidate's needs, desires, projects, etc., provided to the expending person by the candidate, or the candidate's agent with a view towards an independent expenditure;

(B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent.

(ii) The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agent.

(iii) The ratification of past independent expenditures which causes the person to make similar such expenditures in the future;

(iv) But does not include providing, upon request, the expending person with

Commission guidelines on independent expenditures.

(c) An expenditure not qualifying under this definition as an independent expenditure shall be a contribution in kind to the candidate and an expenditure by the candidate, unless otherwise exempted.

## § 109.2 Reporting of independent expenditures.

(a) Every political committee, other than an authorized committee of a candidate shall report to the Commission in its report of itemized expenditures each independent expenditure in excess of \$100 during a reporting period.

(1) The report shall contain the identification of the person to whom it was made, the amount and date of the expenditure, the candidate's name and address, and the office he/she seeks, and whether the expenditure was in support of or in opposition to such candidate.

(2) This information shall be filed in a report (monthly, quarterly, pre-election or post-election) covering any period in which any independent expenditure exceeding \$100 is made.

(b) Every other person, including political committees not otherwise reporting, who make independent expenditures or contributions toward an independent expenditure aggregating in excess of \$100 during a calendar year shall file with the Commission on FEC Form 5.

(1) The report shall contain the identification of the person to whom it was made, the amount and date of the expenditure, the candidate's name and address and the office he/she seeks and whether the expenditure was in support of or in opposition to such candidate.

(2) The report shall be filed at the end of the reporting period (quarterly, pre-election, or post-election) during which the expenditure was made, and in any reporting period thereafter in which additional independent expenditures are made.

(c) Independent expenditures by any person or any political committee of \$1,000 or more made after the fifteenth day, but more than 24 hours before any election shall be reported within 24 hours of such independent expenditure, pursuant to § 104.4(e).

## § 109.3 Certification of independent expenditures.

(a) Each of the filings pursuant to § 109.2 shall include a certification under the penalty of perjury that such expenditure was not made in cooperation, consultation or concert with, or at the request or suggestion of any candidate and did not involve the financing of the dissemination, distribution, or republication in whole or in part of any broadcast or any written graphic or other form of campaign materials prepared by the candidate, his campaign committee or their agent.

## § 109.4 Non-authorization notice.

(a) A notice appearing clearly and conspicuously as part of any broadcast, advertisement, pamphlet, letter, outdoor

advertising facility or other campaign material constituting an independent expenditure shall state:

(1) That the communication is not authorized by any candidate;

(2) The name and address of the person who is financing the communication, including in the case of a political committee the names of the officers and the name of any affiliate or connection organization required to be disclosed under § 102.2(a)(2).

(b) For purposes of this section "clearly and conspicuously" means on the face or front page of the printed matter or at the beginning or end of broadcast or telecast matter.

# PART 110—CONTRIBUTIONS AND EXPENDITURE LIMITATIONS AND PROHIBITION

Sec.	
110.1	Contributions by persons.
110.2	Contributions by multi-candidate committees.
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## § 110.1 Contributions by persons.

(a) (1) No person (except multi-candidate committees under § 110.2) shall make contributions to any candidate and his or her authorized political committees with respect to any election to Federal office which in the aggregate exceed \$1,000.

(2) "With respect to any election" means—

(i) In the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed debts outstanding from the primary election, caucus or convention.

(ii) In the case of a contribution not designated in writing for a particular election,

(A) For a primary election, caucus or convention, if made before the date of the election, caucus or convention, or

(B) For a general election if made after the date of the primary election.

(b) (1) No person (except multicandidate committees under § 110.2) shall make contributions to the national committee of a political party, or to any political committee established, maintained or controlled by a national party, which in the aggregate exceed \$20,000 in any calendar year.

(2) The recipient committee shall not be an authorized committee of any candidate.

(c) No person shall make contributions to any other political committee which in the aggregate exceed \$5,000 in any calendar year.

(d) The limitations in (b) and (c) apply to contributions made to committees making independent expenditures, see Part 109.

(e) A contribution by a partnership shall—

(1) Be attributed to each partner in direct proportion to his or her share of the partnership profits, according to instructions provided by the partnership, or

(2) Be attributed by agreement of the partners, as long as—

(i) Only the profits of the partners to whom the contribution is attributed are reduced (or losses increased), and,

(ii) These partners' profits are reduced (or losses increased) in proportion to the contribution attributed to each of them; and,

(3) Not exceed \$1,000 to any candidate with respect to any election.

(f) If an individual is a candidate for more than one Federal office, a person may contribute \$1,000 for each election for each office, as long as—

(1) The contributor clearly designates in writing for which office each contribution is intended, and

(2) The candidate maintains separate campaign organizations, including separate principal campaign committees and separate accounts, and

(3) No funds are transferred, loaned or otherwise contributed between or among the separate campaigns and no expenditures are made by one campaign on behalf of another campaign, except as provided in 110.3(a)(2)(iii).

(g) (1) Contributions made to retire debts resulting from elections held prior to January 1, 1975 are not subject to the limitations of this Part 10, so long as contributions and solicitations to retire these debts are clearly designated for that purpose.

(2) Contributions made to retire debts resulting from elections held after December 31, 1974 are subject to the limitations of the Part 110.

(h) A person may contribute to a candidate or his or her authorized committee with respect to a particular election and also contribute to a political committee which has supported, or anticipates supporting, the same candidate in the same election, as long as

(1) The political committee is not the candidate's principal campaign committee or other authorized committee;

(2) The contributor does not give with the knowledge that a substantial portion will be contributed to that candidate for the same election; and

(3) The contributor does not retain control over the funds.

(i) (1) Even though a spouse in a single income family has contributed \$1,000 to a candidate for an election, the other spouse may similarly contribute \$1,000 to the same candidate for the same election.

(2) Minor children (children under 18 years of age) may contribute up to \$1,000 to a candidate for an election if—

(1) The funds, goods or services contributed are owned or controlled ex-

clusively by the minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(ii) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is in any other way controlled by another individual.

(j) (1) The limitations on contributions in this subsection shall apply separately with respect to each election, except that all elections held in a calendar year for the office of President of the United States (except a general election for that office) shall be considered to be one election.

(2) An election in which a candidate is unopposed is a separate election.

(k) Transfers between and among political committees which are the national, state, district or local committees, and subordinate committees thereof, of the same political party are unlimited.

## § 110.2 Contributions by multi-candidate committees.

(a) No multi-candidate political committee shall make contributions—

(1) To any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed \$5,000; "with respect to any election" has the same meaning as in § 110.1(a)(2);

(2) To the political committees established and maintained by a national political party in any calendar year, which, in the aggregate, exceed \$15,000;

(3) The recipient committee shall not be an authorized committee for any candidate;

(4) "Political committees established and maintained by a national political party" means the national committee, Senate and House committees, and any subordinate committees established and maintained by them; or

(5) To any other political committee in any calendar year which, in the aggregate, exceed \$5,000.

(b) Transfers between and among multi-candidate committees which are the national, state, district or local committees, and subordinate committees thereof, of the same political party are unlimited.

(c) For purposes of this section, "multi-candidate political committee" means a political committee which—

(1) Has been registered with the Commission, the Clerk, the Secretary for at least six months;

(2) Has received contributions for Federal elections from at least 50 persons; and

(3) Has made contributions to at least 5 Federal candidates. This subparagraph does not apply to state political party committees, but does apply to subordinate state party committees.

(d) Notwithstanding any other provision of the Act, the Republican and Democratic Senatorial campaign committees, or the national committee of a political party, or any combination thereof, may

contribute not more than a combined total of \$17,500 to a candidate for nomination or election to the Senate during the calendar year of the election for which he or she is a candidate. No more than \$5,000 may be contributed to a candidate in a year other than that election year. It shall be considered to be part of the \$17,500 total contribution limit for that election year.

(e) (1) The limitations on contributions in this subsection (other than (d)) shall apply separately with respect to each election, except that all elections held in a calendar year for the office of President of the United States (except a general election for that office) shall be considered to be one election.

(2) An election in which a candidate is unopposed in separate election.

## § 110.3 Affiliated committee; transfers.

(a) (1) (i) For the purpose of limitations in §§ 110.1 and 110.2, contributions shall be considered to be made by a single political committee (including a single separate segregated fund) if made by more than one political committee (including a separate segregated fund) established, financed, maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department or local unit thereof, or by a group of those persons.

(ii) For purposes of this subsection, "established, financed, directed or controlled" means possession of the authority, power or ability of one entity to create, fund, establish policies for, or otherwise direct the activities of another entity. For example:

(A) All of the political committees set up by a single corporation and its subsidiaries are treated as a single political committee;

(B) All of the political committees set up by a single national or international union and its local unions or other subordinate organizations are treated as a single political committee;

(C) All of the political committees set up by an organization of national or international unions and all its state and local central bodies are treated as a single political committee;

(D) All the political committees (other than party committees) established by the membership organizations, such as trade associations or other groups of persons and its state and local entities are treated as a single political committee;

(E) All the political committees established by a group of persons.

(iii) For organizations not covered by (ii) above, indicia of this authority, power or ability include:

(A) Ownership of a controlling interest in voting shares or securities;

(B) Provisions of by-laws, constitutions or other document by which one entity has the authority, power or ability to direct another entity;

(C) The authority, power or ability to hire, appoint, discipline, discharge, demote or remove or otherwise influence the decision of the officers or members of an entity;

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(D) Similar patterns of contributions;  
(E) The transfer of funds between committees which represent a significant portion of the funds of either the transferor or transferee committee.

(iv) One entity shall not be considered to be established, financed, directed or controlled by another entity solely because the two entities engage in a joint solicitation on a shared cost basis in proportion to membership or other reasonable basis of apportionment.

(2) This section shall not limit transfers between—

(i) Political committees of the funds raised through joint fundraising;

(ii) Authorized committees of the same candidate, or between the candidate and his or her authorized committees, if the candidate has not received a waiver from reporting;

(iii) The primary campaign and general election campaign of a candidate, of funds unused for the primary;

(iv) The principal campaign committees of a candidate seeking nomination or election to more than one Federal office, as long as—

(A) The transfer is made when the candidate is not actively seeking nomination or election to more than one office. For purposes of this subparagraph, "not actively seeking" means a committee having filed a termination report with the Commission, or having notified the Commission that the candidate or his authorized committees will make no further expenditure, except in connection with the retirement of debts outstanding at the time of the notification;

(B) The limitations on contributions by persons are not exceeded by the transfer. To assure this, the contributions making up the funds transferred shall be reviewed, beginning with the last received and working back until the amount transferred is reached. Contributions shall be excluded if, when added to contributions already made to the transferee principal campaign committee, they cause the contributor to exceed his or her limitation; and

(C) The candidate has not received funds under 26 U.S.C. §§ 9004 or 9034.

(b) (1) For the purposes of the limitations in §§ 110.1 and 110.2, all contributions made by a single political committee established, financed, maintained, or controlled by each of—

(i) The national committee of a political party and,

(ii) By the state committee of a political party, shall not be considered to be made by a single political committee.

(2) For example, as a result of (1) above,

(i) The national committee of a party (or the House campaign committee), and the state committee of a party, including all of its subordinate committees, each may contribute \$1000 (\$5000 if a multi-candidate committee) to a candidate for President of the United States or for the House for each election.

(ii) A state committee, including all of its subordinate committees, may contribute \$1000 (\$5000 if a multi-candidate committee) to a Senate candidate for each election. The national committees

and the Senate campaign committees have special limitations regarding Senate candidates, see § 110.2(d).

#### § 110.4 Prohibited contributions.

(a) (1) A foreign national shall not make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state or Federal public office.

(2) No person shall solicit, accept or receive a contribution as set out above from a foreign national.

(3) For purposes of this subsection, "foreign national" means—

(i) A foreign principal, as defined in 22 U.S.C. § 611(b); or

(ii) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in 8 U.S.C. § 1101(a)(20);

(iii) Except that "foreign national" shall not include any individual who is a citizen of the United States.

(b) (1) No person shall—

(i) Make a contribution in the name of another;

(ii) Knowingly permit his or her name to be used to effect that contribution; or

(iii) Knowingly accept a contribution made by one person in the name of another.

(2) Examples of "contribution in the name of another" include—

(i) Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time of the contribution is made, see § 110.6; or

(ii) Making a contribution of money or anything of value and attributing as the source of the money or the thing of value another person when in fact the contributor is the source.

(c) (1) With respect to any campaign for nomination for election, or election, to Federal office, no person shall make contributions to a candidate or political committee of currency of the United States, or of any foreign country, which in the aggregate exceed \$100.

(2) A candidate or committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor.

(3) A candidate or committee receiving an anonymous cash contribution in excess of \$50 shall promptly dispose of the amount over \$50. The amount over \$50 may be used for any lawful purpose unrelated to any Federal election, campaign or candidate.

#### § 110.5 Annual limitation.

(a) No individual shall make contributions aggregating more than \$25,000 in any calendar year.

(b) For purposes of this section,

(1) Any contribution made in a year other than in the calendar year in which an election is held shall be considered to be made during the calendar year in

which the election is held, as long as the contribution is made with respect to a particular candidate and election;

(2) An individual's contribution to a political committee in a non-election year shall not be attributable to the calendar year in which an election is held, as long as the political committee is not the principal campaign committee, or other authorized committee, of a candidate, and as long as the contribution is not otherwise designated for a particular election.

(c) The limitation in (a) applies to contributions made to a person who is making independent expenditures, see Part 109.

#### § 110.6 Earmarked contributions.

(a) All contributions by a person made on behalf of or to a candidate, including contributions which are in any way earmarked or otherwise directed to the candidate through an intermediary or conduit, are contributions from the person to the candidate.

(b) For purposes of this section, earmarked means a designation, instruction or incumbrance (including those which are direct or indirect, express or implied, oral or written) which results in all or any part of a contribution or expenditure being made to, or expended on behalf of, a clearly identified candidate or a candidate's authorized committee.

(c) The intermediary or conduit of the earmarked contributions shall report the original source and intended recipient of the contribution to the Commission, the Clerk of the House of Representatives, or the Secretary of the Senate, as appropriate (see Part 105), and to the intended recipient.

(1) The report to the Commission, Clerk or Secretary shall be included in the conduit or intermediary's next due quarterly, pre- or post-election or annual report, and shall,

(i) If the contribution passed through the conduit's account, disclose each contribution, regardless of amount, on schedules of itemized receipts and expenditures;

(ii) If the contribution was passed on in the form of the contributor's check, disclose each contribution on a separate schedule attached to the conduit's next report.

(2) The report to the intended recipient shall be made when the contribution is passed on to the intended recipient.

(3) The reports in (1) and (2) above shall contain—

(i) The identification of the contributor, and if the contribution exceeds \$100, the contributor's occupation and principal place of business;

(ii) The amount of the contribution, the date received by the conduit; and the intended recipient as designated by the contributor;

(iii) The date the contribution was passed on to the intended recipient, and whether the contribution was passed on in cash, by the contributor's check, or by the conduit's check.

(d) (1) A conduit or intermediary's contribution limits are not affected by

passing on earmarked contributions, except where the conduit exercises any direction or control over the choice of the recipient candidate.

(2) If a conduit exercises any direction or control over the choice of the recipient candidate, the contribution shall be considered a contribution by both the original contributor and the conduit, and shall be so reported by the conduit to the Commission, Clerk or Secretary, as appropriate, and to the recipient, and so reported by the recipient candidate in its report of contributions received.

#### § 110.7 Party expenditures.

(a) (1) The national committee of a political party may make expenditures in connection with the general election campaign of any candidate for President of the United States affiliated with the party.

(2) The expenditure shall not exceed an amount equal to 2 cents multiplied by the voting age population of the United States.

(3) Any expenditure under subsection (a) shall be in addition to—

(i) Any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for President of the United States; and

(ii) Any contribution by the national committee to the candidate permissible under § 110.1 except to candidates receiving general election public financing, see Part 140-45.

(4) The national committee of a political party may not make independent expenditures (see Part 109) in connection with the general election campaign of a candidate for President of the United States.

[Alternative] [(4) Expenditures by the national committee of a political party on behalf of a candidate for President affiliated with or nominated by that party in connection with the general election campaign of a candidate for President shall be presumed not to be independent expenditures. If the national committee makes a showing that the expenditures are independent, they may be made without regard to (a) (2) of this section]

(b) (1) The national committee of a political party, or a state committee of a political party, including any subordinate committee of a state committee, may make expenditures in connection with the general election campaign of a candidate for Federal office in that state who is affiliated with the party.

(2) The expenditures shall not exceed—

(i) In the case of a candidate for election to the office of Senator, or of Representative from a state which is entitled to only one Representative, the greater of—

(A) Two cents multiplied by the voting age population of the state; or

(B) Twenty thousand dollars; and

(ii) In the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other state, \$10,000.

(3) Any expenditure under subsection (c) shall be in addition to any contribu-

tion by a committee to the candidate permissible under § 110.1 (2 U.S.C. 441a).

(4) The party committees identified in (b) (1) may not make independent expenditures in connection with the general election campaign of candidates for Federal office.

[Alternative] [(4) Expenditures by the party committees identified in (b) (1) on behalf of candidates for Federal office affiliated with or nominated by that party in connection with the general election campaign of a candidate for Federal office shall be presumed not to be independent expenditures. If the party committees make a showing that the expenditures are independent, they may be made without regard to (a) (2) of this section]

(c) For limitation purposes, state committee includes subordinate state committees, and state committees and subordinate state committees combined shall not exceed the limits in (b) (2). To ensure compliance with the limitations, the state committee shall administer the limitation in one of the following ways:

(1) The state central committee shall be responsible for insuring that the expenditures of the entire party organization are within the limitations, including receiving reports from any subordinate committee, and filing consolidated reports showing all expenditures in the state with the Commission; or

(2) (i) The state committee shall file with the Commission an allocation statement setting forth the amounts each subordinate committee in the state will expend on which Federal candidate, as agreed upon by the state committee and the subordinate committees;

(ii) The state committee shall file with the allocation statement a list of participating subordinate committees which have filed a Statement of Organization with the Commission, Clerk or Secretary, and for those subordinate committees which have not filed a Statement of Organization, the information required in a Statement of Organization, see Part 102;

(iii) Each subordinate committee will be responsible for ensuring that it does not exceed its allocated limitation, and shall register with and report to the Commission as if it were a political committee if its expenditures exceed \$100 in a calendar year. If its expenditures in the aggregate exceed \$1,000, it shall register as a political committee pursuant to Part 103 and report pursuant to Part 105; or

(3) Any other method, submitted in advance and approved by the Commission which permits control over expenditures.

#### § 110.8 Presidential candidate expenditure limitations.

(a) No candidate for the office of President of the United States who is eligible under 26 U.S.C. § 9003 (relating to conditions for eligibility for payments) or under 26 U.S.C. § 9033 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury and has received payments, may make expenditures in excess of—

(1) \$10,000,000 in the case of a campaign for nomination for election to the office, except the aggregate of expenditures under this subparagraph in any one state shall not exceed the greater of 16 cents multiplied by the voting age population of the state or \$200,000; or

(2) \$20,000,000 in the case of a campaign for election to the office.

(b) (1) The expenditure limitations shall not be considered violated if, after the day of the primary or general election, convention or caucus, receipt of refunds and rebates causes a candidate's expenditures to be within the limitations.

(c) For the state limitations in (a) (1)—

(1) Expenditures made in a state after the date of the primary election, convention or caucus relating to the primary election, convention or caucus count toward that state's expenditure limitation;

(2) Expenditures for fundraising activities targeted at a particular State and occurring within 28 days of the state's primary election, convention or caucus shall be presumed to be attributable to the expenditure limitation for that state, § 100.7(b) (1) (relating to the 20% fundraising exemption) notwithstanding. The presumption may be rebutted to the extent that funds raised in the state exceed amount expended in the state.

(d) (1) If an individual is a candidate for more than one Federal office, or for a Federal office and a state office, he or she must designate separate principal campaign committees and establish completely separate campaign organizations.

(2) No funds, goods or services, including loans and loan guarantees, may be transferred between or used by the separate campaigns, except as provided in § 110.3(a) (2) (iv).

(3) Except for Presidential candidates receiving Presidential Primary Matching Funds, see 2 U.S.C. § 9032, or General Election Public Financing, see 2 U.S.C. § 9002, campaigns may share personnel and facilities, as long as expenditures are allocated between the campaigns, and payments are made from campaign accounts reflecting the allocation.

(e) (1) A political party may make reimbursement for the expenses of a candidate who is engaging in party-building activities, without the payment being considered a contribution to the candidate, and without the unreimbursed expense being considered expenditures counting against the limitations in (a) (1), so long as—

(i) The event is a legitimate party event or appearance; and

(ii) No aspect of the solicitation, setting and remarks or activities of the candidate were for the purpose of influencing the candidate's nomination or election.

(2) (i) An event or appearance meeting the requirements of (e) (1) and occurring prior to January 1 of the year of the election for which the individual is a candidate is presumptively party related;

(ii) Notwithstanding the requirements of (e) (1), an event or appearance occur-

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ing on or after January 1 of year of the election for which the individual is a candidate, is presumptively for the purpose of influencing the candidate's election, and is governed by the contribution and expenditure limitation of this Part 110.

(iii) The presumptions in (i) and (ii) may be rebutted by a clear showing to the Commission that the appearance or event, was, or was not, party related, as the case may be.

(f) (1) Expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States.

(2) Expenditures from personal funds made by a candidate for Vice President shall be considered to be expenditures by the candidate for President, if the candidate is receiving General Election Public Financing, see 26 U.S.C. § 9004 (d).

(g) An expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(1) An authorized committee or any other agent of the candidate for purposes of making any expenditure; and

(2) Any person authorized or requested by the candidate, an authorized committee of the candidate or an agent of the candidate to make the expenditure; or

(3) A committee not authorized in writing, so long as it is requested by the candidate, an authorized committee of the candidate or an agent of the candidate to make the expenditure.

#### § 110.9 Miscellaneous.

(a) **Violation of limitations.** No candidate or political committee shall accept any contribution or make any expenditure in violation of the provisions of Part 110. No officer or employee of a political committee shall accept a contribution made for the benefit or use of a candidate or make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this Part 110.

(b) **Fraudulent misrepresentation.** No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) Fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) Willfully and knowingly participate in or conspire to participate in any plan, or design to violate paragraph (1).

(c) **Price index increase.** (1) Each limitation established by § 110.7 and § 110.8 shall be increased by the annual percent difference of the price index, as certified to the Commission by the

Secretary of Labor. Each amount so increased shall be the amount in effect for that calendar year.

(2) For purposes of paragraph (1)—the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(d) **Voting age population.** The Commission shall annually publish the voting age population based on an estimate of the voting age population of the United States, of each state, and of each congressional district, provided to the Commission by the Secretary of Commerce. The term "voting age population" means resident population, 18 years of age or older.

#### § 110.10 Expenditures by candidates.

(a) Except as provided in Parts 130-39 and 140-49 pertaining to Presidential candidates, candidates for Federal office may make unlimited expenditures from personal funds.

(b) (1) For purposes of this subsection, "personal funds" means the total assets to which the candidate has legal and rightful title or over which the candidate has beneficial enjoyment under applicable Federal or state law, and

(2) To which the candidate had access to or control over at the time he or she became a candidate, including funds from immediate family members.

(c) If a candidate did not have access to or control over the funds at the time he or she became a candidate, no person may contribute more than \$1,000 per election.

#### § 110.11 Communications; advertising.

(a) (1) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcast station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

(i) If authorized by a candidate, his authorized political committees or their agents, shall clearly and conspicuously state that the communication has been authorized and by what candidate, authorized committee or agent; or

(ii) If not authorized by a candidate, his authorized political committees, or their agents, shall clearly and conspicuously state that the communication is not authorized by any candidate, and state the name of the person who made or financed the expenditure for the communication, including, in the case of a political committee the name of any affiliated or connected organization required.

(2) For purposes of this section, "clearly and conspicuously" means

(i) On the face or front page of printed matter, or at the beginning or end of a broadcast or telecast matter, and shall include the name of the committee, and the committee's treasurer; and

(ii) In a manner calculated to provide actual notice to a reader, listener or viewer.

(b) No person who sells space in a newspaper or magazine to a candidate, an authorized committee of a candidate, or an agent of the candidate or committee, for use in connection with the candidate's campaign for nomination or for election, shall charge an amount for the space which exceeds the amount charged for comparable use of the space for non-campaign purposes.

#### § 110.12 Honorariums.

(a) No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

(1) Any honorarium of more than \$2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions for any appearance speech, or article); or

(2) Honorariums (not prohibited by paragraph (1) of this section) aggregating more than \$25,000 in any calendar year.

(b) The term "honorarium" means a payment of money or anything of value received by an officer or employee of the Federal government, regardless of whether it is offered gratuitously or for a fee, if it is accepted as consideration for an appearance, speech, or article. An honorarium does not include payment for or provision of actual travel and subsistence, including transportation, accommodations and meals for the officer or employee and spouse or an aide; and does not include amounts paid or incurred for any agents' fees or commissions.

(1) **Officer or Employee.** The term "officer or employee of the Federal government," or "officer or employee" means any person appointed or elected to a position of responsibility or authority in the United States government, regardless of whether the person is compensated for this position; and any other person receiving a salary, compensation, or reimbursement from the United States government, who accepts an honorarium for an appearance, speech, or article. Included within this class is the President; the Vice President; any Member of Congress, any judge of any court of the United States; any Cabinet officer; and any other elected or appointed officer or employee of any branch of the Federal government.

(2) **Appearance.** "Appearance" means attendance at a public or private conference, convention, meeting, social event, or like gathering, and the incidental conversation or remarks made at that time.

(3) **Speech.** "Speech" means an address, oration, or other form of oral presentation, regardless of whether presented in person, recorded, or broadcast over the media.

(4) **Article.** "Article" means a writing other than a book, which has been or is intended to be published.

(c) The term "honorarium" does not include:

(1) An award. An award is a gift of money or anything of value given;

(i) Primarily in recognition of religious, charitable, scientific, educational, artistic, literary, or civil achievement;

(ii) Based on a selection process with established criteria and which does not require the officer or employee to apply for or take any other action in the way of competition for the award;

(iii) Gratuitously under circumstances which do not require the recipient to make an appearance or speech, or write an article as a condition for receiving the award; and

(iv) Is not made to serve in place of an honorarium of a contribution.

(2) A gift. A gift is a voluntary conveyance of real or personal property which is made gratuitously, and is not supported by consideration, and is not made to serve in place of an honorarium or a contribution.

(3) A stipend. A stipend is payment for services on a continuing basis, including a salary. A stipend can not be paid by a political committee other than a candidate's principal campaign committee or other authorized committee to that candidate.

#### PART 111—COMPLIANCE PROCEDURE

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111.3	Initial processing.
111.4	Notification.
111.5	Investigation.
111.6	Commission action.
111.7	Conciliation.
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111.9	Civil proceedings.
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111.13	Motions to quash.
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##### § 111.1 Scope.

These regulations provide procedures for processing apparent violations of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. § 431, et seq.) and chapters 95 and 96 of the Internal Revenue Code of 1954 (26 U.S.C. § 9001, et seq. and 9031, et seq.).

##### § 111.2 Complaint; filing.

(a) Any person may file a complaint with the Commission setting forth grounds for believing that a person has violated the Act or 26 U.S.C., chapters 95 and 96. A complaint shall be in writing and signed, and shall be sworn to and notarized.

(b) A complaint shall contain:

(1) The full name, address and telephone number of the complainant;

(2) A clear and concise statement of the acts which are alleged to constitute a violation of the Act;

(3) Any documentation of allegations of the complaint available to the complainant.

##### § 111.3 Initial processing.

The General Counsel will review all materials filed with the Commission and

report to the Commission on the factual and legal bases for the apparent violation. On the basis of the General Counsel's report and the relevant materials, the Commission will determine by the agreement of at least four of its members whether it has "reason to believe" that the Act or chapters 95 or 96 of the Internal Revenue Code of 1954 have been or will be violated and order any investigation it believes necessary.

##### § 111.4 Notification.

Upon determination by agreement of four members of the Commission that it has reason to believe that a violation of the Act has occurred, the General Counsel will notify respondent of that determination, providing a copy of the complaint or summary of the matters brought into question and advising respondent that he or she should submit any factual or legal information which he believes demonstrates that no action should be taken against him.

##### § 111.5 Investigation.

(a) In any case in which the Commission finds it has reason to believe that a violation of the Act or Chapters 95 or 96 has occurred or will occur, it shall order an investigation into those matters about which it believes it needs further information.

(b) If a complaint is filed by a candidate, any investigation will include an investigation of the reports and statements filed by the complaining candidate, pursuant to 2 U.S.C. § 437g(a)(3). The Commission may direct, upon the recommendation of the General Counsel, that an investigation be conducted with regard to each candidate for the Federal office sought by respondent.

##### § 111.6 Commission action.

After review of the relevant materials obtained during the investigation, the Commission will by agreement of at least four of its members determine whether there is reasonable cause to believe that respondent has committed or is about to commit a violation of the Act or of Chapter 95 or 96 of the Internal Revenue Code of 1954. In the event that the Commission so determines it will inform the respondent of its decision and seek voluntary compliance by the respondent.

##### § 111.7 Conciliation.

(a) Within a reasonable time after the Commission has determined that it has reasonable cause to believe that the Act or Chapter 95 or 96 of the Internal Revenue Code of 1954 has been or will be violated, the General Counsel shall attempt to correct or prevent the violation by informal methods of conference, conciliation and persuasion.

(b) If a tentative conciliation agreement is reached with respondent, the General Counsel will submit it to the Commission for approval by agreement of at least four members.

(c) If, after attempting conciliation for the appropriate period of time (see 2 U.S.C. § 437g(a)(5)(A)) the General Counsel concludes that no acceptable

conciliation agreement can be reached, he or she will prepare a report for the Commission which sets forth the reasons for the failure to obtain voluntary compliance.

##### § 111.8 Disclosure of commission action.

If the Commission (a) has notified respondent of its decision that he or she has not violated the Act, it will make available to the public its determination and the basis for it; or

(b) Has concluded that it has "reasonable cause to believe" that a violation has occurred, it will make available the results of any conciliation attempts, including any conciliation agreement entered into.

##### § 111.9 Civil proceedings.

The Commission, on the recommendation of the General Counsel after attempts to correct or prevent any violation by informal methods of conference, conciliation or persuasion have been unsuccessful, may determine by the agreement of at least four of its members that there is probable cause to believe that a violation of the Act or Chapter 95 or 96 of the Internal Revenue Code of 1954 has or will occur and may direct the General Counsel to commence civil proceedings and seek appropriate relief.

##### § 111.10 Issuance of subpoenas and subpoena duces tecum.

(a) The Chairman or the Vice Chairman shall issue subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other tangible evidence upon request by the General Counsel.

(b) Any party may request the General Counsel to subpoena particular persons or evidence, but such subpoenas shall not be obtainable as a matter of right.

##### § 111.11 Depositions.

In any proceeding or investigation, the Commission, upon written notice, may order testimony to be taken by deposition before a person designated by the Commission to administer oaths.

##### § 111.12 Service of subpoenas and notices of depositions.

(a) Service of a subpoena or notice of deposition upon a person named therein shall be made by delivering a copy to that person in the manner described by subparagraphs (b), (c) and (d). Fees for one day's attendance and mileage shall be tendered as specified in § 111.14.

(b) Whenever service is to be made upon a person who is represented in the pending proceeding by an attorney, the service may be made upon the attorney.

(c) Delivery of a copy of a subpoena or notice of deposition and tender of the fees to a natural person may be made by handing them to the person; or leaving them at his office with the person in charge thereof; or leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein; or mailing them by registered or certified mail to him at his last known address; or

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by any method whereby actual notice is given to him and the fees are made available prior to the return date.

(d) When the person to be served is not a natural person, delivery of a copy of the subpoena or notice of deposition and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date.

#### § 111.13 Motions to quash.

(a) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the Commission, to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor.

(b) The Commission may deny the application, or upon notice to the person upon whose request the subpoena was issued, and opportunity for reply, may (1) deny the application, (2) quash or (3) modify the subpoena.

#### § 111.14 Witness fees and mileage.

(a) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees are paid for like services in the courts of the United States.

(b) Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

(1) Section 111.10 provides for issuance of subpoenas over the signature of the Chairman or Vice-Chairman without a majority vote of the Commission. In the General Counsel's opinion, 2 U.S.C. § 437(a)(3), which provides for issuance of subpoenas over the signature of the Chairman or Vice-Chairman gives the legal authority to issue subpoenas without a majority vote of the Commission particularly since, under the regulations, a party can move to quash a subpoena and obtain a ruling of the Commission as a whole before a subpoena becomes effective. Requiring a vote of a majority of the Commissioners before a subpoena is issued will in many instances delay obtaining materials to which there is no objection while providing no more opportunity to a subpoenaed party to object.

(2) A provision (see § 111.10(b)) has been inserted stating that a party has a right to provide the General Counsel with the names and records they think should be subpoenaed but explicitly stating that they do not have an independent right to obtain such materials.

(3) Section 111.11 substitutes a simple provision notifying the parties that once the Commission has opened a pro-

ceeding or investigation, it may order that testimony be taken by deposition by designating a person to take the testimony. This substitutes for the draft on depositions and interrogatories which was premised on the holding of full administrative hearings.

(4) The time for filing a motion to quash the subpoena (Sec. 111.13) has been extended from 2 to 5 days, on the basic consideration that 2 days provides insufficient time for analysis and objection.

### PART 112—ADVISORY OPINION PROCEDURE

- Sec.  
112.1 Request for advisory opinions.  
112.2 Public availability of requests.  
112.3 Written comments on requests.  
112.4 Preliminary discussion of requests.  
112.5 Issuance of advisory opinions.  
112.6 Reliance on advisory opinions.  
112.7 Reconsideration of advisory opinions.

#### § 112.1 Requests for advisory opinions.

(a) Any (1) Holder of Federal office; (2) Candidate for Federal office; (3) Political committee; (4) National committee of a political party; or (5) Authorized agent of any of the foregoing persons if the agent discloses the identity of his or her principal may request, in writing, an advisory opinion concerning application to a specific factual situation of a general rule of law (1) stated in the Federal Election Campaign Act of 1971, as amended, or chapters 95 or 96 of the Internal Revenue Code of 1954, or (ii) duly prescribed as a rule or regulation by the Commission.

(b) Requests shall include all facts relevant to the specific factual situation with respect to which the request is made.

(c) Advisory opinion requests may be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, N.W., Washington, D.C. 20463.

(d) Upon receipt by the Commission, each advisory opinion request (AOR) shall be assigned an AOR number for reference purposes.

#### § 112.2 Public availability of requests.

(a) Advisory opinion requests submitted under § 112.1 shall promptly be made public at the Commission.

(b) A copy of the original request shall be available for public inspection and purchase, except when it involves a compliance action (see Part 111), at the Federal Election Commission, Public Records Division, 1325 K Street, N.W., Washington, D.C. 20463, telephone (202) 382-7012.

(c) Advisory opinion requests may be made public through other means, and publication in those cases shall be either in the form originally submitted or in an edited or paraphrased form as the Commission considers appropriate.

#### § 112.3 Written comment on requests.

(a) Interested persons are invited to submit written comments concerning advisory opinion requests.

(b) Written comments may be submitted within 15 calendar days of the date the request is made public at the Commission. The Commission may in its discretion shorten the comment period on

a particular request where there is reasonable cause for doing so.

(c) Comments on advisory opinion requests should refer to the AOR number of the request, statutory references should be to the United States Code citations, rather than to Public Law citations.

(d) Additional time in which to comment may be granted upon written request or in the discretion of the Commission.

(e) Written comments and requests for additional time to comment shall be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, N.W., Washington, D.C. 20463.

(f) Before it issues an advisory opinion the Commission shall consider all timely comments received.

#### § 112.4 Preliminary discussion of requests.

The Commission shall preliminarily discuss each pending Advisory Opinion Request in public session prior to the circulation of any draft opinion.

#### § 112.5 Issuance of advisory opinions.

(a) Within a reasonable time after receiving a written request properly made under § 112.1 the Commission shall issue a written advisory opinion.

(b) The Commission may issue advisory opinions pertaining only to the Federal Election Campaign Act of 1971, as amended, chapters 95 or 96 of the Internal Revenue Code of 1954, or rules or regulations duly prescribed under those statutes.

(c) No advisory opinion may state a general rule of law, other than one which is stated in the Federal Election Campaign Act of 1971, as amended, or chapters 95 or 96 of the Internal Revenue Code of 1954, until that general rule is prescribed by the Commission as a rule or regulation pursuant to 2 U.S.C. section 438(c).

(d) No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this § 112.5; however, this subsection does not preclude distribution by the Commission of information consistent with the Act and chapter 95 or 96 of the Internal Revenue Code of 1954.

(e) When issued by the Commission each advisory opinion shall be made public and sent by mail, or personally delivered, to the person who requested the opinion.

#### § 112.6 Reliance on advisory opinions.

(a) An advisory opinion rendered by the Commission under this Part 112 may be relied upon by:

(1) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered, and

(2) Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(b) Notwithstanding any other provision of law, any person who relies upon any provision or finding of an advisory opinion in accordance with subsection (a) of this § 112.6 and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by the Federal Election Campaign Act of 1971, as amended, or by chapter 95 or 96 of the Internal Revenue Code of 1954.

#### § 112.7 Reconsideration of advisory opinions.

The Commission may reconsider advisory opinions on written request by the party originally submitting the request or request of a Commissioner who voted with the majority that approved the opinion.

### PART 113—OFFICE ACCOUNTS: EXCESS CAMPAIGN FUNDS

- Sec.  
113.1 Definitions.  
113.2 Deposits of funds contributed to a Federal or State officeholder.  
113.3 Reports of office accounts.  
113.4 Reports of franking accounts.  
113.5 Contribution and expenditure limitations.

#### § 113.1 Definitions.

When used in this part—

(a) *Funds contributed.* "Funds contributed" means all funds including, but not limited to gifts, loans, advances, credits or deposits of money which are contributed for the purpose of supporting the activities of a Federal or state officeholder; except for funds appropriated by Congress, a state legislature, or similar public appropriation.

(b) *Office account.* "Office account" means an account established for the purpose of supporting the activities of a Federal or state officeholder but does not include an account used exclusively for funds appropriated by Congress, a state legislature, or similar public appropriation, or a personal account of the officeholder which is not used principally for the purpose of supporting such activities, or an account used exclusively for activities pursuant to 39 U.S.C. § 3210 (a "franking" account).

(c) *Federal officeholder.* "Federal officeholder" means an individual elected to or serving in the office of President or Vice President of the United States; or a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(d) *State officeholder.* "State officeholder" means an individual elected to or serving in any elected public office within a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any subdivision thereof.

(e) *Excess campaign funds.* "Excess campaign funds" means amounts received by a candidate as contributions which he or she determines are in excess of any amount necessary to defray his or her campaign expenditures.

#### § 113.2 Deposits of funds contributed to a Federal or State officeholder.

All funds contributed to a Federal officeholder, or state officeholder who is a candidate for Federal office, shall be deposited into one of the following accounts:

(a) An account of the officeholder's principal campaign committee or other authorized committee pursuant to Part 103; or

(b) An office account; or

(c) An account used exclusively for activities pursuant to 39 U.S.C. § 3210 (franking account).

#### § 113.3 Reports of office accounts.

(a) All Federal officeholders having office accounts shall report as if such account is a political committee, pursuant to Part 104, and on forms provided for that purpose.

(b) If a Federal officeholder has not designated a principal campaign committee, he or she shall file the reports required by § 113.3(a) with the Clerk of the House of Representatives in the case of a Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or with the Secretary of the Senate in the case of a United States Senator, or with the Commission in the case of the President and Vice-President.

(c) When a Federal officeholder has designated a principal campaign committee, he or she shall file the reports required by § 113.3(a) with the principal campaign committee, which shall append them to its next regular report.

(d) When a state officeholder having an office account becomes a candidate for Federal office, pursuant to 2 U.S.C. § 431 (b), he or she shall file the reports with the principal campaign committee as if such account is a political committee, pursuant to Part 104, and on forms provided for that purpose. The principal campaign committee shall append them to its next regular report.

#### § 113.4 Reports of franking accounts.

(a) (1) All Federal officeholders and former Federal officeholders having a franking account used exclusively for activities pursuant to 39 U.S.C. § 3210 shall file reports on April 10 and October 10 of each year with the Clerk of the House of Representatives in the case of a Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or with the Secretary of the Senate in the case of a United States Senator or the Vice-President.

(2) In an election year, the report shall be filed with the pre-election report, due 10 days before the election, rather than on October 10.

(b) The April 10 report shall include all receipts and expenditures made from October 1 of the prior year to March 31 of the year in which the report is filed. The October 10 report shall include all receipts and expenditures made from April 1 to September 30 (or, in an election year, 15 days before the election) of each year.

These reporting obligations shall be effective prospectively on the effective date of this regulation (designated Part 113).

(c) These reports shall include the name, address, occupation and principal place of business of all persons making contributions aggregating in excess of \$100 during the reporting period. Such reports shall include the name and address of all persons receiving expenditures aggregating more than \$100 during the reporting period.

(d) Forms will be provided by the Commission to implement this section.

#### § 113.5 Contribution and expenditure limitations.

(a) Any contributions to, or expenditures from, an office account which are made for the purpose of influencing a Federal election shall be subject to 2 U.S.C. § 441a and Part 110 of these regulations.

(b) No cash contribution exceeding \$100 shall be made to an account listed in § 113.2 (see § 110.4(c)).

(c) If any treasury funds of a corporation or labor organization are contributed to an office account, no funds from that office account may be used in connection with a Federal election.

### PART 114—CORPORATE AND LABOR ORGANIZATION ACTIVITY

- Sec.  
114.1 Definitions.  
114.2 Prohibitions on contributions and expenditures.  
114.3 Internal communications.  
114.4 Communications to other persons.  
114.5 Separate segregated funds.  
114.6 Twice yearly solicitations.  
114.7 Membership organizations, cooperative, or corporations without capital stock.  
114.8 Trade associations.  
114.9 Use of corporate or labor organization facilities and means of transportation.  
114.10 Extension of credit and settlement of corporate debts.  
114.11 Employee participation plan.  
114.12 Miscellaneous provisions.

#### § 114.1 Definitions.

"Contribution and Expenditure". (a) For purposes of this section and 12(h) of the Public Utility Holding Company Act (15 U.S.C. 791(h))—

(1) The term contribution or expenditure shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan by a National or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, political party or committee, organization or any other person in connection with any election to any of the offices referred to in § 114.2 (a) or (b) as applicable.

(2) The term contribution and expenditure shall not include—

(1) Communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to



its members and their families on any subject; or

(ii) Nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families or by a labor organization aimed at its members and their families; or

(iii) The establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(b) "Establishment, Administration and Solicitation Costs" means the cost of office space, phones, salaries, utilities, supplies, fundraising and other expenses incurred in setting up and running a separate segregated fund established by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock. Corporate and labor organization treasury monies may be used for establishment, administration and solicitation costs. However, the corporation or labor organization may not use the establishment, administration and solicitation process as a means of exchanging treasury monies for voluntary contributions. For example, a contributor may not be paid for his or her contributions through a bonus, expenses account or other form of direct or indirect compensation. A corporation or labor organization may utilize a raffle or other fundraising device which involves a prize, so long as state law permits and the prize is not disproportionately valuable. A reasonable practice to follow is for its separate segregated fund to reimburse the corporation or labor organization for solicitation expenditures which exceed 33% of the money contributed.

(c) "Executive or administrative personnel" means individuals employed by a corporation who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(1) This definition includes:

(i) The individuals who run the corporation's business such as officers, other executives, and plant, division and section managers; and

(ii) Individuals following the recognized professions, such as lawyers and engineers.

(2) This definition does not include:

(i) Professionals who are represented by a labor organization; or

(ii) Salaried foremen and other salaried lower level supervisors having direct supervision over hourly employees.

(iii) Former or retired executive or administrative personnel who are not stockholders.

(d) "Labor organization" means any organization of any kind, or any agency or employee representative committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hour of employment, or conditions of work.

(e) "Members" means all persons who are currently satisfying the requirements for membership in a membership organization, trade association, cooperative or corporation without capital stock and in the case of a labor organization, persons who are currently satisfying the requirements for membership in a local, national, or international labor organization. Members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national or international union is affiliated. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund.

(f) "Method of facilitating the making of contributions" means the manner in which the contributions are received or collected such as, but not limited to, payroll deduction or checkoff systems, other periodic payment plans or return envelopes enclosed in a solicitation request.

(g) "Method of soliciting voluntary contributions" means the manner in which the solicitation is undertaken including but not limited to mailings, oral requests for contributions, and hand distribution of pamphlets.

(h) "Stockholder" means the registered owner under the applicable state law.

(i) "Voluntary contributions" are contributions which have been obtained by the separate segregated fund of a corporation or labor organization in a manner which is in compliance with § 114.5 (a) and which is in accordance with other provisions of the Act.

#### § 114.2 Prohibitions on contributions and expenditures.

(a) National banks, or any corporation organized by authority of any law of Congress, are prohibited from making a contribution or expenditure, as defined in § 114.1(a), in connection with election to any political office, including local, state and Federal offices, or in connection with any primary election or political convention or caucus held to select candidates for any political office, including any local, state, or Federal office. Such national banks and corporations may engage in the activities permitted by this Part, except to the extent that such activity is foreclosed by provisions of law other than the Act.

(b) Any corporation whatever or any labor organization is prohibited from making a contribution or expenditure, as defined in § 114.1(a) in connection with any Federal election.

(c) A candidate, political committee, or other person is prohibited from knowingly accepting or receiving any contribution prohibited by this section.

(d) No officer or director of any corporation or any national bank, and no officer of any labor organization shall consent to any contribution or expenditure by the corporation, national bank, or labor organization prohibited by this section.

#### § 114.3 Internal communications.

(a) An internal communication is a communication made in connection with a Federal election, and

(1) One which a corporation directs to its stockholders and executive or administrative personnel and their families; or

(2) One which a labor organization directs to its members and their families.

(b) Expenditures for internal communications which expressly advocate the election or defeat of a clearly identified candidate must be reported in accord with § 100.7(b)(5).

(c) A corporation or labor organization may make internal communications of a partisan or nonpartisan nature. The manner in which internal communications can be made includes, but is not limited to:

(1) Allowing a candidate to address the stockholders and executive or administrative personnel of the corporation and their families at a meeting, convention, or other regularly scheduled function of the corporation which is primarily held for other purposes or allowing a candidate to address the members of a labor organization and their families at a meeting, convention, or other regularly scheduled function of the labor organization which is primarily held for other purposes.

(2) The distribution of printed material of a partisan or nonpartisan nature by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families, provided:

(i) That the material is produced at the expense of the corporation or labor organization or the separate segregated fund of either; and

(ii) That the material represents the views of the corporation or labor organization and is not a republication or reproduction, in whole or in substantial part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents.

(3) Partisan or nonpartisan registration and get-out-the-vote activity by a corporation aimed at its stockholders and executive or administrative personnel and their families by a labor organization aimed at its members and their families.

#### § 114.4 Communications to other persons.

(a) A corporation can support nonpartisan registration and get-out-the-vote activities which are not restricted to its stockholders and executive or administrative personnel and their families and a labor organization can support those activities which are not restricted to its members and their families if:

(1) The corporation or labor organization jointly sponsors the activities with a civic or other nonprofit organization which does not endorse candidates or political parties and if the activities are conducted by the other organization; and

(2) These activities are initiated and implemented without regard to political preference.

(3) A corporation or labor organization may donate funds to be used for nonpartisan registration and get-out-the-vote activities to civic or other nonprofit organizations which do not endorse candidates or political parties.

(b) Under the following circumstances, corporations may permit candidates (or their representatives) on corporate premises to address or meet employees in addition to stockholders and executive or administrative personnel:

(1) If a candidate for the House or Senate is permitted on the premises, all candidates for that seat who request to appear must be given the same opportunity to appear; or

(2) If a Presidential candidate is permitted on the premises, all candidates for that office who request to appear must be given the same opportunity to appear.

(3) A corporation, its stockholders, executive or administrative personnel or other employees of the corporation or its separate segregated fund shall make no effort, either oral or written, to solicit or direct or control contributions by members of the audience or group to any candidate in connection with any appearance by any candidate under this section; and

(4) A corporation, its stockholders, executive or administrative personnel or other employees of the corporation or its separate segregated fund shall not, in connection with any candidate's appearances, endorse or otherwise support one particular candidate or group of candidates over another candidate or group of candidates.

(c) A labor organization may permit candidates (or their representatives) on the organization's premises to address employees of the labor organization in addition to members of the labor organization if the conditions in subsection (b) (1) and (2) are met. No official, member, or employee of a labor organization or its separate segregated fund shall make any effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate in conjunction with any appearance by any candidate under this subsection. The labor organization must conduct the candidate's appearances under this section in a manner in accordance with subsection (b) (4).

(d) A labor organization must conduct the candidate's appearances under this section in a manner in accordance with subsection (b) (4).

#### § 114.5 Separate segregated funds.

(a) *Voluntary contributions to a separate segregated fund.* (1) A separate segregated fund is prohibited from making a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues; fees, or other monies required as a condition of membership in a labor organization or a condition of employment, or by monies obtained in any commercial transaction. For purposes of this section, fees or monies paid as a condition of acquiring or retaining member-

ship or employment are monies required as a condition of membership, or employment even though they are refundable upon request of the payor.

(2) A corporation or labor organization or the separate segregated fund of either may not enforce a guideline for contributions, as by requiring that a certain percent of salary or wages must be contributed or that a certain percent of employees or members must contribute.

(3) Any person soliciting an employee or member for a contribution to the separate segregated fund must inform such employee or member of the political purposes of the fund at the time of the solicitation.

(4) Any persons soliciting an employee or member for a contribution to a separate segregated fund must inform the employee or member at the time of such solicitation, of his or her right to refuse to so contribute without any reprisal.

(5) Any written solicitation for a contribution to a separate segregated fund which is addressed to an employee or member must contain statements which comply with the requirements of subsections 2 and 3.

(b) *Control of funds.* A corporation, membership organization, cooperative, corporation without capital stock or a trade association or labor organization can exercise control over its separate segregated fund.

(c) *Disclosure.* Separate segregated funds are subject to the following disclosure requirements:

(1) A corporation or labor organization or the separate segregated fund of either is not required to report any payment or obligation incurred which is not a contribution or expenditure, as defined in § 114.1(a), except that the costs incurred by a membership organization, including a labor organization, or by a corporation, directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate) shall, if those costs exceed \$2,000 per election be reported in accordance with § 100.7(b)(5).

(2) A separate segregated funds is subject to all other disclosure requirements as set forth in Part 104.

(d) *Contribution limits.* Separate segregated funds are subject to the contribution limitations set forth in Part 110.

(e) *Solicitations.* Except as specifically provided in §§ 114.6, 114.7 and 114.8, a corporation and/or its separate segregated fund or a labor organization and/or its separate segregated funds is subject to the following limitations on solicitations:

(1) A corporation, or a separate segregated fund established by a corporation is prohibited from soliciting contributions to such a fund from any person other than its stockholders, and their families and its executive or administrative personnel and their families.

(2) A labor organization, or a separate segregated fund established by a labor

organization is prohibited from soliciting contributions to such a fund from any person other than its members and their families. [optional: or the executive or administrative personnel of the labor organization and their families.]

(f) *Acceptance of contributions.* A separate segregated fund may accept contributions from persons otherwise permitted by law to make contributions.

(g) *Availability of methods.* Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contribution, shall make available that method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for the corporation, its subsidiaries, branches, divisions, and affiliates. For example:

(1) If a corporation or any of its subsidiaries, branches, division or affiliates utilizes a payroll deduction plan, check-off system or other plan which deducts contributions from the payroll or dividend checks of stockholders or executive or administrative personnel, the corporation shall, upon written request of the labor organization make that method available to members of the labor organization who wish to contribute to the separate segregated fund of the labor organization representing any members working for the corporation, or any of its subsidiaries, branches, divisions or affiliates. The corporation shall make the payroll deduction plan available to the labor organization at a cost sufficient only to reimburse the corporation for the actual expenses incurred thereby.

(2) If a corporation utilizes a computer for addressing envelopes or labels for a solicitation to its stockholders or executive or administrative personnel, the corporation shall, upon written request, allow the labor organization to utilize or program the computer to address envelopes or labels for a solicitation to its members. The corporation shall make the computer available at a cost sufficient only to reimburse the corporation for the actual expenses incurred thereby.

(3) If a corporation uses corporate facilities, such as a company dining room or cafeteria, for meetings of stockholders or executive or administrative personnel at which solicitations are made, the corporation shall, upon written request of the labor organization make the facilities available to the labor organization for meetings to solicit its members. The corporation shall make the facilities available at a cost sufficient only to reimburse the corporation for the actual expenses incurred thereby.

(4) If a corporation uses no method to solicit voluntary contributions or to facilitate the making of voluntary contributions from stockholders or executive or administrative personnel, it is not required by law to make any method available to the labor organization for its members. The corporation and the labor organization may agree upon mak-



ing any method available which is not otherwise required by law.

(3) The availability of methods for twice yearly solicitations is subject to the provisions of § 114.6(e).

(h) *Methods permitted by law to labor organizations.* Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

#### § 114.6 Twice yearly solicitations.

(a) A corporation and/or its separate segregated fund may make a total of two written solicitations per calendar year of its employees other than stockholders, executive or administrative personnel and their families. Employees as used in this section does not include former or retired employees who are not stockholders. Nothing in this subsection shall limit the number of solicitations a corporation may make of its stockholders and executive or administrative personnel under § 114.5(e).

(b) A labor organization and/or its separate segregated fund may make a total of two written solicitations per calendar year of employees, executive or administrative personnel or stockholders of a corporation in which the labor organization represents members working for the corporation. Nothing in this subsection shall limit the number of solicitations a labor organization may make of its members under § 114.5(e).

(c) *Written solicitation.* A solicitation under this section may be made only by mail addressed to stockholders, executive or administrative personnel or employees at their residences. All written solicitations must disclose:

(1) The existence of the trust arrangement described hereinafter;

(2) That the corporation, labor organization or the separate segregated fund of either cannot be informed of persons who do not make contributions; and

(3) That persons who, in a calendar year, make a single contribution of less than \$50 or multiple contributions that aggregate less than \$100 shall maintain their anonymity by returning their contributions to the trustee.

(d) *The Trustee arrangement.* In order to maintain the anonymity of persons who do not wish to contribute and of persons who wish to respond with a single contribution of less than \$50 or multiple contributions aggregating less than \$100 in a calendar year, and to satisfy the recordkeeping provisions, the corporation, labor organization or separate segregated fund of either shall establish a trust arrangement for collecting the contributions.

(1) The trustee shall be a fiduciary of the separate segregated fund. The trustee for a separate segregated fund established by a corporation shall not be a

stockholder, officer, executive or administrative personnel or employee of the corporation, or an officer or employee of its separate segregated fund. For purposes of this subsection, stockholder does not include a financial institution which is the registered owner of stock held in trust. The trustee for a separate segregated fund established by a labor organization shall not be a member, officer or employee of the labor organization or its separate segregated fund.

(2) The trustee shall keep the records of contributions received in accordance with the requirements of Part 102 and shall also:

(i) Establish a campaign depository and deposit contributions in accordance with the provisions of Part 103;

(ii) Provide the fund with the identification of any person who makes a single contribution of \$50 or more and the identification, occupation, and principal place of business of any person who makes multiple contributions aggregating over \$100. The trustee must provide this information within a reasonable time prior to the reporting date of the fund under § 104.

(iii) Periodically forward all funds in the campaign depository, by check drawn on that account, to the separate segregated fund; and

(iv) Treat all funds which appear to be illegal in accordance with the provisions of Part 103.3(b).

(3) The trustee shall not (i) make the records of persons making a single contribution of less than \$50 or multiple contributions aggregating less than \$100 available to any person other than representatives of the Federal Election Commission or law enforcement officials;

(ii) Provide the corporation or the labor organization or the separate segregated fund of either with any information pertaining to persons who, in a calendar year, make a single contribution of \$50 or less or multiple contributions aggregating less than \$100 except that the trustee can forward to the corporation, labor organization or separate segregated fund of either the total number of contributions received; or

(iii) Provide the corporation, labor organization, or the separate segregated fund of either with any information pertaining to persons who have not contributed.

(4) The corporation, labor organization or the separate segregated fund of either shall provide the trustee with a list of all contributors indicating the name address and amount contributed which have been made directly to the separate segregated fund by any person within the group of persons solicited under this section.

(e) *Availability of methods.* (1) A corporation of labor organization or the separate segregated fund of either may not use a payroll deduction plan, a check-off system, or other plan which deducts contributions from an employee's paycheck as a method of facilitating the making of contributions under this section.

(2) The twice year solicitation may only be used by a corporation or labor organization to solicit contributions to its separate segregated fund and may not be used for any other purpose.

(3) A corporation is required to make available to the labor organization any method utilized by the corporation to make the twice yearly solicitation of employees and of stockholders who are not employees.

(i) If the corporation solicits employees during a calendar year under this section, the corporation shall

(A) Make the method utilized by the corporation available to the labor organization; or

(B) If the corporation does not wish to disclose the names and addresses of employees in any fashion, the corporation shall make the names and addresses of stockholders and employees available to an independent mailing service which shall be retained by both the corporation and the labor organization for twice yearly mailings.

(ii) Prior to the time of any solicitation under (i) above, the corporation and labor organization shall agree on whether the method will be made available or whether an independent mailing service shall be retained by both the corporation and the labor organization.

(iii) If the corporation does not solicit employees under this section, the corporation is required to make available to the labor organization any method utilized by the corporation to make a written solicitation of stockholders or executive or administrative personnel under § 114.5 (e) during the calendar year. If the corporation does not wish to disclose the names and addresses in any fashion, the corporation shall make the names and addresses available to an independent mailing service retained by the labor organization for this purpose.

(iv) If the corporation makes no written solicitation of employees under this section or of stockholders or executive or administrative personnel under § 114.5 (e) during the calendar year, the corporation is not required to make any method available to the labor organization.

(v) Nothing in subsection (e) (3) shall prevent a corporation and labor organization from agreeing upon making other methods available which are otherwise not required.

(4) If there are several labor organizations with members employed by a single corporation, the labor organization, either singularly or jointly, may not make a combined total or more than two written solicitations per calendar year. A written solicitation may contain a request for contributions to each separate segregated fund established by the various labor organizations making the combined mailing.

Prior to time that a mailing is made by any labor organization in a calendar year, the several labor organizations must agree among them as to which of them will make such solicitations.

#### § 114.7 Membership organizations, cooperative, or corporations without capital stock.

(a) Membership organizations, cooperatives or corporations without capital stock, or separate segregated funds established by such persons may solicit contributions to the fund from members of the organization, cooperative, or corporation without capital stock.

(b) Nothing in this section waives the prohibition on contributions to the separate segregated fund by corporations, national banks, or labor organizations which are members of a membership organization, cooperative, or corporation without capital stock.

(c) The question of whether a professional organization is a corporation is determined by the law of the state in which the professional organization exists.

(d) The term membership organization as used in this section does not include a trade association which is, in whole or in part, made up of corporations; solicitations by such trade associations are governed by § 114.8.

(e) There is no limitation upon the number of times an organization under this section may solicit its members.

(f) There is no restriction under this section on the method of solicitation or the method of facilitating the making of contributions which may be used.

(g) A membership organization, cooperative, or corporation without capital stock and the separate segregated funds of the organizations are subject to the prohibition in § 114.5(a).

(h) A membership organization, cooperative or corporation without capital stock may communicate with its members under the provisions of § 114.3.

#### § 114.8 Trade associations.

(a) A trade association or a separate segregated fund established by a trade association may solicit contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders and personnel if:

(1) The member corporation involved has separately and specifically approved the solicitation, in writing; and

(2) The member corporation has not approved a solicitation by any other trade association during the calendar year.

(b) There is no limitation on the number of times a trade association which complies with the requirements of subsection (a) may contact potential contributors.

(c) There is no restriction on the method of facilitating the making of contributions which a trade association can use. The member corporation may use a payroll deduction or check-off system for executive or administrative personnel contributing to the separate segregated fund of the trade association.

(d) A trade association and/or its separate segregated fund is subject to the provisions of § 114.5(a).

(e) If a subsidiary, branch, division, or affiliate of a corporation is itself a separate corporation it may, subject to the limitations of (a), be solicited by a trade association of which it is a member.

(f) A trade association may communicate to its members under the provisions of § 114.3. A trade association may communicate with the stockholders or employees of its members under the provisions of § 114.4.

#### § 114.9 Use of corporate or labor organization facilities and means of transportation.

(a) Use of facilities. (1) Optional Additional. Except as otherwise in this Part, no person shall use the facilities of a corporation or labor organization for any activity which has been authorized or requested by a candidate, a candidate's authorized committee, or a candidate's agent.

(2) The facilities of a corporation may be used, with the permission of the corporation, by stockholders, employees of the corporation or its separate segregated fund for activities which are exempted from the definition of contribution or expenditure in § 114.1(a) (2) or as permitted by § 114.3 to 114.8 and § 114.11 without reimbursing the corporation or labor organization for the use of the facilities. The facilities of a labor organization may be used with the permission of the labor organization, by any officer, member or employee of the labor organization or its separate segregated fund for activities which are exempted from the definition of contribution and expenditure in § 114.1(a) (2) or as permitted by § 114.3 to 114.8 and § 114.11 without reimbursing the labor organization for the use of the facilities.

(b) Stockholders and executive or administrative personnel of a corporation may make occasional or incidental use of the facilities of a corporation for other activity which is in connection with a Federal election and will be required to reimburse the corporation only to the extent that the overhead or operating costs of the corporation are increased. Officers, members or employees of a labor organization may make occasional or incidental use of the facilities of a labor organization for other activity which is in connection with a Federal election and will be required to reimburse the labor organization only to the extent that the overhead or operating costs are increased. For example,

(1) An employee of a corporation makes several local phone calls on his or her office phone to friends suggesting that they contribute to or vote for a particular Federal candidate. The employee is not required to make any reimbursement since the use is occasional and incidental and the overhead costs of the corporation are not increased.

(2) An official of a labor organization makes several long distance phone calls on his or her office phone to friends suggesting that they contribute to or vote for a particular Federal candidate. The

cost of the calls is billed to the official's office phone. The official is required to reimburse the labor organization for the cost of the calls since the corporation's overhead costs were increased by this amount.

(c) Stockholders and executives or administrative personnel or any employees of a corporation or officers, members or employees of a labor organization who make more than occasional or incidental use of the facilities of a corporation or labor organization for other activity which is in connection with a Federal election will be required to reimburse the corporation or labor organization in the amount of the normal and usual rental charge for the use of the facilities, including the office space and utilities which are used. For example,

(1) An employee of a corporation spends several nights and weekends making numerous phone calls on his or her office phone to friends suggesting that they contribute to or vote for a particular Federal candidate. The employee would be required to reimburse the corporation at the normal and usual charge for all long distance phone calls, a pro-rata cost of the monthly service charge per phone, pro-rata Federal and state tax, the equivalent deposit and the commercial rate for installation of the phone used as well as the normal and usual charge for the use of office space and utilities.

(d) Persons other than stockholders, executive or administrative personnel or employees of a corporation or officers or members of a labor organization who make any use of the facilities of a corporation or labor organization for other activity which is in connection with a Federal election are required to reimburse the corporation or labor organization in the amount of the normal and usual rental charge for the use of the facilities, including the office space and utilities, which are used. For example:

(1) A political party's volunteers use a corporation's or labor organization's telephones. The political party must pay the usual charge for all long distance calls, a pro-rata cost of the monthly service charge per phone, pro-rated Federal and state tax, the equivalent deposit and the commercial rate for installation of the number of phones used, as well as a fair market value for the use of office space and utilities.

(e) *Use of airplanes and other means of transportation.* (1) A candidate, candidate's agent, or person traveling on behalf of a candidate who uses an airplane which is owned or leased by a corporation or labor organization for travel in connection with a Federal election must reimburse the corporation or labor organization:

(i) In the case of travel to a city served by regularly scheduled commercial service, the first class air fare;

(ii) In the case of travel to a city not served by a regularly scheduled commercial service, the usual charter rate.

(2) A candidate, candidate's agent, or person traveling on behalf of a candidate who uses other means of transportation



owned or leased by a corporation or labor organization must reimburse the corporation or labor organization at the normal and usual rental charge.

*Alternative 1.* (1) No candidate, a candidate's agent, or person traveling on behalf of a candidate may use an airplane or other means of transportation which is owned or leased by a labor organization or corporation which is not licensed to offer commercial transportation.

#### § 114.10 Extension of credit and settlement of corporate debts.

(a) A corporation may extend credit to a candidate, political committee or other person in connection with a Federal election provided that the credit is extended in the ordinary course of the corporation's business and the terms are substantially similar to extensions of credit to nonpolitical debtors of similar risk and size of the obligation. Nothing in this section modifies regulations prescribed by the Civil Aeronautics Board, the Federal Communications Commission or the Interstate Commerce Commission issued pursuant to 2 U.S.C. § 451 or any other regulations prescribed by other Federal agencies with regard to credit extended by the regulated corporations.

(b) Except as specifically provided in subsection (d), a corporation may not forgive prior debts or settle debts which have been incurred by a candidate or political committee or other person for use in connection with a Federal election for less than the amount owed on the debt.

*Alternative 2.* (c) A corporation may, subject to Commission determination on a case-by-case basis, settle or forgive a debt if a showing is made to the Commission that the corporate creditor has treated the outstanding debt in a commercially reasonable manner. Such a showing must include at least the following:

(1) That the initial extension of credit was made in accordance with regulations issued pursuant to 2 U.S.C. § 451 or subsection (a).

(2) That the candidate or political committee or person has undertaken an exhaustive effort to satisfy the outstanding debt; and

(3) That the corporate creditor has pursued its remedies in a manner similar in intensity to that employed by the corporation in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

*Alternative 3.* (c) A corporation may settle or forgive a debt if the corporate creditor has treated the outstanding debt in a commercially reasonable manner. A settlement will be considered commercially reasonable if:

- (1) Same as above.
- (2) Same as above.
- (3) Same as above.

The corporation and/or the debtor must file a statement with the Commission including the initial terms of credit, the steps the debtor has taken to satisfy the debt, and remedies pursued by the creditor. This statement must be filed prior to the termination of the reporting status of the debtor and the statement may be subject to Commission review.

#### § 114.11 Employee participation plan.

(a) An employee participation plan (a/k/a "trustee plan") is a political giving program in which a corporation pays the costs of establishing and administering separate bank accounts for employees who wish to participate. The cost of administering and establishing includes the payment of costs for a payroll deduction or check-off plan and the cost of maintaining the separate bank accounts.

(1) The employees must exercise complete control and discretion over the disbursement of the monies in their accounts.

(2) The trustee, bank, or other administrator shall not provide the corporation or its separate segregated fund any report of the source or recipient of any contribution(s) or donation(s) into or out of any account or of the amount any employee has in an account.

(3) The trustee, bank, or other administrator may provide the corporation or its separate segregated fund with a periodic report limited to information about the total number of employees in the program, the total amount of funds in all accounts, and the total amount of contributions made to all candidates and committees.

(4) No stockholder, director or employee of the corporation or its separate segregated fund may exert pressure of any kind to induce participation in the program.

(5) No stockholder, director, or employee of the corporation or its separate segregated fund may exercise any direction or control, either oral or written, over contributions by participants in the program to any candidate, group of candidates political party or other person.

#### § 114.12 Miscellaneous provisions.

(a) A political committee can incorporate and not be subject to the provision of the Act on the limitations on contributions and expenditures by corporations if the following conditions are met.

(1) The organization is a political committee as defined in § 100.

(2) The political committee has incorporated for liability purposes only.

(3) Notwithstanding the corporate status of the political committee, the chairman, treasurer and other persons of an incorporated political committee remain personally responsible for carrying out their respective duties under the Act.

(b) Notwithstanding anything in Part 114, a church, civic or community organization, clubs, associations, labor organizations, or corporation which customarily makes its premises or facilities available to clubs, civic or community organizations or other groups may make such facilities available to a political committee or candidate on a nonpartisan basis and on the same terms given to other groups using the facilities.

(c) A corporation or labor organization may not pay the employer's share of the cost of fringe benefits, such as health

and life insurance and retirement, for employees or members on leave-without-pay to participate in political campaigns of Federal candidates. The separate segregated fund of a corporation or a labor organization may pay the employer's share of fringe benefits, and such payment would be a contribution in kind to the candidate. Service credit for periods of leave-without-pay is not considered compensation for purposes of this section if the employer normally gives identical treatment to employees placed on leave-without-pay for non-political purposes.

#### PART 115—FEDERAL CONTRACTORS

Sec.

115.1 Definitions.

115.2 Prohibitions.

115.3 Corporations, labor organizations, membership organizations, cooperatives, and corporations without capital stock.

115.4 Partnerships.

115.5 Individuals and sole proprietors.

#### § 115.1 Definitions.

(a) A Federal contractor means a person, as defined in § 100.13 who—

(1) Enters into any contract with the United States or any department or agency thereof either for—

(i) The rendition of personal services, or

(A) Furnishing any material, supplies or equipment; or

(B) Selling any land or buildings; (ii) If the payment for the performance of the contract or payment for the material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress.

(b) The period during which a person is prohibited from making a contribution or expenditure is the time between when the request for proposals or bids are sent out and the latter of

(1) The completion of performance under; or

(2) The termination of negotiations for, the contract or furnishing of material, supplies, equipment, land or buildings.

(c) A contract includes a negotiated contract, a competitively bid contract, or any other type of contract entered into with the United States or any department or agency thereof.

(d) The basic contractual relationship must be with the United States or any department or agency thereof. A person who contracts with a state or local jurisdiction or entity other than the United States or any department or agency thereof is not subject to this section, even if the state or local jurisdiction or entity is funded in whole or in part from funds appropriated by the Congress.

(e) The term labor organization has the meaning given it by § 114.1(a).

#### § 115.2 Prohibitions.

(a) It shall be unlawful for a Federal contractor, as defined in § 115.1(a)(1), to make either directly or indirectly any contribution or expenditure of money or

other things of value, or to promise expressly or impliedly to make any such contribution or expenditure to any political party, committee, or candidate for Federal office or to any person for any political purpose or use in connection with a Federal election.

(b) The prohibition runs for the time period set forth in § 115.1(b).

(c) It shall be unlawful for any person knowingly to solicit any contribution from a Federal contractor.

#### § 115.3 Corporations, labor organizations, membership organizations, cooperatives, and corporations without capital stock.

Corporations, labor organizations, membership organizations, cooperatives, and corporations without capital stock to which this section applies may expend treasury monies to establish, administer, and solicit contributions to any separate segregated fund subject to the provisions of § 114, but may make no other expenditure in connection with a Federal election. Each specific prohibition, allowance and duty applicable to a corporation, labor organization, or separate segregated fund under § 114 applies to a corporation, labor organization, or separate segregated fund to which this section applies.

#### § 115.4 Partnerships.

(a) Partnerships. The assets of a partnership which is a Federal contractor may not be used to make contributions or expenditures in connection with Federal elections.

(1) The partnership assets may be used to establish a political committee and to solicit voluntary contributions, as defined in § 114.5(a), to the committee.

(2) Nothing in this section prohibits employees of a partnership which is a Federal contractor from making contributions from his or her personal assets.

(b) Individual partners may make contributions in their own names from personal assets.

#### § 115.5 Individuals and sole proprietors.

Individuals or sole proprietors who are Federal contractors are prohibited from making expenditures or contributions from either their business, personal or other funds under their dominion or control. The spouse of an individual or sole proprietor who is a Federal contractor is not prohibited from making a personal contribution or expenditure in his or her name.

#### § 115.6 Employee contributions or expenditures.

Nothing in this Part shall prohibit the stockholders, officers or employees of a corporation, the employees, officers or members of an unincorporated association, cooperative, membership organization, labor organization, or sole proprietorship or other group or organization which is a Federal contractor from making contributions or expenditures from their personal assets.

#### PART 120—GENERAL PROVISIONS

Sec.

120.1 Scope.

120.2 Definitions.

*Authority:* Sec. 404(c)(13), 88 Stat. 1293, amending 26 U.S.C. section 9009(b). Interpret or apply section 406(a), 88 Stat. 1294 (26 U.S.C. § 9008).

#### § 120.1 Scope.

(a) This part interprets 2 U.S.C. § 437 and 26 U.S.C. § 9008.

Section 9008 of Title 26 authorizes the Federal Election Commission to certify to the Secretary of the Treasury for payments of the amounts to which the national committee for any major or minor party is entitled under 26 U.S.C. § 9008 with respect to a presidential nominating convention, but the entitlement of each major party may not exceed the aggregate amount of \$2,000,000 adjusted by the Consumer Price Index. Section 437 of Title 2 requires certain organizations to file convention reports.

(b) Under 26 U.S.C. § 9008(b) the national committees of both major and minor parties are entitled to payments from public funds to defray expenses which they incurred with respect to a presidential nominating convention. These expenses are limited to \$2,000,000, as adjusted by the Consumer Price Index, whether or not the national committee decides to accept public funding. New parties are exempted from any expenditure limitation and are not entitled to any public funds. For a minor party to be entitled to its proportionate share of share of public funds for convention expenses, its presidential candidate in the last election must have received (as the presidential candidate of that party) at least 5 percent of the total popular vote received by all presidential candidates in such election.

#### § 120.2 Definitions.

The following definitions shall apply for the purposes of parts 120-129.

(a) "Commission" means the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

(b) "Fund" means the Presidential Election Campaign Fund established by 26 U.S.C. § 9006(a).

(c) "Major Party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

(d) "Minor party" means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office.

(e) "New Party" means, with respect to any presidential election, a political party which is neither a major party nor a minor party.

(f) "Convention Expenses" or "Expenses or Expenditures incurred with respect to a presidential nominating convention" means an expense incurred for the purpose of conducting a presidential nominating convention of convention-related activities (including the payment of deposits) by or on behalf of the national committee of a political party, including:

(1) Any expense for preparing, maintaining and dismantling the physical site of the convention, including rental of the hall, platforms and seating, decorations, telephones, security, and convention hall utilities;

(2) Salaries and expenses of personnel whose responsibilities are planning, managing, or conducting the convention, including staff members of convention committees and similar personnel; and

(3) Any expenses of those persons employed by the national committee of a political party which were incurred in the performance of personal services for the convention that were in addition to their normal duties to the national committee, such as travel expenses to and from or at the convention city, but excluding any portion of the person's salary paid by the national committee, provided that the services of that person were incidental to the convention and not performed as a major responsibility.

(4) The expense of conducting meetings of or related to convention policy committees, such as rules, credentials and platform, including costs of renting meeting space and printing materials (except for certain legal and accounting expenses, see § 121.5(d));

(5) The expenses incurred in securing a convention city and facility;

(6) The expense of providing a transportation system in a convention city for the use of delegates and other persons attending or otherwise connected with the conventions;

(7) The expenses of entertainment activities which are part of official convention activity including but not limited to, dinners, concerts and receptions, but not including entertainment activities sponsored by, or on behalf of, candidates for nomination to President or Vice President, or state delegations, or activities sponsored by the national committee if the purpose of the activity is solely for national committee business, such as selecting new officers for the national committee, or entertainment activities sponsored by persons other than the national committee, not otherwise prohibited.

(8) The expenses of printing official convention programs, agendas, tickets and other official publications.

(9) The administrative and office expenses of conducting the convention such as stationery and office supplies, office machines, and telephone charges, but excluding the cost of any such services supplied by the national committee at its headquarters or principal office so long as such services were incidental to the convention and not utilized primarily for the convention.

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(10) The interest on loans, the proceeds of which were used to defray convention expenses.

(11) The expenses of any candidate or delegate participating in any presidential nominating convention, subject to the provisions of §§ 121.5 and 122.5.

(f) "Secretary" means the Secretary of the Treasury of the United States.

#### § 121.3 Exception.

The Commission may authorize the national committee of a major party or minor party to make expenditures for convention expenses which, in the aggregate, exceed the limitation established by § 121.1 or § 121.2. This authorization shall be based upon a determination by the Commission that, due to extraordinary and unforeseen circumstances, the expenditures are necessary to assure the effective operation of the presidential nominating convention by the committee. In no case, however, will such authorization entitle the national committees to receive public funds greater than the amount the national committees are entitled to under § 122.1 or § 122.2.

#### § 121.4 Expenditures by municipal corporations.

(a) Expenditures with respect to a presidential nominating convention incurred by local governmental agencies and municipal corporations will not be considered either as expenditures made by a national party nor as illegal corporate contributions under 2 U.S.C. § 441b. These expenditures will therefore not be subject to the national party's expenditure limitations of §§ 121.1 and 121.2, provided that the facilities or services supplied at no charge or reduced charge to the national committee were not leased or bought from corporations, national banks or labor organizations for less than their fair market value.

(b) Expenditures made under paragraph (a) are reportable under § 125.1.

#### § 121.5 Expenditures by private corporations and labor organizations.

(a) Private corporations may provide at less than fair market value any of the services, benefits or uses of property described in subsection (a), such as reduction in standard rates of any goods or services, provided that such benefits are offered in the ordinary course of business by the corporation to other political and nonpolitical conventions of corresponding size and duration. The value of such benefits will not apply to the national party's expenditure limitation of §§ 121.1 and 121.2.

(b) Private corporations which are engaged at the local retail level in the business of supplying consumer goods or services to the public and labor organizations representing individuals employed by businesses engaged at the local retail level may contribute funds to a host committee such as a local civic association, business league, chamber of commerce, real estate board or board of trade (1) not organized for profit and no part of the net earnings of which inures to the benefit of any private

shareholder or individual, and (2) a principal objective of which must be the encouragement of that commerce which is necessarily entailed in the arrival of any major convention in the city where the corporations are located. These contributions must be made in the reasonable expectation of a commensurate commercial return during the life of the convention, as may be indicated by previous convention experience. The value of the contributions to or expenditures made by the host committees to defray the costs of items listed in § 121.4(a) will not apply to the national party's expenditure limitation of §§ 121.1 and 121.2, nor reduce its entitlement to public funds.

(c) Notwithstanding subsection (b), private profit and non-profit corporations which are not engaged at the local retail level in the business of supplying consumer goods or services to the public, and labor unions representing individuals employed by these types of businesses (whether incorporated or not) may contribute funds or make in-kind contributions to the host committee so long as these contributions are used solely for the administrative operation of the host committee and not for the benefit of any person attending the convention. If the host committee receives any contributions under this subsection, the committee shall maintain separate accounts and records with respect to the receipt and use of these contributions.

(d) For purposes of this section, unincorporated government contractors as that term is defined in § 115.1 may make any contribution or expense that is permitted by corporations under this section.

Section 121.4(e) is new and reflects the language of OC 1976-1 to Stanford Freedman of the NYC Host Committee that permits non-retail corporations to make contributions. This is expanded further here to include labor unions since the rationale for allowing non-retail corporations to contribute can apply to unions; namely, that the unions also have an interest in fostering the economic well-being of the convention city by spurring economic activity.

Section 121.4(f) is new and affords government contractors who are not incorporated the same exemptions that are permitted to corporations under AO-1 and labor unions under these proposed regulations.

Section 121.4(g) is new and follows OC 1976-1 to prevent improper use of contributions.

Alternative to § 121.4(c). Section 121.4(c). In addition to subsection (b), any corporation doing business in the convention city and labor unions representing individuals employed in these businesses may contribute funds or make in-kind contributions to the host committee so long as these contributions are used solely for the administrative operation of the host committee and not for the benefit of any person attending the convention.

#### § 121.6 Expenditures by individuals and groups.

(a) (1) For purposes of this part, expenditures made by presidential candi-

dates from campaign accounts, by delegates, or by any other individual out of their personal funds for the purpose of attending and participating in the convention or convention-related activities, or made on their behalf by state or local committees of a political party, will not be considered as expenditures made by or on behalf of the national party, and are therefore not subject to the overall expenditure limitations of §§ 121.1 and 121.2.

(2) Expenditures made under subsection (a) (1) by candidates from campaign accounts, or by state and local party committees, or any other political committee, shall be reported pursuant to Part 104, as expenditures made for the purpose of influencing an election.

(b) The payment of compensation by the regular employer to its employee for legal or accounting services rendered by the employee to or on behalf of the national committee of a political party shall not be treated as an expenditure made by or on behalf of such committee with respect to its limitations on presidential nominating convention expenses. Consequently, the payment shall not reduce the national party's entitlement to public funds. The payment is nevertheless reportable under Part 104.

Section 121.5(c) is new but only states explicitly what was implied before; namely, that private contributions not exempted will count as a contribution to the party thereby reducing the party's entitlement and, if the contribution is in-kind, reducing the party's expenditure limit by that amount.

Section 121.5(d) is new and reverses OC 1976-21 to Sheldon Cohen with the language of the proposed bill in section 303. Basically, the OC to Sheldon Cohen said that a law firm's payment of compensation to its lawyers who work for the national committee will count as a reportable contribution subject to the \$25,000 limitation AND will reduce the expenditure limits and entitlement to public funds by the amount of the compensation so paid. The proposed bill eliminates the OC "holding" by stating that the compensation will not count as an expense.

#### PART 122—ENTITLEMENT TO AND DISPOSITION OF PAYMENTS FROM THE FUND

Sec.  
122.1 Major parties.  
122.2 Minor parties.  
122.3 Adjustment of entitlements.  
122.4 Investment of funds.  
122.5 Use of funds; candidate and delegate expenses.

AUTHORITY: Sec. 404(c) (13), 88 Stat. 1293, amending 26 U.S.C. § 9009(b). Interpret or apply section 406(a), 88 Stat. 1294 (26 U.S.C. § 9008).

#### § 122.1 Major parties.

Subject to the provisions of this part, the national committee of a major party shall be entitled to receive payments under § 123.4, with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed \$2 million.

#### § 122.2 Minor parties.

Subject to the provisions of this part, the national committee of a minor party shall be entitled to payments under § 123.4, with respect to any presidential nominating convention, in amounts which, in the aggregate, shall not exceed an amount which bears the same ratio to the amount the national committee of a major party is entitled to receive under § 122.1, as the number of popular votes received by the candidate for President of the minor party, as such candidate, in the preceding presidential election bears to the average number of popular votes received by the candidates for President of the United States of the major parties in the preceding presidential election.

#### § 122.3 Adjustment of entitlements.

(a) The entitlements established by this part shall be adjusted in the same manner as expenditure limitations established by and of Title 2, United States Code, are adjusted pursuant to the provisions of of such title.

(b) The entitlements established by this Part shall be decreased by the amount of income generated by the investment of public funds under § 122.4.

(c) The entitlements established by this Part shall be adjusted so as not to exceed the difference between the expenditure limitations of Part 121 and the amount of private contributions received under § 123.1 by the national committee of a political party and used to defray convention expenses.

#### § 122.4 Investment of funds.

Any investment of public funds or their use in any other way which generates income is permissible only if the income so generated is used for the purposes described in § 122.5. This income will be applied against the national committee's entitlement, and where appropriate, the Commission may determine that a repayment is required because of excess payment under § 124.1(a).

#### § 122.5 Use of funds; candidate and delegate expenses.

(a) No part of any payment made under § 123.3 shall be used to defray the expenses of any candidate or delegate who is participating in any presidential nominating convention.

The expenses of a person participating in the convention as official personnel of the national party may be defrayed with public funds even though that person is simultaneously participating as a delegate or candidate to the convention. Public funds shall not be used to defray any expense, the incurring or payment of which violates any law of the United States or of the State in which such expense is incurred or paid.

(b) Any payment shall be used only:

(1) To defray convention expenses incurred (including the payment of deposits) by or on behalf of the national committee receiving such payments, or

(2) To repay the principal and interest on loans the proceeds of which were used to defray convention expenses, or

(3) To restore funds (other than contributions to defray convention expenses received by the committee under § 123.1) used to defray convention expenses.

#### PART 123—PAYMENT PROCEDURE FOR PRESIDENTIAL NOMINATING CONVENTIONS

Sec.  
123.1 Optional payments; private contributions.  
123.2 Transfers to the fund.  
123.3 Information required to qualify for public funds.  
123.4 Payment schedule.

AUTHORITY: Sec. 404(c) (13), 88 Stat. 1293, amending 26 U.S.C. § 9009(b). Interpret or apply section 406(a), 88 Stat. 1294 (26 U.S.C. § 9008).

#### § 123.1 Optional payments; private contributions.

(a) A major or minor party may elect to receive all, part, or none of the amounts to which it is entitled under § 122.1 and § 122.2.

(b) A major party electing to receive part or none of the amounts to which it is entitled under § 122.1 may receive and use private contributions for the nominating convention, so long as the sum of the contributions and the amount of entitlements elected to be received does not exceed the total expenditure limitation under § 121.1.

(c) A minor party electing to receive all, part, or none of the amounts to which it is entitled under § 122.2 may receive and use private contributions for the nominating convention so long as the sum of the contributions and the amount of entitlements elected to be received does not exceed the total expenditure limitation under § 121.2.

#### § 123.2 Transfer to the fund.

If, after the close of a presidential nominating convention and after the national committee of the political party involved has been paid the amount which it is entitled to receive under Part 122, there are moneys remaining in the account maintained by the Secretary of the Treasury for such national committee because of the adjustments due to §§ 122.3 (b)-(c) (interest received on investments and acceptance of private contributions), the Secretary shall transfer the moneys so remaining to the Presidential Election Campaign Fund.

#### § 123.3 Information required to qualify for public funds.

(a) To qualify for public financing of their conventions, the national committees of the major and minor parties shall file an application statement and agreements containing the information in subsections (c) and (d) of this section with the Federal Election Commission.

(b) This statement shall be filed no earlier than June 1 of the calendar year preceding the year in which a presidential nominating convention of a political party is held.

(c) The application statement shall include:

(1) The name and address of the national committee;

(2) The name and address of the convention arrangements committee of the national committee or such similar committee in charge of the national convention.

(3) The name of the city where the convention is to be held and the approximate dates;

(4) The name, address, and position of the officers and members of the convention arrangements committee;

(5) The name, address, and position of the party officials designated by the national committee to sign requests for payment;

(6) The name and address of the commercial bank to be used as the depository of the convention arrangements committee;

(7) Signature cards, available from the Commission, signed by the designated party officials authorized to request payments.

(d) The national committees of the major and minor parties shall agree to limit the expenditures for their convention to the amount specified in Part 121.

(e) Any change in the information required by subsection (c) shall be reported to the Commission within a 10-day period following the change.

#### § 123.4 Payment schedule.

After a national committee has properly submitted its application statement under § 123.1, payments will be disbursed upon the receipt of a payment request in installments in the manner specified in subsections (a)-(e).

(a) *Initial payment.* (1) A written request for an initial payment shall:

(i) Be signed by the authorized individual(s) whose name appears on the signature card;

(ii) Specify an amount to be received, not to exceed 30 percent of the aggregate amount to which the committee is entitled.

(iii) Specify one or more accounts established solely for the purpose of depositing therein and drawing therefrom all public funds received for convention financing, or certify that such account(s) will be established;

(iv) Specify one or more accounts established solely for the purpose of depositing therein and drawing therefrom all private contributions to defray convention expenses, or certify that such account(s) will be established if the national committee decides to receive such contributions;

(v) Be supported by a statement projecting and describing estimated convention expenses and those already incurred, if any, through and including the last day of the calendar quarter in which the request is made, except that projected expenditure categories need not be itemized in specific dollar figures.

(2) A request for an initial payment may be submitted to the Commission simultaneously with the application statement required under § 121.1 or at any time thereafter.

(3) A properly submitted payment request for initial payment shall be reviewed and certified by the Commission

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to the Secretary for payment not later than 5 working days after being received by the Commission, or July 1 of the calendar year preceding the calendar year of the convention, whichever is later.

(b) **Quarterly payment requests.** (1) Requests for disbursements after the national committee has qualified for public financing under § 123.2 and received its initial disbursement under § 123.3 (a) shall be submitted quarterly commencing with October 1 of the year prior to the year in which the convention will be held.

(2) The written requests shall:

- Be signed by the authorized individual(s);

- Be accompanied by a statement of projected convention expenses estimated through the close of the quarterly period, except that no specific dollar figure need be assigned to the various expenditure categories;

- Specify an amount to be received which shall reflect the amount of the projected expenses; and

- Be submitted to the Commission any time during the quarter to which the request relates.

(c) **Special certification for accelerated payment schedule.** The Commission may certify more than one disbursement per quarter where a showing is made that a deficit is likely to be incurred unless a further disbursement is made. Any payment request for such further disbursement should be supported by a summary of actual convention expenses previously incurred for the quarter, together with the projected convention expenses which will occasion the deficit if a further disbursement is not forthcoming.

(d) **Amount of disbursement.** Each disbursement certification to the Secretary will be based upon the convention expenses projected for the requesting period, subject to any deductions as the Commission may determine under paragraph (e) of this section and § 124.1(f).

(e) **Post-convention disbursements.** (1) Notwithstanding the payment request for the last quarter preceding the convention, the Commission may, in its discretion and upon appropriate notice to the committee, certify to the Secretary for an amount less than the amount requested, but in no case may the amount of such adjustment downward exceed 10 percent of the total entitlement of that party.

(2) Funds withheld under this subsection, if any, shall be disbursed after the convention upon the proper submission of a post-convention payment request accompanied by the convention financing report required under Part 125.

(3) Post-convention payments shall be subject to audit by the Commission and deductions computed under § 124.1 (f) in addition to other requirements imposed by law.

(f) Properly submitted requests for quarterly, accelerated, and post-convention payments shall be certified by the Commission to the Secretary for disbursement within five working days after being received by the Commission.

#### PART 124—POST-DISBURSEMENT PROCEDURES

Sec.  
124.1 Repayments.  
124.2 Notification of need for repayments.  
124.3 Examination and audits.

**AUTHORITY:** Sec. 404(c)(13), 88 Stat. 1293, amending 26 U.S.C. § 9009(b). Interpret or apply section 406(a), 88 Stat. 1294 (26 U.S.C. § 9008).

##### § 124.1 Repayments.

(a) If the Commission determines that any portion of the payments to the national committees under § 121.3 was in excess of the aggregate payments to which the national committees were entitled, it shall so notify national committees and such national committees shall pay to the Secretary an amount equal to such portion.

(b) If the Commission determines that the national committees incurred convention expenses in excess of the aggregate payments to which the national committee of a major party was entitled, it shall notify such national committees of the amount of such excess and such national committees shall pay to the Secretary an amount equal to amount.

(c) If the Commission determines that the national committee of a major party accepted contributions to defray convention expenses which, when added to the amount of payments received exceeds the expenditure limitation of such party it shall notify such national committees of the amount of the contributions so accepted, and such national committees shall pay to the Secretary an amount equal to amount.

(d) If the Commission determines that any amount of any payment to the national committees under § 121.3 was used for any purpose other than those authorized by § 122.5, it shall notify such national committees to the amount so used, and such national committees shall pay to the Secretary an amount equal to such amount.

(e) No repayment shall be required from the national committees under this section, which, when added to other repayments required from such national committees under this section, exceeds the amount of payments received by such national committees under § 121.3.

(f) Subject to § 124.2, the Commission may obtain repayment by authorizing the Secretary of the Treasury to deduct the repayable amount determined under subsections (a)-(e) from the amount otherwise due the national committee for its next payment. All other repayments shall be made payable to the Secretary of the Treasury, and deposited by him in the general fund of the Treasury.

##### § 124.2 Notification of need for repayment.

(a) If the Commission determines that repayment is required under § 124.1, it shall give written notification to the affected national committee of the amounts required to be paid and the reasons thereof.

(b) No notification shall be made by the Commission under this section more

than 3 years after the last day of the presidential nominating convention.

##### § 124.3 Examinations and audits.

The Commission shall conduct an examination and audit of the convention expenses of the national party no later than December 31 of the calendar year of the convention, and may conduct at any time, other examinations and audits as it deems necessary.

#### PART 125—CONVENTION REPORTS

Sec.  
125.1 Reports; committees shall report.  
125.2 Reports; political parties.  
125.3 Financial statements; time and content of filing.  
125.4 Committees receiving Federal funds.  
125.5 Convention expenses; definitions.

**AUTHORITY:** Sec. 308(a)(13), 86 Stat. 17, 2 U.S.C. 438, Interpret or apply section 307, 86 Stat. 16, 2 U.S.C. 437, as amended.

##### § 125.1 Reports by municipal and private host committees.

(a) Each committee or other organization which represents a state, a political subdivision thereof, or any other group of persons, in dealing with officials of a national political party with respect to matters involving a presidential nominating convention held in that state or political subdivision shall file reports with the Commission as set out in § 125.3 below.

(b) Municipalities need not report their unsuccessful efforts to attract the convention to their city.

##### § 125.2 Reports by political parties.

(a) Each committee or other organization, including a national committee which represents a national major, minor, or new political party in making arrangements for the convention of that party held to nominate a candidate for the office of President or Vice President shall file reports with the Commission as set out in § 125.3 of this Part.

(b) A state party committee or a subordinate committee of a state party committee which only assists delegates and alternates to the convention from that state with travel expenses and arrangements, or which sponsors caucuses, receptions and similar activities at the convention site need not report under this Part 125.

##### § 125.3 Post-convention reports; time and content of filing.

(a) Each committee or organization required to file a financial statement shall within 60 days following the last day the convention is officially in session, but not later than 20 days prior to the date of the general election; file with the Commission a convention report on FEC Form 4, which shall contain all receipts and disbursements in connection with the convention, and contain all receipts and disbursements in connection with the convention, and shall be complete as of — days following the convention.

(b) If the committee spends or receives any funds after — days following the convention, the committee shall begin

to file, no later than 10 days after the end of the next calendar quarter, a report disclosing all transactions completed as of the close of that calendar quarter, and shall continue to file quarterly reports thereafter until the committee ceases activity.

(c) Each committee shall file a final report with the Commission not later than 10 days after it ceases activity, unless such status is reflected in either of the reports submitted pursuant to §§ 125.3(a) or (5).

##### § 125.4 Committees receiving Federal funds; quarterly reports.

Any national committee of a major or minor party which receives, directly or indirectly, all or part of the payment for Presidential nominating conventions under 26 U.S.C. § 9008, shall, in addition to the post-convention reports required to be filed under § 125.3, file quarterly reports as follows:

(a) The first quarterly report shall be filed at the end of the calendar quarter in which the committee receives its first payment under 26 U.S.C. § 9008. A report shall be filed for each subsequent quarter in which the committee receives or expands any funds, except that a report need not be filed at the end of the quarter in which the committee files the report required by § 125.3.

(b) The reports shall contain the same information as required under § 109.3, shall be filed not later than 10 days after the end of the calendar quarter, and shall disclose all transactions as of the end of the calendar quarter.

##### § 125.5 Convention expenses; definition.

For the purposes of this part, receipts and disbursements, in connection with a convention, means convention expenses as defined in Part 120 of these regulations.

#### PART 130—DEFINITIONS

Sec.  
130.1 Authorized committee.  
130.2 Political committee.  
130.3 Candidate.  
130.4 Commission.  
130.5 Matching payment account.  
130.6 Matching payment period.  
130.7 Primary election.  
130.8 Matchable campaign contribution.  
130.9 Unmatchable contributions.  
130.10 Qualified campaign expense.  
130.11 State.

##### § 130.1 Authorized committee.

"Authorized committee" means any political committee which is authorized in writing by a candidate to solicit or receive contributions or to make expenditures on behalf of the candidate. This authorization shall be addressed to the authorized political committee, and a copy of the authorization shall be filed by the candidate with the Commission. A withdrawal of authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

##### § 130.2 Political committee.

"Political committee" means any individual, committee, association, or organi-

zation (whether or not incorporated) which accepts contributions or incurs qualified campaign expenses for the purpose of influencing, or attempting to influence, the nomination of any individual for election to the office of President of the United States.

##### § 130.3 Candidate.

(a) "Candidate" means an individual who seeks the nomination for election to be President of the United States. An individual is considered to seek the nomination for election if he or she—

- Takes the action necessary under the law of a state to qualify for nomination for election; or

- Receives contributions or incurs qualified campaign expenses; or

- Gives consent for any other person to receive contributions or to incur qualified campaign expenses on his or her behalf.

(b) "Candidate" shall not include any individual who is not actively conducting campaigns in more than one state in connection with seeking nomination for election to be President of the United States.

##### § 130.4 Commission.

"Commission" means the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

##### § 130.5 Matching payment account.

"Matching Payment Account" means the Presidential Primary Matching Payment Account established by the Secretary of the Treasury under 26 U.S.C. section 9037(a).

##### § 130.6 Matching payment period.

"Matching Payment Period" means the period beginning January 1 of the year in which a general election for the office of President of the United States is held and ending on the date on which the national convention of the party, whose nomination a candidate seeks, nominates its candidate for the office of President of the United States, or, in the case of a party which does not make such nomination by national convention, the last day for the matching period shall be the earlier of (a) the date the party nominates its candidates for the office of President of the United States; or (b) the last day of the last national convention held by a major party.

##### § 130.7 Primary election.

"Primary election" means an election, including a runoff election or a nominating convention or a caucus held by a political party,

- For the selection of delegates to a national nominating convention of a political party; or

- For the expression of a preference for the nomination of candidates for election to the office of President of the United States; or

- Which is an election that combines the features of both paragraphs (a) and (b) of this section.

##### § 130.8 Matchable campaign contributions.

(a) "Matchable campaign contribution" means a gift of money made by a written instrument identifying the individual making the contribution by full name, and mailing address and made for the purpose of influencing the result of a primary election.

(1) Gifts of money will be considered matchable campaign contributions only to the extent of the first \$250 contributed by an individual.

(2) The amount of the contribution which is submitted for matching shall be actually received by the candidate or any of the candidate's authorized committees and deposited in a designated campaign depository.

(3) The contribution shall be received and deposited by the candidate or authorized committee on or after the first day of the calendar year immediately preceding the calendar year of the presidential election, but no later than the last day of the matching payment period.

(b) For purposes of this section, the term "money" means currency of the United States and foreign currency, checks, money orders or any other negotiable instrument payable on demand.

(c) (1) For purposes of this section "written instrument" means either

- (A) A check written on a personal, escrow, or trust account, money order, a credit card transaction slip, or any other negotiable instrument payable on demand and to the order of, or specially endorsed without qualification to, the Presidential candidate or to his or her principal campaign committee (but only if the candidate's name is also included on the face or endorsement of the written instrument) and which contains the full name and signature of the contributor, the amount and date of the contribution, and the mailing address of the contributor;

- (B) In cases of a check drawn on a joint-checking account, the contributor is considered to be the owner whose signature appears on the check. To be attributed equally to other joint tenants of the account, the check or other written instrument shall contain the other individual's signature(s).

(C) Checks drawn on escrow or trust accounts can only be a contribution from the person who has beneficial ownership of the account, and therefore must be signed by that person with the statement that the giving of the contribution does not violate the conditions of the trust or escrow agreement; or

- (ii) A written record of a cash gift (not exceeding \$100 and not made in violation of 2 U.S.C. 441g) signed by the contributor; including the contributor's full name, mailing address, the amount and date of the gift and a notation indicating the name of the recipient candidate. The information required under subsections (c) (1) (i) and (c) (1) (ii) may appear on the written instrument, an attached record, or by other written documentation.

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(c)(2) In addition to contributions from individuals, contributions in the form of checks written on partnership accounts, or accounts of unincorporated associations or businesses are matchable contributions so long as

(i) The checks are accompanied by documentation which specifies that the contribution is made by a specific individual or individuals;

(ii) Such documentation is signed by the individual or individuals; and

(iii) The aggregate amount of the contributions drawn on a partnership, or unincorporated association or business account, does not exceed \$1,000 to any one Federal candidate for an election.

#### § 130.9 Unmatchable contributions.

A contribution to a candidate other than by a gift of money under § 130.8 is unmatchable, including—

(a) In-kind contributions of real or personal property;

(b) Subscription, loan, advance, or deposit of money, or anything of value;

(c) A contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(d) Funds from a corporation, labor organization, government contractor, political committee as defined in § 100.14 or any group of persons other than those under § 130.8(c)(2);

(e) Contributions which are illegally made or accepted such as contributions in the name of another, cash contributions over \$100 from one donor, etc.

(f) Contributions in the form of a check drawn upon the account of a committee, corporation, union, or government contractor even though the funds represent personal funds earmarked by a contributing individual to a Presidential candidate.

(g) Contributions in the form of the purchase price paid for an item with significant intrinsic and enduring value, such as a watch.

(h) Contributions which are made by persons without the necessary donative intent to make a gift or made for any other purpose other than to influence the result of a primary election.

#### § 130.10 Qualified campaign expense.

"Qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(a) Incurred by a candidate or by the candidate's authorized committees, in connection with his or her campaign for nomination for election; and

(b) Neither the incurrence, nor payment of which, constitutes a violation of any law of the United States or of any State in which the expense is incurred or paid, except that any State law which has been preempted by the Federal Election Campaign Act of 1971, as amended, shall not be considered a State law for purposes of this subsection.

(c) For purposes of this section, an expense is incurred by a candidate or by an authorized committee if it is incurred by a person specifically authorized in

writing by the candidate or committee, as the case may be, to incur such expense on behalf of the candidate or committee.

#### § 130.11 State.

"State" means each State of the United States and the District of Columbia.

### PART 131—ELIGIBILITY FOR PAYMENTS

#### Sec.

131.1 Candidate agreements.

131.2 Candidate certifications, threshold amount.

131.3 Matching payment threshold requirements.

131.4 Matching payments in excess of threshold.

131.5 Candidate entitlements.

131.6 Expenditure limitation.

#### § 131.1 Candidate agreements.

A candidate seeking to become eligible to receive Presidential primary matching fund payments shall agree in a letter to the Commission, signed by the candidate, that the candidate will—

(a) Obtain and furnish to the Commission, upon reasonable written or oral request, any evidence the Commission may request regarding qualified campaign expenses;

(b) Keep, and furnish to the Commission upon reasonable written or oral request, any books, records or other information that the Commission may request;

(c) Permit an audit and examination by the Commission, pursuant to Part 133, and to pay any amounts required to be paid under that Part. In addition, the candidate shall submit the name and mailing address of the person to whom the payment should be sent and the name and address of the national or State bank designated by the candidate as a campaign depository as required in Part 104 of this Title and § 132.3(c) of this Part, and

(d) Comply with the disclosure requirements of Title 2, United States Code and Parts 100-108 of these regulations.

#### § 131.2 Candidate certifications, threshold amount.

A candidate seeking to become eligible to receive Presidential primary matching fund payments shall certify to the Commission, in a written statement signed by the candidate, that—

(a) He or she is seeking nomination by a political party to the office of President of the United States in more than one State;

(b) The candidate and his or her authorized committee(s) will not incur qualified campaign expenses in excess of the limitation on such expenses under § 131.6.

(c) The candidate and his authorized committees have received matchable campaign contributions which, in the aggregate, exceed \$5,000 in contributions from individuals who are residents of each of at least 20 States, and which in respect to any individual do not exceed \$250. For each State in which the candidate certifies he or she has met this requirement, the candidate shall

(1) Submit an alphabetical list of contributors, showing each full name, residential address, date of the receipt of the contribution by the candidate or his or her committee and deposit into the designated campaign depository, the dollar amount of each contribution submitted for matching purposes, the matchable portion thereof, and the total amount of all matchable contributions submitted;

(2) Submit a photocopy of each check or other written instrument for each contribution which the candidate submits to receive matching funds. The photocopies shall be segregated alphabetically by deposit; and shall be accompanied by copies of the relevant deposit slip.

(d) The Commission may conduct audits of candidate records to determine eligibility, and shall notify candidates if it chooses to conduct the audits. In that case, the Commission may at its own discretion waive the submission requirement of § 131.2 (c) (1) and (c) (2).

#### § 131.3 Matching payment threshold requirements.

During the matching payment period, the Commission shall, as soon as practicable and generally within 5 working days, examine the submission under § 131.1 and § 131.2 (a), (b) and (c) and shall either:

(a) Make a preliminary determination that the candidate has satisfied the requirement of raising an amount in excess of \$5000 in contributions from individuals who are residents of each of at least 20 States, and which in respect to any individual do not exceed \$250; or

(b) Promptly notify the candidate giving a detailed explanation of the reasons for the Commission's conclusion that the candidate has failed to satisfy the matching payment threshold requirements.

#### § 131.4 Matching payments in excess of threshold.

(a) After a preliminary determination has been made that the candidate has successfully satisfied the threshold requirement under § 131.3, the Commission shall so notify the candidate and request the submission in good order of the necessary documentation of all contributions received and deposited by a date specified by the Commission.

(b) Contributions which have been submitted for matching purposes after notification that the candidate has met the threshold requirement need not be segregated by State, including any resubmission of the threshold contributions. Each submission shall include an aggregate total of each individual's contribution submitted for matching purposes.

#### § 131.5 Candidate entitlements.

A candidate who is certified by the Commission under § 131.2 below as eligible to receive payments is entitled to payments in an amount equal to the amount of each matchable campaign contribution, as defined in § 130.8, provided that the total amount of payments

to a candidate shall not exceed 50 percent of the total expenditure limitation applicable under 2 U.S.C. § 441a(b)(1) (A) as adjusted by 2 U.S.C. section 441a(c).

#### § 131.6 Expenditure limitation.

(a) No candidate who has accepted matching funds shall knowingly

(1) Incur qualified campaign expenses in excess of the expenditure limitation applicable under 2 U.S.C. § 441a(b)(1) (A) and

(2) Make expenditures from his or her personal funds, or funds of his or her immediate family, in connection with his campaign for nomination for election to the office of President in excess of, in the aggregate, \$50,000.

(b) For purposes of this section, the term immediate family means a candidate, spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.

(c) For purposes of applying subsection 131.6(a)(2) above, expenditures made by an individual after January 29, 1976 and before May 11, 1976 shall not be taken into account.

CROSS REFERENCE: Part 110, § 110.10.

### PART 132—CERTIFICATION AND DISBURSEMENT

#### Sec.

132.1 Initial certification.

132.2 Additional certifications.

132.3 Payments and deposits of Presidential primary matching funds.

132.4 Insufficient Documentation.

132.5 Certification review and notice.

132.6 Resubmissions.

#### § 132.1 Initial certification.

Within 10 calendar days after the Commission formally determines that a candidate has established his or her eligibility under Part 131 to receive payments, the Commission shall certify to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

#### § 132.2 Additional certifications.

(a) To obtain subsequent certifications following the initial certification and payment, a candidate shall file all information required for the initial eligibility under part 131, except that

(1) The alphabetical listing of contributors need not be segregated by State and

(2) The candidate need not resubmit the agreements under § 131.1 and the certifications under § 131.2.

(b) Requests for additional certifications may be submitted not more often than twice a month, on the first and third Mondays thereof, unless the Commission in its discretion permits additional requests.

(c) Except as provided by § 132.4, requests for additional certification shall be made for those contributions received by the candidate after the close of the period for which the previous submission was made.

(d) The Commission shall certify to the Secretary of the Treasury any addi-

tional amount to which a candidate is entitled within 15 calendar days of receipt of information submitted under subsection (a).

#### § 132.3 Payments and deposits of Presidential primary matching funds.

(a) Upon receipt of a written certification from the Commission but not before the beginning of the matching payment period, the Secretary of the Treasury or his or her delegate shall promptly transfer the amount certified from the matching payment account to the candidate.

(b) In making such transfers to candidates of the same political party, the Secretary or his or her delegate shall seek to achieve an equitable distribution of funds available in the matching payment account, and the Secretary or his or her delegate shall take into account, in seeking to achieve an equitable distribution, the sequence in which such certifications are received.

(c) Upon receipt of any matching funds, the candidate shall deposit the full amount received into the checking account maintained by the candidate's principal campaign committee in the depository designated by the candidate.

#### § 132.4 Insufficient documentation.

Contributions which are otherwise matchable may be rejected for matching purposes because of insufficient supporting documentation. These contributions may become matchable if there is a proper resubmission in accordance with § 132.5-6. Insufficient documentation includes—

(a) Discrepancies in the written instruments such as

(1) Instruments drawn on other than personal accounts of contributors and not signed by the contributing individual;

(2) Signature discrepancies;

(3) Lack of the contributor's signature, the amount of the contribution, or the listing of the committee or candidate as payee;

(b) Discrepancies between listed contributions and supporting documentation, such as

(1) Contributor's name is misspelled;

(2) The listed amount requested for matching exceeds the amount contained on the written instrument;

(3) A written instrument has not been submitted to support a listed contribution;

(c) Discrepancies within or between contribution lists submitted such as

(1) The address of the contributor is missing or incomplete, or the contributor's name is alphabetized incorrectly, or more than one contributor is listed per item;

(2) A discrepancy in aggregation within or between submissions, or a listing of a contributor more than once within the same submission.

#### § 132.5 Certification review and notice.

(a) If the Commission intends to certify to the Treasury for payment an amount which is less than the amount

requested by the candidate, the Commission shall notify the candidate in writing in the form of a "Notice of Insufficient Documentation" or "Notice of Unmatchable Contributions", which notice or notices shall include:

(1) That less than full certification is being considered;

(2) As to the amount of the contribution and the name of the contributor which the Commission considers not matchable, and the reasons therefor;

(3) That the Commission will certify to the Treasury for payment the amount of matchable contributions that are not in dispute;

(4) That candidate will be accorded an opportunity to supply the Commission with additional documentation or other explanation in the form of a resubmission under § 132.6 so as to make the disputed contribution matchable.

(b) In any case where the candidate or his or her committee has knowledge that a contribution which has been submitted for matching purposes does not so qualify, such as a check returned to the committee for insufficient funds, the Commission shall be notified as soon as possible so that a proper adjustment may be made in the amount to be certified.

#### § 132.6 Resubmissions and hearing opportunity.

(a) Contributions which were submitted and rejected under § 132.5(a) may be resubmitted with the necessary information.

(b) In order to be reviewed, the resubmission of disputed contributions shall be made on a separate list identifying the submission in which the contributions were originally submitted.

(c) Resubmissions must be presented to the Commission on the second and fourth Mondays of each month and to the extent approved will be certified to the Secretary of the Treasury within 15 calendar days.

(d) If a candidate chooses to make a resubmission and the Commission determines that the disputed contribution is still unmatchable, the Commission will notify the candidate in writing of such action and the reasons therefor, and will accord the candidate an opportunity for a hearing if he or she so requests within 7 days from the receipt of this second notification.

(e) The hearing shall be informal and shall be held before the Commission or a designee of the Commission who shall not have been responsible for the certification in question. The candidate or his or her representative shall bring to the hearing all documents relevant to the disputed contributions.

(f) The Commission shall certify for payment the amount of the disputed contributions which have been resolved at the hearing as being matchable. Failure of the Commission to certify unresolved disputed contributions shall constitute a final and conclusive determination by the Commission. The Commission shall so notify the candidate of its actions.

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**PART 133—TERMINATION OF PAYMENTS**

- Sec.  
133.1 Continuation of certification.  
133.2 Ineligibility dates.  
133.3 Use of matching payments.  
133.4 Determination of inactive candidacy.  
133.5 Determination of active candidacy.  
133.6 Reestablishment of eligibility dates.  
133.7 Effect of Part 133 on candidates receiving funds prior to May 11, 1976.

**§ 133.1 Continuation of certification.**

(a) Candidates who have received matching funds may continue to submit contributions to the Commission to be certified for matching up to 14 calendar days following the end of the matching payment period.

(b) No contribution will be matched if it is submitted after the 14-day period, regardless of the date the contribution was deposited.

(c) No contribution will be matched if it is deposited after the matching payment period.

**§ 133.2 Ineligibility dates.**

(a) If a contribution is received after the date specified in subsection (1) or (2), that contribution may be submitted for matching, but no payment made to the candidate with respect to that contribution may be used to defray any expense incurred after the date in subsection (1) or (2), whichever occurs first.

(1) The day on which an individual ceases to be a candidate because the candidate is not actively conducting campaigns in more than one State in connection with seeking the nomination for election to the President of the United States. That date shall be the earlier of

(i) The date the candidate publicly announces to be the date that he or she will not be actively conducting campaigns in more than one State, or

(ii) The date which the Commission determines under § 133.4 to be the date that the candidate is not actively seeking election in more than one State.

(2) The 30th day following the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candidates of the same party for the same office in such primary election, if such individual permitted or authorized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.

(i) For purposes of this paragraph, if the primary elections involved are held in more than one State on the same date, the highest percentage of votes a candidate receives in any one State will govern.

(ii) For purposes of this paragraph, the Commission may determine that notwithstanding the certification by the candidate that he is not an active candidate in the primary involved, he will be deemed to be an active candidate if the Commission so finds under § 133.5.

**§ 133.3 Use of matching payment.**

(a) Matching payments shall be used only to defray qualified campaign ex-

penses incurred, without regard to the date of their incurrence, except as provided in subsection (b).

(b) If either § 133.2(a)(1) or § 133.2(a)(2) become applicable to a candidate, matching payments made to a candidate on the basis of contributions deposited by the candidate after the date when § 133.2(a)(1) or § 133.2(a)(2) became applicable, may only be used to defray qualified campaign expenses incurred prior to that date.

**§ 133.4 Determination of inactive candidacy.**

(a) The Commission may make an initial determination that a candidate is no longer actively seeking election in more than one State, unless the candidate chooses to do so by sending a letter to the Commission indicating an inactive status.

(b) A notice of initial determination shall be sent to the candidate.

(c) The candidate will be afforded an opportunity to make a showing that he or she is an active candidate.

(d) After a proper hearing, the Commission may make a final determination that the candidate is inactive.

The Commission may consider, but is not limited to the following factors in making its determination:

(1) The frequency and type of public appearances; speeches; and advertising.

(2) Campaign activity with respect to soliciting contributions or purchasing campaign materials;

(3) Continued payment and employment of personnel and use of volunteers.

**§ 133.5 Determination of active candidacy.**

If a candidate certifies to the Commission that he will not be an active candidate in the primary involved the § 133.2(a)(2), the Commission may nevertheless determine that the candidate is active in the primary involved based upon the same criteria and procedure outlined in § 133.4.

**§ 133.6 Reestablishment of eligibility dates.**

(a) If a candidate is not actively conducting campaigns in more than one State the Commission may subsequently find that such individual is actively seeking election to the Office of President of the United States in more than one state. The Commission shall make this finding without requiring such individual to reestablish his eligibility to receive payments under § 131.2. This finding will be based upon a showing that the candidate is making a bona fide effort to campaign in more than one state. The Commission may consider, but is not limited to, the following factors in making its determination:

(1) The frequency and type of public appearances, speeches, and advertising;

(2) Campaign activity with respect to soliciting contributions or purchasing campaign materials; and

(3) Continued payment and employment of personnel and the use of volun-

teers, and the continued existence of a campaign organization in a State.

The day which the Commission determines to be the day the candidate became active again is the reestablishment of eligibility date.

(b) If it has been determined that § 131.2(a)(2) applies to a candidate, the reestablishment date shall be the day on which the candidate receives 20 percent or more of the total number of votes cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.

(c) If the candidate is reestablished under subsection (a), any contributions that are deposited on or after that date may be matched and the payment received may be used to defray qualified campaign expenses regardless of when the expense was incurred.

(d) If the candidate is reestablished under subsection (b), any contribution deposited after the date of reestablishment may be matched and the payment received thereby may be used to defray any qualified campaign expenses, regardless of when the expense was incurred. Furthermore, any contribution deposited after the deactivation date in § 133.2(a)(2) but before the reestablishment date in subsection (b) of this section, may be matched.

(e) If the candidate is reestablished under subsection (b), any contribution deposited after the date of reestablishment may be matched and the payment received thereby may be used to defray any qualified campaign expenses, regardless of when the expense was incurred.

**§ 133.7 Effect of Part 133 on candidates receiving funds prior to May 11, 1976.**

(a) If any candidate has submitted contributions to be matched with the Commission which were deposited before May 12, 1976, the full amount may be matched and the payment received may be used to defray qualified campaign expenses regardless of when incurred.

(b) If any presidential candidate would have been found to come within the deactivation date of § 133.2(a)(1) (inactive candidacy) before May 12, 1976, the Commission may make a determination under § 133.6 that the person is no longer an active candidate in more than one State and opportunity for a hearing may be afforded. The date that the Commission determines was the date the candidate became inactive shall become the deactivation date for that candidate, but that date may not be earlier than May 12, 1976.

(c) Any candidate who does not enter any primary after May 11, 1976, or certifies that he will not be an active candidate in one or more primaries after May 11, may nevertheless continue to receive matching funds to be used for qualified campaign expenses regardless of when they were incurred as long as the person is an active candidate in more than one State.

**PART 134—EXAMINATIONS AND AUDITS, REPAYMENTS**

- Sec.  
134.1 Audit.  
134.2 Repayments.  
134.3 Liquidation of obligation; repayment.

**§ 134.1 Audit.**

(a) Within 90 days of the close of a Matching Payment Period, the Commission shall conduct an audit of the qualified campaign expenses of every candidate and his or her authorized committees who received presidential primary matching funds.

(b) In addition, the Commission may conduct other examinations and audits from time to time as it deems necessary to carry out the provisions of parts 130-139.

**§ 134.2 Repayments.**

(a) If the Commission determines that—

(1) Any portion of the payments made to a candidate from the matching payment account was in excess of the aggregate amount to which such candidate was entitled, or

(2) Any amount of any payment made to a candidate from the matching payment account was used for any purpose other than

(i) To defray qualified campaign expenses; or

(ii) To repay loans which were used to defray qualified campaign expenses; or

(3) Any portion of any payment made to a candidate on the basis of contributions received after the deactivation

dates in § 133.2 was used for any purpose other than to defray qualified campaign expenses incurred before the deactivation date the Commission shall so inform the candidate as soon as possible, but no later than 3 years after the end of such matching payment period, and the candidate shall repay to the Secretary of the Treasury within 90 days of the notice, an amount equal to the excess payments, or an amount equal to the amount of non-qualified campaign expenditures. Upon application submitted by the candidate, the Commission may grant a 90-day extension of the repayment period.

(b) If the candidate disputes the Commission's determination that a repayment is required, he or she shall notify the Commission within 30 days of receipt of the Commission's notification to the candidate.

(1) The commission, or its designee, shall conduct a hearing at a mutually agreeable time and place, at which the candidate may make a showing of where the Commission erred in its determination of repayment.

(2) Based on the hearing, the Commission shall reaffirm or modify its initial determination, which shall constitute final and conclusive determination, and shall so notify the candidate.

**§ 134.3 Liquidation of obligations; repayment.**

(a) Obligations incurred with respect to primary elections may be liquidated through use of matching payment funds during a period up to 6 months after the end of the Matching Payment period.

(b) After all obligations have been liquidated, the candidate shall so inform the Commission in writing.

(c) (1) Within 30 days of notification, and

(2) If any unexpended balance remains in any campaign depository of the candidate or any of his authorized committees, then the candidate shall repay to the Secretary of the Treasury an amount equal to that portion of the unexpended balance remaining into the candidate's depositories which bears the same ratio to the total unexpended or unencumbered balance as the total amount received from the matching payment account bears to the aggregate of all contributions and matching funds deposited in all of the candidate's depositories.

(d) All payments received by the Secretary under § 134.2 or § 134.3 shall be deposited in the matching payment account.

[FR Doc.76-15434 Filed 5-25-76; 8:45 am]



# federal register

WEDNESDAY, MAY 26, 1976



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PART III:

## FEDERAL RESERVE SYSTEM

■  
OTC Margin Stock List

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Title 12—Banks and Banking  
CHAPTER II—FEDERAL RESERVE  
SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF  
THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U and X]

PART 207—SECURITIES CREDIT BY PER-  
SONS OTHER THAN BANKS, BROKERS  
OR DEALERS

PART 220—CREDIT BY BROKERS  
AND DEALERS

PART 221—CREDIT BY BANKS FOR THE  
PURPOSE OF PURCHASING OR CARRY-  
ING MARGIN STOCKS

PART 224—RULES GOVERNING BOR-  
ROWERS WHO OBTAIN SECURITIES  
CREDIT

OTC Margin Stock List

Pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. section 78g) and in accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," § 220.2(e)

(2) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks," and in accordance with the criteria specified in § 207.5 of Regulation G, § 220.8(h) and (i) of Regulation T, and § 221.4(d) and (e) of Regulation U, there is set forth below the list of stocks traded over-the-counter, current as of May 24, 1976, that the Board of Governors has found meet the criteria specified above and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant subjecting such stocks to the requirements of Regulations G, T, U and X, 12 C.F.R. 224 which makes Regulations G, T, and U applicable to borrowers of securities credit.

It is unlawful for any person to cause any representation to be made that inclusion of a security on this List indicates that the Board or the Securities and Exchange Commission has in any way approved such security or transaction therein. Also, any reference to the Board in connection with this List or any

securities thereon in an advertisement or similar communications is unlawful.

The requirements of 5 U.S.C. section 553 with respect to notice and public participation were not followed in connection with the issuance of this List because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the List, specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. section 553 with respect to deferred effective date have not been followed in connection with the issuance of this List because to do so would allow some persons to reap unfair profits and would not aid other persons affected thereby.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Office of Saver and Consumer Affairs pursuant to delegated authority (12 CFR 265.2(h)(1)), effective May 24, 1976.

[SEAL]

THEODORE E. ALLISON,  
Secretary of the Board.

LIST OF OTC MARGIN STOCKS

as of May 24, 1976

This List of OTC Margin Stocks is comprised of stocks traded over-the counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements as of May 24, 1976, pursuant to Sections 207.2(f) of Federal Reserve Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," 220.2(e) of Regulation T, "Credit by Brokers and Dealers," and 221.3(d) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks."

The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. Stocks will be added to the List, or deleted, in the interim between publications as deemed appropriate by the Board. This List supersedes the previous List of OTC Margin Stocks published as of September 29, 1975, including changes thereto.

**CAUTION:** It is unlawful for any person to cause any representation to be made that inclusion of a security on this List indicates that the Board or the Securities and Exchange Commission has in any way approved such security or transaction therein. Also, any references to the Board in connection with this List or any securities thereon in an advertisement or similar communication is unlawful.

Any inquiry relating to this List or to Regulation G, T, U or X should be addressed to the nearest Federal Reserve Bank.

(Prepared for Purposes of Regulations G, T, U and X)

BOARD OF GOVERNORS  
OF THE FEDERAL RESERVE SYSTEM  
WASHINGTON



API TRUST \$1.00 par shares of beneficial interest	AMERICAN APPRAISAL ASSOCIATES, INC. \$1.00 par common
ASG INDUSTRIES, INC. \$1.00 par common	*AMERICAN BANCSHARES INC. \$1.00 par common
AVM CORPORATION \$1.00 par common	AMERICAN BANK AND TRUST COMPANY OF PENNSYLVANIA \$5.00 par common-capital
ACADEMY INSURANCE GROUP, INC. \$1.10 par common	AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA \$1.00 par common
ACMAT CORPORATION No par common	AMERICAN BANKERS LIFE ASSURANCE COMPANY OF FLORIDA \$1.00 par common
ACUSHNET COMPANY \$1.00 par common	AMERICAN COMMONWEALTH FINANCIAL CORPORATION \$1.00 par common
ADDISON-WESLEY PUBLISHING COMPANY, INC. Class B, no par common	AMERICAN EXPRESS COMPANY \$.60 par common
ADVANCE ROSS CORPORATION \$.10 par common	AMERICAN FIDELITY LIFE INSURANCE COMPANY \$1.00 par common
ADVANCED MEMORY SYSTEMS, INC. \$.10 par common	AMERICAN FINANCIAL CORPORATION No par common
ADVANCED MICRO DEVICES, INC. \$.01 par common	AMERICAN FLETCHER CORPORATION \$5.00 par common
AFFILIATED BANCSHARES OF COLORADO, INC. \$.50 par common	*AMERICAN FOUNDERS LIFE INSURANCE COMPANY \$1.00 par common
AG-MET, INC. \$.50 par common	AMERICAN FURNITURE COMPANY, INC. \$1.00 par common
*ALABAMA BANCORPORATION \$1.00 par common	AMERICAN GREETINGS CORPORATION Class A, \$1.00 par common
ALABAMA-TENNESSEE NATURAL GAS COMPANY \$1.00 par common	AMERICAN HERITAGE LIFE INVESTMENT CORPORATION \$1.00 par common
ALEXANDER & ALEXANDER SERVICES INC. \$1.00 par common	AMERICAN INCOME LIFE INSURANCE COMPANY \$1.00 par common
ALEXANDER & BALDWIN, INC. No par common	AMERICAN INTERNATIONAL GROUP, INC. \$2.50 par common
ALICO, INC. \$1.00 par common	AMERICAN MICROSYSTEMS, INC. \$1.00 par common
ALLEGHENY BEVERAGE CORPORATION \$1.00 par common	AMERICAN NATIONAL FINANCIAL CORPORATION \$1.00 par common
ALLERGAN PHARMACEUTICALS No par common	AMERICAN NUCLEAR CORPORATION \$.04 par common
ALLIED BANCSHARES, INC. \$1.00 par common	AMERICAN QUASAR PETROLEUM COMPANY No par common
ALLIED TELEPHONE COMPANY \$2.00 par common	AMERICAN RE-INSURANCE COMPANY \$1.50 par capital
ALLYN AND BACON, INC. \$.50 par common	
AMAREX, INC. \$1.00 par common	

\*Addition to List

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ATLANTA GAS LIGHT COMPANY \$5.00 par common	BANKERS TRUST OF SOUTH CAROLINA \$10.00 par common	BLOCK DRUG COMPANY, INC. Class A, \$.10 par common
ATLANTIC BANCORPORATION \$1.00 par common	BANKS OF IOWA, INC. No par common, \$2.50 stated value	BLUE CHIP STAMPS \$1.00 par common
ATLANTIC STEEL COMPANY \$5.00 par common	BANTA, GEORGE COMPANY, INC. \$.10 par common	BLUEFIELD SUPPLY COMPANY \$2.00 par common
ATWOOD OCEANICS, INC. \$1.00 par common	BARBER-GREENE COMPANY \$5.00 par common	BOATMEN'S BANCSHARES, INC. \$10.00 par common
*AZCON CORPORATION \$1.00 par common	BARDEN CORPORATION, THE \$1.00 par common	LOB EVANS FARMS, INC. No par common
BBD INTERNATIONAL, INC. \$.10 par common	BARNES-HIND PHARMACEUTICALS, INC. No par common	BOHEMIA INC. No par common
BMA CORPORATION \$2.00 par common	*BARNES MORTGAGE INVESTMENT TRUST No par shares of beneficial interest	BONANZA INTERNATIONAL, INC. No par common
BAIRD & WARNER MORTGAGE AND REALTY INVESTORS No par shares of beneficial interest	BARNETT BANKS OF FLORIDA, INC. \$2.00 par common	BOTH NEWSPAPERS, INC. \$.50 par common
BAIRD-ATOMIC, INC. \$1.00 par common	BARNETT WINSTON INVESTMENT TRUST \$.10 par shares of beneficial interest	BOOZ, ALLEN & HAMILTON INC. \$.25 par common
*BAKER, FENTRESS & COMPANY \$1.00 par common	BASSETT FURNITURE INDUSTRIES, INC. \$5.00 par common	BRADEN INDUSTRIES, INC. \$1.00 par common
BANCO CREDITO Y AHORRO PONCENO \$5.00 par common	BAYBANKS, INC. \$.75 par common	BRENCO, INC. \$1.00 par common
BANCO DE PONCE \$5.00 par common	BAYLESS, A. J. MARKETS, INC. \$1.00 par common	BROADVIEW FINANCIAL CORPORATION No par common
BANCO POPULAR DE PUERTO RICO \$10.00 par common	BEELINE FASHIONS, INC. No par common	BROWNING \$1.00 par common
BANCOHIO CORPORATION \$6.66-2/3 par common	BEKINS COMPANY, THE No par common	BUCKBEE-MEARS COMPANY \$.10 par common
BANCOKLAHOMA CORPORATION \$4.00 par common	BENEFICIAL STANDARD CORPORATION Class A, \$1.00 par common Class B, \$1.00 par common	BUCKEYE INTERNATIONAL, INC. No par common
BANCSHARES OF NEW JERSEY \$5.00 par common	BENTLEY LABORATORIES, INC. \$.10 par common	*BURNS, R. L. CORPORATION \$.10 par common
BANGOR HYDRO-ELECTRIC COMPANY \$5.00 par common	BEITZ LABORATORIES, INC. \$.10 par common	BURNUP & SIMS INC. \$.10 par common
BANK BUILDING & EQUIPMENT CORPORATION OF AMERICA \$1.33-1/3 par common	EI-LO, INC. \$.33-1/3 par common	BUTLER MANUFACTURING COMPANY No par common
BANK OF THE COMMONWEALTH \$.05 par common	BIBB COMPANY, THE No par common	CBT CORPORATION \$10.00 par common
BANKAMERICA CORPORATION \$3.125 par common	BIO-MEDICAL SCIENCES, INC. \$.10 par common	CFS CONTINENTAL, INC. \$1.00 par common
BANKAMERICA REALTY INVESTORS \$1.00 par shares of beneficial interest	BIRD & SON, INC. No par common	CP FINANCIAL CORPORATION \$1.00 par common
BANKERS SECURITY LIFE INSURANCE SOCIETY \$2.00 par common	BLACK HILLS POWER AND LIGHT COMPANY \$1.00 par common	CALBIOCHEM \$1.00 par common
		CALIFORNIA FIRST BANK \$5.00 par common
		CALIFORNIA WATER SERVICE COMPANY \$12.50 par common

\*Addition to List

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CAMPBELL TAGGART, INC. \$1.00 par common	CHATHAM MANUFACTURING COMPANY \$1.00 par common
CANNON MILLS COMPANY \$5.00 par common	CHEMICAL LEAMAN TANK LINES, INC. \$2.50 par common
CARBOLINE COMPANY \$1.00 par common	CHICAGO BRIDGE & IRON COMPANY \$5.00 par common
*CARDIAC PACEMAKERS INC. \$0.01 par common	CHRISTIANA SECURITIES COMPANY \$1.25 par common
CAYMAN CORPORATION \$1.10 par common	CHUBE CORPORATION, THE \$1.00 par common
CEDAR POINT, INC. \$1.00 par common	CHURCH'S FRIED CHICKEN, INC. \$1.12 par common
CENCOR, INC. \$1.00 par common	CINCINNATI FINANCIAL CORPORATION \$2.00 par common
*CENTENNIAL CORPORATION \$1.00 par common	*CIRCLE INCOME SHARES, INC. \$1.00 par common
CENTRAL BANCORPORATION, INC., THE \$5.00 par common	CITIZENS AND SOUTHERN CORPORATION, THE (South Carolina) \$2.50 par common
CENTRAL BANCSHARES OF THE SOUTH, INC. \$2.00 par common	CITIZENS AND SOUTHERN NATIONAL BANK, THE (Georgia) \$2.50 par common
CENTRAL BANKING SYSTEM, INC. \$2.50 par capital	CITIZENS UTILITIES COMPANY Series A, \$1.00 par common Series B, \$1.00 par common
CENTRAL CAROLINA BANK & TRUST COMPANY \$5.00 par common	CITY NATIONAL CORPORATION \$5.00 par common
CENTRAL JERSEY BANK AND TRUST COMPANY, THE \$2.50 par capital	CLARK, J. L. MANUFACTURING COMPANY \$1.00 par common
CENTRAL MORTGAGE AND REALTY TRUST \$1.00 par shares of beneficial interest	CLEVEPAK CORPORATION \$1.00 par common
CENTRAL NATIONAL CORPORATION (Virginia) \$5.00 par common	CLEVETRUST CORPORATION \$10.00 par common
CENTRAL VERMONT PUBLIC SERVICE CORPORATION \$6.00 par common	CLEVETRUST REALTY INVESTORS \$1.00 par shares of beneficial interest
CENTRAN CORPORATION \$8.00 par common	CLOW CORPORATION \$6.25 par common
CENTURY BANKS, INC. \$1.00 par common	COASTAL STATES CORPORATION \$1.00 par common
CENTURY TELEPHONE ENTERPRISES, INC. \$1.00 par common	COCA-COLA BOTTLING COMPANY CONSOLIDATED \$1.00 par common
CHAMPION PARTS REBUILDERS, INC. \$1.10 par common	COCA-COLA BOTTLING COMPANY OF LOS ANGELES No par common
*CHANNEL COMPANIES, INC. \$1.00 par common	COCA-COLA BOTTLING COMPANY OF MIAMI, INC., THE \$1.10 par common
CHART HOUSE, INC. No par common	

\*Addition to List

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CONTEXT INDUSTRIES, INC. \$1.10 par common	DELUXE CHECK PRINTERS, INC. \$1.00 par common	ERC CORPORATION \$2.50 par common
*CONTINENTAL AMERICAN LIFE INSURANCE COMPANY \$5.00 par capital	DEPOSIT GUARANTY CORPORATION No par common	EARTH SCIENCES, INC. \$0.01 par common
CONTINENTAL BANK \$5.00 par common	DETREX CHEMICAL INDUSTRIES, INC. \$2.00 par common	EASTMET CORPORATION \$1.00 par common
CONTINENTAL WESTERN INDUSTRIES, INC. \$5.00 par common	DETROITBANK CORPORATION \$10.00 par common	ECONOMICS LABORATORY, INC. \$1.00 par common
CONVED CORPORATION \$5.00 par common	DIAGNOSTIC DATA, INC. \$1.00 par common	EL PASO ELECTRIC COMPANY No par common
CORDIS CORPORATION \$1.00 par common	DIAMOND CRYSTAL SALT COMPANY \$2.50 par common	ELBA SYSTEMS CORPORATION No par common
CORNELIUS COMPANY, THE \$0.20 par common	DIAMOND SHAMROCK CORPORATION Series E, \$1.15 par convertible preferred	ELECTRO-NUCLEONICS, INC. \$0.02-1/2 par common
COUSINS PROPERTIES INC. \$1.00 par common	DIAMONDHEAD CORPORATION \$1.00 par common	ELIZABETHTOWN WATER COMPANY No par common
CRADDOCK-TERRY SHOE CORPORATION \$1.00 par common	DIXON, JOSEPH CRUCIBLE COMPANY, THE \$10.00 par common	ELLIS BANKING CORPORATION \$1.00 par common
*CRITERION INSURANCE COMPANY \$2.00 par common	DOCUTEL CORPORATION \$1.10 par common	EMERSONS, LTD. \$0.01 par common
CROSS COMPANY, THE \$5.00 par common	DOLLAR GENERAL CORPORATION \$0.50 par common	EMPIRE GENERAL CORPORATION \$1.00 par common
CRUM & FORSTER \$1.25 par common		ENERGY CONVERSION DEVICES, INC. \$0.01 par common
CULLUM COMPANIES, INC. \$1.00 par common		*ENERGY RESERVES GROUP, INC. \$0.03-1/3 par common
*CURTICE-BURNS, INC. Class A, \$5.00 par common	DOMINION BANKSHARES CORPORATION \$5.00 par common	ENVIRODYNE, INC. \$1.10 par common
CURTIS NOLL CORPORATION No par common	DOMINION MORTGAGE & REALTY TRUST \$1.10 par shares of beneficial interest	EQUITABLE BANCORPORATION \$5.00 par common
DANIEL INTERNATIONAL CORPORATION \$2.00 par common	DONALDSON COMPANY, INC. \$5.00 par common	EQUITABLE LIFE INSURANCE COMPANY OF IOWA \$1.00 par common
DART DRUG CORPORATION Class A, \$1.00 par common	DORCHESTER GAS CORPORATION \$1.10 par common	EQUITABLE SAVINGS & LOAN ASSOCIATION \$2.00 par reserve fund capital stock
DATA 100 CORPORATION \$0.50 par common	DOW JONES & COMPANY, INC. \$1.00 par common	EQUITY OIL COMPANY \$1.00 par common
DATAPoint CORPORATION \$0.25 par common	DOWNE COMMUNICATIONS, INC. \$1.00 par common	ETHAN ALLEN, INC. Class A, \$1.00 par common
DAYTON MALLEABLE INC. No par common	DOYLE DANE BERNBACH INC. \$0.50 par common	EXCHANGE BANCORPORATION, INC. \$2.50 par common
DECISION DATA COMPUTER CORPORATION \$1.10 par common	DUCKWALL STORES, INC. \$2.50 par common	*EXTRACORPOREAL MEDICAL SPECIALTIES, INC. No par common
DECORATOR INDUSTRIES, INC. No par common	*DUCOMMUN INC. \$2.00 par common	FAIR LANES, INC. \$1.00 par common
DEKALB AGRESEARCH, INC. Class B, no par common	DUNKIN' DONUTS INC. \$1.00 par common	FARINON ELECTRIC No par common
DELHI INTERNATIONAL OIL CORPORATION \$1.10 par common	DURHAM LIFE INSURANCE COMPANY \$5.00 par common	
	DURIRON COMPANY, INC., THE \$1.25 par common	

\*Addition to List

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## RULES AND REGULATIONS

FARMER BROTHERS COMPANY  
\$1.00 par common

FARMERS GROUP, INC.  
\$1.00 par common

FARMERS NEW WORLD LIFE  
INSURANCE COMPANY  
\$1.00 par common

FEDERATED INCOME & PRIVATE  
PLACEMENT FUND  
\$1.00 par capital

FIDELCOR, INC.  
\$1.00 par common

FIDELITY AMERICAN BANKSHARES, INC.  
\$5.00 par common

FIDELITY CORPORATION  
\$1.00 par common

FIDELITY UNION LIFE INSURANCE  
COMPANY  
\$1.00 par common

FIFTH THIRD BANCORP  
\$6.66-2/3 par common

FINGERHUT CORPORATION  
\$1.00 par common

FIRST & MERCHANTS CORPORATION  
\$7.50 par common

FIRST ALABAMA BANKSHARES, INC.  
\$2.50 par common

FIRST AMERICAN FINANCIAL  
CORPORATION, THE  
\$1.00 par common

\*FIRST AMTECH CORPORATION  
\$5.00 par common

FIRST BANC GROUP OF OHIO, INC.  
No par common, \$5.00 stated  
value

FIRST BANCORP-ALABAMA, INC.  
\$4.00 par common

FIRST BANKSHARES OF FLORIDA, INC.  
\$1.00 par common

FIRST BANK SYSTEM, INC.  
\$2.50 par capital

FIRST BOSTON CORPORATION, THE  
\$1.66-2/3 par capital

FIRST CAPITAL CORPORATION  
\$5.00 par common

FIRST CITY BANCORPORATION OF  
TEXAS, INC.  
\$6.50 par common

FIRST COLONY LIFE INSURANCE COMPANY  
\$1.00 par common

FIRST COMMERCE CORPORATION  
\$5.00 par common

\*FIRST COMMERCE REALTY INVESTORS  
No par shares of beneficial  
interest

FIRST COMMERCIAL BANKS INC.  
\$5.00 par common

FIRST CONTINENTAL REAL ESTATE  
INVESTMENT TRUST  
\$1.00 par shares of beneficial  
interest

FIRST EMPIRE STATE CORPORATION  
\$5.00 par common

FIRST EXECUTIVE CORPORATION  
\$2.00 par common

FIRST FINANCIAL CORPORATION  
(Florida)  
\$1.00 par common

FIRST GREATWEST CORPORATION  
\$4.00 par common

FIRST HAWAIIAN, INC.  
\$5.00 par common

FIRST JERSEY NATIONAL CORPORATION  
\$5.00 par capital

FIRST MARINE BANKS, INC.  
\$1.00 par common

FIRST MARYLAND BANCORP  
\$5.00 par common

\*FIRST NATIONAL BANK OF  
SAN JOSE, THE  
\$5.00 par common

FIRST NATIONAL CHARTER CORPORATION  
\$12.50 par common

FIRST NATIONAL CINCINNATI  
CORPORATION  
\$5.00 par common

FIRST NATIONAL HOLDING CORPORATION  
\$5.00 par common

FIRST OKLAHOMA BANCORPORATION, INC.  
\$5.00 par common

FIRST SECURITY CORPORATION  
\$1.25 par common

FIRST TENNESSEE NATIONAL CORPORATION  
\$2.50 par common

FIRST TEXAS FINANCIAL CORPORATION  
\$1.00 par common

FIRST UNION BANCORPORATION  
\$10.00 par common

FIRST UNION CORPORATION  
\$3.33-1/3 par common

FIRST UNITED BANCORPORATION, INC.  
\$10.00 par common

FIRST WESTERN FINANCIAL CORPORATION  
\$1.00 par common

FLAGSHIP BANKS INC.  
\$1.00 par common

FLEXSTEEL INDUSTRIES, INC.  
\$1.00 par common

FLICKINGER, S. M. COMPANY, INC.  
\$2.50 par common

FLORIDA COMMERCIAL BANKS, INC.  
\$1.00 par common

FLORIDA CYPRESS GARDENS, INC.  
\$2.25 par common

FLORIDA MINING & MATERIALS  
CORPORATION  
\$1.00 par common

FLORIDA NATIONAL BANKS OF  
FLORIDA, INC.  
\$12.50 par common

FOODWAYS NATIONAL, INC.  
\$2.25 par common

FOREST OIL CORPORATION  
\$1.00 par common

\*FOTOMAT CORPORATION  
\$1.10 par common

FOUNDERS FINANCIAL CORPORATION  
\$1.00 par common

FRANKLIN ELECTRIC COMPANY, INC.  
\$5.00 par common

FRANKLIN LIFE INSURANCE COMPANY,  
THE  
\$2.00 par common

FRASER MORTGAGE INVESTMENTS  
No par shares of beneficial  
interest

FREDERICK & HERRUD, INC.  
\$1.10 par common

FRIENDLY ICE CREAM CORPORATION  
\$1.00 par common

FULLER, H. B. COMPANY  
\$1.00 par common

FURR'S CAFETERIAS, INC.  
No par common

GATES LEARJET CORPORATION  
\$1.00 par common

GATEWAY TRANSPORTATION COMPANY, INC.  
\$62-1/2 par common

GELCO CORPORATION  
\$5.00 par common

\*Addition to List

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FEDERAL REGISTER, VOL. 41, NO. 103—WEDNESDAY, MAY 26, 1976

## RULES AND REGULATIONS

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GELMAN INSTRUMENT COMPANY  
\$1.10 par common

GENERAL AUTOMATION, INC.  
\$1.10 par common

GENERAL AUTOMOTIVE PARTS CORPORATION  
No par common

GENERAL BINDING CORPORATION  
\$2.25 par common

GENERAL ENERGY CORPORATION  
\$1.00 par common

GENERAL HEALTH SERVICES, INC.  
\$1.00 par common

GENERAL REINSURANCE CORPORATION  
\$2.00 par common

GENERAL SHALE PRODUCTS CORPORATION  
No par common

GEORGE WASHINGTON CORPORATION  
\$1.00 par common

GILBERT ASSOCIATES, INC.  
Class A, non-voting,  
\$1.00 par common

GILFORD INSTRUMENT LABORATORIES,  
INC.  
No par common

GIRARD COMPANY, THE  
\$1.00 par common

GLOBE LIFE AND ACCIDENT INSURANCE  
COMPANY  
\$1.00 par common

GOVERNMENT EMPLOYEES INSURANCE COMPANY  
\$4.00 par common  
Warrants (expire 08/01/78)

GOVERNMENT EMPLOYEES LIFE INSURANCE  
COMPANY  
\$1.50 par common

\*GRACO INC.  
\$1.00 par common

GRAHAM MAGNETICS INC.  
\$1.10 par common

GRAPHIC CONTROLS CORPORATION  
\$1.00 par common

GRAPHIC SCANNING CORPORATION  
\$0.1 par common

GRAY TOOL COMPANY  
\$1.00 par common

GREAT SOUTHERN CORPORATION  
\$2.00 par common

GREATER JERSEY BANCORP  
\$5.50 par common

GREEN MOUNTAIN POWER CORPORATION  
\$3.33-1/3 par common

\*Addition to List

GREY ADVERTISING INC.  
\$1.00 par common

HNC MORTGAGE & REALTY INVESTORS  
No par shares of beneficial  
interest

HACH CHEMICAL COMPANY  
\$1.00 par common

HAMILTON BANKSHARES, INC.  
No par common

HAMILTON BROTHERS PETROLEUM  
CORPORATION  
\$1.00 par common

HAMILTON INTERNATIONAL CORPORATION  
\$1.00 par common

HAMILTON INVESTMENT TRUST  
\$1.00 par shares of beneficial  
interest

HANOVER INSURANCE COMPANY, THE  
\$2.00 par capital

HARPER & ROW, PUBLISHERS, INC.  
\$1.10 par common

HARRIS BANCORP, INC.  
\$8.00 par common

HARTFORD NATIONAL CORPORATION  
\$6.25 par common

HAVATAMPA CORPORATION  
\$7.50 par common

HAWAII BANCORPORATION, INC.  
\$2.00 par common

HAWAII CORPORATION, THE  
No par common

HAWKEYE BANCORPORATION  
\$3.00 par common

HAWTHORNE FINANCIAL CORPORATION  
\$1.00 par capital

HEATH TECNA CORPORATION  
No par common

HENREDON FURNITURE INDUSTRIES, INC.  
\$2.00 par common

HERITAGE BANCORPORATION  
No par common, \$2.50 stated  
value

HEXCEL CORPORATION  
\$1.00 par common

HICKORY FURNITURE COMPANY  
\$1.10 par common

\*HOME BENEFICIAL CORPORATION  
Class B, non-voting,  
\$2.50 par common

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FEDERAL REGISTER, VOL. 41, NO. 103—WEDNESDAY, MAY 26, 1976

HON INDUSTRIES, INC.  
\$1.00 par common

HOOK DRUGS, INC.  
No par common

HOOVER COMPANY, THE  
\$2.50 par common

HORIZON BANCORP  
\$4.00 par common

HUDSON UNITED BANK  
\$8.00 par capital

HUGHES SUPPLY, INC.  
\$1.00 par common

HUNTINGTON BANKSHARES INC.  
\$10.00 par common

HYATT CORPORATION  
\$5.50 par common

HYATT INTERNATIONAL CORPORATION  
Class A, \$1.10 par common

HYDRAULIC COMPANY, THE  
No par common

HYSTER COMPANY  
\$5.50 par common

I.M.S. INTERNATIONAL, INC.  
\$0.1 par common

INDEPENDENCE MORTGAGE TRUST  
\$1.00 par shares of beneficial  
interest

INDEPENDENCE SQUARE INCOME SECURITIES,  
INC.  
\$1.10 par common

INDEPENDENT LIFE & ACCIDENT INSURANCE  
COMPANY, THE  
Non-voting, \$1.00 par common

\*INDIAN HEAD INC.  
\$1.00 par common

INDIANA GROUP, INC.  
\$1.25 par common

INDIANA MORTGAGE & REALTY INVESTORS  
\$1.00 par shares of beneficial  
interest

INDIANA NATIONAL CORPORATION  
No par common

INDIANAPOLIS WATER COMPANY  
\$7.50 par common

INDUSTRIAL NUCLEONICS CORPORATION  
\$1.00 par common

INDUSTRIAL VALLEY BANK AND TRUST  
COMPANY  
\$5.00 par common

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INFOREX, INC. \$.25 par common	*KANSAS CITY LIFE INSURANCE COMPANY \$7.50 par common	LANE COMPANY, INC., THE \$5.00 par common
INFORMATION INTERNATIONAL, INC. \$.25 par common	KEARNEY & TRECKER CORPORATION \$2.00 par common	LAWSON PRODUCTS INC. No par common, \$1.00 stated value
INTEL CORPORATION No par common	KEARNEY-NATIONAL INC. \$.50 par common	LAWTER CHEMICALS, INC. \$1.00 par common
INTERFINANCIAL INC. \$1.00 par common	KELLY SERVICES, INC. \$1.00 par common	LA-Z-BOY CHAIR COMPANY \$1.00 par common
INTERMOUNTAIN GAS COMPANY \$1.00 par common	KEMPER CORPORATION \$.50 par common	LEE WAY MOTOR FREIGHT, INC. \$1.00 par common
INTERNATIONAL BANK (Washington, D. C.) \$1.00 par common Class A, \$1.00 par common	KENTUCKY CENTRAL LIFE INSURANCE COMPANY Class A, non-voting, \$1.00 par common	LEGGETT & PLATT, INC. \$1.00 par common
INTERNATIONAL LIFE HOLDING CORPORATION \$.50 par common	KEYES FIBRE COMPANY \$1.00 par common	LIBERTY HOMES, INC. \$1.00 par common
INTERSIL, INC. \$.01 par common	KEYSTONE CUSTODIAN FUNDS, INC. Class A, non-voting, no par common	LIBERTY NATIONAL LIFE INSURANCE COMPANY \$2.00 par common-capital
INTEXT, INC. No par common	KEYSTONE INTERNATIONAL, INC. \$1.00 par common	LIFE INSURANCE COMPANY OF GEORGIA \$2.50 par capital
IOWA SOUTHERN UTILITIES COMPANY \$10.00 par common	KEYSTONE OTC FUND, INC. \$1.00 par common	LIFE INVESTORS INC. \$1.00 par common
IVAC CORPORATION \$.10 par common	KNAPP & VOGT MANUFACTURING COMPANY \$2.00 par common	LIMITED STORES, INC., THE No par common
IVEY, J. B. & COMPANY \$2.50 par common	KNUDSEN CORPORATION \$1.00 par common	LIN BROADCASTING CORPORATION \$2.00 par common
JAMESBURY CORPORATION \$1.00 par common	KOSS CORPORATION \$.01 par common	LINCOLN FIRST BANKS INC. \$10.00 par common \$4.50 par cumulative preferred
JEFFERSON NATIONAL LIFE INSURANCE COMPANY \$1.00 par capital	KUHLMAN CORPORATION \$1.00 par common	LINCOLN MORTGAGE INVESTORS No par shares of beneficial interest
*JERRICO, INC. No par common	KULICKE AND SOFFA INDUSTRIES, INC. No par common	LINCOLN TELEPHONE & TELEGRAPH COMPANY, THE \$6.25 par common
*JOHNSON, E. F. COMPANY \$.50 par common	KUSTOM ELECTRONICS, INC. \$.10 par common	LITCO CORPORATION OF NEW YORK \$.50 par common
JOSLYN MANUFACTURING AND SUPPLY COMPANY \$1.25 par common	LME CORPORATION \$.40 par common	LOCUTE CORPORATION No par common
KMS INDUSTRIES, INC. \$.01 par common	*KIT CORPORATION, THE Warrants (expire 01/15/78)	LONE STAR BREWING COMPANY \$1.00 par common
KAISER STEEL CORPORATION \$.66-2/3 par common * \$1.46 par cumulative preferred	*LACLEDE STEEL COMPANY \$20.00 par common	LOUISIANA LAND OFFSHORE EXPLORATION COMPANY, INC. Class B, \$1.00 par common
KALVAR CORPORATION \$.02 par common	LANCASTER COLONY CORPORATION \$.40 par common	LOWE'S COMPANIES, INC. \$.50 par common
KAMAN CORPORATION Class A, \$1.00 par common	LANCE, INC. \$1.25 par common	MCI COMMUNICATIONS CORPORATION \$.10 par common
KAMPGROUNDS OF AMERICA, INC. \$.12-1/2 par common	LAND RESOURCES CORPORATION \$.10 par common	*M & T MORTGAGE INVESTORS \$1.00 par shares of beneficial interest
	LANDMARK BANKING CORPORATION OF FLORIDA \$1.00 par common	

\*Addition to List

MSI DATA CORPORATION \$1.00 par common	MEDCOM, INC. \$.10 par common	*MODULAR COMPUTER SYSTEMS, INC. \$.05 par common
MACDERMID INC. No par common	MEDICENTERS OF AMERICA, INC. \$1.00 par common	MOGUL CORPORATION, THE No par common
MADISON GAS AND ELECTRIC COMPANY \$.80 par common	MEDTRONIC, INC. \$.10 par common	MONARCH CAPITAL CORPORATION \$1.00 par common
MAGMA POWER COMPANY \$.10 par common	MELLON NATIONAL CORPORATION \$1.00 par common	MONFORT OF COLORADO, INC. \$1.00 par common
MAJOR REALTY CORPORATION \$.01 par common	MERCANTILE BANKCORPORATION INC. (Missouri) \$.50 par common	MONUMENTAL CORPORATION \$3.50 par common
MALLINCKRODT, INC. \$1.00 par common	MERCANTILE BANKSHARES CORPORATION (Maryland) \$2.00 par common	MOORE, SAMUEL AND COMPANY No par common
*MANAGEMENT ASSISTANCE INC. \$.10 par common	MERCHANTS NATIONAL CORPORATION No par common, \$.50 stated value	MOORE PRODUCTS COMPANY \$1.00 par common
MANCHESTER LIFE & CASUALTY MANAGEMENT CORPORATION \$1.00 par common	MERCURY SAVINGS AND LOAN ASSOCIATION \$1.00 par guarantee stock	*MORRISON INC. \$.50 par common
MANITOWOC COMPANY, INC., THE \$2.50 par common	MERVYN'S \$1.00 par common	MORTGAGE INVESTORS OF WASHINGTON \$1.00 par shares of beneficial interest
MANUFACTURERS BANK (Los Angeles) \$3.75 par capital	*METPATH INC. \$.10 par common	MOSTEK CORPORATION \$.10 par common
MANUFACTURERS NATIONAL CORPORATION \$10.00 par common	MEYER, FRED INC. Class A, no par common	MOTOR CLUB OF AMERICA \$.50 par common
MARCUS CORPORATION, THE \$1.00 par common	MICHIGAN NATIONAL CORPORATION \$10.00 par common	MUTUAL SAVINGS LIFE INSURANCE COMPANY \$1.00 par common
*MARION CORPORATION \$1.00 par common	MICRODATA CORPORATION No par common	MYERS INDUSTRIES, INC. No par common
MARK TWAIN BANKSHARES, INC. \$.50 par common	*MICROFORM DATA SYSTEMS, INC. \$.20 par common	NCNB CORPORATION \$2.50 par common
MARY KAY COSMETICS, INC. \$.10 par common	MICROWAVE SEMICONDUCTOR CORPORATION \$.50 par common	NN CORPORATION \$.50 par common
MARYLAND NATIONAL CORPORATION \$2.50 par common	MIDLANTIC BANKS INC. \$10.00 par common	NATIONAL CENTRAL FINANCIAL CORPORATION \$.50 par common
MAUI LAND & PINEAPPLE COMPANY, INC. No par common	MIDWESTERN DISTRIBUTION, INC. No par common	NATIONAL CITY CORPORATION \$.40 par common
MAY PETROLEUM INC. \$.05 par common	MIDWESTERN FIDELITY CORPORATION \$1.66-2/3 par common	NATIONAL DATA CORPORATION \$.12-1/2 par common
McCORMICK & COMPANY, INC. Non-voting, no par common	MIDWESTERN UNITED LIFE INSURANCE COMPANY \$1.00 par common	NATIONAL LIBERTY CORPORATION \$1.00 par common
McDOWELL ENTERPRISES, INC. No par common	MILLIPORE CORPORATION \$.16-2/3 par common	NATIONAL LIFE OF FLORIDA CORPORATION \$1.00 par common
*McMORAN EXPLORATION COMPANY No par common	MINNESOTA FABRICS, INC. \$.05 par common	NATIONAL OLD LINE INSURANCE COMPANY Class BB; non-voting, \$1.00 par common
McQUAY-PERFEX INC. \$1.00 par common	MRS. SMITH'S PIE COMPANY \$1.00 par common	NATIONAL STATE BANK, THE (Elizabeth, New Jersey) \$.50 par common
MEASUREX CORPORATION No par common	MODERN MERCHANDISING, INC. \$.01 par common	

\*Addition to List



## RULES AND REGULATIONS

NATIONAL UTILITIES & INDUSTRIES CORPORATION \$10.00 par common	NORTHWESTERN NATIONAL LIFE INSURANCE COMPANY \$1.25 par common	PACIFIC STANDARD LIFE COMPANY \$1.00 par common
NATIONAL WESTERN LIFE INSURANCE COMPANY Class A, \$1.00 par common	NORTHWESTERN PUBLIC SERVICE COMPANY \$7.00 par common	*PAKO CORPORATION \$2.50 par common
NATIONWIDE CORPORATION Class A, \$2.50 par common	NORTRUST CORPORATION \$10.00 par common	PAN AMERICAN BANCSHARES, INC. \$1.00 par common
NATIONWIDE REAL ESTATE INVESTORS No par shares of beneficial interest	NOXELL CORPORATION Class B, non-voting, \$1.00 par common	*PANDICK PRESS, INC. \$1.0 par common
NEVADA SAVINGS AND LOAN ASSOCIATION \$1.00 par permanent capital stock	OCEAN DRILLING & EXPLORATION COMPANY \$5.0 par common	PARK-OHIO INDUSTRIES INC. \$1.00 par common
NEW ENGLAND MERCHANTS COMPANY, INC. \$5.00 par common	*OCEANIC EXPLORATION COMPANY \$.06-1/4 par common	PAULEY PETROLEUM INC. \$1.00 par common
NEW JERSEY NATIONAL CORPORATION \$5.00 par common	OFFSHORE LOGISTICS, INC. No par common	PAY LESS DRUG STORES No par common
NEW JERSEY NATURAL GAS COMPANY \$5.00 par common	OHIO CASUALTY CORPORATION \$.50 par common	PAY 'N PAK STORES, INC. \$.10 par common
NEWELL COMPANIES, INC. \$1.00 par common	OHIO FERRO-ALLOYS CORPORATION \$1.00 par common	PAY'N SAVE CORPORATION No par common
*NICOLET INSTRUMENT CORPORATION \$.25 par common	OIL SHALE CORPORATION, THE \$.15 par common	PAYLESS CASHWAYS, INC. \$.50 par common
NIELSEN, A. C. COMPANY Class A, non-voting, \$1.00 par common Class B, non-voting, \$1.00 par common	OLD REPUBLIC INTERNATIONAL CORPORATION \$1.00 par common	PEACHTREE DOORS, INC. \$1.00 par common
NOLAND COMPANY \$20.00 par common	OLYMPIA BREWING COMPANY \$10.00 par common	PEAVEY COMPANY \$2.50 par common
NORDSTROM, INC. No par common	OMNI SPECTRA, INC. \$1.00 par common	PEERLESS INSURANCE COMPANY \$2.50 par common
NORIN CORPORATION \$1.00 par common	OPTICAL COATING LABORATORY, INC. No par common	PENNSYLVANIA ENTERPRISES, INC. No par common, \$10.00 stated value
NORTH CAROLINA NATURAL GAS CORPORATION \$2.50 par common	ORBANCO, INC. No par common	PENNSYLVANIA LIFE COMPANY \$.50 par common
NORTHEAST BANCORP, INC. \$5.00 par common	ORMONT DRUG & CHEMICAL COMPANY, INC. \$.10 par common	PENNZOIL LOUISIANA AND TEXAS OFFSHORE, INC. Class B, \$1.00 par common * 6% convertible subordinated debentures
NORTHERN CALIFORNIA SAVINGS AND LOAN ASSOCIATION No par guarantee capital stock	OTTER TAIL POWER COMPANY \$5.00 par common	PENNZOIL OFFSHORE GAS OPERATORS, INC. Class B, \$1.00 par common
NORTHERN STATES BANCORPORATION \$5.00 par common	OVERSEAS NATIONAL AIRWAYS, INC. \$1.00 par common	PENTAIR INDUSTRIES, INC. \$.16-2/3 par common
NORTHROP, KING & COMPANY \$.50 par common	PVO INTERNATIONAL INC. \$5.00 par capital	PETERSON, HOWELL & HEATHER, INC. No par common
NORTHWEST NATURAL GAS COMPANY \$3.00-1/6 par common	PABST BREWING COMPANY No par common	PETROLITE CORPORATION No par common
NORTHWESTERN FINANCIAL CORPORATION \$1.00 par common	PACCAR INC. \$12.00 par common	PETITBONE CORPORATION \$10.00 par common
	PACIFIC GAMBLE ROBINSON COMPANY \$5.00 par common	PHILADELPHIA LIFE INSURANCE COMPANY \$1.00 par common

\*Addition to List

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## RULES AND REGULATIONS

PHILADELPHIA NATIONAL CORPORATION \$1.00 par common	POLASKI FURNITURE CORPORATION \$5.00 par common	RING AROUND PRODUCTS, INC. \$.20 par common
PIEDMONT AVIATION, INC. \$1.00 par common	*PUTNAM DUOFUND, INC. \$1.00 par capital shares	RIVAL MANUFACTURING COMPANY \$1.00 par common
PINKERTON'S, INC. Class B, non-voting, no par common	QUALITY INNS INTERNATIONAL, INC. \$1.00 par common	ROADWAY EXPRESS, INC. No par common
PIONEER HI-BRED INTERNATIONAL, INC. \$1.00 par common	RPM, INC. No par common -	ROCKET RESEARCH CORPORATION No par common
PIONEER WESTERN CORPORATION \$1.00 par common	RAINBOW RESOURCES, INC. \$.10 par common	ROUSE COMPANY, THE \$.01 par common
PITTSBURGH NATIONAL CORPORATION \$5.00 par common	RAINIER BANCORPORATION \$2.50 par common	*ROYSTER COMPANY \$.50 par common
*PIZZA INN, INC., THE \$1.00 par common	RAINIER COMPANIES, INC., THE \$1.00 par common	*RUCKER PHARMACAL COMPANY, INC. No par common, \$1.00 stated value
POPEIL BROTHERS, INC. \$.40 par common	RAYCHEM CORPORATION No par common	RUSSELL STOVER CANDIES, INC. \$1.00 par common
POST CORPORATION \$1.00 par common	RAYMOND CORPORATION, THE \$1.50 par common	SAFECO CORPORATION \$5.00 par common
POTT INDUSTRIES INC. \$1.00 par common	REALTY & MORTGAGE INVESTORS OF THE PACIFIC No par shares of beneficial interest	ST. PAUL COMPANIES, INC., THE \$1.50 par common
*POWERS REGULATOR COMPANY \$5.00 par common	RECOGNITION EQUIPMENT INC. \$.25 par common	SANTA ANITA CONSOLIDATED, INC. No par common
PRECIOUS METALS HOLDINGS, INC. \$1.00 par common	REDKEN LABORATORIES, INC. \$.50 par common	SCHERER, R. P. CORPORATION \$.33-1/3 par common
PREFERRED RISK LIFE INSURANCE COMPANY \$1.00 par common	REGENCY ELECTRONICS, INC. No par common	*SCHOLL, INC. \$1.00 par common
PRESTO PRODUCTS, INC. \$.10 par common	REID-PROVIDENT LABORATORIES, INC. \$1.00 par common	SCHULMAN, A., INC. \$1.00 par common
PRESTON TRUCKING COMPANY, INC. \$1.00 par common	RELIANCE UNIVERSAL INC. \$1.25 par common	SCOPE INC. \$1.00 par common
PROGRESSIVE CORPORATION, THE (Ohio) \$1.00 par common	REPUBLIC NATIONAL LIFE INSURANCE COMPANY \$1.00 par common	SCOTTISH INNS OF AMERICA, INC. \$.10 par common
PROGROUP, INC. \$.50 par common	REPUBLIC OF TEXAS CORPORATION \$5.00 par common	SEA WORLD, INC. \$.50 par common
PROPERTY TRUST OF AMERICA \$1.00 par shares of beneficial interest	RESERVE OIL & MINERALS CORPORATION \$1.00 par common	SEAFIRST CORPORATION \$5.00 par common
PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY \$3.00 par common	REYNOLDS AND REYNOLDS COMPANY, THE Class A, \$1.25 par common	SEALED AIR CORPORATION \$.01 par capital
PROVIDENT LIFE INSURANCE COMPANY \$2.50 par common	RICH'S, INC. No par common	SECURITY LIFE AND ACCIDENT COMPANY Series A, \$2.00 par common
PROVIDENT NATIONAL CORPORATION \$1.00 par common	RIGGS NATIONAL BANK OF WASHINGTON, D.C., THE \$5.00 par common	SECURITY NEW YORK STATE CORPORATION \$5.00 par common
PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC. \$1.00 par common		SECURITY PACIFIC CORPORATION \$10.00 par common
		SEEBURG INDUSTRIES, INC. Class A, \$.50 par common

\*Addition to List

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SEISCOM DELTA INC. \$1.10 par common	SOUTHERN BANCORPORATION OF ALABAMA \$5.00 par common
SENECA FOODS CORPORATION \$1.00 par common	SOUTHERN CALIFORNIA WATER COMPANY \$5.00 par common
SERVICE MERCHANDISE COMPANY, INC. \$1.00 par common	SOUTHERN CONNECTICUT GAS COMPANY, THE \$13.33-1/3 par common
SERVICEMASTER INDUSTRIES INC. \$1.00 par common	SOUTHERN INDUSTRIES CORPORATION No par common
SEVEN-UP COMPANY, THE \$1.00 par common	SOUTHLAND EQUITY CORPORATION \$1.16-2/3 par common
SHAKLEE CORPORATION No par common	SOUTHLAND FINANCIAL CORPORATION \$1.00 par common
SEAWMUT CORPORATION \$5.00 par common	SOUTHLAND PAPER MILLS, INC. No par common
SHEDDAHL, INC. \$.50 par common	SOUTHWEST BANCSHARES, INC. \$5.00 par common
SHIPPERS DISPATCH, INC. Class A, \$1.00 par common	SOUTHWEST GAS CORPORATION \$1.00 par common
SHONEY'S BIG BOY ENTERPRISES, INC. \$1.00 par common	SOUTHWESTERN LIFE CORPORATION \$2.50 par common
SHOREWOOD CORPORATION, THE \$1.00 par common	SOVEREIGN CORPORATION \$1.00 par common
SIGMOER CORPORATION Class A, \$1.00 par common	SPECTRA-PHYSICS, INC. \$.20 par capital
SILVER KING MINES, INC. \$1.00 par common	SPEIDEL NEWSPAPERS INC. \$1.00 par common
SIMPSON INDUSTRIES, INC. \$1.00 par common	STA-RITE INDUSTRIES, INC. \$2.00 par common
SKYLINE OIL COMPANY \$1.00 par capital	STANADYNE, INC. \$5.00 par common
SNAP-ON TOOLS CORPORATION \$1.00 par common	STANDARD LIFE INSURANCE COMPANY OF INDIANA \$1.50 par common
SOCIETY CORPORATION \$1.00 par common	STANDARD REGISTER COMPANY, THE \$.50 par common
SOLID STATE SCIENTIFIC INC. \$.40 par common	STANLEY HOME PRODUCTS, INC. Non-voting, \$1.00 par common
SONOMA VINEYARDS, INC. \$.25 par common	STATE STREET BOSTON FINANCIAL CORPORATION \$10.00 par common
SOURCE CAPITAL, INC. \$1.00 par common \$2.40 par cumulative preferred	STATESMAN GROUP, INC., THE \$1.00 par common
SOUTH CAROLINA INSURANCE COMPANY \$1.00 par common	STEAK AND ALE RESTAURANTS OF AMERICA INC. \$.05 par common
SOUTH CAROLINA NATIONAL CORPORATION \$5.00 par common	STEAK N SHAKE, INC. \$.50 par common
SOUTHEAST NATIONAL BANK OF PENNSYLVANIA \$6.00 par common	STECHER-TRAUNG-SCHMIDT CORPORATION \$5.00 par common
SOUTHERN AIRWAYS, INC. \$2.00 par common	

\*Addition to list

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*STEWART SANDWICHES, INC. \$1.00 par common	STRATFORD OF TEXAS, INC. \$.10 par common
	STRAWBRIDGE & CLOTHIER \$5.00 par common
	SUBARU OF AMERICA, INC. \$.01 par common
	SUBURBAN BANCORPORATION \$5.00 par common
	SULLAIR CORPORATION No par common
*SUMITOMO BANK OF CALIFORNIA, THE \$5.00 par common	SUMMIT PROPERTIES No par shares of beneficial interest
	SUN BANKS OF FLORIDA, INC. \$2.50 par common
	SUPERIOR ELECTRIC COMPANY, THE \$1.00 par common
	SUPREME EQUIPMENT & SYSTEMS CORPORATION \$.66-2/3 par common
	SYCOR, INC. \$.50 par common
	SYNERCON CORPORATION \$1.00 par common
	T.I.M.E.-DC, INC. \$2.00 par common
	TACO BELL \$.10 par common
	TALLY CORPORATION \$.16-2/3 par common
	TAMPAX INC. \$.25 par common
	TAYLOR WINE COMPANY, INC., THE \$2.00 par common
	TECUMSEH PRODUCTS COMPANY \$1.00 par common
	TELE-COMMUNICATIONS, INC. \$1.00 par common
	TELECREDIT, INC. \$.01 par common
	TELEPHONE UTILITIES, INC. \$1.00 par common
*TELESCIENCES, INC. \$.10 par common	

TENNECO OFFSHORE COMPANY, INC. \$1.00 par common	TYMSHARE, INC. No par common
* 6% convertible subordinated debentures	TYSON FOODS, INC. \$1.00 par common
TENNESSEE NATURAL GAS LINES, INC. \$1.00 par common	*UA-COLUMBIA CABLEVISION, INC. \$.05 par common
TENNESSEE VALLEY BANCORP, INC. \$6.66-2/3 par common	UB FINANCIAL CORPORATION \$5.00 par common
TEXAS AMERICAN BANCSHARES, INC. \$5.00 par common	UNICAPITAL CORPORATION \$1.00 par common
*THALHIMER BROTHERS, INC. \$2.50 par common	UNICOA CORPORATION \$2.50 par common
THERMO ELECTRON CORPORATION \$1.00 par common	UNION ELECTRIC STEEL CORPORATION \$1.25 par common
THIRD NATIONAL CORPORATION \$10.00 par common	UNION PLANTERS CORPORATION \$5.00 par common
TIFFANY & COMPANY \$1.00 par common	UNION SPECIAL CORPORATION \$1.00 par common
TIME HOLDINGS, INC. \$2.00 par common	UNITED BANK CORPORATION OF NEW YORK \$5.00 par common
TIPPERARY CORPORATION \$.50 par common	UNITED BANKS OF COLORADO, INC. \$5.00 par common
*TOLLEY INTERNATIONAL CORPORATION \$.25 par common	UNITED CABLE TELEVISION CORPORATION \$.10 par common
TOM BROWN, INC. \$.10 par common	UNITED SERVICES LIFE INSURANCE COMPANY \$1.00 par common
TORO COMPANY, THE \$1.00 par common	U. S. BANCORP \$5.00 par common
TOWLE MANUFACTURING COMPANY No par common	UNITED STATES BANKNOTE CORPORATION \$1.00 par common
TRANSCONTINENTAL OIL CORPORATION \$.10 par common	UNITED STATES SUGAR CORPORATION \$1.00 par common
TRANSOCEAN OIL, INC. \$1.00 par common	U. S. TRUCK LINES INC. OF DELAWARE \$1.00 par common
TRANSPORT LIFE INSURANCE COMPANY \$1.00 par common	UNITED STATES TRUST COMPANY OF NEW YORK \$5.00 par capital
TREMCO INC. \$1.00 par common	UNITED TENNESSEE BANCSHARES CORPORATION \$2.00 par common
TRIANGLE CORPORATION, THE \$.50 par common	UNITED VIRGINIA BANCSHARES INC. \$10.00 par common
TRICO PRODUCTS CORPORATION No par common	UNIVERSAL FOODS CORPORATION \$1.00 par common
TRITON OIL & GAS CORPORATION \$1.00 par common	
*TRUST COMPANY OF GEORGIA \$5.00 par common	
TWIN DISC, INC. No par common	

\*Addition to list

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UNIVERSAL INSTRUMENTS CORPORATION \$1.25 par common
UPPER PENINSULA POWER COMPANY \$9.00 par common
UTILITIES & INDUSTRIES CORPORATION \$1.10 par common
VAIL ASSOCIATES, INC. No par common
VALLEY NATIONAL BANK OF ARIZONA, THE \$2.50 par common
VALMONT INDUSTRIES, INC. \$1.00 par common
VAN DYK RESEARCH CORPORATION \$.10 par common
VAN SCHAAK & COMPANY \$1.00 par common
VARIABLE ANNUITY LIFE INSURANCE COMPANY, THE \$1.00 par common
VELO-BIND, INC. \$1.00 par common
VICO CORPORATION \$1.00 par common
VICTORIA STATION INC. No par common
VIRGINIA NATIONAL BANCSHARES, INC. \$5.00 par common
VIRGINIA REAL ESTATE INVESTMENT TRUST No par shares of beneficial interest
VOLUME SHOE CORPORATION \$.50 par common
WALDEBAUM, INC. \$1.00 par common
WARNER ELECTRIC BRAKE & CLUTCH COMPANY \$1.00 par common
WASHINGTON NATURAL GAS COMPANY \$5.00 par common
WEATHERFORD INTERNATIONAL INC. \$.10 par common
WEBB RESOURCES, INC. \$.10 par common
WEEDEN HOLDING CORPORATION \$1.00 par common



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# RULES AND REGULATIONS

WEIGHT WATCHERS INTERNATIONAL, INC.  
\$ .25 par common

WELLINGTON MANAGEMENT COMPANY  
Class A, \$.10 par common

WESTERN CASUALTY AND SURETY COMPANY, THE  
\$.25 par capital

WESTERN GEAR CORPORATION  
\$.00 par common

WESTMORELAND COAL COMPANY  
\$.50 par common

WETTERAU INC.  
\$.00 par common

WHITE SHIELD CORPORATION  
\$.05 par common

WIEN AIR ALASKA, INC.  
\$.00 par common

WILLAMETTE INDUSTRIES, INC.  
\$.50 par common

WINCORP  
No par common

WINTER, JACK INC.  
\$1.00 par common

WINTER PARK TELEPHONE COMPANY, THE  
\$1.25 par common

WISCONSIN REAL ESTATE INVESTMENT TRUST  
\$1.00 par shares of beneficial interest

\*WISER OIL COMPANY, THE  
\$10.00 par common

WOLVERINE-PENTRONIX, INC.  
\$1.00 par common

WOODWARD & LOTHROP INC.  
\$10.00 par common

WORCESTER BANCORP, INC.  
\$1.00 par common

WORLD SERVICE LIFE INSURANCE COMPANY  
\$1.00 par common

WORTHINGTON INDUSTRIES, INC.  
No par common

WRIGHT, WILLIAM E. COMPANY  
\$.50 par common

YELLOW FREIGHT SYSTEM, INC.  
\$1.00 par common

YOUNKER BROTHERS, INC.  
No par common

\*ZIEGLER COMPANY, INC., THE  
\$1.00 par common

ZIONS UTAH BANCORPORATION  
No par common

[FR Doc.76-15355 Filed 5-21-76;3:45 pm]

\*Addition to List

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FEDERAL REGISTER, VOL. 41, NO. 103—WEDNESDAY, MAY 26, 1976

WEDNESDAY, MAY 26, 1976



PART IV:

## ARMS CONTROL AND DISARMAMENT AGENCY

PRIVACY ACT OF 1974

Systems of Records and Proposed  
Routine Uses; Corrections and Additions

federal register

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# UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY PRIVACY ACT OF 1974

## Notice of Systems of Records and Proposed Routine Uses, Corrections and Additions

As required by sections (e)(4) and (11) of 5 U.S.C. 552a, the Privacy Act of 1974 (Pub. L. 93-579), the U.S. Arms Control and Disarmament Agency published a notice of systems of records and proposed routine uses on August 28, 1975 in the Federal Register (40 F.R. 39665-39669) for public information and comment. No comments were received.

This notice amends the previously published notice by correcting and updating the descriptions of the systems of records previously disclosed and by describing four additional systems of records. These systems of records were in existence on September 27, 1975, and should have been published in the notice on August 28, 1975. Three of these systems of records were omitted from that notice due to administrative oversight. The fourth system of records, designated ACDA-14, was originally considered to be part of the system of records designated ACDA-1, but is now being listed as a separate system because it has a different system manager.

Pursuant to 5 U.S.C. 552a(e)(11) the routine uses of each system of records maintained by the Agency as amended or added by this notice are hereby set out for public comment. Interested persons are invited to submit written data, views, or arguments with respect to such routine uses, in duplicate, to the General Counsel, United States Arms Control and Disarmament Agency, 320 21st St., N.W., Washington, D.C. 20451, within thirty days of the publication date of this notice.

Dated: May 3, 1976

JOHN F. LEHMAN,  
Acting Director.

1. In the descriptions of each of the systems of records designated ACDA-1 through ACDA-10 inclusive (40 F.R. 39665-39669), at the end of the section on routine uses add the following paragraph:

Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the description of the system of records designated ACDA-1 (40 F.R. 39665), at the end of the section on routine uses, as modified by paragraph 1 above, add the following paragraph:

Disclosure may be made to financial and credit institutions for loan and credit purposes to verify the employee's employment with ACDA, date of employment, present and past positions, titles, grades, salaries, and duty stations.

3. In the description of the system of records designated ACDA-2:

a. The first paragraph of the section on routine uses (40 F.R. 39665) is amended by deleting the word "only" so that the paragraph as amended reads as follows:

Used by ACDA management for the evaluation of employment potential and to establish entitlement to rights under the federal personnel system.

b. The third paragraph by deleting the garbled line which reads "other relevant maintaining civil, criminal or" so that the paragraph as amended reads as follows:

A record from this system of records may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

c. The text of the section entitled "Retention and Disposal" (40 F.R. 39666) is amended by adding the word "final" before the word "decision" so that the paragraph as amended reads as follows:

Records are maintained only until a final decision is made regarding employment, and are then either destroyed or replaced by an official personnel folder: access limited to ACDA management on a need-to-know basis.

4. In the description of the system of records designated ACDA-3 (40 F.R. 39666):

a. The second paragraph of the section on routine uses is amended by adding the words "general statute or particular program" after the words "arising by," and by substituting the words "the system of records" for the words "this system," and by adding the words, "as a routine use," after the words "may be referred" so that the paragraph as amended reads as follows:

In the event that these records indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular Program, statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

b. The third paragraph of the section on routine uses is amended by substituting the words "of records may be disclosed as a routine use" for the words "may be disclosed" and by adding the words "or other pertinent information, such as current licenses," before the words "if necessary" so that the paragraph as amended reads as follows:

A record from this system of records may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

c. The fourth paragraph of the section on routine uses is amended by adding the words "of records" after the word "system" so that the paragraph as amended reads as follows:

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. In the description of each of the systems of records designated ACDA-4, ACDA-5, and ACDA-6 (40 F.R. 39667 and 39668), the text of the section entitled "System manager(s) and address" is amended by substituting the words "Chief, Communications and Services Section, Rm. 5666" for the words "Chief, Communications and Information Center, Rm. 5666."

6. In the description of the system of records designated ACDA-4 (40 F.R. 39667), following the section entitled "System manager(s) and address," as amended by paragraph 5 above, add the following:

Notification procedure: Privacy Act Officer, Rm. 5725.  
Record access procedures: Same as above.  
Contesting record procedures: Same as above.

7. In the description of the system of records designated ACDA-8 (40 F.R. 39668), the text of the section entitled "System manager(s) and address," is amended by substituting the words "Contracting Officer, Rm. 5534" for the words "Contracting Officer, Rm. 2318".

8. In the description of the system of records designated ACDA-10 (40 F.R. 39669), the text of the section entitled "Notification procedure" is amended by substituting the words "Privacy Act Officer, Rm. 5725" for the words "Same as above."

9. Whenever the term "Privacy Officer" appears it should be deleted and the term "Privacy Act Officer" substituted.

10. Notice is hereby given by the U.S. Arms Control and Disarmament Agency of its maintenance of the following four additional systems of records:

### ACDA-11

System name: World Military Expenditures Mailing List-ACDA

System location: Agency headquarters, Department of State Building 320 21st St., N.W., Washington, D.C. 20451.

Categories of individuals covered by the system: Requesters of the publication "World Military Expenditures and Arms Transfers".

Categories of records in the system: Names and addresses of requesters of the publication.

Authority for maintenance of the system: 22 U.S.C. 2551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to Agency officials for use in disseminating current editions of the publication "World Military Expenditures and Arms Transfers".

Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on standard 3x5 file cards.

Retrievability: By last name of requester.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Project Officer for WMEAT.

Notification procedure: Privacy Act Officer, Room 5725.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authors of requests for the publication.

### ACDA-12

System name: ACDA mailing list

System location: State Department Computer Bank, Department of State Building, 320 21st St., N.W., Washington, D.C. 20451.

Categories of individuals covered by the system: Requesters of information on arms control and related affairs.

Authority for maintenance of the system: Authority for maintenance of the system: 22 U.S.C. 2551.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to Agency officials for use in disseminating public information and publications concerning arms control and related affairs.

Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer tape.

Retrievability: By last name of requester.

Safeguards: Records are maintained in the computer which has limited access for official use only by authorized personnel.

Retention and disposal: Records are maintained for two years at which time the individuals are sent an address card which must be filled out and returned or the name and address of the individual concerned will be removed from the list.

System manager(s) and address: Deputy Public Affairs Advisor, Room 5923.

Notification procedure: Privacy Act Officer, Room 5725.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Authors of requests for information on arms control and related affairs.

### ACDA-13

System name: Travel Authorization File-ACDA

System location: Agency Headquarters, Department of State Building, 230 21st St., N.W., Washington, D.C. 20451.

Categories of individuals covered by the system: Covered by the system: Any individuals who travel on Agency business.

Categories of records in the system: Categories of records in the system: Travel authorizations and completed travel vouchers.

Authority for maintenance of the system: 31 U.S.C. 200; 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to Agency officials for use in monitoring official Agency travel.

In the event that these records indicate a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other per-

tinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders.

Retrievability: By last name of traveler.

Safeguards: Records are maintained in a bar-lock steel cabinet.

Retention and disposal: Records are maintained three years.

System manager(s) and address: Budget Officer, State Department Annex No. 6, Room 804.

Notification procedure: Privacy Act Officer, Room 5725.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals who travel on official Agency business.

### ACDA-14

System name: Confidential Statement of Employment and Financial Interests Records-ACDA

System location: Agency Headquarters, Department of State Building, 320 21st St., N.W., Washington, D.C. 20451.

Categories of individuals covered by the system: Special Government employees (consultants) of the Agency and individuals occupying positions listed in 22 CFR 606.735-71(a).

Categories of records in the system: Statements of Employment and Financial Interests and letters and memoranda relating thereto, except to the extent controlled by the CSC.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Available to the Agency Ethics Counselor and Deputy Ethics Counsel and to other Agency personnel on a need-to-know basis as may be required in the performance of their duties. Records in the system may also be used as follows, except that information from a statement may be disclosed only upon the determination of the CSC or the ACDA Director that such disclosure is for good cause shown:

In the event that these records indicate a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the



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ARMS CONTROL AND DISARMAMENT

letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Disclosure may be made to a congressional office as a routine use from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:** Maintained in standard file folders.

**Retrievability:** By last name of employee.

**Safeguards:** Records are maintained in a three-way combination lock steel container located in the office of the Deputy Ethics Counselor.

**Retention and disposal:** Records are maintained indefinitely.

**System manager(s) and address:** Ethics Counselor, Room 5534.

**Notification procedure:** Privacy Act Officer, Room 5725.

**Record access procedures:** Same as above.

**Contesting record procedures:** Same as above.

**Record source categories:** Individuals who file Confidential Statements of Employment and Financial Interests with the Agency.

[FR Doc.76-15085 Filed 5-25-76;8:45 am]

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## CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1976)

Title 16—Commercial Practices (Part 150—End)----- \$6.80

*[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]*

Order from Superintendent of Documents,  
United States Government Printing Office,  
Washington, D.C. 20402

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# federal register

THURSDAY, MAY 27, 1976



## highlights

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Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 40—LICENSING OF SOURCE MATERIAL

PART 70—SPECIAL NUCLEAR MATERIAL  
Clarifying and Corrective Amendments

Notice is hereby given of amendments of the Nuclear Regulatory Commission's regulations in 10 CFR Parts 40 and 70 which are of a minor nature.

On November 17, 1975, amendments to 10 CFR Parts 40 and 70 of the Commission's regulations were published in the FEDERAL REGISTER which specified reporting requirements regarding results of monitoring for radio-nuclides in gaseous and liquid effluents released to unrestricted areas from uranium milling, uranium hexafluoride production and other licensed fuel cycle activities in which special nuclear material is used.

The reporting requirements (§§ 40.65 and 70.59) which were added by the amendment require the licensee to "... Submit a report to the Commission within 60 days after January 1, 1976, and within 60 days after January 1 and July 1 of each year thereafter ...". The amendments of §§ 40.65 and 70.59 set forth below amend this language to avoid a possible ambiguity as to the time that the second report is due (i.e. 60 days after July 1, 1976). The amendments of §§ 40.65 and 70.59 also add a specific provision that such reports shall be submitted to the appropriate Regional Office shown in Appendix D of Part 20 with a copy to the Director of Inspection and Enforcement, and delete the general directive that such reports be submitted to the "Commission".

The definition of "source material" in § 70.54(1) erroneously references § 11s. of the Atomic Energy Act of 1974 rather than § 11z. of the Act. The amendments set forth below correct this reference.

Because these amendments relate solely to minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 40 and 70 are published as a document subject to codification.

§ 40.65 [Amended]

1. In § 40.65, paragraph (a)(1) is amended by deleting "Commission" the first time it appears and substituting therefor "appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter, with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555," and by inserting "and July 1, 1976" after "January 1, 1976".

§ 70.4 [Amended]

2. In § 70.4, paragraph (1) is amended by deleting "section 11s. of the Act" and substituting therefor "section 11z. of the Act".

§ 70.59 [Amended]

3. In § 70.59, paragraph (a)(1) is amended by deleting "Commission" the first time it appears and substituting therefor "appropriate NRC Regional Office shown in Appendix D of Part 20 of this chapter, with copies to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555," and by inserting "and July 1, 1976" after "January 1, 1976".

Effective date. These amendments become effective on May 27, 1976.

(Sec. 161, Pub. L. 93-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841)).

Dated at Bethesda, Maryland this 10th day of May 1976.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,  
Executive Director  
for Operations.

[FR Doc. 76-15470 Filed 5-26-76; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-EA-12; Amdt. 39-2623]

PART 39—AIRWORTHINESS DIRECTIVE  
Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31P type airplanes.

In the light of developments in the area of flutter analysis, a reassessment of the analysis of the PA-31P airplane indicates a need to revise operating speeds. Thus an airworthiness directive is being issued which will require a placarding of the window in the vicinity

of the pilot to set forth revised operating speeds.

Since the flutter analysis is significant to the airworthiness of the aircraft, the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

PIPER: Applies to PA-31P airplanes certificated in all categories.

To prevent possible adverse airplane vibration effects at higher altitudes, accomplish the following within the next 25 hours in service after the effective date of this Airworthiness Directive, unless already accomplished:

(a). Attach the following operating limitation placard on the pilot's side window molding in full view of the pilot:

Operating speeds

ALT 1,000	Vno mile per hour	Vne mile per hour
13	230	273
15	230	268
17	230	263
19	221	246
21	212	238
23	203	229
25	194	218
27	185	208
29	176	195

NOTE.—Speeds shown are CAS.

(b) Incorporate Piper PA-31P Airplane Flight Manual revision dated January 22, 1976 in Piper PA-31P Airplane Flight Manual 1615. (Piper Service Bulletin No. 473 refers to this same subject.)

This amendment is effective May 31, 1976.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423]; and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655 (c)])

Issued in Jamaica, N.Y., on May 17, 1976.

L. J. CARDINALI,  
Acting Director,  
Eastern Region.

[FR Doc. 76-15166 Filed 5-26-76; 8:45 am]

[Docket No. 76-NE-4; Amdt. 39-2622]

PART 39—AIRWORTHINESS DIRECTIVES  
Pratt & Whitney R-2800-B Aircraft Engines

A proposal to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Air-



worthiness Directive 50-22-1, to delete the references to the Curtiss-Wright C-46 aircraft, correct Paragraph B to read Pratt & Whitney Special Instructions No. 5F-50A instead of No. 5F-50, and add Air Force Technical Order 02A-10GA-27, dated March 1951, to Paragraph B as an equivalent means of compliance, was published in the FEDERAL REGISTER on February 19, 1976 (41 FR 7519).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, AD 50-22-1 is amended as follows:

1. Applicability paragraph is amended by deleting the words "Installed in certificated Curtiss-Wright C-46 aircraft".

2. Compliance paragraph is amended by deleting the words "August 1, 1950" and inserting the words "July 1, 1976".

3. Delete "5F-50" from Paragraph B and insert "5F-50A."

4. Add the following sentence at the end of Paragraph B: "Air Force Technical Order 02A-10GA-27, dated March 1951, is an equivalent means of compliance."

This amendment becomes effective on June 4, 1976.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Burlington, Massachusetts on May 17, 1976.

QUENTIN S. TAYLOR,  
Director,  
New England Region.

[FR Doc. 76-15164 Filed 5-26-76; 8:45 am]

[Docket No. 15719; Amdt. 39-2628]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Schempp Hirth and Burkhart Grob Standard Cirrus Gliders

There have been reports of warping occurring in the pilot seats on certain Standard Cirrus gliders that has resulted in jamming of the tow release lever. Jamming of this lever could result in a crash of the glider during a winch launch. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued which requires the reinforcement of the pilot seat on Standard Cirrus gliders manufactured by Schempp Hirth and Burkhart Grob.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 USC 1354(a), 1421, and 1423) and of section 6(c) of the

Department of Transportation Act (49 USC 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHEMPP HIRTH AND BURKHART GROB, Applies to Standard Cirrus gliders certificated in all categories, Serial Numbers 1 through 604 for Schempp Hirth and Serial Numbers 1G through 200G for Burkhart Grob.

Compliance is required as indicated, unless already accomplished.

To prevent possible tow release lever jamming and consequent crashing of the glider during a winch launch, accomplish the following:

(a) Within the next 10 flights after the effective date of this AD, visually inspect the clearance between the tow release lever and the occupied pilot seat by performing a functional inspection of the operation of the tow release mechanism. If the occupied seat interferes with the operation of the tow release mechanism, before further flight, comply with paragraph (c) of this AD.

(b) Within the next 50 flights after the effective date of this AD, unless earlier compliance is required pursuant to paragraph (a) of this AD, comply with paragraph (c) of this AD.

(c) Reinforce the pilot seat in accordance with steps 2 and 3 of the paragraph entitled "Instructions" of Schempp Hirth Technical Note 278-18, dated December 8, 1975, or an FAA-approved equivalent, except that the minimum overall depth of the stiffening material used under step 2b should be 1/2 inch width.

This amendment becomes effective June 10, 1976.

Issued in Washington, D.C. on May 20, 1976.

J. A. FERRARESE,  
Acting Director,  
Flight Standards Service.

[FR Doc. 76-15278 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-GI-13]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area

On page 13952 of the FEDERAL REGISTER dated April 1, 1976, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kentland, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below:

In § 71.181, the Kentland, Indiana transition zone is added to read as follows:

##### KENTLAND, INDIANA

That airspace extending upward from 700' above the surface within a 5-mile radius of the Kentland Municipal Airport (latitude

40°45'27" N., longitude 87°25'48" W.); and within 2 statute miles either side of the 300° radial of the Lafayette VORTAC, extending from the 5-mile radius area to 8 miles southeast of the airport.

This amendment shall be effective 0901 GMT, July 15, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Des Plaines, Illinois on May 6, 1976.

JOHN M. CYROCKI,  
Director,  
Great Lakes Region.

[FR Doc. 76-15165 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-48]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Montgomery, Ala., control zone and transition area.

The Montgomery control zone is described in § 71.171 (41 FR 355). The description contains three extensions which are no longer required and an extension that is larger than required. It is necessary to alter the description by revoking the three extensions and reducing the size of the other. In addition, the radius area will be increased in size from 5 miles to 6 miles to provide adequate airspace for containment of Category E aircraft executing circling approaches to Dannelly Field and Maxwell Air Force Base.

The Montgomery transition area is described in § 71.181 (41 FR 440). The description contains three extensions which are no longer required and it is necessary to delete them from the description.

Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Montgomery, Ala., control zone is amended to read:

Within a 6-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'38" W.); within 2 miles each side of Montgomery VORTAC 310° radial, extending from the 6-mile radius of Maxwell Air Force Base (latitude 32°22'48" N., longitude 86°21'55" W.).

In § 71.181 (41 FR 440), the Montgomery, Ala., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'38" W.); within a 9-mile radius of Maxwell Air Force Base (latitude 32°22'48" N., longitude 86°21'55" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 76-15275 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-37]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Transition Area

On April 12, 1976, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (41 FR 15349), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Evergreen, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

##### EVERGREEN, ALA.

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Middleton Field Airport (lat. 31°24'52" N., Long. 87°02'29" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 76-15276 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-50]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Anderson, S.C., control zone.

The Anderson control zone is described in § 71.171 (41 FR 355) and contains an extension predicated on the Anderson VORTAC. The name "Anderson VORTAC" has often been confused with "Athens VORTAC" in radio communications. Since this confusion could lead to a serious incident, the Anderson VORTAC is being renamed Electric City VORTAC and it is necessary to reflect this change in the control zone description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the Anderson, S.C., control zone is amended as follows:

"... Anderson VORTAC ..." is deleted and "... Electric City VORTAC ..." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 76-15279 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-49]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dalton, Ga., transition area.

The Dalton transition area is described in § 71.181 (41 FR 440). The radio beacon which serves the Dalton Municipal Airport is being relocated and it is necessary to alter the transition area to accommodate an instrument approach procedure which will be predicated on the relocated radio beacon. An additional five square miles of controlled airspace is required to provide adequate protection for the instrument approach procedure. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Dalton, Ga., transition area is amended as follows:

"... long. 84°52'00" W.)" is deleted and "... long. 84°52'00" W.); within 5.5 miles southwest and 6.5 miles northeast of the 318° bearing from the Whitfield RBN (lat. 34°47'37" N., long. 84°58'53" W.), extending from the 14.5-mile radius area to 8.5 miles northwest of the RBN, excluding that portion that coincides with the Chattanooga, Tenn., transition area." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 76-15280 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-31]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Alteration of Transition Area

On April 5, 1976, a Notice of Proposed Rulemaking was published in the

FEDERAL REGISTER (41 FR. 14394), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Brunswick, Ga., transition area is amended as follows:

"... long. 81°27'59" W.)" is deleted and "... long. 81°27'59" W.); within 3 miles each side of the Golden Isle localizer west course, extending from 8.5-mile radius area to 8.5 miles west of the LOM ..." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 76-15281 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-SO-39]

#### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

##### Designation of Control Zone

On April 12, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 15350), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hattiesburg, Miss., control zone.

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable and recommended that the name of the control zone be changed from Hattiesburg to Pine Belt. We have determined that the use of the name Pine Belt will be less confusing and have adopted the recommendation.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, July 15, 1976, as hereinafter set forth.

In § 71.171 (41 FR 355), the following control zone is added:

##### PINE BELT, MISS.

Within a 5-mile radius of Pine Belt Regional Airport (lat. 31°28'03" N., long. 89°20'11.6" W.). This control zone is effective from 0530 to 1430 hours and from 1600 to 0100 hours, local time, daily.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

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Issued in East Point, Ga., on May 17, 1976.

PHILLIP M. SWATEK,  
Director, Southern Region.  
[FR Doc.76-15277 Filed 5-26-76; 8:45 am]

[Airspace Docket No. 76-NW-8]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**PART 73—SPECIAL USE AIRSPACE**

**Designation of Temporary Restricted Area**

On March 29, 1976, a notice of proposed rule making (NPRM) was published in the Federal Register (41 FR 12904 and 16477) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a temporary restricted area to contain a joint military exercise "BRAVE SHIELD XIV" which is scheduled from August 18 through August 26, 1976. This restricted area would also be included in the continental control area for the duration of its time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. We received one response to the NPRM in which the commentator posed no objection to the proposal.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 15, 1976, as hereinafter set forth.

In § 71.151 (41 FR 345) the following restricted area is included for the duration of its time of designation from 0001 p.d.t., August 18, 1976, through 2400 p.d.t., August 26, 1976: R-6716, Brave Shield, XIV, Wash.

In § 73.67 (41 FR 698) the following restricted area is added:

R-6716 BRAVE SHIELD XIV, Wash.

Boundaries. Beginning at Lat. 46°53'40"N., Long. 120°12'15"W.; to Lat. 46°58'00"N., Long. 119°51'00"W.; to Lat. 46°58'00"N., Long. 119°30'00"W.; to Lat. 46°48'30"N., Long. 119°10'00"W.; to Lat. 46°39'00"N., Long. 118°58'40"W.; to Lat. 46°30'00"N., Long. 119°15'00"W.; to Lat. 46°23'00"N., Long. 119°15'00"W.; to Lat. 46°21'30"N., Long. 119°18'00"W.; to Lat. 46°24'00"N., Long. 119°37'00"W.; to Lat. 46°27'00"N., Long. 119°50'00"W.; to Lat. 46°33'00"N., Long. 120°09'00"W.; thence along the western border of R-6714A to point of beginning. Designated altitudes. 2000 feet AGL to and including 17,000 feet MSL.

Time of designation. Continuous, 0001 p.d.t. August 18 through 2400 p.d.t. August 26, 1976.

Controlling agency. Federal Aviation Administration, Seattle ARTC Center. Using agency. U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23065.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

**RULES AND REGULATIONS**

Issued in Washington, D.C., on May 20, 1976.

B. KEITH POTTS,  
Acting Chief, Airspace and Air  
Traffic Rules Division.  
[FR Doc.76-15432 Filed 5-26-76; 8:45 am]

[Docket No. 15717; Amdt. No. 1092]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Recent Changes and Additions**

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for \$30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VORDME SIAPs, effective July 15, 1976.

Mobile, AL—Bates Field, VOR Rwy 9 (TAC), Amdt. 20.  
Mobile, AL—Bates Field, VOR Rwy 32, Original, cancelled.  
Mobile, AL—Bates Field, VOR/DME Rwy 32, Original.  
Ozark, AL—Blackwell Field, VOR Rwy 30, Amdt. 2.

Kentland, IN—Kentland Muni. Arpt., VOR-A, Original.

Savannah, TN—Savannah-Hardin County Arpt., VOR/DME Rwy 18, Original.

Savannah, TN—Savannah Muni. Arpt., VOR/DME-A, Amdt. 1, cancelled.

Rockwall, TX—Rockwall Muni. Arpt., VOR Rwy 16, Original.

Point Pleasant, WV—Mason County Arpt., VOR/DME-A, Original.

• • • effective June 17, 1976

Montague, CA—Siskiyou County Arpt., VOR-B, Original.

San Jose, CA—San Jose Muni. Arpt., VOR Rwy 12R/L, Amdt. 14.

San Jose, CA—San Jose Muni. Arpt., VOR-A, Amdt. 3.

San Jose, CA—San Jose Muni. Arpt., VOR/DME Rwy 12R/L, Amdt. 1, cancelled.

San Jose, CA—San Jose Muni. Arpt., VOR/DME Rwy 30L/R, Amdt. 3.

• • • effective June 3, 1976

Visalia, CA—Visalia Muni. Arpt., VOR Rwy 12, Amdt. 1.

Visalia, CA—Visalia Muni. Arpt., VOR Rwy 30, Amdt. 3.

• • • effective May 17, 1976

Bennington, VT—Bennington State Arpt., VOR-A, Amdt. 5.

• • • effective May 13, 1976

Kamuela, HI—Waimea-Kohala Arpt., VOR Rwy 4, Amdt. 7.

Kamuela, HI—Waimea-Kohala Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective July 15, 1976.

Greenville, MS—Greenville Int'l Arpt., LOC (BC) Rwy 35R, Amdt. 2.

• • • effective July 8, 1976

Rockford, IL—Greater Rockford Arpt., LOC (BC) Rwy 18, Amdt. 8.

• • • effective June 17, 1976

San Jose, CA—San Jose Muni. Arpt., LOC (BC) Rwy 12R, Amdt. 9, cancelled.

San Jose, CA—San Jose Muni. Arpt., LOC/DME Rwy 30L, Amdt. 3.

• • • effective June 3, 1976

Visalia, CA—Visalia Muni. Arpt., LOC/DME Rwy 30, Original.

• • • effective May 17, 1976

Saginaw, MI—Tri-City Arpt., LOC(BO) Rwy 23, Amdt. 4.

• • • effective May 13, 1976

Elkhart, IN—Elkhart Muni. Arpt., SDF(BO) Rwy 9, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective July 15, 1976.

Anchorage, AK—Merrill Field, NDB-B, Amdt. 1.

New Castle, IN—Sky Castle Arpt., NDB Rwy 9, Original.

Greenville, MS—Greenville Int'l Arpt., NDB Rwy 35R, Amdt. 2.

Arlington, TN—Arlington Muni. Arpt., NDB Rwy 15, Amdt. 2.

Arlington, TN—Arlington Muni. Arpt., NDB Rwy 33, Amdt. 2.

Louisburg, TN—Ellington Arpt., NDB Rwy 20, Amdt. 1.

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Savannah, TN—Savannah-Hardin County Arpt., NDB Rwy 36, Amdt. 1.  
Pennington Gap, VA—Lee County Arpt., NDB Rwy 7, Amdt. 1.

• • • effective July 8, 1976

Tuscaloosa, AL—Tuscaloosa Muni. Arpt., NDB Rwy 4, Amdt. 3.

Charlevoix, MI—Charlevoix Muni. Arpt., NDB Rwy 8, Amdt. 1.

Charlevoix, MI—Charlevoix Muni. Arpt., NDB Rwy 26, Amdt. 1.

• • • effective June 17, 1976

Houston, TX—Lakeside Arpt., NDB Rwy 15, Original.

• • • effective June 10, 1976

Deckerville, MI—Lamont Arpt., NDB Rwy 9L, Original.

Deckerville, MI—Lamont Arpt., NDB Rwy 27R, Original.

• • • effective June 3, 1976

Van Horn, TX—Culberson County Arpt., NDB Rwy 21, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective July 8, 1976.

Tuscaloosa, AL—Tuscaloosa Muni. Arpt., ILS Rwy 4, Amdt. 4.

• • • effective June 17, 1976

San Jose, CA—San Jose Muni. Arpt., ILS Rwy 12R, Original.

San Jose, CA—San Jose Muni. Arpt., ILS Rwy 30L, Amdt. 13.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective July 15, 1976.

Southern Pines, NC—Pinehurst-Southern Pines Arpt., RNAV Rwy 23, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1364, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

Issued in Washington, D.C., on May 20, 1976.

JAMES M. VINES,  
Chief, Aircraft  
Programs Division.

[FR Doc.76-15431 Filed 5-26-76; 8:45 am]

**Title 16—Commercial Practices**

**CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION**

**PART 1512—REQUIREMENTS FOR BICYCLES**

**Statements of Policy or Interpretation; Compliance With Affirmative Labeling Requirement**

• The purpose of this document is to establish section 1512.50, a statement of policy and interpretation, with respect to the affirmative labeling requirements for bicycles under 16 CFR 1512.19(d) (1) (republished, 41 FR 4144, 4151, January 28, 1976). The Consumer Product Safety Commission issued the regulations at Part 1512 under the authority of the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.). •

Part 1512 establishes a comprehensive set of safety-related requirements for certain bicycles first introduced into interstate commerce on or after May 11, 1976. Section 1512.19(d) of Part 1512 requires that bicycles covered by the regulations be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." Section 1512.19(d) (1) states that the label, which may consist of a hang tag, is to be placed on each assembled bicycle, and is required to be at least 6.4 cm. (2.5 in.) by 17.8 cm. (7 in.) with the labeling statement in capital letters at least 0.6 cm. (0.25 in.) high.

The affirmative labeling requirement was established as to all bicycles subject to the regulation and introduced into interstate commerce from May 11, 1976 through May 11, 1978. The purpose of the requirements is to aid consumers in identifying bicycles that comply with the safety requirements of the regulation, in recognition of the fact that for a period of time after the effective date of the regulation, both bicycles that comply and bicycles that do not comply will be available to consumers. Thus, this requirement is intended to assist consumers who are purchasing bicycles in making an informed choice.

This statement of policy and interpretation is issued as a result of a letter to the Commission dated May 4, 1976, from the Michigan Tag Company, Grand Rapids, Michigan. The company explained that it had produced 352,000 tags for a bicycle manufacturer to use in compliance with the affirmative labeling requirements, and that, while the tags complied with the conspicuousness, legibility, and type size requirements of section 1512.19(d) (1), they are 2 1/4 inches wide instead of the required minimum 2 1/2 inches. The letter contained assurances that future tags produced by the company will meet the minimum width requirements.

After considering the problem raised, in light of the purpose of the affirmative labeling requirement, the Commission believes that this deviation from the prescribed width dimension should be permitted, and that such deviation, even if it had amounted to as much as 0.32 cm. (1/8 in.) should not be considered grounds for bringing an enforcement action, under the circumstances. Therefore, the statement of policy and interpretation is issued to inform the Michigan Tag Company, as well as other persons who may be similarly situated, that the Commission will consider tags to be in compliance that were ordered to the correct specifications, but that, due to a manufacturing variance, are no more than 1/8 inch smaller in either or both of their linear dimensions than those specified in the regulation. However, this policy only applies to hang tags that meet the requirements of section 1512.19(d) (1) in all other respects.

Because the material published below is a Commission policy statement involving enforcement of a regulation, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring

notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Even if the statement published below, however, could be characterized as rulemaking, rather than policy or interpretation, the Commission for good cause finds that notice and public procedure are impracticable, unnecessary, and contrary to the public interest because it relieves what would be an unnecessary economic hardship without compromising the public health and safety. Moreover, since the effect of the statement is to grant or recognize an exemption, or relieve a restriction, requirements for a delayed effective date are not applicable. Therefore, the statement published below shall become effective May 27, 1976.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269 (a)), 16 CFR Part 1512 is amended as follows:

1. By inserting a new Subpart A heading immediately preceding § 1512.1 to read as follows:

**Subpart A—Regulations**

**§ 1512.19 [Amended]**

2. In section 1512.19, by adding to the end of paragraph (d) (1), "(See also section 1512.50)."

3. By adding a new Subpart B reading as follows:

**Subpart B—Policies and Interpretations**

AUTHORITY: Sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269(a).

**§ 1512.50 Affirmative labeling statement.**

(a) Section 1512.19(d) requires every bicycle subject to the requirements of this Part 1512 introduced into interstate commerce on or after May 11, 1976 through May 11, 1978, to be labeled with the statement "Meets U.S. Consumer Product Safety Commission Regulations for Bicycles." In accordance with section 1512.19(d) (1), the label on each assembled bicycle, which may consist of a hang tag, is required to be at least 6.4 cm. (2.5 in.) by 17.8 cm. (7 in.) with the labeling statement in capital letters at least 0.6 cm. (0.25 in.) high.

(b) Because of variances in the manufacture of hang tags, a finished tag, ordered to the specifications of section 1512.19(d) (1), may be slightly smaller than the minimum specifications. However, the Commission finds that hang tags with either length or width dimensions (or both) of no more than 0.32 cm. (1/8 in.) less than the prescribed requirements adequately provide the requisite degree of conspicuousness to consumers.

(c) Therefore, the Commission will consider bicycles otherwise in compliance with the provisions of Part 1512 to be in compliance with the requirements as to length and width of hang tags used to comply with labeling requirements under section 1512.19(d) (1) for purposes of enforcement if:

(1) The hang tag is correctly labeled with the required statement under section 1512.19(d), and

(2) The hang tag meets all of the labeling conspicuousness, legibility, and



type size requirements of § 1512.19(d) (1), and

(3) It can be documented that the hang tag was ordered to the correct specifications but, due to a manufacturing variance, is no more than 0.33 cm. (1/8 in.) smaller in either or both of its linear dimensions than the requirements of § 1512.19(d) (1).

Effective date: The amendments issued above to 16 CFR Part 1512 shall become effective May 27, 1976.

Dated: May 21, 1976.

SADYE E. DUNN,  
Secretary, Consumer Product  
Safety Commission.

[FR Doc. 76-15440 Filed 5-26-76; 8:45 am]

#### Title 17—Commodity and Securities Exchanges

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5704, 34-12414; File No. 87-593]

#### PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

#### PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

#### Conclusions and Final Action on Rulemaking Proposals Relating to Environmental Disclosure

The Securities and Exchange Commission today announced its conclusions and final action on the rulemaking proposals regarding disclosure of environmental matters which were announced in Securities Act Release No. 5627 (Oct. 14, 1975).<sup>1</sup> These proposals would have required registrants to

(1) Disclose any material estimated capital expenditures for environmental control facilities for the remainder of the current fiscal year, the succeeding fiscal year, and such further periods as are deemed material;

(2) Provide as an exhibit to certain documents filed with the Commission a list of the registrant's most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the previous twelve months, any applicable environmental standard established pursuant to a federal statute; and

(3) Undertake to provide copies of the reports listed, upon written request and the payment of a reasonable fee.

The Commission has determined to adopt so much of the proposals as relate to the disclosure of capital expenditures for environmental compliance purposes. The Commission has, however, concluded that requiring the listing and availability of environmental compliance reports would not provide additional meaningful information to investors interested in the environmentally significant aspects of the behavior of registrants and that no disclosure alternative of which it is aware would provide such additional information without costs and burdens grossly disproportionate to any resulting benefits to investors and the environment.

<sup>1</sup> 8 "SEC Docket" 41 (Oct. 29, 1975), 40 Fed. Reg. 51656 (Nov. 4, 1975).

The Commission's disclosure requirements, as amended today, are designed to elicit information regarding (1) the material effects that compliance with federal, state and local environmental protection laws may have upon capital expenditures, earnings and competitive position of registrants, (2) all litigation commenced or known to be contemplated against registrants by a government authority pursuant to federal, state or local environmental regulatory provisions, and (3) all other environmental information of which the average, prudent investor ought reasonably to be informed. Such information appears to be that which is of interest to investors and its disclosure to them would appear also to be of some benefit to the environment. The Commission has also extensively considered whether other types of disclosure requirements might provide additional meaningful environmental information of interest to investors and of benefit to the environment, but has concluded that, at present, this is not the case. Many of the proposals which have been suggested seem to be premised upon the assumption that the Commission has the principal responsibility for substantive regulation of environmental practices. The Commission cannot, itself, undertake to regulate corporate conduct which affects the environment. Congress and the states have created government authorities specifically to perform this function. We must presume that these government authorities are responsibly performing their duties and our disclosure requirements are necessarily premised, in part, upon this assumption.

Accordingly, the Commission has determined to withdraw disclosure proposals relating to compliance reports announced in Release No. 5627, and has concluded that its existing rules, previously adopted,<sup>2</sup> along with the action it is taking today, satisfy the Commission's obligations under the federal securities laws and the National Environmental Policy Act of 1969 ("NEPA").<sup>3</sup>

#### BACKGROUND

The rulemaking proposals announced in Release No. 5627 are the most recent effort in the Commission's lengthy consideration of the relationship between its disclosure authority under the federal securities laws and NEPA. This consideration commenced in 1971 and, as a result, the Commission, in Securities Act Release No. 5170 (July 19, 1971), alerted registrants to the fact that its existing rules required the disclosure of the material effects upon a registrant's business of compliance with environmental laws. Subsequently, in Securities Act Release Nos. 5235 (Feb. 16, 1972) and 5386 (Apr. 20, 1973), the Commission proposed and subsequently adopted specific amendments to its registration and reporting forms designed to "promote in-

<sup>2</sup> Securities Act Release No. 5386 (Apr. 20, 1973); see also n. 23, *infra*, and accompanying text.

<sup>3</sup> 42 U.S.C. 4321-4335.

vestor protection and at the same time promote the purposes of NEPA." These amendments, which have continued in effect, specifically require:

(1) Disclosure of "the material effects that compliance with federal, state and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries";

(2) Disclosure of any administrative or judicial proceeding pending or known to be contemplated by governmental authorities and arising under federal, state or local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment.<sup>4</sup>

On July 7, 1971, shortly prior to the issuance of Release No. 5170, the Natural Resources Defense Council ("NRDC") filed a rulemaking petition requesting that the Commission adopt certain detailed environmental disclosure rules. This petition would have required registrants to disclose, among other things, the "nature and extent" of the pollution caused by their activities, the "feasibility of curbing such pollution," and the "plans and prospects for improving (the relevant) technology." Although the NRDC proposed certain limitations on the categories of registrants to which its rules would apply, the applicability of its proposals was not contingent either upon the effect of environmental compliance on a registrant's business or upon noncompliance by a registrant with existing environmental standards. On December 21, 1971, the Commission denied the NRDC's petition on the ground that it was reviewing the disclosure resulting from Release No. 5170 and would "actively consider amendments" to its rules "in the near future." And on February 16, 1972, the Commission announced its proposals in Release No. 5235.

On February 18, 1972, two days after the publication of the Commission's rule proposals in Release No. 5235 and before the receipt of comment thereon, the NRDC sought judicial review in the

<sup>4</sup> Release No. 5386, at 1.

<sup>5</sup> Form S-1, Item 9(a), Instruction 5, 17 CFR 239.11; Form S-7, Item 5(a), 17 CFR 239.26; Form S-9, Item 3(c), 17 CFR 239.22; Form 10, Item 1(b), Instruction G, 17 CFR 249.210; and Form 10-K, Item 1(b)(7), 17 CFR 249.310. See 17 CFR 239.0-1, 249.0-1.

<sup>6</sup> Form S-1, Item 12, Instruction 4, 17 CFR 239.11; Form S-7, Item 5(e), 17 CFR 239.26; Form 10, Item 10, Instruction 4, 17 CFR 249.210; Form 10-K, Item 5, Instruction 4, 17 CFR 249.310; and Form 8-K, Item 3, Instruction 4, 17 CFR 249.308. See 17 CFR 239.0-1, 249.0-1.

<sup>7</sup> Petition, Exhibit A at 1. The petition also contained rulemaking proposals concerning equal employment opportunity. This aspect of the petition was discussed in detail in Release No. 5627 at 42-48, but is not presently in issue.

<sup>8</sup> A copy of the letter denying the petition is available for public inspection in SEC File No. 4-179.

Court of Appeals for the District of Columbia of the denial of its petition. This effort was, however, unsuccessful, as the Court of Appeals held that, under the circumstances, the Commission's action on the petition was not final agency action subject to judicial review.<sup>9</sup> Thereafter, on May 2, 1973, the NRDC filed a complaint in the District Court for the District of Columbia challenging both the rules adopted by the Commission on April 20 in Release No. 5386 and the denial of its rulemaking petition. On May 25, 1975, the NRDC filed a second action in the Court of Appeals also seeking review of the promulgation of the rules announced in Release No. 5386. The Court of Appeals subsequently dismissed that action for lack of jurisdiction.<sup>10</sup>

In the district court litigation, "Natural Resources Defense Council, Inc., v. Securities and Exchange Commission," 389 F. Supp. 689 (D.D.C.), Judge Charles R. Richey held, on December 9, 1974, that the Commission had not met the requirements of the Administrative Procedure Act in its rulemaking action. Specifically, the Court held that Release No. 5235 did not adequately alert interested persons to the fact that the rule proposals therein were intended to discharge the Commission's obligations under NEPA, and that Release No. 5386 did not contain an adequate statement of the Commission's obligations under NEPA, the alternatives the Commission considered, and the reasons it rejected substantial alternatives.<sup>11</sup> Accordingly, the Court remanded the matter to the Commission for further rulemaking action.

Although the Commission did not, and does not, agree that it had failed to satisfy the requirements of the Administrative Procedure Act, it undertook to comply with the Court's order rather than appeal the judge's decision, and announced in Securities Act Release No. 5569 (Feb. 11, 1975), and thereafter conducted, a lengthy proceeding aimed at obtaining the widest possible public participation to assist it in ascertaining whether any further rulemaking was appropriate and in resolving certain factual issues raised by Judge Richey.<sup>12</sup> The proceeding elicited 54 oral presentations at 19 days of public hearings, and 353 written comments, exceeding in the aggregate 10,000 pages. Then on October 14, 1975, in Release No. 5627, the Commission announced its conclusions and proposed certain disclosure rules, discussed *supra*. Approximately 210 letters of comment were received during the course of the comment period on these proposals. Copies of these comments, all correspondence concerning the proposals with

<sup>9</sup> "Natural Resources Defense Council, Inc. v. Securities and Exchange Commission," No. 72-1148 (C.A.D.C., Feb. 8, 1973).

<sup>10</sup> "Natural Resources Defense Council, Inc. v. Securities and Exchange Commission," No. 73-1501 (C.A.D.C., June 17, 1974).

<sup>11</sup> 389 F. Supp. at 700.

<sup>12</sup> *Id.* at 701.

<sup>13</sup> *Id.*

the Environmental Protection Agency and the Council on Environmental Quality, *inter alia* and a summary of comments are available for public inspection in SEC File No. S7-593.

In all, the Commission has compiled an estimated 15,000 pages of comments, testimony, memoranda, data and arguments over a five-year period as a result of the NRDC's proposals. In addition, our staff has had discussions with the two federal entities having primary responsibility respecting environmental matters. While helpful, those discussions have not engendered any workable proposals beyond those which the Commission has adopted, either previously or today.

#### RULEMAKING ALTERNATIVES

#### 1. DISCLOSURE OF ESTIMATED CAPITAL EXPENDITURES FOR ENVIRONMENTAL CONTROL FACILITIES

The Commission has determined to adopt the proposed amendment to its existing environmental disclosure requirements concerning material estimated capital expenditures for environmental control facilities.<sup>13</sup> It has come to the attention of the Commission that disclosure with respect to material estimated capital expenditures for environmental control facilities, although required under the general wording of the existing requirements, has not been provided by all registrants for similar periods. The Commission's primary purpose in proposing and adopting this amendment, therefore, is to make such disclosure more uniform and comparable among registrants.

Several commentators expressed their general approval of Item D during the course of the comment period. The majority of commentators, however, either raised no objection to, or did not comment on, this proposal. In this regard, it should be particularly noted that none of the commentators opposed Item D on the ground that the information required was unavailable or that the compilation of such information would impose an undue burden on registrants.

The Commission hereby amends Forms S-1, S-2, S-7, and S-9 pursuant to Sections 7, 10 and 19(a) of the Securities Act and Forms 10 and 10-K pursuant to Sections 12, 13, 15(d), and 23(a) of the Exchange Act. The amendments shall be effective with respect to reports and registration statements filed with the Commission on or after July 1, 1976. The text

<sup>14</sup> This aspect of the proposal, described as "Item D" in Release No. 5627, would amend the existing requirement concerning disclosure of the material effects of compliance with environmental laws quoted in the text accompanying n. 5, *supra*. The proposed amendment would add thereto the sentence:

Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

of the amendments adopted is attached as Exhibit A.<sup>14</sup>

#### 2. LISTING OF ENVIRONMENTAL COMPLIANCE REPORTS

Comments received by the Commission almost unanimously opposed the proposal to require lists of registrants' most recently filed environmental compliance reports which indicate noncompliance, at any time within the previous twelve months, with any applicable environmental standard established pursuant to a federal statute. A significant number of interested parties suggested that the proposals would elicit disclosure which was inherently misleading. In this regard it was asserted that: (1) Environmental compliance reports generally consist of listings of detailed, technical information which require a comprehensive level of environmental expertise, not possessed by the average investor; (2) because of inconsistencies both in the application and interpretation of environmental standards and in the reporting requirements thereunder and because there are no environmental laws presently existing with respect to some types of environmentally significant conduct, the proposals would not provide investors with information necessary to compare the total environmental performance of different companies; and (3) the various types of environmental compliance reports actually filed usually do not contain comparable information and normally do not provide complete information with respect to the noncomplying conduct.

A primary criticism expressed by a substantial majority of the commentators was that the proposals fail to distinguish between significant and de minimis violations of applicable environmental standards. It was felt that a long list of reports mostly indicating de

<sup>15</sup> In connection with the proposals announced in Release No. 5627, the Commission indicated that, pursuant to Section 23(a)(2) of the Securities Exchange Act, it had considered such proposals and was unaware of any burden they would impose on competition not necessary or appropriate in furtherance of the purposes of the Act and specifically invited comment on this matter. Only two letters of comment were received regarding the competitive impact of Item D. It was asserted therein that anti-competitive effects may result in certain capital intensive industries from the adoption of Item D since the information called for would necessarily involve the disclosure of heretofore confidential information concerning plant production and costs. It was felt that this information may be used in part by privately held companies to make decisions regarding capital investment so as to gain a competitive advantage. It is the Commission's position that any burdens on competition arising from the use by private companies of the disclosures required by publicly-held companies are inherent in the disclosure requirements contemplated by the Exchange Act and, to the extent they exist, are, therefore, necessary and appropriate in the furtherance of the purposes of that Act.

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minimis violations would provide little information of benefit to investors concerned with the environment. An investor, if interested, would be forced to examine the documents underlying the list provided pursuant to the proposal. Otherwise, in the absence of some indication of the relative significance of the items listed, an investor would be inclined to evaluate companies merely by the number of reports listed.<sup>19</sup> Companies which listed fewer reports, all of which related to egregious violations, might superficially appear more environmentally responsible than those listing a larger number of reports of insignificant violations.

It has been suggested that the scope of the proposal could be expanded to include a listing of all filed monitoring data, rather than merely "environmental compliance reports," which indicate that a registrant has not met any state or local, as well as federal, environmental standard during the preceding 12-month period. Although this might increase the range of corporate environmental practices which would be disclosed in filings with the Commission, it would not alleviate the other inadequacies discussed above. Moreover, this would result in substantial uncertainties regarding which types of information are subject to the listing requirement and which of the many state and local regulatory requirements (e.g., building codes) are considered to be "environmental standards."

It does not appear that a definitive and universal standard can be developed to insure that only reports which relate to "significant" noncompliance with existing environmental standards would be listed by registrants. The Commission has considered whether to require registrants also to include a brief narrative description of the information contained in the proposed listed reports which relate to noncompliance considered "significant" by the registrant. The Commission has concluded, however, that allowing each registrant to apply its own notions of significance would compound, rather than lessen, the difficulty in comparing the environmental performance of different companies. In addition, such a narrative would merely produce information largely duplicative of that already disclosed by registrants.

The existing environmental requirements, adopted in Release No. 5386, call for disclosure of all administrative and judicial proceedings commenced or known to be contemplated by a government authority and arising under federal, state or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment. While it may be true that government authorities cannot initiate a proceeding or litigation

<sup>19</sup> The Commission, after discussions with the federal entities primarily responsible for environmental matters, was unable to formulate a standard for determining the "significance" of violative conduct.

with respect to all violations of environmental standards which are reported to them or of which they otherwise become aware, the Commission must assume that violations which the responsible authority considers significant do result in such action. In addition, relying upon the determinations of the various government authorities involved directly in regulation of environmental practices as to the significance of violative conduct ensures a measure of uniformity of disclosure which would not be obtained if each registrant were required to apply its own notions of significance.

The Commission has also considered whether to require registrants to disclose violations of environmental standards which have not been reported to other government authorities. Under appropriate circumstances, however, the Commission's existing rules<sup>20</sup> requiring disclosure of all information, not otherwise specifically required, of which the average prudent investor ought reasonably to be informed, would elicit such information. Moreover, the Commission does not believe that NEPA was intended to compel it to impose environmental compliance monitoring and reporting requirements more extensive than those created and administered by government authorities charged with substantive regulation of environmental practice.<sup>21</sup> For the foregoing reasons, the Commission has also determined not to propose a requirement that registrants describe the procedures by which they internally monitor their compliance with existing environmental standards, and any violations of those standards of which they are aware and with respect to which they have not taken action reasonably believed necessary to prevent recurrence.

Thus, since the proposal announced in Release No. 5627, whether or not modified as described above, would produce additional disclosure which would be of little value at best, and misleading at worst, the Commission has determined, after balancing the benefits to investors and the environment against the burdens involved, that the proposal should be withdrawn.

### 3. OTHER ALTERNATIVES

In light of the familiarity of the Council on Environmental Quality with the provisions of NEPA, specific discussion of its suggestions is appropriate. The Council recognizes that the Commission should not impose new environmental monitoring requirements, duplication of existing requirements, or corporate environmental impact statement requirements. It does believe, however, that the Commission could require registrants to prepare summaries of significant information which they gather in order to ob-

<sup>20</sup> See n. 23, *infra*, and accompanying text.

<sup>21</sup> The Environmental Protection Agency has advised that proposals of this type would not substantially assist it, since that agency can generally obtain necessary information under its statutory authority.

tain federal, state and local permits, licenses, approvals, or variances, to register new products, to report spills and to monitor discharges and emissions, or for other corporate purposes. It has suggested that the Commission solicit from registrants and from federal and state agencies a description of the types of environmental impact information gathered and submitted to these agencies by registrants and then determine how such information could best be summarized and disclosed.<sup>22</sup>

At the outset, we must observe that the Council disagrees with the Commission's analysis of its obligations under NEPA. Specifically, it believes that the Commission may not restrict its disclosure requirements to information which appears to be of interest to investors, but must undertake to provide disclosure which would be of interest to other persons and entities. For this reason, the Council's suggestion is not designed to, and would be unlikely to, produce information of the type which investors appear to be interested in. Furthermore, if the availability of summaries and condensations of this type would promote environmental goals, we believe that it is the responsibility of the government authorities which receive such information in the first instance to see that summaries and condensations are made publicly available.<sup>23</sup> In any event, in the absence of any indication that the substantial costs involved in such summarization would be outweighed by the resulting benefits, a determination which appears to be totally beyond the scope of our expertise, any such undertaking would clearly be inappropriate.

<sup>22</sup> The Council has also suggested that the term "environmental compliance report" used in the existing proposal be expanded to include significant variances from existing federal or state environmental standards. For reasons discussed *supra*, we have determined to withdraw the existing proposal. Furthermore, based upon discussions with the Environmental Protection Agency, the Commission is of the view that variances from existing environmental standards obtained from government authorities charged with the administration of environmental standards are not generally indicative of irresponsible environmental practices on the part of registrants.

<sup>23</sup> Significantly, we have been advised by the Environmental Protection Agency that it could not make available a complete index and description of the kinds of reports and data filed with it or with state and local control agencies under the various environmental statutes because of the multiplicity of the reporting requirements in federal, state and local statutes, rules and regulations. It also expressed the view that most reports and information in the possession of federal agencies could be made available to the public under the Freedom of Information Act and that important information with respect to corporate environmental practices is generally available in the localities directly affected by such practices. That agency declined to express to us any view as to whether access to such information on a national basis would serve a significant purpose.

### EXISTING RULES PERTAINING TO ENVIRONMENTAL DISCLOSURE

For the foregoing reasons, the Commission has determined, at this time, to adopt only the proposal relating to disclosure of capital expenditures for environmental compliance purposes. The Commission believes that its existing disclosure rules, as thus amended, meaningfully carry out its responsibilities under NEPA and that the decision not to adopt further rules is fully consistent with that Act.

First, as described above, the Commission's existing rules require disclosure of the material effects that compliance with federal, state and local environmental protection laws may have upon capital expenditures, earnings and competitive position of registrants. In the proceedings announced in Release No. 5569, numerous commentators pointed out that corporate violations of environmental regulations and correlative failure to anticipate and prepare for increasingly stringent environmental standards could severely affect a registrant's financial condition. Disclosure of the material effects which environmental compliance may have is designed to meet these concerns.<sup>24</sup>

Second, as also previously described, the Commission, since 1973, has required disclosure of all litigation, commenced or known to be contemplated, against a registrant by a government authority pursuant to federal, state or local provisions regulating discharge of materials into the environment or otherwise relating to the protection of the environment. This requirement is in harmony with the principles expressed in Release No. 5627 and with the Commission's proper role under the federal securities laws and NEPA. As a practical matter, the Commission cannot set environmental standards, determine when conduct lawful under such standards is environmentally injurious, or determine when conduct unlawful under such standards is environmentally insignificant. The Commission must assume that those agencies specifically charged with setting and enforcing environmental standards are discharging their obligations and institute enforcement proceedings whenever serious violations come to their attention. By requiring a description of all such litigation, regardless of whether the amount of money involved is itself material, the Commission believes it has given recognition to both the importance of the national environmental policy and to the far-reaching effects, both financial and environmental, of violations of environmental laws. Further, the fact that legal action, both pending and known to be contemplated, must be disclosed serves to foreshadow potentially

<sup>24</sup> The Commission is of the view that, in appropriate circumstances, the disclosure of estimated capital expenditures or other financial consequences of environmental compliance could require a brief textual description of the environmental problem involved.

serious environmental problems facing registrants.<sup>25</sup>

Finally, as Release No. 5627 emphasized, the Commission's existing rules require the disclosure, in filings under both the Securities Act and the Securities Exchange Act, of all material information necessary to make the statements in such filings neither false nor misleading.<sup>26</sup> This, under appropriate circumstances, would compel the disclosure of information concerning environmental compliance, impact, expenditures, plans, or violations, not otherwise specifically required, of which the average prudent investor ought reasonably to be informed.

The Commission believes that these three categories of requirements, together, will elicit the type of environmental information in which investors appear to be interested and are more than sufficient to discharge the Commission's NEPA obligations. Based on the rules described above, a registrant's failure, in specific instances, to make proper disclosure of environmental information could be actionable by the Commission, depending upon the appropriate exercise of the Commission's prosecutorial discretion. In addition, if an individual investor believes that in a particular instance these requirements are being violated, he may seek equitable relief or damages in court. As the Commission stated in Release No. 5627 (p. 48), "private civil actions based upon violations of the federal securities laws are a 'necessary supplement' to the Commission's own enforcement actions." *J. I. Case Co. v. Borak*, 377 U.S. 426, 432 (1964).<sup>27</sup>

### CONCLUSION

For the reasons stated in this release and in Release No. 5627,<sup>28</sup> the Commission has determined to adopt the proposal relating to disclosure of capital expenditures for environmental compliance purposes and to withdraw the balance of the environmental disclosure rulemaking proposals announced in Release No. 5627 on the ground that they would not provide meaningful additional information to investors. Further, the Commission believes that the costs and burdens of any disclosure alternatives of which it is presently aware would be grossly disproportionate to any resulting benefits to investors and the environment. The Commission will continue to

<sup>25</sup> In the course of this proceeding it has been pointed out that the Environmental Protection Agency sometimes issues notices of violation in the nature of cease and desist orders. We believe that receipt of such an order would constitute a sufficiently concrete indication of contemplated governmental legal action to require disclosure under the existing rule.

<sup>26</sup> See Rule 408, 17 CFR 230.408, (registration statements under the Securities Act); Rule 12b-20, 17 CFR 240.12b-20 (registration statements and periodic reports under the Securities Exchange Act); and Rule 14a-9, 17 CFR 240.14a-9 (proxy statements).

<sup>27</sup> To the extent relevant principles and conclusions are stated in Release No. 5627, they have not been repeated herein.

assess both the needs of investors and its experience respecting disclosure of environmental information, and will reconsider its existing rules from time-to-time as appropriate. The Commission is, however, of the view that its existing disclosure rules satisfy the Commission's obligations under NEPA.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 6, 1976.

### EXHIBIT A—TEXT OF AMENDMENTS

The effective date for the amendments to Forms S-1, S-2, S-7, S-9, 10 and 10-K is July 1, 1976.

Form S-1 is amended as follows:

§ 239.11 Form S-1, registration statement under the Securities Act of 1933.

#### ITEM 9. DESCRIPTION OF BUSINESS

Instruction 5 to (a) is amended to read as follows:

Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form S-2 is amended as follows:

§ 239.12 Form S-2, for shares of certain corporations in the development stage.

#### ITEM 4. ORGANIZATION AND BUSINESS

Number 10 is added under Section (a) to read as follows:

The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form S-7 is amended as follows:

§ 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

#### ITEM 5. BUSINESS

Section (a) is amended to read as follows:

Identify the business done and intended to be done by the registrant and

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its subsidiaries. In the case of an extractive enterprise, give appropriate information as to development, reserves and production. Appropriate disclosure shall be made with respect to (i) any portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government, and (ii) the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form S-9 is amended as follows:

§ 239.22 Form S-9, for the registration of certain debt securities.

#### ITEM 3. STATEMENT OF INCOME

Section (c) is amended to read as follows:

Appropriate disclosure shall be made as to the material effects that compliance with Federal, State and local provisions regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form 10 is amended as follows:

§ 249.210 Form 10, general form for registration of securities pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934.

#### ITEM 1. BUSINESS

Instruction 6 to Section (b) is amended to read as follows:

Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

Form 10-K is amended as follows:

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

#### ITEM 1. BUSINESS

Number 7 under Section (b) is amended to read as follows:

The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year; and such further periods as the registrant may deem material.

[FR Doc. 76-15622 Filed 5-26-76; 8:45 am]

#### Title 18—Conservation of Power and Water Resources

##### CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-24]

#### PART 260—STATEMENTS AND REPORTS (SCHEDULES)

##### Natural Gas Producers; Extension of Time

MAY 20, 1976.

Continuing investigation of expenditure, exploration and development activities, production, reserve additions, and revenues of natural gas producers and producing affiliates subject to the Federal Power Commission.

Order Nos. 543 issued December 10, 1975 (40 FR 58630) and 543-A issued April 19, 1976 (41 FR 17537) in the above matter provided that Form No. 64 for 1975 and prior years should be filed on or before June 11, 1976. Several requests for an extension of that date have been filed.

Upon consideration, notice is hereby given that the time is extended to and including August 11, 1976, within which to file Form No. 64 for 1975 and prior years. Subsequent reports will be filed no later than March 31, each year.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15425 Filed 5-26-76; 8:45 am]

#### Title 23—Highways

##### CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FHWA Docket No. 76-5]

#### PART 661—GREAT RIVER ROAD

##### Interim Regulations

● Purpose. These interim regulations are being issued by the Federal Highway Administration (FHWA) in order to set

temporary standards for the disbursement of funds for the planning, design, and construction of the Great River Road, pursuant to the § 148, Title 23, United States Code, and § 14 of the Federal-Aid Highway Act of 1954, P.L. 83-350, May 6, 1954, as amended.

The above statutes provide for the establishment of a national scenic and recreational highway in the Mississippi River Valley to be called the Great River Road. The Great River Road will extend from Lake Itasca in Minnesota to the Gulf of Mexico, and will go through all ten States bordering the Mississippi River.

The route of the Great River Road is to generally follow one of the Plans set forth in a report to Congress entitled a "Parkway for the Mississippi," prepared jointly in 1951 by the Bureau of Public Roads (predecessor to the FHWA) and the National Park Service, pursuant to the requirements of P.L. 81-262, August 24, 1949. This study, known as the Phase I Study, lead to a series of more detailed "Phase II" studies, conducted by the FHWA and the National Park Service on a State by State basis. The Phase II studies set forth the recommended routes, possible acquisitions, scenic easements, access control points, and the like in greater detail. They have been completed for six of the ten States bordering on the Mississippi River.

The suggested system is described in § 661.3 below. Only a single route will be federally funded as the Great River Road, with funds authorized under 23 U.S.C. 148. Existing roads will be used to the greatest extent possible. No new crossings of the Mississippi River are to be constructed with Great River Road funds. Nothing in the Interim Regulations prevents the States from designating as part of the Great River Road, routes in addition to the Great River Road system funded under 23 U.S.C. 148. This essentially ratifies existing practices in some States which has resulted in portions of the Great River Road being designated on both sides of the Mississippi River simultaneously.

Initial allocations for Federal funds for the Great River Road were based on a formula which gave equal weight to the preliminary cost estimate of the route in each State in relation to the preliminary cost estimate for the total route and the estimate mileage in each State in relation to the total mileage. It is anticipated that future allocations will be based on a new comprehensive estimate of the cost to complete the program.

In planning the Great River Road, the States and the FHWA are encouraged to adopt a broad philosophy which will result in the incorporation of many parkway-like features. The provisions of this Part are designed to permit maximum flexibility in this regard.

The interim regulations will remain in effect pending the issuance of final

regulations. Interested parties and governmental agencies are urged to submit written comments, views and data concerning these interim regulations and to make recommendations as to possible final regulations. Please send two (2) copies of all comments and materials to: Federal Highway Administration, Room 4226, 400-7th Street, SW., Washington, D.C. 20590, and refer to the above docket number (76-5). Any comments submitted should include the name and address of the person or organization submitting it. All comments must be submitted on or before July 12, 1976 (the closing date) in order to be considered. Comments and materials received will be available for public inspection both before and after the closing date in Room 4226, Office of Chief Counsel, Federal Highway Administration, U.S. Department of Transportation, 400-7th Street, SW., Washington, D.C.

The interim regulations are effective as of May 20, 1976.

Issued on: May 20, 1976.

NORBERT T. TIEMANN,  
Federal Highway Administration.

Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 661, as follows:

Sec.  
661.1 Purpose.  
661.2 Definitions.  
661.3 System designation.  
661.4 System criteria.  
661.5 Project eligibility.  
661.6 Design and construction.

AUTHORITY: § 14, P.L. 83-350, 68 Stat. 70, May 6, 1954, as amended; 23 U.S.C. § 148; 23 U.S.C. § 315; 49 CFR § 1.48.

#### § 661.1 Purpose.

The purpose of this part is to outline the interim procedures to be followed in the funding, programming and execution of a program for a National Scenic and Recreational Highway in the Mississippi River Valley, known as the Great River Road.

#### § 661.2 Definitions.

(a) The term "construction" is as defined in 23 U.S.C. 101(a) and in addition means the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas and other appropriate facilities as determined by the Secretary.

(b) The term "Great River Road" means a scenic and recreational highway, to be developed along the Mississippi River from Lake Itasca in Minnesota to near Venice, Louisiana and the Gulf of Mexico.

(c) The term "Scenic and Recreational Highway" means a highway generally within a scenic corridor of park-like development having significant scenic, historical and recreational features.

#### § 661.3 System designation.

(a) A single route system for the Great River Road shall be designated for

Federal participation purposes. Except where there are significant breaks in continuity, it shall, to the maximum extent possible, follow existing road alignment. It shall cross the Mississippi River on existing bridges.

(b) The ten Mississippi River States shall select, in cooperation with and subject to the approval of the Federal Highway Administration (FHWA), the general alignment of the Great River Road system between designated existing Mississippi River crossings. Each State is responsible for the following system segments:

State	System segments
Minnesota	Lake Itasca to Red Wing and La Crescent to Iowa State line.
Wisconsin	Hager City to LaCrosse and Prairie du Chien to Illinois State line.
Iowa	Minnesota State line to Marquette and Muscatine to Ft. Madison.
Illinois	Wisconsin State line to Muscatine, Niot to Hannibal and Chester to Kentucky State line.
Missouri	Hannibal to St. Marys.
Kentucky	Illinois State line to Tennessee State line.
Tennessee	Kentucky State line to Memphis.
Arkansas	West Memphis to Shives.
Mississippi	Greenville to Louisiana State line.
Louisiana	Mississippi State line to the Gulf of Mexico crossing from the east bank to the west bank at Baton Rouge.

(c) The established Mississippi River crossings may be changed to other existing crossings and the Great River Road system segments modified accordingly when jointly agreed to by the States involved and approved by the FHWA.

(d) Each State shall submit for FHWA approval the location of its segments of the Great River Road system. The FHWA will approve system segments selected pursuant to the criteria set forth in this part.

(e) The States' selection and FHWA approval of a single scenic and recreation route system is provided for in this part for the purpose of establishing eligibility for the special category funds authorized under 23 U.S.C. 148. The States may continue to develop and sign additional routes on both sides of the river as the Great River Road which will not be eligible for Federal funds authorized by 23 U.S.C. 148.

#### § 661.4 System criteria.

In establishing the general alignment of the Great River Road system the following criteria shall be adhered to:

(a) The system shall originate at the headwaters of the Mississippi River at Itasca in Minnesota, extend generally parallel and in proximity to the river, and terminate near the Gulf of Mexico in the vicinity of Venice, Louisiana.

(b) The system shall be located to take advantage of scenic river views and provide the user opportunities to stop and enjoy unique features and recreational activities.

(c) The system shall provide for a variety of experiences or themes, such as scenery, nature, history, geology and land use, for scientific or cultural purposes.

(d) The system shall include or allow for subsequent development, conveniently spaced roadside rest areas and other turnouts, so that the user may view and otherwise take advantage of the scenic, recreational and cultural areas of interest along the route.

(e) The system shall be located so that the unique values of the corridor may be protected. This may be accomplished by appropriate route selection, effective control or elimination of development inconsistent with the nature and performance of the highway through zoning or other land use restrictions, the acquisition of scenic easements and where necessary, the direct acquisition of scenic, historic, woodland or other areas of interest in fee, or by other appropriate measures.

(f) The system shall be located so as to provide for convenient access to:

(1) Larger population centers of the States through which the Great River Road passes,

(2) Other elements of the Federal-aid system, particularly the Interstate System.

(3) Sites of historical, archeological, scientific, scenic, or cultural interest in the areas through which the route passes,

(4) Local services such as gas, food, and lodging and recreational facilities to a degree not inconsistent with the purposes of the route.

#### § 661.5 Project eligibility.

(a) Projects for expenditures for Great River Road funds shall be located on roads on the Great River Road system. In addition, except for portions on Federal lands, the roads shall also be part of the Federal-aid system (23 U.S.C. 103).

(b) Great River Road projects shall be implemented under normal Federal-aid primary project procedures unless otherwise provided herein or otherwise approved by the Administrator.

(c) Projects for utilization of Great River Road funds will be selected on the following bases, listed in order of declining priority:

(1) Environmental studies for acquisition of additional right-of-way and scenic easements which are on existing route segments.

(2) Acquisition of scenic easements and areas of scenic, historical, archeological, or scientific interest which are on existing route segments.

(3) Construction of rest areas, scenic overlooks, bicycle trails and reasonable access to areas of interest and scenic enhancement on existing route segments.

(4) Preliminary engineering through the location stage for segments on new location, including environmental studies.

(5) Reconstruction and rehabilitation of the existing route segments.

(6) Construction of new route segments to establish route continuity.

(d) Great River Road funds shall not be used to construct new Mississippi River crossing structures.



(e) Where traffic service and highway safety warrants are more than adequate to support the use of other Federal-aid highway funds, the use of such funds should first be given serious consideration.

(f) No fees or tolls shall be charged for any facility constructed or improved with Great River Road funds. The provisions of 23 U.S.C. 129(a) shall not apply to any bridge or tunnel on the Great River Road.

(g) Except for portions on Federal lands, Great River Road projects shall be eligible for 70 percent Federal funding. Any portion on Federal lands shall be eligible for 100 percent Federal funding.

#### § 661.6 Design and construction.

(a) Except as indicated below, the Great River Road shall be designed and constructed by each of the 10 Mississippi River States in accordance with FHWA regulations and directives.

(b) Traffic carrying roadway elements of the Great River Road shall be designed in accordance with standards, specifications, policies and guides applicable to the design of Federal-aid projects. Great River Road funds may participate in preliminary engineering, right-of-way and physical construction, but participation in the physical construction shall be limited to a roadway width for 2-12 lanes plus shoulder.

(c) The other design elements of the total facility should incorporate parkway-like features which will allow the user-motorist to maintain a leisurely pace and enjoy the scenic and recreational aspects of the route. Such features may include rest areas and scenic overlooks with suitable facilities and bikeways and pedestrian walkways within the right-of-way.

(d) Outdoor advertising signs, displays and devices shall be effectively controlled pursuant to 23 U.S.C. 131.

(e) Pursuant to 23 U.S.C. 148(a) (3), the Great River Road shall be signed with uniform identifying trail markers.

[FR Doc.76-15455 Filed 5-26-76;8:45 am]

#### Title 40—Protection of Environment CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

##### SUBCHAPTER C—AIR PROGRAMS [FRL 529-6]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS Alabama: Revised Emission Limits for Sulfuric Acid Plants

On September 4, 1975 (40 FR 40854), notice was given of Alabama's proposal to revise its approved implementation plan by changing the emission limits provided for sulfuric acid plants. These changes were adopted by the Alabama Air Pollution Control Commission on April 22, 1976, after notice and public hearing, and were submitted for the Agency's approval on July 25, 1976. Copies of the materials submitted by the State were made available at the Agency's Region IV office in Atlanta, Georgia

and at the office of the Alabama Air Pollution Control Commission in Montgomery. The public was invited to comment on the proposed changes, but no comments were received. The purpose of the present notice is to announce the Administrator's approval of the revision.

The effect of the revision is to relax the original limit on sulfur dioxide emissions from existing facilities, 6.5 pounds per ton of 100% acid produced, to 27 pounds per ton of 100% acid produced; sources now emitting less than 27#SO<sub>2</sub>/ton H<sub>2</sub>SO<sub>4</sub>, however, will not be allowed to increase emissions of this pollutant. The original limits on sulfur trioxide and sulfuric acid mist emissions from existing facilities remain unchanged. New facilities must meet SO<sub>2</sub> and acid mist emission limits equivalent to those specified in the Agency's New Source Performance Standards: 4 pounds SO<sub>2</sub> and 0.15 pound H<sub>2</sub>SO<sub>4</sub> mist per ton of 100% acid produced (40 CFR 60.82 and 60.83). All facilities must now install, calibrate, maintain, and operate equipment for the continuous monitoring and recording of sulfur dioxide emissions; such equipment must be approved by the State air pollution control agency.

The Agency's analysis of the revised control strategy and diffusion modeling results submitted in support of this revision confirm the State's position that implementation of the revision will not adversely affect the attainment and maintenance of the national ambient air quality standards. Copies of the Agency's evaluation statement and the materials submitted by the State in connection with the revision may be examined by the public during normal office hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

Since Alabama's revised emission limits for sulfuric acid plants will not, in the determination of the Administrator, interfere with the attainment and maintenance of the national ambient air quality standards in the State, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this action immediately effective in that the revised emission limits are already in effect under State law and regulation, and the Administrator's approval action imposes no additional burden on anyone.

(Sec. 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: May 20, 1976.

JOHN QUARLES,  
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

#### Subpart B—Alabama

In § 52.50, paragraph (c) is amended by adding subparagraph (13) as follows:

#### § 52.50 Identification of plan.

(c) . . . .

(13) Revised limits on sulfur dioxide and sulfuric acid mist emissions from sulfuric acid plants, submitted on July 25, 1975, by the Alabama Air Pollution Control Commission.

[FR Doc.76-15379 Filed 5-26-76;8:45 am]

#### SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS [FRL 549-7]

#### PART 420—IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

##### Extension of Comment Period and Notice of Availability

On March 29, 1976 the Agency published a notice of interim final rulemaking (41 FR 12990) establishing effluent limitations and guidelines for the forming, finishing and specialty steel segments of the iron and steel manufacturing point source category, based upon use of best practicable control technology currently available. The due date for comments provided in the notice was April 28, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Forming, Finishing and Specialty Steel Segments of the Iron and Steel Manufacturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to June 28, 1976.

Dated: May 14, 1976.

JOHN T. RHETT,  
Acting Assistant Administrator  
for Water and Hazardous Materials.

[FR Doc.76-15380 Filed 5-26-76;8:45 am]

#### Title 41—Public Contracts and Property Management

[AIDPR Notice 76-3]

#### CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

##### Miscellaneous Amendments

This Notice contains the following amendments to the AID Procurement Regulations (41 CFR Part 7):

1. The amendment of §§ 7-1.702(d), 7-1.104-2(b) (8), and 7-1.704-6(a) to reflect the increase in the small business screening threshold for PIO/T's from \$2,500 to \$5,000.

2. The addition of a new Appendix H incorporating AID Policy Determination 65, "Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance."

3. The amendment of § 7-3.211(a) to reflect the increase in the Small Projects Research Program authorization from \$25,000 to \$35,000.

4. The amendment of §§ 7-1.305, 7-1.306, 7-1.310, 7-1.310-7, 7-1.310-10, 7-1.600, 7-1.702(d) (5), 7-4.5300(b), 7-4.5301(d) (4) (i), and 7-4.5301(d) (4) (iv) to reflect changes in AID Manual Order and AID Handbook references, AID organizational changes, and the elimination of duplicate coverage provided in other AID Handbooks.

5. The amendment of §§ 7-1.1001(b) (2), 7-1.1001(b) (3), 7-1.1003-3, 7-1.1003-7, 7-3.101-50(a), 7-3.102, 7-3.103, 7-3.215, 7-3.600, 7-3.807-3, and 7-4.1004-2, to reflect FPR changes.

6. The amendment of §§ 7-1.104-4, 7-1.454, 7-1.455, 7-1.456, 7-3.807-2, 7-3.807-2(c), 7-3.308, and 7-4.5801(b) to make editorial changes and to eliminate reference to functions covered in other AID Handbooks.

7. The removal of unnecessary "(Reserved)" entries in §§ 7-1.209, 7-1.311, 7-1.605-4, 7-1.703, 7-1.1003, 7-1.1003-2, 7-3.212, and 7-3.213.

#### PART 7-1—GENERAL

##### Subpart 7-1.1—Introduction

1. § 7-1.104-4 is revised as follows:

##### § 7-1.104-4 AIDPR Notices.

AIDPR Notices will be used to promulgate changes to the AIDPR. Such Notices will be prepared by the Assistant Administrator for Program and Management Services.

##### Subpart 7-1.2—Definition of Terms

§ 7-1.209 [Deleted]

2. § 7-1.209 is deleted.

##### Subpart 7-1.3—General Policies

§§ 7-1.305, 7-1.306, 7-1.310, 7-1.310-7, 7-1.310-10 and 7-1.311 [Deleted]

3. §§ 7-1.305, 7-1.306, 7-1.310, 7-1.310-7, 7-1.310-10, and 7-1.311 are deleted.

##### Subpart 7-1.4—Procurement Responsibility and Authority

§§ 7-1.454, 7-1.455 and 7-1.456 [Deleted]

4. §§ 7-1.454, 7-1.455, and 7-1.456 are deleted.

##### Subpart 7-1.6—Debarred, Suspended, and Ineligible Bidders

§ 7-1.600 [Amended]

5. § 7-1.600 is amended to change the reference " " as AID Manual Order 1414.13." in the first sentence to " " as in AID Handbook 15."

§ 7-1.605-4 [Deleted]

6. § 7-1.605-4 is deleted.

##### Subpart 7-1.7—Small Business Concerns

§§ 7-1.702, 7-1.704-2 and 7-1.704-6 [Amended]

7. §§ 7-1.702(d), 7-1.704-2(b) (8), and 7-1.704-6(a) are amended to delete the figure "\$2,500", and substitute the figure "\$5,000", wherever it appears.

§ 7-1.702 [Amended]

8. § 7-1.702(d) (5) is amended to delete " " Manual Order 417.5 " " and substitute " " AIDPR Appendix F " ".

§ 7-1.703 [Deleted]

9. § 7-1.703 is deleted.

##### Subpart 7-1.10—Publicizing Procurement Actions

10. In § 7-1.1001, paragraph (b) is revised as follows and paragraph (b) (3) is deleted.

§ 7-1.1001 General policy.

(b) . . . .

(2) AID's Small Business Office maintains a Contractor's Index, which serves as a reference source and an indication of a prospective contractor's interest in performing AID contracts. Prospective contractors are invited to file the appropriate form (Standard Forms 254/255, Architect-Engineer and Related Services Questionnaires; or AID Forms 1420-6, Management Consultant Questionnaire; 1420-7, Construction Contractor's Questionnaire; or 1420-19, Urban and Regional Planner Consultant Questionnaire) with AID's Small Business Office (Department of State, Agency for International Development, Washington, D.C. 20523—Attention: Small Business Office). These forms should be updated annually.

§§ 7-1.1003, 7-1.1003-2, 7-1.1003-3, and 7-1.1003-7 [Deleted]

11. §§ 7-1.1003, 7-1.1003-2, 7-1.1003-3 and 7-1.1003-7 are deleted.

#### PART 7-3—PROCUREMENT BY NEGOTIATION

##### Subpart 7-3.1—Use of Negotiation

§ 7-3.101-50 [Amended]

12. § 7-3.101-50 is amended by deleting paragraph (a) in its entirety; paragraphs (b), (c), and (d) are redesignated paragraphs (a), (b), and (c), respectively.

§§ 7-3.102 and 7-3.103 [Deleted]

13. §§ 7-3.102 and 7-3.103 are deleted.

##### Subpart 7-3.2—Circumstances Permitting Negotiation

§ 7-3.211 [Amended]

14. § 7-3.211(a) is amended to delete the figure "\$25,000" and substitute the figure "\$35,000".

§§ 7-3.212, 7-3.213 and 7-3.215 [Deleted]

15. §§ 7-3.212, 7-3.213, and 7-3.215 are deleted.

##### Subpart 7-3.3—Determinations, Findings, and Authorities

§ 7-3.308 [Deleted]

16. § 7-3.308 is deleted.

##### Subpart 7-3.6—Small Purchases

§ 7-3.600 [Amended]

17. § 7-3.600 is amended to delete the figure "\$2,500" and substitute the figure "\$10,000".

##### Subpart 7-3.8—Price Negotiation Policies and Techniques

§ 7-3.807-2 [Amended]

18. § 7-3.807-2 is amended to delete the title "[Reserved]." and substitute the title "Requirements for price or cost analysis."

§ 7-3.807-50 [Redesignated]

19. § 7-3.807-2(c) is redesignated § 7-3.807-50.

§ 7-3.807-3 [Deleted]

20. § 7-3.807-3 is deleted.

#### PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

##### Subpart 7-4.10—Architect-Engineer Services

§ 7-4.1004-2 [Amended]

21. § 7-4.1004-2 is amended by changing the references to " " AID Form 1420-5 " " to " " Standard Forms 254 and 255 " ".

##### Subpart 7-4.53—Procurement Under AID Research and Analysis Program

§ 7-4.5300 [Amended]

22. § 7-4.5300(b) is amended to delete the title "Director, Office of AID Research and University Relations, Bureau for Technical Assistance (TA/RUR)" and substitute the title "Director, Inter-Regional Research Staff, Bureau for Technical Assistance (TA/RES)".

§ 7-4.5301 [Amended]

23. § 7-4.5301(d) (4) (i) is amended to delete the term "South Asia".

§ 7-4.5301 [Amended]

24. § 7-4.5301(d) (4) (iv) is amended to delete the term "East".

##### Subpart 7-4.58—Collaborative Assistance Selection Procedures

§ 7-4.5801 [Amended]

25. § 7-4.5801(b) is amended to delete reference to " " the Policy Determination entitled "Definition and Extension of Source Selection Practices Appropriate to AID Direct Contracts for Technical Assistance" and substitute reference to " " AIDPR Appendix H—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance."



26. A new Appendix G is added as follows:

APPENDIX G—[RESERVED]

27. A new Appendix H is added as follows:

APPENDIX H—USE OF COLLABORATIVE ASSISTANCE METHOD FOR AID DIRECT CONTRACTS FOR TECHNICAL ASSISTANCE

1. Introduction.  
(a) AID direct contracts for technical assistance are now classified in one of three categories depending on the source selected to perform the services. They are:

- (1) architect/engineer services provided within a technical assistance project;
- (2) services to be performed by an educational/non-profit institution; and
- (3) services to be performed by commercial contractors, or others, as a result of competitive negotiation.

(b) Procurement policies and procedures for architect/engineer services are contained in the AID Procurement Regulations (AIDPR 7-4.10). Services to be performed by commercial contractors, or others, as a result of competitive negotiation will now be procured under policies and procedures contained in new Subpart 7-4.56, General Selection Procedures, in the AID Procurement Regulations.

(c) For the procurement of services to be performed by educational institutions or international research centers, there are two new Subparts to the AID Procurement Regulations. The first of these, Subpart 7-4.57, Educational Institution and International Research Center Selection Procedure, will be used whenever it has been determined that required services or relationships necessary for the successful performance of the project are available only from an educational institution or international research center (except contracts negotiated under AIDPR 7-3.211 and contracts negotiated under Subpart 7-4.58, Collaborative Assistance).

(d) The second of these, new Subpart 7-4.58, Collaborative Assistance, introduces an additional approach for obtaining services from educational institutions or international research centers and is the major concern of this Appendix.

2. Purpose.  
This Appendix describes an alternative contractual relationship known as the Collaborative Assistance approach for the following purposes:

- (a) Increasing the joint implementation authority and responsibility of the contractor and the LDC;
- (b) Encouraging more effective collaboration between all participating parties (AID, host country, and contractor) at important stages, including the design stage, of a technical assistance project.

3. Policy.  
The collaborative assistance approach represents an alternative method for long-term technical assistance which involves professional collaboration with Educational Institution or International Research Center Contractors and LDC counterparts for a problem-solving type activity to develop new institutional forms and capabilities, to devise operating systems and policies, and to conduct joint research and development—including training. In such an activity, the difficulty in defining, in advance, precise and objectively verifiable contractor inputs and long-term project content as a basis for payment usually requires a flexible approach to project design, contracting, and project implementation. Such flexibility is also essential to the collaborative style which is responsive to LDC desires in problem areas of great complexity and varying uncertainty. Other types

of technical assistance, which are usually shorter in term are amenable to more precise definition in advance, or involve closely defined and relatively standardized services, or are otherwise more analogous to commodity resource transfers, may be suitable for other contracting methods, e.g., certain forms of institution building, on-the-job training, resource surveys, etc. The collaborative assistance method is an approved method for providing technical assistance, when used in accordance with the circumstances outlined above, and with the guidelines set forth in paragraph 4. below.

4. Implementation Procedures.

(a) Introduction.

This paragraph 4. provides background information, guidelines and procedures to effect the implementation of the policy set forth in 3. above.

(b) Conditions and Practices.

In order for this policy to work effectively, even when the proposed activity fits the criteria described under Policy, there must also be:

- (1) Acceptance of the notion that the host country, in consultation with the Educational Institution or International Research Center contractor, is in the best position to make tactical, day-to-day decisions on project inputs within agreed-upon limitations and output expectations;
- (2) Sufficient trust and respect between the Agency and the contractor to allow this flexible implementation authority;
- (3) A direct-hire project monitor with appropriate background to be knowledgeable of progress and to assist in an advisory and facilitative capacity, both during and between periodic reviews.

In addition, the following important conditions must be met:

- (1) Adequate pre-project communication between, and identification of assistance required by, the host government and USAID;
- (2) Full joint planning and improved project design ("Joint" as used herein refers to the primary parties, i.e., the collaborating institutions, as well as the host government and USAID. In some instances, it can also include other donors.);
- (3) Careful contractor selection i.e., matching of the contractor's technical and managerial capabilities to the anticipated requirements of the overseas activity;
- (4) Establishment of relationships between host country, AID and contractor staff to include host country leadership, flexible implementation authority, and effective management by the contractor;
- (5) Improved joint project evaluation, feedback, and replanning; and
- (6) Simplified administrative procedures and greater reliance on in-country logistical support.

(c) Project Stages and Contractor Involvement.  
In the long-term technical assistance projects as described above, there are four discrete but sometimes overlapping decision stages which take place—with the principal contractor usually involved in the last three.

- (1) Problem Analysis and Project Identification.

After the host government has indicated a desire for U.S. collaboration on a particular problem and the AID field mission has determined that the proposed activity is consistent with its program goals and priorities, considerable effort is usually necessary to refine further the project purpose and type of assistance required and provide a basis for contractor selection. This is a crucial step and is focused on results sought—on what the prospective contractor is expected to produce in relation to resources to be used and to project purpose. It should result in a clear understanding of what the LDC wants, and

an overall plan which includes agreement on specific objectives or outputs, acceptable types of activities and inputs and an initial budget—resulting in project documentation. At this step, AID makes decisions it cannot delegate on what it will support and at what cost. If needed to supplement its direct-hire expertise, AID can use outside consultants for analysis and advice but retains the ultimate decision for itself in collaboration with, but independent of, the requesting host government. (Normally, the proposed implementation should not have been involved in the problem analysis and project identification stage as a consultant to either the host country government, host institution, or USAID. If a potential contractor has been so involved, particular care must be taken to prevent actual or apparent organizational conflicts of interest in the procurement that follows. This could require, at a minimum, a careful assessment and complete documentation of reasons for selection.)

Normally, there will need to be some mutual interaction between the overall planning stage outlined here and the detailed planning and design work which follows in the next phase. There will usually be some overlap, with preliminary decisions in this stage providing a basis for selection of implementation agents for stage (2) which in turn proceeds through some preliminary planning to guide completion of stage (1) as a basis for long-term contracting.

(2) Project Definition.

At this stage, having selected the implementing agent, the U.S. and LDC organizations which will be collaborating in carrying out the project are encouraged to work out, to their mutual satisfaction, the particulars of what to do and how to do it (i.e., detailed project design) within the context of LDC leadership and responsibility and the general agreements and budget reached in stage (1). The emphasis here is on the technical approach to be utilized and the scheduling and management of project inputs. This may involve a short-term reconnaissance and/or an extensive period of detailed joint planning and feeling out of what is feasible during a preliminary operating phase of the project, possibly lasting as much as a year or more. This stage recognizes the importance, for the problem-solving or ground-breaking types of technical assistance, of involving the U.S. and LDC implementing organizations together as soon as the detailed design work begins. AID's role here is to facilitate, not direct, the joint planning, assure consistency with prior agreements or concur in changes, affirm that the implementing parties have agreed on a reasonable project design, and prepare or cause to be prepared the documentation required for stage (3), including any amendments that might be required to the project documentation. If and when a decision is made by the host government and AID to proceed into the operating phase with the same contractor, the U.S. intermediary should be treated as a cooperating partner in the negotiation of the subsequent long-term operating agreement(s) with the host government, host institution and AID.

(3) Implementation.  
The results of the approach outlined in the stage above should include, in addition to a better understanding and more meaningful commitment by all parties, the following specific products:

- (1) A jointly developed, life-of-project design which reflects the commitment of all parties and includes clear statements of purpose, principal outputs, eligible types of activity and expenditure limits, critical assumptions, and major progress indicators;
- (2) A workplan and input schedule for the first two years or at least as long as the ex-

penditure period for the next obligation of project funds;

- (iii) Provisions for any administrative support, special services or other inputs by the host country, contractor, and/or AID; and
- (iv) A plan for periodic joint evaluation and review of progress and subsequent workplans, normally annually, with the participation of all parties.

Appropriate elements of these agreements and understandings are now embodied in a contract for project implementation, as described in paragraph (3) (1) of the section below on Contracting Implications. This contract allows the U.S. intermediary to apply its judgment, reflecting close collaboration with its LDC colleagues, in adjusting the flow of AID-financed inputs and in making other operational decisions with a minimum of requirements for prior AID approvals or contract amendments as long as the contractor stays within the bounds of the approved overall plan and budget. In this phase, AID may give technical assistance contractors the authority and responsibility for using their specialized expertise to the fullest extent in the scheduling and managing of project inputs.

(4) Monitoring, Joint Evaluation and Replanning.

With increased flexibility and responsibility for implementation placed with the technical assistance contractor, the host government, and/or institutional collaborator, improved and timely progress reporting and periodic, joint, and structured reviews of results and evolving plans are imperative as a basis for monitoring and evaluating contractor performance, revalidating or adjusting project design, and for determining future funding levels and commitments.

Both the contractor's annual report and the joint review should be structured within the framework of purpose, outputs, performance indicators, etc., originally established in the project identification phase—as modified by detailed project design—and reflected in the Project Agreement and other pertinent documentation. The field review will normally serve as the occasion for discussing changes in or additional to previously agreed-to workplans as well as proposing changes in purpose, types of activities authorized and budgets which require contract amendment. Obviously, the appropriate host government, host institution, and senior contractor officials should be thoroughly involved in the process, which will have to be adapted to the conditions within specific projects and countries. An important USAID responsibility is to assure that there is appropriate host country participation in developing and improving project plans prior to new obligations of funds. The special requirements and responsibilities of the various parties shall also be reflected in ProAg and contract terms and in guidelines on the content of annual reports, evaluation procedures, etc.

Standard checking on services actually delivered as a basis for reimbursement will be continued including appropriate audit of expenditures.

(d) Contracting Implications.

The principal elements of change in present contracting practices, as detailed below, are earlier selection and involvement of the prime contractor, contracting by major stages of project design and operations, minimizing the need for pre-contract negotiations and contract amendments and AID approvals, and providing technical assistance contractors with the authority and responsibility needed to manage implementation within the approved program bounds.

(1) Selection.

The early involvement of an Educational Institution or International Research Center contractor in the definition stage of a long-

term technical assistance project, after AID decides what it wants to undertake in stage (1), does not alter the Agency's responsibility to select its contractors carefully and in full compliance with appropriate contracting regulations and selection procedures. What is required here is that contractor selection be carried out at an earlier stage than has sometimes been the Agency practice in the past or with other types of contracts and in anticipation that the contractor, assuming adequate performance, will participate in all subsequent phases until final completion.

(2) Contracting Stages.

In contracting, the initial design stage should be separated from the longer term implementation stage without any AID commitment to undertake the second until it has exercised its independent judgment based on the product of the first plus any outside expert appraisal it and the host country want to use.

The long-term implementation stage itself may be further sub-divided into contract periods which permit time between pre-determined events for analysis, determination of new project requirements, and evaluation of performance prior to initiating the next phase by contract amendment/extension. If, for any reason, such an examination does not appear to warrant project continuation, then termination of the project and/or contract would be the next step.

(3) Flexible Implementation Authority.

While good project design will eliminate or diminish many operational problems, the very nature of long-term technical assistance requires flexible implementation within agreed purposes, ultimate outputs, types of activity and available financing. With these key variables for AID management control established, contracts should be written so as to minimize the need for amendments and AID approval of changes in input particulars. This can be facilitated, both for the USAID, host country, institution, and the contractor, by:

(1) Retention of Operational Plan in Contract and Removal of Workplan.

The contract narrative will contain the life-of-the-project Operational Plan, consistent with the project design as developed in stage (2) and reflected in the project documentation (and subsequent amendments thereto). The Operational Plan includes a statement of the purpose to be achieved, the outputs to be produced by the contractor and the types of activities to be undertaken, the more significant indicators of progress, a general description of the type of inputs that are authorized and intended to be provided during the life of the project, and the overall budget.

In order to allow adjustments at the implementation level without going through the contract amendment process, the detailed but short-term workplan containing specific descriptions and scheduling of all inputs such as numbers and types of staff, participants, commodities, etc., and specific activities, will not be a part of the contract. It is a working document to be modified in the field when the situation demands. The latest version will be available as a supporting document to justify proposed new obligation levels. Normally, the workplan and derived budget will cover a rolling two year period, i.e., each year another yearly increment is added after review and approval.

(2) Budget Flexibility.

To support this implementation flexibility, contract budget or fiscal controls will be shifted from fixed line items for each input category to program categories, permitting the technical assistance contractor to adjust amounts and timing to achieve previously approved project purpose and outputs—as long as he remains within the total contract

amount and approved types of activity. This same type of flexibility should apply to any local currency supplied for project operations and/or contractor staff support. While an essential corollary to eliminating the workplan from the contract, this is not a unique procedure under cost reimbursement type contracts when the contractor has demonstrated adequate management capability.

(3) Negotiation of Advance Understandings.

To permit university and International Research Center contractors to manage their activities in accordance with their own policies and procedures and thereby sharpen their management responsibility while achieving substantial savings in time and reduced documentation, AID will negotiate advance understandings with its technical assistance contractors on dollar cost and administrative procedures that will be included by reference in its subsequent contracts. The negotiation of such "packages" is being expedited, particularly with those organizations with whom repetitive Agency contracting is anticipated, and will be used in all relevant relationships involving the Agency and respective contractors in lieu of traditional contract standard provisions, whenever this may be appropriate. This does not apply to local currency costs and host government procedures which must be negotiated in each case.

The purpose of the practices listed above is not only to give a qualified contractor the authority to adjust the composition and timing of inputs but to assign him the clear responsibility of managing such resources, as the evolving circumstances require, to achieve the agreed-upon outputs on a cost efficient basis. It should also reduce the delay and paperwork involved in frequent but minor contract amendments and approvals. For the Agency as a whole, both in the Mission and in AID/W, these have involved a large workload and cost.

(c) Role of AID.

Nothing in this Appendix is intended to delegate, diminish or otherwise modify AID's final responsibility for the prudent management of public funds and its own programs. Rather, in withdrawing from the day-to-day involvement in and responsibility for the management of adjustment of the flow of inputs during implementation, the best use of limited Agency staff and time can be devoted to protecting the public interest in gaining maximum results from the funds appropriated for technical assistance by:

- (1) Seeking optimum identification in terms of LDC priorities and U.S. capabilities;
- (2) Mobilizing and selecting the best U.S. professional talent to design and carry out the project;
- (3) Monitoring what is happening to assure adequacy of processes, get a feel of results, assure actual delivery of inputs being financed;
- (4) Assuring that the attention of AID's implementation agents and LDC colleagues stay well focused on project purpose and results to be achieved (outputs) and the relation to these of what is being done and actual results;
- (5) Providing intermediaries adequate authority and responsibility to adjust inputs promptly and sensitively to the evolving project situations.

Attention to these considerations and to achievement of the pre-implementation conditions prescribed above should greatly increase the chances for successful project completion and impact on a cost effective basis, which is the final measurement of prudent management.



**AUTHORITY:** This AIDPR Notice 76-3 is issued pursuant to 41 CFR 7-1.104.4.

**Effective date:** This AIDPR Notice is effective July 1, 1976.

**Dated:** May 18, 1976.

JOHN F. OWENS,  
Deputy Assistant Administrator  
for Program and Management  
Services.

[FR Doc.76-15404 Filed 5-26-76;8:45 am]

**Title 43—Public Lands: Interior**  
**CHAPTER II—BUREAU OF LAND**  
**MANAGEMENT**

[Circular No. 2391]

**PART 2740—RECREATION AND PUBLIC**  
**PURPOSES ACT**

**PART 2800—RIGHTS-OF-WAY,**  
**PRINCIPLES AND PROCEDURES**

**PART 3850—MINERAL PATENT**  
**APPLICATIONS**

**Miscellaneous Amendments**

This rulemaking makes several technical amendments in 43 CFR Chapter II, to correct and update the Code of Federal Regulations. Two amendments revise section titles to reflect the content of the section. Five amendments use the words "authorized officer" as the new designation of the responsible official referred to in the regulation. These changes bring the amended provisions into conformance with other sections of the regulations.

Since this rulemaking is a maintenance action, it is determined that the rule-making procedure is unnecessary and these amendments shall become effective on May 28, 1976.

Title 43 CFR is hereby amended as follows:

1. The heading of § 2741.4 is revised to read as follows:

§ 2741.4 Applications for transfer, change of use, renewal of leases; and for new leases under the Act of June 20, 1906

§ 2811.1 [Amended]

2. In § 2811.1 the phrase "officer in charge" is amended to read "authorized officer."

§ 2812.0-6 [Amended]

3. In § 2812.0-6(h) the words "district forester" are revised to read "authorized officer" and the word "paragraph" is revised to read "subpart."

§ 2812.1-1 [Amended]

4. In § 2812.1-1(b) the phrase "appropriate district forester" is amended to read "authorized officer."

§ 2812.4-4 [Amended]

5. In § 2812.4-4(c) the phrase "appropriate district director" is amended to read "authorized officer."

6. In § 2812.7 the phrase "appropriate district forester" is amended to read "authorized officer."

7. The heading of 3862.4-1 is revised to read as follows:

§ 3862.4-1 Newspaper publication.

JACK O. HORTON,  
Assistant Secretary  
of the Interior.

MAY 20, 1976.

[FR Doc.76-15401 Filed 5-26-76;8:45 am]

**Title 49—Transportation**  
**CHAPTER X—INTERSTATE COMMERCE**  
**COMMISSION**

**SUBCHAPTER A—GENERAL RULES AND**  
**REGULATIONS**

[Third Revised Service Order No. 1171  
Amdt. No. 1]

**PART 1033—CAR SERVICE**

**Regulations for Return of Hopper Cars**

MAY 24, 1976.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of May 1976.

Upon further consideration of Third Revised Service Order No. 1171 (41 FR 3091), and good cause appearing therefor:

It is ordered, That:

Third Revised Service Order No. 1171 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1171 Regulations for return of hopper cars.

(g) Expiration date. This order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., May 31, 1976.

Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 388, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interpret of applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, Members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15522 Filed 5-26-76;8:45 am]

**Title 50—Wildlife and Fisheries**  
**CHAPTER I—U.S. FISH AND WILDLIFE**  
**SERVICE, DEPARTMENT OF THE INTERIOR**  
**PART 32—HUNTING**

**Special Regulations**

The following special regulation is issued and is effective on September 1, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

**TEXAS**

**ARANSAS NATIONAL WILDLIFE REFUGE**

Public archery hunting of deer and feral hogs on a portion of the Aransas National Wildlife Refuge, Texas, is permitted from noon September 23 through September 27, 1976, October 1 through October 4, 1976, and October 8 through October 10, 1976. That portion open to hunting is designated by signs and delineated on maps available at refuge headquarters near Austwell, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with applicable State hunting regulations and subject to the following special conditions:

(1) A bag limit of three (3) deer, either sex, but not to include more than two (2) bucks, may be taken by each hunter. There is no limit as to the number of feral hogs that may be taken.

(2) All hunters must check in and out of the hunting area at the refuge entrance on Texas Farm Road 2040.

(3) A valid 1976-77 Texas hunting license is required of each participant. A current State Archery tag is also required.

(4) All hunting arrows must bear the name and address of the user in a non-water-soluble medium.

(5) No target or field arrows are permitted on the refuge.

(6) Taking, or attempting to take wildlife species other than deer or feral hogs is prohibited.

(7) All motor vehicles must travel only on the shell surfaced roads of the refuge.

(8) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer.

(9) In the event of the arrival of whooping cranes, the refuge or any portion thereof may be immediately closed to hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 10, 1976.

W. O. NELSON, JR.,  
Regional Director,  
U.S. Fish and Wildlife Service.

MAY 20, 1976.

[FR Doc.76-15402 Filed 5-26-76;8:45 am]

**Title 7—Agriculture**

**CHAPTER IX—AGRICULTURAL MARKET-**  
**ING SERVICE (MARKETING AGREE-**  
**MENTS AND ORDERS; FRUITS, VEGE-**  
**TABLES, NUTS), DEPARTMENT OF**  
**AGRICULTURE**

[Navel Orange Regulation 382]

**PART 907—NAVEL ORANGES GROWN IN**  
**ARIZONA AND DESIGNATED PART OF**  
**CALIFORNIA**

**Limitation of Handling**

**PREAMBLE**

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period May 28-June 3, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges, so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

**§ 907.682 Navel Orange Regulation 382.**

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to

provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for first grade Navel oranges is holding well in all areas and strengthening in some, but lesser quality fruit is not showing strength in the market. Prices f.o.b. averaged \$2.96 a carton on a reported sales volume of 1,186 cartons last week, compared with an average f.o.b. price of \$3.14 per carton and sales of 1,077 cartons a week earlier. Track and rolling supplies at 370 cars were down 90 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be com-

pleted on or before the effective date hereof. Such committee meeting was held on May 25, 1976.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period May 28, 1976, through June 3, 1976, are hereby fixed as follows:

(i) District 1: 1,000,000 cartons;  
(ii) District 2: Unlimited movement;  
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

**Dated:** May 26, 1976.

CHARLES R. BRADER,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[FR Doc.76-15740 Filed 5-26-76;11:29 am]

**CHAPTER XVIII—FARMERS HOME ADMIN-**  
**ISTRATION, DEPARTMENT OF AGRICUL-**  
**TURE**

[FmHA Instruction 444.5]

**PART 1822—RURAL HOUSING LOANS**  
**AND GRANTS**

**Rural Rental Housing Loan Policies,**  
**Procedures and Authorizations; Correction**

FR Doc. 76-9410 appearing at pages 13932-13933 in the issue for Thursday, April 1, 1976, is corrected by inserting the following sentences before the last sentence in § 1822.86(a), as follows:

**§ 1822.86 Limitations.**

(a) Loan limits. . . . Additional loans may be made, without regard to the \$1,500,000 limitation provided the project is completed and the housing has been successfully operated for at least 12 months. A clear market demand must be evidenced for any additional units to be provided. . . .

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

**Effective date.** This correction shall become effective on May 27, 1976.

**Dated:** May 18, 1976.

DENTON E. SPRAGUE,  
Acting Administrator,  
Farmers Home Administration.  
[FR Doc.76-15510 Filed 5-26-76;8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Forest Service

[ 36 CFR Parts 213, 231 and 261 ]

## NATIONAL FORESTS AND NATIONAL GRASSLANDS

### Grazing

Notice is hereby given that the Forest Service is considering amending regulations in 36 CFR Parts 213, 231, and 261, concerning grazing on the National Forests and National Grasslands. Many proposed changes are editorial; others are substantive. Following is a listing of the substantive changes and the reasons for making them:

(1) Land Utilization Projects are being specifically added to the definition in paragraph (b) (1) of § 231.1 of "National Forest System lands." This corrects an omission in that it is intended that Land Utilization Projects are part of the National Forest System.

(2) Section 231.2, retitled "Range planning and management," is amended to include provision for planning and management of wild free-roaming horse and burro territories. Pub. L. 92-195, the Wild Free-Roaming Horse and Burro Act, directs the Secretary to manage wild free-roaming horses and burros as part of the natural system where territories are established on National Forest System lands. This change authorizes planning and management of wild horse and burro territories.

(3) Section 231.3 is being amended to clarify the requirements under which term permits may be issued. A new paragraph (d) (9) is being added to authorize the issuance of negotiated bid permits where no qualified applicants for other authorized permits are available. This change is needed to add authority to issue permits on developing ranges where there is potential for sustained range livestock grazing operations.

(4) A new paragraph (a) (10) is being added to § 231.5 covering payment of fees on negotiated bid permits. The addition of this paragraph is needed to cover the method grazing fees will be assessed on permits authorized under § 231.3(d) (9).

(5) In addition to numerous editorial changes in § 231.7, a clause is being added to paragraph (d) stating that the Chief, Forest Service, will provide leadership in cooperative management of non-Federal forested ranges. The addition to paragraph (d) is necessary to provide for

authority for the Forest Service to accomplish the intent of the Cooperative Forest Management Act of 1950 (64 Stat. 473 as amended (16 U.S.C. 586c, 568d)).

(6) Paragraph (a) (3) of § 231.8 is being amended to describe the role of State cattle and sheep sanitary boards in the administration of the Wild Free-Roaming Horse and Burro Act. This change is needed to update the regulations in light of the Wild Free-Roaming Horse and Burro Act (Pub. L. 92-195).

(7) Section 231.9 is being amended to give the Chief, Forest Service, clear authority to install and maintain range improvements on National Forest System lands. The purpose of this change is to clarify that authority is delegated to the Chief, Forest Service.

(8) Section 261.13 is being rewritten in its entirety to broaden authority to cover lands administered under the Bankhead-Jones Farm Tenant Act as well as other National Forest System lands. Paragraph (e) of this section is being amended to make possible the sale of impounded, unclaimed animals at fair market value when costs of impoundment and care of the animals exceed fair market value of such animals, and paragraph (g) is added to define livestock as other than wild free-roaming horses or burros. The reasons for these changes are, (a) to authorize, where necessary, impoundment action on National Grasslands, (b) to make possible disposal of impounded, unclaimed livestock where impoundment and care costs necessarily exceeds the actual value of the animals, and (c) to cause these regulations to cover the intent of Pub. L. 92-195, the Wild Free-Roaming Horse and Burro Act.

State in which grass-land is located	National grassland	Counties where located
Colorado.....	Pawnee, Comanche.....	Weld, Baca, Las Animas, Otero, Oneida, Power, Morton, Stevens, Dawes, Sioux, Colfax, Harding, Nora, Union, Grant, Sioux, Ransom, Richland, Billings, Golden Valley, McKenzie, Slope, Cimarron, Roger Mills (Okla.), Hemphill (Tex.).
Idaho.....	Curlew.....	Jefferson.
Kansas.....	Cimarron.....	Custer, Fall River, Jackson, Pennington, Corson, Perkins, Ziebach, Jones, Lyman, Stanley.
Nebraska.....	Ogallala.....	Montague, Wise, Dallam, Fannin, Gray, Campbell, Converse, Crook, Niobraska, Weston.
New Mexico.....	Kitia.....	
North Dakota.....	Cedar River, Sheyenne, Little Missouri.....	
Oklahoma.....	Rita Blanca.....	
Oklahoma-Texas.....	Black Kettle.....	
Oregon.....	Crooked River.....	
South Dakota.....	Buffalo Gap, Grand River, Fort Pierre.....	
Texas.....	Lyndon B. Johnson, Rita Blanca, Caddo, McClellan Creek.....	
Wyoming.....	Thunder Basin.....	

### § 213.5 [Removed]

2. By revoking and reserving § 213.5, Grouping of the National Grasslands into administrative designations therefor.

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the U.S. Department of Agriculture, Forest Service, Range Management Staff, Washington, D.C. 20250, on or before June 28, 1976.

All written submissions made pursuant to this notice will be available for public inspection in Room 610, 1621 North Kent Street, Rosslyn Plaza, Building E, Arlington, Virginia, during regular business hours (7 CFR 1.27(b)).

ROBERT F. LONG,  
Assistant Secretary,  
U.S. Department of Agriculture.

MAY 24, 1976.

In consideration of the foregoing, the Forest Service proposes to amend Parts 213, 231, and 261 of Title 3 of the Code of Federal Regulations as indicated below. Unless otherwise stated, the authority is Sec. 1, 30 Stat. 35, as amended, Sec. 1, 33 Stat. 628 (U.S.C. 551, 472); Sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011).

## PART 213—ADMINISTRATION OF LANDS UNDER TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT BY THE FOREST SERVICE

1. By revising paragraph (e) of § 213.1 to read as follows:

§ 213.1 Designation, administration, and development of National Grasslands.

(e) National Grasslands in the following States and counties are hereby grouped and designated as indicated:

## PART 231—GRAZING

3. By revising paragraph (b) (1) of § 231.1 to read as follows:

§ 231.1 Range resource development and administration.

(b) Definitions.

(1) "National Forest System lands," as used in this part, are the National Forests, National Grasslands, Land Utilization Projects, and other Federal lands for which the Forest Service has administrative jurisdiction.

4. By revising § 231.2 to read as follows:

§ 231.2 Range planning and management.

(a) Range allotments will be designated on National Forest System lands and on other lands under Forest Service control. Associated private and other public lands should be included in such designations to form logical range management units.

(b) Each range allotment and wild horse or burro territory will be initially analyzed and a plan of management developed and implemented. The analysis and plans will be updated whenever needed as determined by conditions on the allotment or territory.

5. By amending paragraph (d) of § 231.3 as follows:

§ 231.3 Grazing permits and grazing agreements.

(d) Grazing permits and grazing agreements authorizing livestock use on National Forest System lands and on other lands under Forest Service control shall be as follows:

(1) Paid term permits may be issued for periods of 10 years or less to persons who own the livestock to be grazed and such base ranch property as the Chief, Forest Service, may require. They may also be issued in connection with changes of ownership of the base property or the permitted livestock of term permittees. Term permits are renewable at the new of each term period provided the provisions and requirements under which they are issued continue to be met. The term permit provides its holder first priority for its renewal at the expiration of the term permit period. The Chief, Forest Service, shall prescribe provisions and requirements under which term permits may be issued, renewed, and administered, including:

(i) Criteria for eligibility;

(ii) Ownership of base property and livestock;

(iii) Specifications for ownership of base property;

(iv) Provisions and requirements under which term permits may be issued through acquisition by purchase, inheritance, or otherwise of base property or permitted livestock of term permittees;

(v) Conditions for the approval of nonuse of permit for specified periods;

## PROPOSED RULES

(vi) Upper limits governing size of permit that any person, firm or corporation may hold.

(2) Paid temporary permits may be issued annually to persons under such provisions and requirements as the Chief, Forest Service, shall prescribe.

(3) Paid term or temporary permits with a specific on-and-off provision may be issued to persons owning livestock that will graze on range only part of which is National Forest System lands and on other lands under Forest Service control.

(6) Free permits may be issued to: (i) Persons who reside on ranch or agricultural lands within one contiguous to National Forest System lands for not to exceed 10 head of livestock owned or kept for domestic purposes and whose products are consumed or whose services are used directly by the family of the resident, and who distinctly need such National Forest System lands to support such domestic animals.

(ii) Persons for the number of horses, mules or burros needed to manage permitted livestock and who clearly need National Forest System lands to support such animals.

(iii) Prospectors, campers, and travelers for the few head of livestock actually used during the period of occupancy.

(iv) Others as may be authorized by the Chief, Forest Service.

(9) Negotiated bid permits may be issued in the absence of applicants qualified for other permits or agreements for periods up to 5 years. Authorized use will be under a grazing management plan and will be limited by the ability of the range resource to support such use.

(64 Stat. 88 (16 U.S.C. 580 1))

6. By amending paragraph (a) of § 231.5 by adding a paragraph (10):

§ 231.5 Fees, payments, and refunds or credits.

(a) . . . . .  
(10) For negotiated bid permits, fees paid will be a negotiated item. It may be more or less than standard fees.

(Sec. 501, 66 Stat. 290, (31 U.S.C. 483a))

7. By amending § 231.6 as follows:

§ 231.6 Revocation and suspension of grazing permits.

The Chief, Forest Service, is authorized to revoke or suspend term grazing permits in whole or in part on all National Forest System lands and on other lands under Forest Service control:

(a) For permittee's failure to comply with any of the provisions and requirements in the grazing permit; any of the regulations of the Secretary of Agriculture on which the permit is based; or, the instructions of Forest officers issued thereunder; and,

(b) For permittee's knowingly and wilfully making a false statement of representation in grazing application, and amendments thereto.

(c) For permittee's violation of, or failure to comply with, Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.

8. By amending § 231.7 as follows:

§ 231.7 Cooperation in management.

(a) Cooperation with local livestock associations. (1) Authority. The Chief, Forest Service, is authorized to recognize cooperate with, and assist local livestock associations organized primarily to manage the livestock and range resources on a single range allotment, associated groups of allotments or other association-controlled lands on which the members' livestock are permitted to graze.

(2) Share costs for handling of livestock, construction and maintenance of range improvements or other accepted programs deemed needed for proper management of the permitted livestock and range resources.

(b) Cooperation with national, State, and county livestock organizations. The policies and programs of National, State, and county livestock organizations give direction to, and reflect in, the practices of their members. Good working relationships with these groups is conducive to the betterment of range management on both public and private lands. The Chief, Forest Service, should endeavor to establish and maintain close working relationships with National livestock organizations having an interest in the administration of National Forest System lands, and should direct Forest officers to work cooperatively with State and county livestock organizations having similar interests.

(c) Interagency cooperation. The Chief, Forest Service, will cooperate with other Federal agencies interested in improving range management on public and private lands.

(d) Cooperation with others. The Chief, Forest Service, will cooperate with other agencies, institutions, organizations, and individuals interested in improving range management on public and private lands, and provide leadership in cooperative management of non-Federal forested ranges.

9. By revising paragraph (a) of § 231.8 to read as follows:

§ 231.8 Cooperation in control of estray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.

(a) Insofar as it involves National Forest System lands and other lands under Forest Service control or the livestock which graze thereupon, the Chief, Forest Service, will cooperate with:

(1) State, county, and Federal agencies in the application and enforcement of all laws and regulations relating to livestock diseases, sanitation and noxious farm weeds;



(2) The Animal Plant Health Inspection Service and other Federal and/or State Agencies and institutions in surveillance of pesticide spray programs; and

(3) State cattle and sheep sanitary boards in control of estray and unbranded livestock to the extent it does not conflict with the Wild Free-Roaming Horse and Burro Act of December 15, 1971.

(85 Stat. 649, P.L. 92-195, (16 U.S.C. 1331-1340))

10. By amending § 231.9 to read as follows:

**§ 231.9 Range improvements.**

(a) The Chief, Forest Service, is authorized to install and maintain structural and nonstructural range improvements needed to manage the range resource on National Forest System lands and other lands controlled by the Forest Service.

(b) Such improvements may be installed and maintained by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by cooperative agreement, memorandum of understanding or special use permit.

(c) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain such improvements in a satisfactory state of repair.

(Sec. 12, 64 Stat. 85 (16 U.S.C. 580h))

**PART 261—TRESPASS**

11. By amending § 261.13 as follows and adding paragraph (g):

**§ 261.13 Impoundment and disposal of unauthorized livestock.**

Unauthorized livestock on the National Forest System lands and on other lands under Forest Service control, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a Forest officer as provided herein.

(a) When a Forest officer determines unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded any time 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When a Forest officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the kind of livestock, or if the name and address of the owner thereof are unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound authorized livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on National Forest System lands and on other lands under Forest Service control, which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the 12-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in a local newspaper, and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. However, when the impoundment costs exceed fair market value, a minimum acceptable redemption price at fair market value may be established for each head of livestock.

(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing his bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock or livestock of unknown ownership are released to the agency for disposition in accordance with State law.

(g) The term livestock as used in this section refers to cattle, sheep, goats, hogs, and equines not meeting the definition of wild, free-roaming horses or burros in Pub. L. 92-195.

(30 Stat. 35, as amended, Sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472); 50 Stat. 525, as amended (7 U.S.C. 1011))

[FR Doc. 76-15511 Filed 5-26-76; 8:45 am]

**Packers and Stockyards Administration**

**[9 CFR Part 201]**

**REGISTRATIONS**

**Cancellation**

Notice is hereby given that, pursuant to the authority contained in an Act of Congress approved July 12, 1943 (7 U.S.C. 204), and in sections 303 and 407(a) of the Packers and Stockyards Act, 1921 as amended (7 U.S.C. 203 and 228), the Packers and Stockyards Administration

proposes to amend section 201.13 (9 CFR 201.13) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

**Statement of Consideration.** On January 1, 1972, section 201.13 of the regulations under the Packers and Stockyards Act, 1921, as amended was modified to establish a procedure for cancelling the registrations of persons no longer engaged in activities which subject them to regulation under the Act and the regulations promulgated thereunder. The purpose of the regulation change would permit the Administration to cancel the registrations of all registrants who had discontinued operations, or who were deceased. The cancellation procedure was based on the belief that it would eliminate voluminous inactive registrants' records system maintained in the Packers and Stockyards Administration and in the Federal Records Center. It would also provide for a civil action under section 303 of the Act if a person whose registration had been cancelled resumed operation as a market agency or dealer without first applying for registration and filing a surety bond or bond equivalent.

It has been this Administration's experience since promulgation of the amended regulation that it has not achieved the intended purposes. It is proposed, therefore, to delete that part of the regulation pertaining to cancellation of registrations.

Should the proposal be adopted the Packers and Stockyards Administration would revert to the system of making registrations inactive when the registrant is no longer engaged in the business of a market agency or dealer. The registrant records will be marked "inactive" and the date of such action stamped on the records. The records will be maintained in accordance with the approved records disposition schedule. If an "inactive" registrant resumes operations without first notifying the Administration and filing a reasonable bond or bond equivalent he will be subject to an administrative action for violation of section 312(a) of the Act and sections 201.29 and 201.30 of the regulations.

It is proposed that § 201.13(a) (9 CFR 201.13(a)) be amended to read as follows:

**§ 201.13 Registrants to report changes in name, address, control or ownership.**

(a) Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a registrant such registrant shall report such change in writing to the Administrator, Washington, D.C. within 10 days after making such change.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, Department of Agriculture, Washington, D.C. on or before June 28, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to public business (7 CFR 1.27(b)).

(Section 407 of the Packers and Stockyards Act, 42 Stat. 159, as amended, 7 U.S.C. 228 and 57 Stat. 422, 7 U.S.C. 204)

Done at Washington, D.C., this 21st day of May 1976.

MARVIN L. McLAIN,  
Administrator, Packers and  
Stockyards Administration.

[FR Doc. 76-15439 Filed 5-26-76; 8:45 am]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

**Social Security Administration**

**[20 CFR Part 422]**

**[Regulations No. 22]**

**ORGANIZATION AND PROCEDURES**

**Availability of Information and Records to the Public**

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the proposed amendment set forth in tentative form below is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

The purpose of the proposed amendments to § 422.426 (b) and (c) is to include in the Social Security Administration's Freedom of Information regulations specific reference to section 1865 (a) (2) of the Social Security Act, which provides for the Joint Commission on Accreditation of Hospitals (JCAH), if authorized by the hospitals, to release to the Secretary (or a State agency designated by him) on a confidential basis copies of accreditation surveys of hospitals made by the JCAH. Materials released under this provision are thus matters specifically exempted by statute from disclosure under the Freedom of Information Act (5 U.S.C. 552). The recent Supreme Court decision in *Robertson v. Butterfield*, 498 F.2d 1031, reversed under the name of *Federal Aviation Administration v. Robertson*, 95 S. Ct. 2140 (1975), has made clear that confidentiality statutes such as section 1865(a) (2) are not invalidated by the Freedom of Information Act (FOIA), and are to be given full effect.

There has been considerable uncertainty as to what documents are covered by the provisions of 1865(a) (2), and question has centered on accreditation letters and accompanying Recommendations and Comments (sometimes referred to as deficiency letters) which are sent by JCAH to the surveyed hospital. The preamble to the Social Security Administration regulations published on July 1, 1975 (40 FR 27648, 27650), stated:

Several commentators on the Notice of Proposed Rulemaking and proposed regulations published on April 23, 1975 (40 FR 17849) protested the release of Joint Commission on Accreditation of Hospitals (JCAH) survey reports. Such reports have

not been released and release of such reports is not a matter of administrative discretion. A specific statute (section 1865(a) (2) of the Social Security Act) requires that JCAH survey reports in the possession of the Social Security Administration be kept confidential. However, other JCAH documents are not within the scope of section 1865(a) (2) and would be released under this regulation.

It was not clear under this language whether the accreditation letters and accompanying Recommendations and Comments were among the documents to be kept confidential or to be released. However, the Social Security Administration had previously released copies of these documents on a couple of occasions and the JCAH brought suit against the Secretary to protect their confidentiality. Accordingly, the question has been carefully reexamined and it has been concluded that the accreditation letters and accompanying Recommendations and Comments prepared by the JCAH concerning hospitals surveyed by it are confidential under the provisions of section 1865(a) (2) of the Social Security Act.

The JCAH, consisting of representatives of various professional medical organizations, has been engaged in surveying hospitals since 1952 on a voluntary basis applying standards established by JCAH. The surveys have been confidential and information has been shared only with the concerned hospital. When the Medicare program was instituted in 1965 this established mechanism was utilized. The statute provided that a hospital accredited by the JCAH would be deemed to meet most of the conditions for participation in the Medicare program. The law was further amended by the Social Security Amendments of 1972 (Pub. L. 92-603) to provide for surveys by the Secretary (or a State agency) on a selective sample basis of JCAH accredited hospitals as a means of validating the JCAH survey process. To facilitate this validation process, section 1865(a) (2) was added by section 244 of Pub. L. 92-603 to make the JCAH materials available without otherwise impinging on the confidential relationship between JCAH and the hospitals it surveys. The accreditation letters and Recommendations and Comments are comprehended within this confidential JCAH-hospital relationship. These letters are what JCAH has in fact been providing to the Department of Health, Education, and Welfare in implementation of the 1972 amendment, and they have been used by the Department in connection with the Department's surveys of JCAH accredited hospitals. Therefore, protection of this information from disclosure comes within the mandate of section 1865(a) (2) and the above-cited *Robertson* decision.

In implementing section 1865(a) (2) the Department will be guided by the advice of the Attorney General that the protection afforded by the provision does not extend to requests from the Congress (i.e., requests on behalf of either house of Congress or on behalf of a committee or subcommittee of Congress).

The new proposals will have no effect on disclosure of information from the

HEW initiated validation surveys or any subsequent surveys of JCAH hospitals performed for HEW by any State agency. Section 1864(a) of the Social Security Act requires that pertinent findings from such surveys be made public.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1858, Baltimore, Maryland 21203, on or before June 28, 1976. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Secs. 1102, 1865(a) (2) and 1871 of the Social Security Act as amended; 49 Stat. 647, as amended, 86 Stat. 1423, 79 Stat. 331, 42 U.S.C. 1302, 1395bb(a) (2), and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800 Health Insurance for the Aged and Disabled—Hospital Insurance.)

Dated: April 9, 1976.

J. B. CARDWELL,  
Commissioner of Social Security.

Approved: May 18, 1976.

MARJORIE LYNCH,  
Acting Secretary of Health,  
Education, and Welfare.

Part 422 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

Sections 422.426 (b) and (c) are revised to read as follows:

**§ 422.426 Information on records that are not available.**

(b) *Materials exempt from disclosure by statute.* Pursuant to paragraph (b) (3) of 5 U.S.C. 552, which exempts from the requirement for disclosure matters that are exempt from disclosure by statute, disclosure of the following materials is prohibited:

(1) Materials described in section 1106 of the Social Security Act, as amended, except as disclosure is authorized by Part 401 of this chapter. Section 1106 prohibits disclosure of any file, record, report, or other paper or information obtained by the Secretary in discharging his duties under the Social Security Act; and

(2) Materials described in section 1865 (a) (2) of the Social Security Act, as amended. Section 1865(a) (2) provides for release by JCAH to the Secretary (or a State agency designated by him) on a confidential basis accreditation surveys made by JCAH, if the hospitals authorize such release. Materials which are confidential under this provision include accreditation letters and accompanying Recommendations and Comments prepared by the JCAH concerning hospitals surveyed by it.

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(c) *Effect of exemption.* Neither 5 U.S.C. 552 nor this regulation (except insofar as they refer to sections 1106 and 1865 of the Social Security Act and Part 401 of this chapter) directs the withholding of any record or information. Materials exempt from mandatory disclosure will nevertheless be made available when this can be done consistently with obligations of confidentiality and administrative necessity. The disclosure of materials or records under these circumstances in response to a specific request, however, is of no precedent force with respect to any other request.

[FR Doc. 76-1303 Filed 5-26-76; 8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 203]

[Docket No. R-76-393]

### DWELLING UNITS IN COOPERATIVE HOUSING DEVELOPMENTS

#### Notice of Proposed Rulemaking

Section 4(b) of the Emergency Home Purchase Assistance Act of 1974 added a new subsection (n) at Section 203 of the National Housing Act. The new subsection (n) authorized the Secretary under certain conditions to insure mortgages involving a dwelling unit in a cooperative housing development which is covered by a blanket mortgage insured under the National Housing Act.

Notice is hereby given that the Secretary proposes to amend Part 203 by adding sections to provide for the insurance of mortgages involving a dwelling unit in a cooperative housing development which is covered by a blanket mortgage insured under the National Housing Act.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

All relevant materials received on or before June 28, 1976, will be considered before adoption of the final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

A Finding of Inapplicability of Section 102(2)(c), National Environmental Policy Act of 1969, has been made with regard to these proposed regulations in accordance with HUD Handbook 1390.1. A copy of the Finding of Inapplicability is available for public inspection at the above address.

In consideration of the foregoing, it is therefore proposed to amend Chapter II of Title 24 of the Code of Federal Regulations by adding to Subparts A and B, respectively, Sections 203.43c and 203.550 and by amending the list of sections for

Part 203 accordingly. The text of the amendments is as follows.

#### § 203.43c Eligibility of mortgages involving a dwelling unit in a cooperative housing development.

A mortgage involving a dwelling unit in a cooperative housing development which meets the requirements of this subpart, except as modified by this section, shall be eligible for insurance under Section 203(n) of the National Housing Act.

(a) The provisions of §§ 203.16a, 203.17, 203.18, 203.19, 203.22, 203.23, 203.24, 203.26, 203.37, 203.38, 203.43b and 203.44 through 203.102 of this part shall not apply to mortgages insured under Section 203(n) of the National Housing Act.

(b) As used in connection with the insurance of mortgages under this section and Section 203.550 of this part:

(1) "Mortgage" shall mean a first lien given to secure a loan made to finance the purchase of a Corporate Certificate together with the applicable Occupancy Certificate of a cooperative ownership housing corporation in which the permanent occupancy of the dwelling units is restricted to members of such corporation.

(2) "Corporation" shall mean an organization which holds title to a cooperative housing development which is covered by a blanket mortgage or mortgages insured by FHA under the National Housing Act.

(3) "Corporate Certificate" shall mean such stock certificates, membership certificates, or other instruments which the laws of the jurisdictions in which the cooperative housing development is located require to evidence ownership of a specified interest in the corporation.

(4) "Occupancy Certificate" shall mean a written instrument provided by the corporation to each holder of a Corporate Certificate which grants an exclusive right of permanent possession of a specific dwelling unit in the cooperative housing development.

(5) References in this subpart to a dwelling, residence or property which is sold, conveyed, covered by a mortgage or subject to a lien shall be construed to mean the Corporate Certificate together with the Occupancy Certificate, except that where such references when interpreted in light of Section 203(n) of the National Housing Act clearly indicate the intent to be the dwelling unit, such reference shall mean the dwelling unit identified in the Occupancy Certificate.

(c) The corporation shall have entered into an agreement with the Secretary and the mortgagee which:

(1) Provides that the mortgagee shall have a first lien upon the property covered by the mortgage;

(2) Permits the Secretary to exercise the voting rights which are attributable to each Corporate Certificate owned by the Secretary;

(3) Permits the Secretary to designate as his proxy an agent for the purpose of exercising the voting rights of the Sec-

retary which are attributable to the Corporate Certificate owned by the Secretary;

(4) Requires that the corporation shall furnish the Secretary with the most recent annual financial report certified to have been based on generally accepted accounting principles and the most recent monthly or quarterly financial report;

(5) Waives any option or right of first refusal the corporation may have to purchase any Corporate Certificate covered by a mortgage insured under Section 203(n) of the National Housing Act.

(6) Waives all authority the corporation may have to approve or reject the buyer of a Corporate Certificate covered by a mortgage insured under Section 203(n) of the National Housing Act.

(7) Requires the corporation on notice by the Secretary to act as his agent for a fee to be determined by the Secretary for the limited purposes of:

(i) Selling all Corporate Certificates of the corporation owned by the Secretary;

(ii) Renting and collecting rents on any dwelling unit for which the Secretary owns the Corporate Certificate.

(8) Permits the Secretary to cease making monthly payments attributable to any dwelling unit for which the Secretary owns the Corporate Certificate six months after the Secretary acquired the certificate or upon default by the corporation on the blanket mortgage covering the dwelling unit.

(9) Provides that the Secretary shall not be obligated to make payments to the corporation for outstanding debts of the mortgagee;

(10) Requires the corporation to furnish to a mortgagee or to the Secretary, on request, a statement, certified by the officer charged with maintenance of the Corporate Certificate Transfer Books, that such book currently shows that the Secretary is the owner of any Corporate Certificate transferred to the Secretary and has the exclusive right of permanent possession of the dwelling unit;

(11) Requires the corporation to notify the mortgagee, whose name and address has been provided, of any default in corporation fee payments by the mortgagee within 45 days of such default;

(12) Requires the mortgagee to notify the corporation of any default in mortgage payments by the mortgagee within 45 days of such default.

(13) Contains such other provisions as the Secretary may require. (d) The mortgage shall be accompanied by such security and other undertakings as may be required to establish a first lien on the Corporate Certificate and the Occupancy Certificate under the laws of the State where the Cooperative Housing Development is located.

(e) The mortgage involves a one-family dwelling unit in a cooperative housing project which is covered by a blanket mortgage or mortgages insured under the National Housing Act.

(f) The mortgage shall not exceed the lesser of the following:

(1) \$45,000

(2) 80 percent of the balance remaining after subtracting from the Secretary's appraised value of the property an amount equal to the portion of the unpaid balance of the blanket mortgage covering the cooperative development which is attributable to the dwelling unit the mortgagor is entitled to occupy.

(g) The mortgage shall:

(1) Involve a principal obligation in multiples of \$50.

(2) Come due on the first of the month.

(3) Have an amortization period of either 5, 10, 15 or 20 years by providing for either 60, 120, 180 or 240 monthly payments.

(4) Be for a term not to exceed 20 years or the remaining term of the blanket mortgage covering the cooperative development or three-quarters of the remaining economic life of the building improvements, whichever is less.

(5) Provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the Mortgage Insurance Premium, fire and other hazard insurance premiums, if any, within a period ending 1 month prior to the date on which the same becomes delinquent.

(6) Provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

(7) Contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days advance notice in writing of intention to prepay, but shall not provide for the payment of any charge on account of such prepayment.

(h) At the time the mortgage is insured, the mortgagor shall have paid in cash or its equivalent at least 20 percent of the balance remaining after subtracting from the Secretary's appraised value of the property an amount equal to the portion of the unpaid balance of the blanket mortgage covering the cooperative development which is attributable to the dwelling unit the mortgagor is entitled to occupy.

(i) The mortgage must be executed by a mortgagor who intends to be an occupant of the unit.

(j) The mortgagor must pay to the mortgagee upon the execution of the mortgage a sum that will be sufficient to pay fire and other hazard insurance premiums, if any, and the mortgage insurance premium for the period beginning on the date of the closing of the loan and ending on the date of the first monthly payment under the mortgage.

(k) The mortgagee shall upon application for a mortgage insurance commitment provide the following organizational documents of the cooperative corporation for examination and approval by the appropriate HUD Area Office:

(1) Certificate of Incorporation;

(2) Regulatory Agreement;

(3) By-Laws as amended;

(4) The financial statements required in paragraph (c)(4) of this subsection;

(5) Proposed Occupancy Certificate;

(6) Proposed Corporate Certificate.

#### § 203.550 Mortgages involving a dwelling unit in a cooperative housing development.

(a) The provisions of 203.251(d) and 203.440 through 203.496 shall not apply to mortgages insured pursuant to Section 203(n) of the National Housing Act.

(b) References in this subpart to the term "deed" and "deed in lieu of foreclosure" or the word "property" when found in the phrases "conveyance of property", "reconveyance of property", "transfer of property", "acquisition of property" or such other phrases indicating transfer of property shall be construed to mean the assignment of Corporate Certificate and Occupancy Certificate; except that where such reference when interpreted in light of Section 203(n) of the National Housing Act clearly indicates the intent to be the dwelling unit such reference shall mean the dwelling unit identified in the Occupancy Certificate.

(c) In addition to the requirements of § 203.365 the mortgagee shall forward to the Secretary within 45 days after the transfer of the Corporate Certificate:

(1) The mortgagee's unconditional warranty that the Secretary has good and marketable title to the Corporate Certificate and the exclusive right of permanent possession of the dwelling unit.

(2) A statement certified by the officer of the corporation charged with maintenance of the Corporate Certificate Transfer Book that such book currently shows that the Secretary is the owner of the Corporate Certificate and has the exclusive right of permanent possession of the dwelling unit.

(d) In addition to the types of title evidence provided in § 203.385 the Secretary will accept a legal opinion signed by an attorney at law experienced in the examination of titles that the Secretary has good and marketable title to the Corporate Certificate and the exclusive right of possession of the dwelling unit.

Issued at Washington, D.C., May 21, 1976.

DAVID S. COOK,  
Assistant Secretary for Housing  
Production and Mortgage  
Credit FHA Commissioner.

[FR Doc. 76-15442 Filed 5-26-76; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 76-093]

### DRAWBRIDGE OPERATION REGULATIONS

Bayou Teche and Bayou Plaquemine  
Brule, La.

At the request of the Louisiana Department of Highways, the Police Jury of Iberia Parish, the Missouri Pacific Railroad Company and the St. Martin Sugar Cooperative, the Coast Guard is considering amending the regulations for five drawbridges across Bayou Teche at miles 43.5, 52.5, 53.0, 53.3 and 56.7 to

require that the draws open on signal from 5 a.m. to 9 p.m., open on signal from 9 p.m. to 5 a.m. if at least 3 hours notice is given from October 1 through January 31, and on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given from February 1 through September 30. Also being considered is an amendment to the regulations for four drawbridges across Bayou Teche at miles 58.0, 60.7, 61.0 and 77.7 and one drawbridge across Bayou Plaquemine Brule at mile 8.0 which would require the draws to open on signal from 5 a.m. to 9 p.m., and on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given. The draws of these bridges are presently required to open on signal at all times. This change is being considered because of infrequent requests for openings from 9 p.m. to 5 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before June 29, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as follows:

#### § 117.540 [Amended]

1. In § 117.540(a), by inserting the words "Bayou Teche, mile 43.5, S-671 highway drawbridge at Jeanerette," immediately after the words "Bayou Teche, mile 41.8, S-671 highway drawbridge at Jeanerette" in the listing.

2. In § 117.540(a), by inserting the words "Bayou Teche, mile 52.5, S-87 highway drawbridge at New Iberia; Bayou Teche, mile 53.0, S-86 highway drawbridge at New Iberia; Bayou Teche, mile 53.3, S-3156 highway drawbridge at New Iberia; Bayou Teche, mile 56.7, S-344 highway drawbridge at New Iberia," immediately after the words "Bayou Teche, mile 48.7, S-320 highway drawbridge at Oliver" in the listing.

3. In § 117.540(b), by inserting the words "Bayou Teche, mile 58.0, S-353 highway drawbridge at New Iberia; Bayou Teche, mile 60.0, S-94 highway drawbridge at Loreauville; Bayou Teche, mile 61.0, MoPac railroad drawbridge at Loreauville," immediately after the words "Vermilion River, mile 44.9, S-3073 highway drawbridge at New Planders" in the listing.

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4. In § 117.540(b), by inserting the words "Bayou Teche, mile 77.7, St. Martin Sugar Co-operative railroad drawbridge at Levert" immediately after the words "Bayou Teche, mile 75.2, S-96 highway drawbridge at St. Martinville" in the listing.

5. In § 117.540(b), by inserting the words "Bayou Plaquemine Brule, mile 8.0, S-91 highway drawbridge at Esterwood" immediately after the words "Bayou Patout, mile 0.4, S-83 highway drawbridge at Weeks" in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 493, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

Dated: May 20, 1976.

D. J. RILEY,  
Captain, U.S. Coast Guard, Acting  
Chief, Office of Marine Environment  
and Systems.

[FR Doc. 76-15454 Filed 5-25-76; 8:45 am]

### [33 CFR Part 183]

[CGD 75-178]

#### BOATS AND ASSOCIATED EQUIPMENT Proposed Amendments Affecting the Safe Loading and Flotation Standards

##### Correction

In FR Doc. 76-13206 appearing on page 18679 of the issue for May 6, 1976, on page 18680, in the sixth complete paragraph of the second column, the sixth line now reading "ceived before 1976, will be considered be", should read "ceived before June 21, 1976, will be considered be-".

#### Federal Aviation Administration

### [14 CFR Part 71]

[Airspace Docket No. 76-RM-8]

#### ALTERATION OF CONTROL ZONE AND TRANSITION AREA Pueblo, Colorado

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Pueblo, Colorado.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before June 28, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice

may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The Federal Aviation Administration plans to install an Airport Surveillance Radar (ASR) system to serve the Pueblo Memorial Airport. New radar instrument approach procedures require alterations to the Pueblo, Colorado, control zone and transition area in order to provide controlled airspace protection for aircraft executing these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (41 FR 355) the description of the Pueblo, Colorado, control zone is amended to read:

#### PUEBLO, COLORADO

Within a 6 mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo ILS localizer west course extending from the 6 mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 077° radial, extending from the 6 miles radius zone to 9.5 miles east of the VORTAC.

In § 71.181 (41 FR 440) the description of the Pueblo, Colorado transition area is amended to read:

#### PUEBLO, COLORADO

That airspace extending upward from 700 feet above the surface within a 25 mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.), within an arc of a 33 mile radius circle of Pueblo Memorial Airport clockwise between the 088° and 133° bearings from the airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 38°30'00" N., on the east by V169, on the south by V210, on the west by a line from 37°38'00" N., 105°00'00" W. to 38°16'00" N., 105°10'00" W. to 38°30'00" N., 105°09'00" W.; that airspace extending upward from 13,700 feet MSL bounded by a line beginning at 38°16'00" N., 105°10'00" W. to 37°38'00" N., 105°00'00" W. to 37°34'00" N., 105°12'00" W. to 38°10'00" N., 105°33'00" W. to point of beginning; that airspace extending upward from 11,700 feet MSL bounded by a line beginning at 38°16'00" N., 105°10'00" W. to 38°10'00" N., 105°33'00" W. to 38°41'00" N., 105°33'00" W. to 38°36'00" N., 105°06'00" W. to 38°30'00" N., 105°09'00" W. to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, May 17, 1976.

M. M. MARTIN,  
Director, Rocky Mountain Region.

[FR Doc. 76-15283 Filed 5-26-76; 8:45 am]

### [14 CFR Part 71]

[Airspace Docket No. 76-GL-20]

#### ALTERATION OF TRANSITION AREA Sidney, Ohio

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Sidney, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before June 28, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Sidney, Ohio Airport.

Controlled airspace is required to protect this procedure. A review of the total controlled airspace was also made.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 F.R. 440), the following transition area is amended to read:

#### SIDNEY, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sidney Airport (latitude 40°14'23" N., longitude 84°09'17" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on May 3, 1976.

JOHN M. CYROCKI,  
Director, Great Lakes Region.

[FR Doc. 76-15187 Filed 5-26-76; 8:45 am]

### [14 CFR Part 71]

[Airspace Docket No. 76-RM-11]

#### ALTERATION OF TRANSITION AREA Colorado Springs, Colorado

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Colorado Springs, Colorado.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the

Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before June 28, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The Federal Aviation Administration plans to install an Airport Surveillance Radar (ASR) system to serve the Pueblo Municipal Airport. The new Pueblo radar instrument approach procedures, including revised radar vectoring procedures in the Colorado Springs terminal area, require an alteration to the Colorado Springs, Colorado, transition area in order to provide controlled airspace protection for aircraft executing these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (41 FR 440) the description of the Colorado Springs, Colorado, transition area is amended to read:

#### COLORADO SPRINGS, COLORADO

That airspace extending upward from 700 feet above the surface within a 20 mile radius of City of Colorado Springs Municipal Airport (latitude 38°48'35" N., longitude 104°42'20" W.) and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20 mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1200 feet above the surface bounded on the north by latitude 39°05'00" N., on the east by V263 and V169, on the south by latitude 38°30'00" N., on the west by a line from 38°30'00" N., 105°08'00" W. to 38°36'00" N., 105°08'00" W. to 38°40'00" N., 104°52'00" W. to 39°05'00" N., 104°52'00" W.; and that airspace extending upward from 11,700 feet MSL bounded on the north by latitude 39°05'00" N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial, on the east by longitude 104°52'00" W., on the south by latitude 38°55'00" N., and on the west by longitude 105°20'00" W.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on May 17, 1976.

M. M. MARTIN,  
Director.

[FR Doc. 76-15282 Filed 5-26-76; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### [40 CFR Part 52]

[FRL 549-8]

## APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Plan Revisions—Wyoming

On May 31, 1972 (37 FR 10842) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the Wyoming plan for implementation of the national ambient air quality standards. On October 23, 1973 (38 FR 29296), July 3, 1974 (39 FR 24504) and on June 10, 1975 (40 FR 24726), the Administrator approved supplemental information and plan revisions submitted by Wyoming.

On February 19, 1976, Wyoming submitted further revisions to its Implementation Plan which had been adopted on September 11, 1975. Additional information was provided on March 15 and April 2, 1976 clarifying portions of the original submittal. These revisions amend the legal authority, public availability of emission data, and compliance schedule portions of Wyoming's plan. Although Wyoming has not complied with out requirement (§ 51.6(d) of this title) that plan revisions must be submitted no later

than sixty days after their adoption, it is our intent to waive this requirement inasmuch as the spirit and intent of the sixty day rule were not being circumvented.

The Administrator proposes to approve all the revisions submitted on February 19, 1976. The legal authority revisions include provisions for public availability of emission data, changes in variance procedures for granting variances to the state's sulfur dioxide emission standards and a change in the state's enforcement procedures to allow for discretionary conferences after discovery of a violation. The revision relating to public availability of emission data complies with the requirements of 40 CFR 51.10(e) and hence will replace the Federal provisions discussed in 40 CFR 52.2624 which is subsequently being revoked. With respect to the changes in variance procedures, it should be noted that EPA will treat all variances as plan revisions and will review them on a case by case basis.

The revisions to the compliance schedule portion of Wyoming's plan establish new dates by which an individual air pollution source must comply with a specified emission limitation for particulate matter. For the sources affected, a comparison of the "Final Compliance Date" existing in the State Implementation Plan and the proposed revised date is as follows:

Source	Location	Final compliance date	
		Present SIP	Proposed revision
Allied Chemical	Green River	Sept. 1, 1974	Aug. 1, 1976
Black Hills Power & Light	Wyodak	May 15, 1977	May 1, 1978
Dresser Minerals	Greybull	Feb. 15, 1976	Feb. 15, 1976
FMC	Kenner	Oct. 1, 1973	Dec. 31, 1976
Holly Sugar	Torrington	Dec. 15, 1974	Oct. 31, 1976
Do.	Do.	Do.	Do.
Stauffer Chemical	Leele	Dec. 31, 1975	Nov. 1, 1976
Utah Power & Light	Kenner	Nov. 30, 1976	Dec. 31, 1976
Wycon Chemical	Cheyenne	June 1, 1976	June 1, 1976

While the table above does not show incremental steps toward compliance, the actual schedules do. Three of the above listed sources—Black Hills Power and Light, Holly Sugar, and Wycon Chemical—have final compliance dates which go beyond the attainment dates for ambient standards. Such schedule changes are approvable, since the state has shown that secondary standards will not be exceeded in the vicinity of these sources after the attainment date. These compliance schedule revisions are consistent with the approved control strategies and satisfy the requirements of 40 CFR Part 51 concerning public hearings and plan revisions.

The proposed Wyoming revisions are available for public inspection at the office of the State Agency and at the offices of the Environmental Protection Agency listed below. The public hearing record has been reviewed and considered in the evaluation of the revisions.

Wyoming Department of Environmental Quality, State Office Building West, Cheyenne, Wyoming 82001.

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Public Information Reference Unit, Room 2822 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on any of the proposed revisions. Such comments will be accepted for consideration until June 28, 1976. Comments should be addressed to the Office of the Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during business hours at the Denver Office noted above.

Authority: Section 110 of the Clean Air Act (42 U.S.C. 1857c-5); 39 FR 18805.

Dated: May 10, 1976.

JOHN A. GRAM,  
Regional Administrator.



In § 52.2620, paragraph (c) (9) is revised to read as follows:

**§ 52.2620 Identification of plan.**

(9) Legal authority additions and compliance schedule revisions submitted on February 19, 1976, by the Governor.

2. § 52.2624 is revoked and reserved as follows:

**§ 52.2624 [Reserved]**

3. In § 52.2625, paragraph (a) is revised and paragraph (b) is deleted. As amended, § 52.2625 reads as follows:

**§ 52.2625 Compliance schedules.**

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of Section 51.15 of this Chapter. All regulations cited are found in the "Wyoming Air Quality Standards and Regulations, 1975."

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
Pacific Power & Light	Glenrock	14 (b), (e), (h)	Feb. 26, 1973	Immediately	Sept. 1, 1976
Montana-Dakota Utilities	Sheridan	14 (b), (e), (h)	do	do	Dec. 31, 1976
Utah Power & Light	Kemmerer	14 (b), (e), (h)	do	do	Do
Black Hills Power	Wyodak	14 (b), (e), (h)	do	do	May 1, 1978
Do	Osage	14 (b), (e)	do	do	May 15, 1977
American Oil	Casper	14 (b), (e), (h)	Jan. 26, 1973	do	Jan. 31, 1974
Basins Engineering	Wheatland	14 (b), (e), (f), (g)	June 6, 1974	do	Apr. 5, 1974
Stauffer Chemical Co.	Green River	14 (b), (e), (f), (g)	do	do	Oct. 31, 1973
Do	Leeds	14 (b), (e), (f), (g)	Feb. 26, 1973	do	Nov. 1, 1976
Barold Division of National Lead	Osage	14 (b), (e), (f), (g)	Jan. 26, 1973	do	Dec. 31, 1975
Do	Colony	14 (b), (e), (f), (g)	June 6, 1963	do	Mar. 1, 1974
Holly Sugar	Torrington	14 (b), (e), (f), (g)	do	do	Oct. 31, 1975
Do	Worland	14 (b), (d), (f), (g)	do	do	Do
Reeves Concrete	Gillette	14 (b), (e), (f), (g)	Jan. 26, 1973	do	Dec. 1, 1973
Do	Sheridan	14 (b), (e), (f), (g)	do	do	Do
Do	Buffalo	14 (b), (e), (f), (g)	do	do	Apr. 30, 1974
American Colloid	Lovell	14 (b), (e), (f), (g)	do	do	Dec. 31, 1973
Star Valley Swiss Cheese	Thayne	14 (b), (e), (f), (g)	Jan. 26, 1973	do	Do
Sheridan Commercial	Sheridan	14 (b), (e), (f), (g)	do	do	June 30, 1974
Federal Bentonite	Upton	14 (b), (e), (f), (g)	June 6, 1973	do	Do
Do	Lovell	14 (b), (e), (f), (g)	do	do	Jan. 30, 1974
Wyo-Ben Products	Greybull	14 (b), (e), (f), (g)	Jan. 26, 1973	do	Dec. 31, 1976
Do	Lovell	14 (b), (e), (f), (g)	Jan. 26, 1973	do	Dec. 31, 1976
FMC	Kemmerer	14 (b), (e), (f), (g)	June 6, 1974	do	Oct. 31, 1974
Do	Green River	14 (b), (e), (f), (g)	do	do	Mar. 31, 1974
Gunn-Quayle Coal	Rock Springs	14 (b), (e), (f), (g)	do	do	Aug. 1, 1976
Allied Chemical	Green River	14 (b), (e), (f), (g)	do	do	Oct. 31, 1974
IMC Corp.	Colony	14 (b), (e), (f), (g)	do	do	Feb. 28, 1974
Wyodak Resources Development	Gillette	14 (b), (e), (f), (g)	do	do	Nov. 1, 1973
Church and Dwight	Green River	14 (b), (e), (f), (g)	do	do	June 1, 1976
Wyron Chemical	Cheyenne	14 (b), (e), (f), (g)	Sept. 11, 1975	do	Feb. 15, 1976
Dresser Minerals	Greybull	14 (b), (e), (f), (g)	do	do	July 1, 1974
Town of Byron	Byron	13	Jan. 26, 1973	do	Do
Town of Chugwater	Chugwater	13	do	do	Do
Town of Cowley	Cowley	13	do	do	Do
Town of Lovell	Lovell	13	May 24, 1973	do	Do
Big Horn County	Big Horn County	13	Jan. 26, 1973	do	Do

(b) [Removed]

[FR Doc.76-15382 Filed 5-26-76; 8:45 am]

**[40 CFR Part 420]**

[FRL 549-6]

**EFFLUENT GUIDELINES AND STANDARDS**  
**Extension of Comment Period and**  
**Notice of Availability**

On March 29, 1976 the Agency published a notice of proposed rulemaking (41 FR 13015) establishing effluent limitations and guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources for the forming, finishing and specialty steel segments of the iron and steel manufacturing category. The due date for comments provided in the notice was April 28, 1976.

The Agency anticipated that the document entitled "Development Document for Interim Final Effluent Limitations Guidelines and Proposed New Source Performance Standards for the Forming, Finishing and Specialty Steel Segments of the Iron and Steel Manu-

facturing Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

Accordingly, the date for submission of comments is hereby extended to June 28, 1976.

Dated: May 14, 1976.

JOHN T. RHETT,  
Acting Assistant Administrator  
for Water and Hazardous Materials.  
[FR Doc.76-15381 Filed 5-26-76; 8:45 am]

**FEDERAL COMMUNICATIONS COMMISSION**

**[47 CFR Part 76]**

[Docket No. 20765]

**CATV TECHNICAL STANDARDS**  
**Order Extending Time**

In the matter of amendment of Part 76 of the Commission's Rules to modify certain technical standards for cable television systems.

1. On May 14, 1976, the Association of Maximum Service Telecasters, Inc. requested an extension of time from May 24, 1976, to June 23, 1976, within which to file reply comments in the above-captioned proceeding (41 FR 15717, April 14, 1976). In support of its request the Association cites the complex engineering questions raised, necessitating additional time (a) to obtain the original comments filed by others, and (b) to have engineering counsel review the comments and complete necessary studies. The Association further cites the pressure of other matters before the Commission.

2. Section 1.46 of the Commission's Rules provides that motions for extension of time may be granted for good cause shown. The Association has demonstrated that additional time will be required to prepare responsive pleadings. Therefore, the request will be granted.

Accordingly, it is ordered, That the "Motion of the Association of Maximum Service Telecasters, Inc. For Extension of Time to File Reply Comments", is granted.

This action is taken by the Acting Chief, Cable Television Bureau, pursuant to authority delegated by § 0.228(a) of the Commission's Rules.

Adopted: May 20, 1976.

Released: May 21, 1976.

**FEDERAL COMMUNICATIONS COMMISSION,**

JAMES R. HOBSON,  
Acting Chief,  
Cable Television Bureau.

[FR Doc.76-16464 Filed 5-26-76; 8:45 am]

**FEDERAL ELECTION COMMISSION**

**[11 CFR Chapter I]**

[Notice 1976-28]

**FEDERAL ELECTION CAMPAIGN ACT**

**Amended Notice of Proposed Rulemaking**

On Wednesday, May 26, 1976, the Federal Election Commission published a Notice of Proposed Rulemaking, 41 FR 21572, which noted that hearings on the proposed regulations would be held on June 7, June 8, June 9, and June 11, 1976, at the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. The hearing scheduled for June 11, 1976, on Parts 114 (Corporate and Union Political Activity) and 115 (Government

Contractor) is hereby rescheduled for Thursday, June 10, 1976, at 9:30 a.m.

Dated: May 25, 1976.

VERNON W. THOMSON,  
Chairman, for the  
Federal Election Commission.

[FR Doc.76-15688 Filed 5-26-76; 8:45 am]

**SECURITIES AND EXCHANGE COMMISSION**

**[17 CFR Part 240]**

[Release No. 34-12438]

**REGULATION OF TRANSACTIONS IN GOLD**

**Withdrawal of Proposed Rulemaking**

Notice is hereby given that the Securities and Exchange Commission withdraws proposed Rule 15c3-5 under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

As proposed in Securities Exchange Act Release No. 11158 (December 31, 1974) [40 FR 15201], Rule 15c3-5 would have established certain minimum standards of financial responsibility for the execution of transactions in gold by brokers and dealers and prescribed requirements for the custody and safekeeping of gold held for customers.

The section was proposed in anticipation of the lifting of restrictions on gold ownership by United States citizens on December 31, 1974. The proposal reflected

Commission concern that the heightened interest in gold trading, coupled with the volatility of gold prices at that time, might create some instability in investment activities and possibly subject customers or brokers and dealers to unknown financial risks absent guidelines and appropriate rules of conduct.

The Commission withdraws proposed Rule 15c3-5 at this time in reliance upon its existing regulatory programs for brokers and dealers.

By the Commission,

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 12, 1976.

[FR Doc.76-15391 Filed 5-26-76; 8:45 am]

**SMALL BUSINESS ADMINISTRATION**

**[13 CFR Part 120]**

**BUSINESS LOAN POLICY**

**Sale or Transfer of Guaranteed Portion of Loan**

The Small Business Administration (SBA) is considering an amendment to its business loan policy regulations to simplify the matter of documentation required prior to the sale of the guaranteed portion of a loan. The proposed amendment provides that only those loan documents required to be furnished to, or requested by, SBA must be submitted to the Agency by the lender prior to the execution of a secondary par-

ticipation agreement. The existing regulations require that "all documents" be submitted to SBA.

Comments with respect to this proposed amendment may be sent to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, N.W., Washington, D.C. 20416. All material received on or before June 28, 1976 will be considered.

Pursuant to the authority of Section 5 of the Small Business Act, 72 Stat. 385, 15 U.S.C. 634, and Section 7 of such Act, as amended, 72 Stat. 387, 15 U.S.C. 636, it is proposed to amend Part 120 in the manner set forth below:

Paragraph 120.5(a)(3)(i) is amended to read as follows:

§ 120.5 Operations of eligible participants.

(a) General. . . .

(3) Sale or transfer of guaranteed portion: . . .

(i) The duly executed note and settlement sheets(s) underlying the transaction, and such other documents as SBA may expressly require have been submitted by the lender to SBA.

(Catalog of Federal Domestic Assistance Programs No. 59012, Small Business Loans.)

Dated: May 24, 1976.

MITCHELL P. KOBELINSKI,  
Administrator.

[FR Doc.76-15468 Filed 5-26-76; 8:45 am]

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# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

[Public Notice 491; Delegation of Authority No. 136]

### DIRECTOR, OFFICE OF MARITIME AFFAIRS

#### Delegation of Authority

#### RESPONSIBILITY FOR ISSUING SPECIAL WARNINGS TO MARINERS

By virtue of the authority vested in the Secretary of State by Section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended; and in the exercise of my authority under the provisions of Section 150 of the Organization Manual of the Department of State, I hereby delegate to the Director, Office of Maritime Affairs, Bureau of Economic and Business Affairs, or his designee, authority to issue special warnings to mariners, as recommended by the Comptroller General of the United States.

This delegation of authority is effective immediately.

Dated May 17, 1976.

For the Secretary of State.

LAURENCE S. EAGLEBURGER,  
Deputy Under Secretary  
for Management.

[FR Doc. 76-5403 Filed 5-26-76; 8:45 am]

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms  
[Notice No. 76-4; Reference: Notice No. 76-3]

### THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

#### Closed Meeting; Correction

In FR Doc. 76-13562 appearing on page 19232 in the issue of May 11, 1976, the title should read "The Advisory Committee on Explosives Tagging".

REX D. DAVIS,  
Director.

MAY 21, 1976.

[FR Doc. 76-5429 Filed 5-26-76; 8:45 am]

### Office of the Secretary INDUSTRIAL VEHICLE TIRES FROM CANADA

#### Antidumping; Tentative Negative Determination

Information was received on November 13, 1975 from counsel acting on behalf of the Bearcat Tire Company, of Chicago, Illinois, alleging that industrial vehicle tires from Canada were being sold in the United States at less than fair value thereby causing injury to, or

the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of December 19, 1975 (40 FR 58869).

For purposes of this notice, the term "industrial vehicle tires" means press-on, solid, rubber tires, cured or bonded to steel base bands, used on off-the-highway work vehicles, whether or not self-propelled.

#### TENTATIVE DETERMINATION OF SALES AT NOT LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of industrial vehicle tires from Canada is not less, nor is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

#### STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that all, or virtually all, imports of the subject merchandise from Canada were manufactured by Industrial Tires, Limited, of Mississauga, Ontario. Therefore, the investigation was limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to unrelated purchasers in the United States. Home market price, as defined in § 153.3, Customs regulations (19 CFR 153.3), was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For the purpose of this tentative determination of sales at not less than fair value, adjustments have been made on the following bases. In accordance with § 153.31(b), Customs regulations (19 CFR 153.31(b)), pricing

information was obtained concerning imports of industrial vehicle tires from Canada during the period July 1 through December 31, 1975.

In the import transactions, all of the merchandise was purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. Purchase price has been calculated on the basis of the f.o.b. delivered, packed price, to the United States, with deductions for U.S. Customs duty, brokerage and transportation expenses. An addition has been made for remission of Canadian import duties, as appropriate.

d. *Home Market Price.* For purposes of this tentative determination of sales at not less than fair value, adjustments have been made on the following bases. The home market price was calculated on the basis of the f.o.b. factory, packed, price to original equipment manufacturers. Adjustments were made for warranty expenses, for differences in packing expenses, and for differences in merchandise, as appropriate.

e. *Results of Fair Value Comparison.* Using the above criteria, purchase price was found to be not less than the home market price of such or similar merchandise. Comparisons were made on approximately 75 percent of all industrial vehicle tires sold to the United States during the period of investigation.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before June 7, 1976. Such request must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before June 28, 1976.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33(a) of the Customs regulations (19 CFR 153.33(a)).

JAMES B. CLAWSON,  
Acting Assistant Secretary  
of the Treasury.

MAY 24, 1976.

[FR Doc. 76-15521 Filed 5-26-76; 8:45 am]

## DEPARTMENT OF JUSTICE

Law Enforcement Assistance  
Administration

### NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

#### Notice of Meeting

This is to provide notice of meeting of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee will be meeting at the Sheridan-Regal Inn, Route 132 & Bearse's Way, Hyannis, Massachusetts on June 16-19, 1976. The meeting will be open to the public.

Discussion will focus on reviewing remaining chapters of the individual task forces, which are:

1. Disorders and Terrorism
2. Juvenile Justice and Delinquency Prevention
3. Organized Crime
4. Private Security
5. Research and Development

Meeting Times: June 16, 2 p.m.-6 p.m.; June 17 & 18, 9 a.m.-5:30 p.m.; June 19, 9 a.m.-Noon.

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,  
Attorney-Advisor,  
Office of General Counsel.

[FR Doc. 76-15647 Filed 5-26-76; 8:45 am]

## DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

### PILLAGER BANDS OF CHIPPEWA INDIANS

Plan for the Use and Distribution of Judgment Funds Awarded in Docket 144 Before the Indian Claims Commission

MAY 19, 1976.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of June 8, 1974, 88 Stat. 195, in satisfaction of the award granted to the Pillager Bands of Chippewa Indians in Indian Claims Commission Docket 144. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated February 6, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on February 16, 1976, and by the Senate on February 17, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 28, 1976, as provided by Section 5 of the 1973 Act, *supra*.

## NOTICES

21655

The plan reads as follows:

The funds appropriated by the Act of June 8, 1974, 88 Stat. 195, in satisfaction of the award to the Pillager Bands of Chippewa Indians in Docket 144 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and expenses, shall be used and distributed as herein provided.

The Secretary of the Interior, hereinafter "Secretary," shall divide such funds with eighty (80) percent to be utilized for the per capita aspect of this plan and twenty (20) percent for the programing aspect of this plan.

#### Per Capita Aspect

The Secretary shall make a per capita distribution of such funds in a sum as equal as possible to each enrolled Pillager Band member born on or prior to and living on the effective date of this plan. The 1968 Pillager Roll shall be updated by adding the names of children born subsequent to the preparation of the roll to persons named on that roll and who qualify for enrollment with the Minnesota Chippewa Tribe, and by deleting the names of deceased enrollees.

#### Program Aspect

Funds for the programing aspect of this plan are apportioned on the basis of the relative number of Pillager Band affiliates with the Leech Lake Reservation and with the White Earth Reservation to the total Pillager enrollment. The apportioned shares, which represent twenty (20) percent of the respective reservation group's share of the total funds, shall be deposited in separate accounts and shall be invested by the Secretary under 25 USC 162a until the appropriate Reservation Business Committees and the respective Pillager Band affiliates of each reservation entity develop a planned use of such funds to meet social and economic needs, which may include a joint investment and use program of the bands represented on the reservation, which shall be subject to the approval of the Secretary.

#### General Provisions

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and are to be handled under 25 CFR 104.5. The per capita shares of minors, at the discretion of the Secretary, may be paid to the parents, legal guardian, or the person having custody of the minor and used for such purposes as set forth in 25 CFR 104.4. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

MORRIS THOMPSON,  
Commissioner of Indian Affairs.

[FR Doc. 76-15444 Filed 5-26-76; 8:45 am]

### Bureau of Land Management

[CA 3653]

### CALIFORNIA

#### Proposed Withdrawal and Reservation of Lands

MAY 20, 1976.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. CA 3653, for the withdrawal of national forest lands described below from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The lands are located within the Shasta-Trinity National Forest and have been open to entry under the general mining laws. The Forest Service has made application to withdraw the lands from mining in order to protect the Shasta Mudflow Research Natural Area. Any disturbance of the area would significantly affect its value adversely for public purposes.

On or before June 30, 1976, all persons who wish to submit comments, suggestions, or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate the lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

#### MOUNT DIABLO MERIDIAN

#### SHASTA-TRINITY NATIONAL FOREST

T. 40 N., R. 2 W.,  
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ -  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ -  
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -  
SW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, All;  
Sec. 29, E $\frac{1}{2}$ ;  
Sec. 32, NE $\frac{1}{4}$ ;  
Sec. 33, N $\frac{1}{2}$ ;  
Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ .

The area described aggregates 3,530 acres of land in Siskiyou County.

WALTER F. HOLMES,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc. 76-15398 Filed 5-26-76; 8:45 am]



## NOTICES

[W-54873]  
WYOMING  
Application

MAY 20, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation filed an application for a right-of-way to construct a 4½" pipeline for the purpose of transporting natural gas across the following National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING  
T. 28 N., R. 113 W.,  
Sec. 22: Lot 2, SE¼NW¼, NE¼SW¼,  
NW¼SE¼.

The pipeline will transport natural gas from a well in sec. 22 to an existing gathering system in sec. 27, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.76-15399 Filed 5-26-76; 8:45 am]

[Wyoming 54873]

WYOMING  
Application

MAY 20, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Husky Pipeline Company of Cody, Wyoming filed an application for a right-of-way to construct a three inch pipeline for the purpose of transporting natural gas across the following Federal Lands:

SIXTH PRINCIPAL MERIDIAN  
WYOMING

T. 54 N., R. 101 W.,  
Sec. 9: NE¼SW¼, NW¼SE¼

The pipeline will transport natural gas from a point in the NW¼SE¼ of Section 10 westerly to the main pipeline between Cody, Wyoming and the Elk Basin Oil Field in Park County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so

promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.76-15400 Filed 5-26-76; 8:45 am]

[NM 28204]

## NEW MEXICO

## Notice of Application

MAY 20, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN  
NEW MEXICO

T. 26 N., R. 11 W.,  
Sec. 7: W¼SE¼.

This pipeline will convey natural gas across .140 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,  
Acting Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.76-15443 Filed 5-26-76; 8:45 am]

[NM 28105, 28110 and 28202]

## NEW MEXICO

## Applications

MAY 19, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN  
NEW MEXICO

T. 32 N., R. 8 W.,  
Sec. 30, lots 3, 4 and SE¼SW¼;  
Sec. 31, W¼NE¼ and NE¼NW¼.

## NOTICES

Fish and Wildlife Service  
ENDANGERED SPECIES PERMIT  
Receipt of Application  
Correction

In FR Doc. 76-15094 appearing at page 21229 of the issue for Monday, May 24, 1976, the signature, page 21231, reading "Loron R. Ponclisor," should read "Loren K. Parcher."

ENDANGERED SPECIES PERMIT  
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Dr. Joseph C. Besharse, Ophthalmology Research, College of Physicians and Surgeons, Columbia University, New York, New York 10032.

OMB NO. 42-11672

T. 32 N., R. 8 W.,  
Sec. 26, lots 9 and 10.  
T. 26 N., R. 12 W.,  
Sec. 2, SE¼SW¼ and SW¼SE¼;  
Sec. 5, SE¼NE¼;  
Sec. 11, NE¼NW¼.


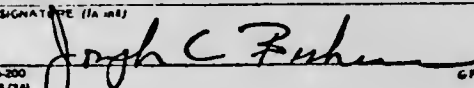
These pipelines will convey natural gas across 1.637 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,  
Chief, Branch of Lands and  
Minerals Operations.

[FR Doc.76-15466 Filed 5-26-76; 8:45 am]

 <b>DEPARTMENT OF THE INTERIOR</b> U.S. FISH AND WILDLIFE SERVICE <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate by check) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Dr. Joseph C. Besharse Ophthalmology Research College of Physicians and Surgeons Columbia University New York, New York 10032		3. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: To receive a maximum of four living Texas blind salamanders, <i>Typhlomolge rathbuni</i> , which have already been removed from the wild. They will be shipped to me by Mr. Glenn Longley who is presently in possession of them. They will be used in a combined autoradiographic and electron microscopic study of the eyes.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: SEX <input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> DR. HEIGHT 5' 11" WEIGHT 180 lb DATE OF BIRTH Jan. 21, 1944 COLOR HAIR Brown COLOR EYES Green PHONE NUMBER WHERE EMPLOYED (SOCIAL SECURITY NUMBER) 212-694-3708 429788801 OCCUPATION Biologist, NIH Postdoctoral Fellow ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		5. IF "APPLICANT" IS A BUSINESS CORPORATION, PARTNERSHIP, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: In the laboratory of Dr. Joe G. Hollyfield in Ophthalmology Research, College of Physicians and Surgeons, Columbia University, New York, N. Y. 10032		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit number)	
8. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document) To my knowledge no such approval is required.	
10. DESIRED EFFECTIVE DATE Immediately		11. DURATION NEEDED 1 year	
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 17.12(a)(4)-(5)) BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. 50 CFR 17.22			
<b>CERTIFICATION</b>			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUCH CHAPTER 8 OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink) 		DATE Jan. 30, 1976	

V41104 MAY 27 76 UMI



ATTACHMENT 50 CFR 17.22  
NUMBERS BELOW CORRESPOND TO SUBSECTIONS  
OF 17.22

1. Scientific Name: *Typhlomolge rathbuni*, Common Name: Texas Blind Salamander. Three immature and one adult specimens to be used in an autoradiographic and electron microscopic study of the eyes.

2. Animals have been removed from the wild and are being maintained alive by Mr. Glenn Longley at Southwest Texas State University in San Marcos, Texas.

3. The nature of the activity for which a permit is requested requires that the material be removed from the wild and preserved under controlled procedures in the laboratory. The idea here is to use material that has already been removed from the wild.

4. The animals were removed from the wild by Mr. Glenn Longley in San Marcos, Texas.

5. I am a National Institutes of Health Postdoctoral Fellow in Ophthalmology Research at the College of Physicians and Surgeons of Columbia University. In addition to my own laboratory-office space I have access to all materials and equipment in the laboratory of Dr. Joe G. Hollyfield. In addition I have full access to all the facilities of the Electron Microscopy Laboratory directed by Dr. T. Iwamoto. This large laboratory complex includes high-low incubators for maintenance of animals and supplies and equipment for all light and electron microscopic techniques. This includes Zeiss light microscopes, a Siemens electron microscope, and Sorvall ultramicrotomes. These facilities are fully adequate for the proposed study.

6. Although the animals will be obtained alive they will be preserved within two weeks of receiving them. No attempt will be made to keep them alive longer than this two week period.

(i) During this two week period they will be maintained in a high low incubator set at the same temperature as water from their natural environment.

(ii) I will personally care for the animals. I have studied related cave-adapted salamanders since 1969 and have maintained several species (*Typhlotriton spelaeus*, *Haldeotriton wallacei*, and *Gyrinophilus palleucus*) in the laboratory for periods up to two years. Most of my published scientific work is based on the study of such material. (See my personal resume).

(iii) The proposed activity will not permit cooperation in a breeding program.

(iv) Animals will be transported by air express in two one liter thermos bottles which will be packed with a bag of ice inside a heavy-duty styrofoam box (2' x 2' x 2') with walls two inches thick. These shipping arrangements have been made for related species on many occasions in the past with complete success.

(v) I have never maintained this species before. Mortality of related species in my hands has been virtually nil. This species may be more fastidious than those that I have maintained previously. However, I am not attempting long term maintenance of the animals (see above).

7. Mr. Glenn Longley, Aquatic Station, Southwest Texas State University, San Marcos, Texas, has agreed by telephone conversation to ship the animals to me when I obtain a permit from the Fish and Wildlife Service.

8. (i&ii) I am proposing to carry out a combined autoradiographic and electron microscopic study on the eyes of this species.

The species is highly cave-adapted and as a consequence has only a rudimentary visual system. The details of structure of the eye and optic tectum of the brain remain largely unknown, however. The proposed morphological study will yield detailed information on the way in which the eyes of this species have been reduced. After provision of radioactive amino acids to measure protein synthetic activity by subsequent autoradiography the eyes will be fixed by standard procedures for light and electron microscopy.

(iii) The proposed use of this species represents one part of a larger ongoing study of the evolution of the visual system among the North American cave-adapted salamanders. Of the eight North American species, I have studied the eyes of four. A pattern is beginning to emerge indicating that in the older (geologic sense) cave species eye development is arrested at a prefunctional stage whereas in the younger species eyes become functional but degenerate later in life. Other than this generalization, however, little can be said of the pattern of degeneration in the group. This is largely due to the rarity of some key species. *Typhlomolge rathbuni* is an old species, perhaps the oldest among cave salamanders in North America. The study of its visual system on the limited scale proposed here will contribute significantly to an understanding of the overall pattern of eye reduction among the cave salamanders without placing undue stress on any natural population. The present availability of these animals in the hands of Mr. Glenn Longley provide a unique and perhaps transient opportunity for this study.

(iv) After removal of the eyes and mid-brain region (one specimen only) these animals will be preserved as museum specimens.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suit 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 20, 1976.


LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-15493 Filed 5-26-76;8:45 am]

**MARINE MAMMAL PERMIT  
Receipt of Application**

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant: University of California, Physiological Research Laboratory, Scripps Institution of Oceanography, La Jolla, California 92093. Dr. G. L. Kooyman.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		ONE NO. 42-1050	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)  Dr. G. L. Kooyman A-004 Physiological Research Laboratory Scripps Institution of Oceanography University of California, San Diego La Jolla, CA 92093		1. APPLICATION FOR (please check only one)  <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. <input type="checkbox"/> HEIGHT 68" WEIGHT 145 DATE OF BIRTH June 16, 1964 COLOR HAIR Brown COLOR EYES Brown PHONE NUMBER WHERE EMPLOYED (714) 452-2937 SOCIAL SECURITY NUMBER 547-44-7004 OCCUPATION Biologist		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:  Collection of 4 young sea otters (marine mammal) for studies of temperature regulation.	
5. BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT  Scripps Institution of Oceanography		6. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:  EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION  Physiological Research Laboratory Scripps Institution of Oceanography	
7. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED  Collections will be in California, or Alaska. Animals will be transported to Scripps Institution in San Diego.		8. IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED  Associate Research Physiologist	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		10. DESIRED EFFECTIVE DATE 1 September 1976	
11. DURATION NEEDED 31 December 1978		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (54 CFR 17.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.	
CERTIFICATION  I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE (in ink) <i>G. L. Kooyman</i> DATE 15 April 76			

LYNN A. GREENWALT,  
Director, Bureau of Fish & Wildlife  
Department of the Interior  
Washington, D.C.

DEAR SIR: I have reviewed the arrangements for transporting and maintaining the sea otters for which Dr. Kooyman is applying. It is my opinion that his arrangements are adequate to provide for the well-being of these animals.

Sincerely yours,

JACK E. VANDERLIP,  
Animal Resources, University of  
California, San Diego.

PURPOSE OF COLLECTIONS:

This application is for the purpose of expanding our present study of thermal regulation and the effects of oiling on northern fur seals to the sea otter, *Enhydra lutris*. We will also conduct pulmonary function experiments on the sea otters as part of another project on the comparative physiology of vertebrate lungs.

The temperature regulation studies are directed towards the assessment of the hazards of oil spills to sea otters. We will determine the increase heat loss in animals whose pelts have become fouled with crude oil, and the integrity of the coat after the soiled animals have been cleaned. The metabolic rate, subcutaneous and foot temperatures will be determined from animals in a temperature controlled water bath. Control values of 4 animals will be obtained at several temperatures and then at least 2 of the otters will be exposed to crude oil and their metabolic rates again measured at a controlled temperature. Shortly thereafter, the animals will be cleaned and their metabolic rates measured once again. After several weeks they will again be measured.

The comparative physiology of respiration will include several tests to help learn why marine mammal lungs are so different from other mammals. Particularly, why the relative lung volume of sea otters is so much greater than other mammals. Pulmonary function tests will be carried out on trained

otters. These animals will be taught to breathe into a mask in which gas samples can be collected and tidal volume, lung volume and flow rates can be measured. These measurements will be done when the animals are at rest and while exercising.

Types and numbers of animals requested: 4 sea otters *Enhydra lutris*, either sex, 1 to 2 year old animals preferable not weighing more than 50 lb.

The animals will be collected in either California or Alaska, whichever is preferred by the Marine Mammal Commission. Our preference is California for two reasons. (1) The transportation distance is shorter, about 9 hours by car, (2) it is likely that we will be able to assume custody of some of Dan Costa's otters after he has completed his experiments. He will hold them for 2 weeks, at which time they will have adjusted to captivity and transportation will be less risky.

Capture in California would be by the California Fish & Game method of two scuba divers coming up from below the animals with a net. The animals will be transported in an air conditioned van to the Scripps laboratory. During the trip they will be held in a cooled water bath of 2 x 3 feet and 2 feet deep. Only 2 animals will be transported at a time, and they will not be fed during the trip.

If the animals are collected in Alaska we will follow the netting procedures used by the Alaska Fish & Game. All 4 animals will be collected at this time from Prince William Sound, held for a few days at the laboratory facilities of Ancel Johnson, and then flown by chartered aircraft directly to San Diego. A short stop of 2 or 3 hours will be necessary in Seattle at which time the animals will be fed a small meal. The same type of containers for holding the animals as described for the California collection will be used.

In either case, whether the animals are collected in California or Alaska, G. L. Kooyman will accompany the animals. If collected in Alaska R. L. Gentry will be present also. I have collected, transported and maintained a variety of marine mammals over the past 10 years. These have ranged from collecting Weddell seals in the antarctic to collecting and recuperating sick sea lions taken from the local beaches. These animals have remained in good health, and have been held in our facilities for up to 2 years. My special research interests are respiratory physiology and temperature regulation and I am familiar with the problems of respiratory and thermal stress in marine mammals.

At Scripps Institution of Oceanography the animals will be kept in a rectangular tank that is 15 x 40 feet. The water depth will be kept at 3.5 feet. There is fresh running sea water flowing through continuously. The tank will be cleaned weekly, at which time the otters will be allowed to swim into an adjacent 25 foot diameter circular tank.

The sponsoring organizations for this research are the Department of Health, Education, and Welfare, National Institutes of Health, National Heart and Lung Institute, Bethesda, MD 20014 and Bureau of Land Management, Outer Continental Shelf Exploration Program, National Marine Fisheries Service.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written

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data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 20, 1976.

LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-15492 Filed 5-26-76;8:45 am]

#### ENDANGERED SPECIES PERMITS

##### Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" DECEMBER 19, 1975 (40 FR 58872-73)

Applicant: Texas Memorial Museum, The University of Texas at Austin, Austin, Texas 78757. Wann Langston, Jr., Director.

Official Action: Issued permit April 2, 1976: "Authorized to conduct the following activities, as specified in Block 10 (in the State of Texas), with endangered species of crocodilians, for the purpose of scientific research: "1. May salvage carcasses of dead and mortally injured specimens of American alligators (*Alligator mississippiensis*) from the wild within Texas.

"2. May receive and salvage dead specimens of endangered species of crocodilians from zoos within Texas."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 9, 1976 (41 FR 5648-49)

Applicant: Mr. Elmer E. Lloyd, 36929 S.E. Deming Road, Sandy, Oregon 97055.

Official Action: Issued permit April 6, 1976: "Authorized to import, as specified in Block 10 (at any U.S. Customs port as specified in 50 CFR 14.12), from Burnaby, British Columbia, one (1) male, and one (1) female Palawan Peacock Pheasant (*Polyplectron emphanum*), for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JANUARY 29, 1976 (41 FR 4304-05)

Applicant: University of Hawaii, Honolulu, Hawaii 96822, Charles van Riper III.

Official Action: Issued permit April 16, 1976: "Authorized to conduct, as specified in Block 10 (in Hawaii, Oregon, and Pennsylvania), the following activities with Palila (*Psittirostra baileyi*) for the purposes of scientific research and propagation:

"1. May take not to exceed ten (10) Palila from the wild environment by the use of mist nets.

"2. May house the Palila at the University of Hawaii while conducting research and propagation activities.

"3. May transport the ten (10) Palila to either Oregon State College or the University of Pennsylvania for the continued scientific research and propagation activities."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JANUARY 28, 1976 (41 FR 4040-41)

Applicant: Burnt Fork Game Farm, Route 1, Box 57, Stevensville, Montana 59870. David L. Majors.

Official Action: Issued permit April 16, 1976: "Authorized to receive interstate, in the course of a commercial activity, as specified in Block 10 (in Idaho, Nebraska, Nevada, and Washington), the following species and numbers of endangered pheasants, for the purpose of propagation, from the following sources:

"1. May receive—from Mr. Joseph H. Pete, 4818 Monte Cristo, Las Vegas, Nevada 89108: One pair of bar-tailed pheasants (*Syrnaticus himalaicus*)  
One pair of brown-eared pheasants (*Crossoptilon manchuricum*)  
One pair of Edward's pheasants (*Lophura edwardsi*)  
One pair of Mikado pheasants (*Syrnaticus mikado*)

"2. May receive—from Mr. Jerry McRoberts, Gurley, Nebraska 68141: One pair of bar-tailed pheasants  
One pair of Edward's pheasants  
One pair of Mikado pheasants

"3. May receive—from Dr. D. A. Christensen, Route 1, Box 3, Kendrick, Idaho 83532: One pair of brown-eared pheasants  
One pair of Swinhoe's pheasants (*Lophura swinhoii*)

"4. May receive—from Mr. Larry Baitey, Route 2, Kuna, Idaho 83634: One pair of Swinhoe's pheasants."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 9, 1976 (41 FR 5649-50)

Applicant: Mrs. Holly A. J. Nichols, 10611 Mt. Boracho, San Antonio, Texas 78213.

Official Action: Issued permit April 20, 1976: "Authorized to import, as specified in Block 10 (through those ports as specified in 50 CFR 14.12), one (1) pair of Imperial parrots (*Amazona imperialis*), or— one (1) pair of St. Lucia parrots (*Amazona versicolor*), but not both species, for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" FEBRUARY 26, 1976 (41 FR 8402-03)

Applicant: Cornell University Laboratory of Ornithology, 159 Sapsucker Woods Road, Ithaca, New York 14850. Dr. Tom J. Cade.

Official Action: Issued permit April 21, 1976: "Authorized to import, as specified in Block 10 (Monterey, Mexico, to Denver, Colorado), not to exceed six (6) nestling Peregrine falcons (*Falco peregrinus anatum*), for the purpose of scientific research and propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" MARCH 8, 1976 (41 FR 9900-03)

Applicant: New York Zoological Society (Bronx Zoo), 185th Street and Southern Boulevard, Bronx, New York 10460. William G. Conway, General Director.

Official Action: Issued permit April 29, 1976: "Authorized to import, as specified in Block 10 (through those ports as specified in 50 CFR 14.12), one (1) male, and two (2) female gaur (*Bos gaurus*), from the West Berlin Zoo, to the Bronx Zoo, for the purpose of propagation."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's

office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: May 19, 1976.

LOREN K. PARCHER,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-15378 Filed 5-26-76;8:45 am]

#### Office of the Secretary EDWARD R. COWLES

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of April 4, 1976.

Dated: April 7, 1976.

E. R. COWLES.

[FR Doc.76-15445 Filed 5-26-76;8:45 am]

#### FREDERICK W. HOEY

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) Purchased 12 shares of Boston Edison Company common stock.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of April 4, 1976.

Dated: April 4, 1976.

FREDERICK W. HOEY.

[FR Doc.76-15446 Filed 5-27-76;8:45 am]

#### J. SCOTT KAY

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of April 4, 1976.

Dated: May 13, 1976.

J. SCOTT KAY.

[FR Doc.76-15448 Filed 5-26-76;8:45 am]

#### JOHN H. KLINE

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No Change.
- (2) No Change.
- (3) No Change.
- (4) No Change.

This statement is made as of April 3, 1976.

Dated: April 5, 1976.

JOHN H. KLINE.

[FR Doc.76-15448 Filed 5-26-76;8:45 am]

#### JOHN V. SALO

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) (A) Increase in holdings by 20 shares of Public Service Company of New Hampshire common stock.
- (B) Increase in holdings by 100 shares of Georgia Power Company preferred stock.
- (3) No change.
- (4) No change.

This statement is made as of April 4, 1976.

Dated: April 2, 1976.

JOHN V. SALO.

[FR Doc.76-15449 Filed 5-26-76;8:45 am]

#### E. F. TIMME

#### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of April 20, 1976.

Dated: April 1, 1976.

E. F. TIMME.

[FR Doc.76-15456 Filed 5-26-76;8:45 am]

#### OUTER CONTINENTAL SHELF ADVISORY BOARD

##### Notice of Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No.

92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Advisory Board will meet during the period 9:00 a.m. to 5:00 p.m., June 14, in the Gold Ballroom, Sheraton-Palace Hotel, 639 Market Street, San Francisco, California.

The meeting will cover the following principal subjects:

1. Status Report—Leasing Program.
2. OCS Leasing Schedule.
3. OCS Legislation.
4. OCS Orders.
5. Revised OCS Order No. 2—Pacific.
6. Operating Order—State review of development plans.
7. Procedural Matters.
- a. Agenda Steering Committee report.
- b. Procedures to receive assistance from OCS Environmental Studies Advisory Committee.
8. Release of certain data to the States.
- a. Results of archeological surveys.
- b. Live bottom delineations.
9. Information Items.
- a. Coordination between Department of the Interior and Corps of Engineers.
- b. Coral management status.
- c. Geologic and geophysical regulations.

The meeting is open to the public. Interested persons may make oral or written presentations to the committee. Such requests should be made no later than June 4 to: Alan Powers, Office of OCS Program Coordination, Department of the Interior, Washington, D.C. 20240, 202/343-9311.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

ALAN D. POWERS,  
Director, Office of  
OCS Program Coordination.

MAY 24, 1976.

[FR Doc.76-15451 Filed 5-26-76;8:45 am]

#### DEPARTMENT OF DEFENSE

##### Department of the Army

#### COUNCIL ON ENVIRONMENTAL QUALITY Final Environmental Impact Statement

Construction of Military Family Housing in the Fort Belvoir, Virginia, Military Reservation.

Notice of Filing of Final Environmental Impact Statement with Council on Environmental Quality.

In compliance with the National Environmental Policy Act of 1969, the Army is filing with the Council on Environmental Quality a Final Environmental Impact Statement concerning the construction of 1,445 military housing units in the Fort Belvoir, Virginia, Military Reservation.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested individuals may obtain copies from the Office of the

US Army Engineer District, Norfolk, ATTN: NAOEN-D, 803 Front Street, Norfolk, Virginia 23510. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E676, Pentagon Building, Washington, D.C. 20310. (Telephone: (202) 694-1163).

CHARLES R. FORD,  
Deputy Assistant Secretary  
of the Army, Civil Works.

[FR Doc.76-15398 Filed 5-26-76;8:45 am]

#### Corps of Engineers

#### CIVIL WORKS ADVISORY COMMITTEE Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463), notice is given that the Civil Works Advisory Committee will meet on 16 June 1976 from 1300-1615 hours, in Room 4A 232/Forrestal Building, 10th and Independence Avenue, Washington, D.C. The public is invited to attend. Following is the agenda for the Committee meeting:

1300 to 1330----	Opening Remarks by Chairman, Civil Works Advisory Committee and the Director of Civil Works, U.S. Army Corps of Engineers.
1330 to 1445----	Reports from Committee Members.
1445 to 1500----	Break.
1500 to 1615----	Public Testimony and Discussion Among Committee Members.
1615-----	Adjournment.

The purpose of the Civil Works Advisory Committee is to advise the Secretary of the Army on ways to improve the Civil Works Program of the Corps of Engineers. Specifically, it will advise how the Corps of Engineers can shorten the time span from project inception to project completion by developing an approach to early identification of those civil works projects which are feasible, economically and environmentally sound, and have public support for early funding.

The Committee would be pleased to receive written communications from interested parties; these may be sent to Dr. Robert D. Wolff, Executive Secretary, Civil Works Advisory Committee, ATTN: DEAN-CWP-A, Washington, D.C. 20314 (telephone: 202 693-7187).

Dated: May 25, 1976.

MARVIN W. REES,  
Colonel, Corps of Engineers,  
Executive Director of Civil Works.

[FR Doc.76-15697 Filed 5-26-76;8:37 am]

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### CARSON NATIONAL FOREST TIERRA AMARILLA GRAZING ADVISORY BOARD

##### Notice of Meeting

The annual meeting of the Tierra Amarilla Grazing Advisory Board will



be held at 10:00 A.M. on Friday, June 18, 1976, at the Tres Piedras Ranger Station, Tres Piedras, New Mexico.

The purpose of this meeting is to elect officers of the Tierra Amarilla Grazing Advisory Board.

The meeting will be open to the public. Persons who wish to attend should notify W. R. Snyder, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico, phone (505) 758-2237. Written statements may be filed with the Board before or after the meeting.

J. CRELLI,  
Acting Forest Supervisor.

MAY 19, 1976.

[FR Doc.76-15435 Filed 5-26-76; 8:45 am]

#### DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

##### Notice of Meeting

The Deschutes National Forest Advisory Committee will meet at Elmer's Colonial Pancake and Steak House, 415 N.E. Third, Bend, Oregon 97701, at 8:00 p.m. on June 17, 1976.

The subject of this meeting is "Forests Insects and Related Management Problems." Timber Staff Officer Jack Hill will present an overview of the insects that cause major damage to the local forests and the resultant problems involved managing the forest.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor or Sandy Ferguson at 211 N.E. Revere, Bend, Oregon 97701, telephone number (503) 382-6922. Written statements may be filed with the Committee before or after the meeting.

EARL E. NICHOLS,  
Forest Supervisor.

MAY 21, 1976.

[FR Doc.76-15438 Filed 5-26-76; 8:45 am]

#### MT. BUTLER-DRY CREEK PLANNING UNIT LAND USE PLAN

##### Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Land Use Plan for the Mt. Butler-Dry Creek Planning Unit, USDA-FS-R6-FES-(Adm)-75-13.

The environmental statement concerns a proposed land use plan for management of a largely roadless, 22,100 acre planning unit on the Siskiyou National Forest. The unit begins 4 air-miles east of the coastal town of Port Orford in Curry County, Oregon. The proposed action recommends a balanced mix of land allocations designed to sustain a high level of timber harvest, to develop the Unit's primitive recreation potential, and to protect the soil, water, fish, wildlife, aesthetic, and other resources. Most of the Dry Creek drainage is designated a Timber Management Area. Almost all of

the Elk River drainage outside Butler Creek is designated a roadless Fisheries/Wildlife Area. Fisheries/Recreation Areas totalling 2,500 acres are designated along Dry Creek and Rock Creek.

This final environmental statement was transmitted to CEQ on May 20, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th Street & Independence Ave., S.W., Washington, D.C. 20250.  
Pacific Northwest Regional Office, 319 S.W. Pine Street, P.O. Box 3623, Portland, Oregon 97208.  
Siskiyou National Forest, 1504 N.W. Midland, P.O. Box 440, Grants Pass, Oregon 97526.  
Gold Beach Ranger Station, 1225 S. Ellensburg, P.O. Box 548, Gold Beach, Oregon 97444.  
Powers Ranger Station, Powers Highway, Powers, Oregon 97466.

A limited number of single copies are available upon request to William P. Ronayne, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, Grants Pass, Oregon 97526.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

JOHN L. MILLET,  
Acting Forest Supervisor.

MAY 20, 1976.

[FR Doc.76-15437 Filed 5-26-76; 8:45 am]

#### WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

##### Notice of Meeting

The White Mountain National Forest Advisory Committee will meet June 22 and 23, 1976, at the Scandinavi Inn in West Campton, New Hampshire.

The purpose of this meeting is to discuss backcountry planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603-524-6450.

PAUL D. WEINGART,  
Forest Supervisor.

MAY 20, 1976.

[FR Doc.76-15436 Filed 5-26-76; 8:45 am]

#### Soil Conservation Service CHOCTAW CREEK WATERSHED PROJECT, TEXAS

##### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being

prepared for the Choctaw Creek Watershed Project, Grayson County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George C. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by seven single purpose flood-water retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

J. MICHAEL NETHERY,  
Acting Deputy Administrator  
for Water Resources Soil  
Conservation Service.

[FR Doc.76-15393 Filed 5-26-76; 8:45 am]

#### LITTLE RACCOON CREEK WATERSHED PROJECT, INDIANA

##### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Raccoon Creek Watershed Project; Parke, Putnam, and Montgomery Counties, Indiana.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Cletus J. Gillman, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, recreation, and flood prevention. The remaining planned works of improvement, as described in the negative declaration, include the removal of selected debris blocks within a 43-mile section of channel of Little Raccoon Creek and its tributaries.

The negative declaration is being filed with the Council on Environmental Quality, and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment are on file and may be reviewed during regular working hours at the Soil Conservation Service, USDA, 5610 Crawfordsville Road, Indianapolis, Indiana 46224. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of this proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 19, 1976.

JAMES W. MITCHELL,  
Acting Deputy Administrator  
for Water Resources, Soil  
Conservation Service.

[FR Doc.76-15395 Filed 5-26-76; 8:45 am]

#### MUD CREEK WATERSHED PROJECT, ALABAMA

##### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19653, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Mud Creek Watershed project, Cullman County, Alabama, USDA-SCS-EIS-WS-(ADM)-75-3(F)-AL.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and channel work. The channel work will consist of 4.7 miles of enlargement by excavation to provide additional streamflow capacity. The streamflow within the 4.7 miles of existing channel consists of 2.6 miles ephemeral, 1.1 miles intermittent, and 1.0 mile perennial.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: May 19, 1976.

JAMES W. MITCHELL,  
Acting Deputy Administrator for  
Water Resources Soil Con-  
servation Service.

[FR Doc.76-15392 Filed 5-26-76; 8:45 am]

#### SALLACOA CREEK AREA WATERSHED, GEORGIA

##### Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Sallacoa Creek Area Watershed, Bartow, Cherokee, Gordon, and Pickens Counties, Georgia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of this project.

The project concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one multiple-purpose (floodwater retarding and recreation) structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601. A limited number of copies is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until 15 days after the date of this publication.

Dated: May 17, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

J. MICHAEL NETHERY,  
Acting Deputy Administrator  
for Water Resources Soil Con-  
servation Service.

[FR Doc.76-15394 Filed 5-26-76; 8:45 am]

#### DEPARTMENT OF COMMERCE

##### Domestic and International Business Administration

#### SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

##### Notice of Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Tuesday, June 29, 1976, at 9:30 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

##### GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of integrated circuits.

##### EXECUTIVE SESSION

- (4) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be



concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on December 24, 1975 (40 Fed. Reg. 59461).

Dated: May 21, 1976.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-15412 Filed 5-26-76;8:45 am]

#### Economic Development Administration ANDREW PALLACK & CO., INC.

#### Notice of Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Andrew Pallack & Co., Inc., 120 Fifth Avenue, New York, New York 10011, a producer of men's suits, sportcoats and slacks, was accepted for filing on May 20, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than June 7, 1976.

JACK W. OSBURN, JR.,  
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-15514 Filed 5-26-76;8:45 am]

#### MORTENSEN ENTERPRISES, INC.

#### Notice of Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition under Section 251 of the Trade Act of 1974 (P.L. 93-618), initially accepted January 6, 1976, from Mortensen Enterprises, Inc., and affiliates, Rt. 2, Box 210A, Blythe, California 92225, was subsequently withdrawn and resubmitted. The amended petition from the producer and processor of cattle feed, grains and other crops, was accepted for filing on May 19, 1976. Consequently, the United States Department of Commerce has resumed its investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than June 7, 1976.

JACK W. OSBURN, JR.,  
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-15515 Filed 5-26-76;8:45 am]

#### FEATHER-MOCS CARBIDE CORPORATION Notice of Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Feather-Mocs Caribe Corporation, LaMontana Industrial Area, Aguadilla, Puerto Rico 00603, a producer of slippers, was accepted for filing on May 21, 1976, under Section 251 of the Trade Act of 1974 (P.L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than June 7, 1976.

JACK W. OSBURN, JR.,  
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-15516 Filed 5-26-76;8:45 am]

#### Maritime Administration

#### NATIONAL ASSESSMENT AND PLANNING CONFERENCE ON U.S. FLAG BULK SHIPPING

##### Meeting

Notice is hereby given that the U.S. Maritime Administration is sponsoring a joint industry-government-public conference entitled "A National Assessment and Planning Conference on U.S. Flag Bulk Shipping" and it will deal with the future participation of U.S.-flag vessels in the dry and chemical bulk trades of the United States. The conference will be held on Cape Code at Hyannis, Massachusetts on July 12-14, 1976.

The purposes of the conference are: to promote understanding of the issues that influence U.S.-flag participation in the dry bulk trades; to increase shippers' awareness of available government aids designed to stimulate U.S.-flag dry bulk shipping; and, to provide the Maritime Administration with individual comments from industry, user and public participants.

Attendance by the public is invited. A broad spectrum of participants is expected including representatives from industries that use or produce major dry bulk commodities, dry bulk operators, financial institutions, labor, shipyards, naval architects, academic institutions, other interested members of the public, and the Maritime Administration.

Information on the conference and registration materials can be obtained by writing or contacting:

Maritime Administration-Bulk Shipping Conference, Office of Market Development, Mr. Bernard M. Collins (961), 14th & E Streets, N.W., Washington, D.C. 20230, Phone—202-377-3325.

So ordered by the Maritime Subsidy Board, Maritime Administration.

Dated: May 4, 1976.

JAMES S. DAWSON, JR.,  
Secretary.

[FR Doc.76-15537 Filed 5-26-76;8:45 am]

[Docket No. 8-150]

#### ZAPATA BULK TRANSPORT, INC.

##### Application

Notice is hereby given that Zapata Bulk Transport, Inc., has requested written permission pursuant to section 805 (a) of the Merchant Marine Act, 1936, as amended, for the domestic operation by Zapata Marine Service, Inc., of six offshore tug/supply vessels. Zapata Marine Service, Inc., is an affiliate of Zapata Products Tankers, Inc., and Zapata Bulk Transport, Inc., which are co-holders of Operating-Differential Subsidy Agreement, Contract No. MA/MSB-167. This is a 20-year contract covering the operation of four 35,000 deadweight ton tankers in world-wide bulk trades. The six tug/supply vessels will service offshore drilling rigs operating in U.S. territorial waters or on the U.S. Continental Shelf. Although some of the new vessels will not commence operations for some time, permission under section 805(a) is being requested at this time for all of the vessels.

#### FOUKE CO.

#### Withdrawal of Permit Application for Marine Mammals

On April 2, 1976, notice was published in the FEDERAL REGISTER (41 FR 14204), that an application had been filed with the National Marine Fisheries Service by the Fouke Company, Greenville, South Carolina, for a permit to import 13,883 Cape fur sealskins, pursuant to regulations promulgated under the Marine Mammal Protection Act of 1972.

Notice is hereby given that on May 11, 1976, the Fouke Company requested to withdraw the application. The request to withdraw was accepted without prejudice by the National Marine Fisheries Service on May 21, 1976.

Dated: May 21, 1976.

HARVEY M. HUTCHINGS,  
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-15485 Filed 5-26-76;8:45 am]

#### MS. SUSE SHANE

#### Issuance of Permit To Take Marine Mammals

On March 15, 1976, notice was published in the FEDERAL REGISTER (41 FR 10940) that an application had been filed with the National Marine Fisheries Service by Ms. Suse Shane, General Delivery, Wellborn, Texas 77881, for a permit to take by paint-tagging up to 150 Atlantic bottlenosed dolphins (*Tursiops truncatus*) in the Aransas pass area of the Texas coast for the purpose of scientific research.

Notice is hereby given that on May 21, 1976 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Fisheries Service issued a permit for the above taking to Ms. Suse Shane, subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.  
Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida, 33702.

Dated: May 21, 1976.

ROBERT W. SCHONING,  
Director,  
National Marine Fisheries Service.

[FR Doc.76-15484 Filed 5-26-76;8:45 am]

#### Office of the Secretary

#### TRAVEL ADVISORY BOARD

##### Notice of Meeting

As noted in the FEDERAL REGISTER dated April 26, 1976, on page 17414, a meeting of the Travel Advisory Board of the U.S. Department of Commerce will be held on June 2, 1976, at 9:30 a.m., in Room 4830, of the Main Commerce Building,

Zapata Marine Service, Inc., previously has granted written permission pursuant to section 805(a) to operate two other offshore tug/supply vessels to service offshore drilling vessels in U.S. territorial waters or on the U.S. Continental Shelf.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on June 10, 1976 file same with the Secretary Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs.

Dated: May 21, 1976.

JAMES S. DAWSON, JR.,  
Secretary.

[FR Doc.76-15538 Filed 5-26-76;8:45 am]

#### National Oceanic and Atmospheric Administration

#### DETROIT ZOOLOGICAL PARK

#### Receipt of Application for Public Display Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of marine mammals.

Detroit Zoological Park, 8450 W. Ten Mile Road, P.O. Box 39, Royal Oak, Michigan 48064, to take ten (10) California sea lions (*Zalophus californianus*) for public display.

The requested animals will be taken by a professional collector from San Nicolas, Santa Cruz or San Miguel Island, off the coast of Santa Barbara, California, by means of a hoop net on

land or a modified gill net in water. The animals will be transported by boat to the acclimating center and then transported to the Detroit Zoo by aircraft and truck.

At the facility, four animals from the ten requested, will be placed in a pool, approximately 120 feet long, 20 feet wide, and 4-6 feet deep with haul out areas. This pool presently holds two other animals, a sea lion and a gray seal. The remaining six animals will be placed in a pool 300 feet in circumference, 20-30 feet wide, with a slanting depth from a few inches to over four feet. In addition, there are two separate holding pools used to isolate sick or injured animals or expectant females.

The sea lions are desired to provide recreational and educational benefits to the two million visitors that visit the facility annually. The facility has maintained aquatic mammals, mostly sea lions, for the past 50 years. The facility is a non-profit organization that has a full-time staff of curators and animal technicians with a broad background in the keeping of animals in captivity.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved. Documents submitted in connection with the above application are available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;  
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930;  
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before June 28, 1976. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: May 21, 1976.

HARVEY M. HUTCHINGS,  
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76-15486 Filed 5-26-76;8:45 am]



14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two-year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Status—Expend.
2. Review Current Domestic Program.
3. 1977 Outlook Session.
4. Discussion:
  - (a) Improving the effectiveness of TAB;
  - (b) Role of Commerce Department in developing Federal policy affecting travel;
  - (c) Intra-governmental support for travel development;
  - (d) Expanding the working relationship between Commerce and the private sector.
5. Adjournment.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Robert Jackson, Director of Media Services, of the United States Travel Service, Room 4519, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/377-4987), will respond to public requests for information about the meeting.

CREIGHTON HOLDEN,  
Assistant Secretary for Tourism,  
U.S. Department of Commerce.

[FR Doc. 76-15608 Filed 5-26-76; 8:45 am]

#### PROPOSED VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

##### Operation and Procedures Correction

In FR Doc. 76-15123, appearing at page 21389, of the issue of Tuesday, May 25, 1976, the following corrections should be made:

1. On page 21390, in the middle column, the third paragraph under "7. Monitoring and certification procedures," "July 9, 1976" should be substituted for the material in parenthesis.
2. On page 21391, in the third column, paragraph (g) should read as set forth below:

(g) After evaluating the comments received, the Secretary shall publish a notice in the *Federal Register* making a final finding of need or withdrawing his preliminary finding of need made under paragraph (d) of this section. The notice shall state the basis for the Secretary's final finding of need or for the withdrawal of his preliminary finding.

3. On page 21392, in the first column, the text on the 12th and 13th lines of paragraph (b) reading "on or before June 9, 1976" should be changed to read "within 15 days after the proposed Specifi-

fication is published in the *Federal Register*."

4. On page 21392, in the second column, the text on the last two lines of paragraph (c) reading "on or before June 24, 1976," should be changed to read "not less than thirty (30) days after the date of publication of such notice."

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE National Institute of Education EDUCATION AND WORK GRANTS PROGRAM

##### Closing Date for Receipt of Applications; Correction

FR Doc. 76-13058 published at page 18539 in the issue of Wednesday, May 5, 1976, is corrected by changing July 9, 1976, to read July 7, 1976, in the third line of paragraph A(2), column 3.

Dated: May 24, 1976.

HAROLD L. HODGKINSON,  
Director, National Institute  
of Education.

[FR Doc. 15574 Filed 5-21-76; 8:45 am]

#### Office of Education NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463) that a meeting of the National Advisory Council on Bilingual Education will be held from 9:00 a.m. until 4:00 p.m. on Monday, June 14, 1976, in the Regional Office Building, 7th and D Streets, S.W., Washington, D.C., Room 3652.

The National Advisory Council on Bilingual Education is established pursuant to Section 732(a) of the Bilingual Education Act (20 U.S.C. 880b-11) to advise the Secretary of Health, Education and Welfare and the Commissioner of Education concerning matters arising in the administration of the Bilingual Education Act.

The meeting shall be open to the public. The proposed agenda is:

- |                |   |
|----------------|---|
| 9 a.m.-----    | Call to order.  |
| 9:15 a.m.----- | Presentation of minutes.  |
| 9:30 a.m.----- | Correspondence.   |
| 9:45 a.m.----- | Program Delegates Report.   |
| 10 a.m.-----   | Old Business:   |
|                | Reports from Committees.  |
|                | Discussion of the Annual Report, Title VII Rules and Regulations.                         |
| 12 p.m.-----   | Recess for lunch.   |
| 1:30 p.m.----- | Reconvene.  |
|                | New Business.   |
|                | Presentation by Dr. Rudy Cordova, Re: Office of Education Bilingual Coordinating Council. |
|                | Presentation by L. Pascua, Re: Plan for FY 77.  |

3:45 p.m.----- Comments from the floor.  
4 p.m.----- Adjourn.

Records shall be kept of all meetings of the Council and shall be available for public inspection in Room 421, Reporter's Building, 300 7th Street, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on May 24, 1976.

JOHN C. MOLINA,  
Director,  
Office of Bilingual Education.  
[FR Doc. 76-15465 Filed 5-26-76; 8:45 am]

#### RIGHT TO READ: STATE LEADERSHIP AND TRAINING PROGRAM

##### Notice of Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in the National Reading Improvement Program, section 705(a)(3) of Title VII, Pub. L. 93-380 (20 U.S.C. 1921(a)(3)) applications are being accepted for awards under the Right to Read State Leadership and Training Program. The original and two copies of the application must be received by the U.S. Office of Education Application Control Center on or before June 28, 1976.

A. Applications sent by mail. Applications sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.533B. Applications sent by mail will be considered to be received on time by the Application Control Center if:

- (1) The applications were sent by registered or certified mail not later than June 23, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

- (2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. Hand delivered applications. Applications to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Authority. The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a). Final regulations governing the State Leadership and Training Program (45 CFR 162,

Subpart F) were published in the *Federal Register* on May 26, 1976.

D. Program information and forms. Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2130, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1921)

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read Elimination of Illiteracy.)

Dated: May 25, 1976.

T. H. BELL,  
U.S. Commissioner of Education.  
[FR Doc. 76-15630 Filed 5-26-76; 8:45 am]

#### Office of the Secretary

#### SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

##### Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Thursday, and Friday, June 3-4, 1976 from 9:00 a.m. to 5:00 p.m. each day in Room 4173, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda includes a review of the 1976 scopes of work and the present status of the Advisory Committee in the Department. This meeting was scheduled on an emergency basis because of Departmental decisions affecting the Committee and the inability of the Committee otherwise to obtain a quorum prior to September 1976. While the full 15-day *Federal Register* notice cannot be met, all individuals who have previously expressed an interest in the Committee's deliberations have been notified by mail.

Members of the public are invited to attend the meeting. Interested persons wishing to address the Committee, should contact the Executive Secretary by COB Wednesday, June 2, 1976. Phone: 202-245-8454.

SANDRA S. KRAMER,  
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 76-15659 Filed 5-26-76; 8:45 am]

#### PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

##### Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, will hold a public meeting on June

#### AMERICAN INDIAN POLICY REVIEW COMMISSION

##### NOTICE OF HEARINGS

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended, that hearings related to their proceedings will be held in conjunction with Commission Task Force #2's investigation of Tribal Government; and Task Force #4's investigation of Federal, State and Tribal Jurisdiction.

Hearings have been scheduled June 2 and 3, 1976, from 9:30 a.m. to 5:30 p.m. at the Phoenix Indian School, Phoenix, Arizona. The members of Joint Task Forces #2 and #4 will hear testimony from Arizona and New Mexico tribes on Tribal Government and Federal, State and Tribal Jurisdiction.

The American Indian Policy Review Commission has been authorized by Congress to conduct a comprehensive review of the historical and legal developments underlying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. These hearings will focus on issues related to the studies of Task Forces #2 and #4.

Persons interested in submitting testimony should contact Paul Alexander or Mike Cox at 202-225-2235 or Judge William R. Rhodes of the Gila River Indian Community, at Sacaton, Arizona at 602-276-1857.

Dated: May 24, 1976.

KIRKE KICKINGBIRD,  
General Counsel.

[FR Doc. 76-15540 Filed 5-26-76; 8:45 am]

#### CIVIL AERONAUTICS BOARD

[Order 76-5-105; Dockets 29077, 29145]

#### AERONAVES DE MEXICO, S.A.

##### Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By a tariff filing dated March 26, 1976, Aeronaves de Mexico, S.A. (Aeromexico) proposes changes in the rules governing its 40-passenger Group Inclusive Tour (GIT) fares which, among other things, would: (1) eliminate the present July/August blackout period; (2) reduce the ground package from \$15 per night (\$45 minimum) to \$7 per night (\$21 minimum); and (3) reduce the advance reservation and ticketing requirement from 15 day to 7 days.

<sup>1</sup> Air Tariffs Corporation, Agent, Tariff C.A.B. No. 54, 9th Revised Pages 33 and 34.

11, 1976 at the Key Bridge Marriott Hotel, Francis Scott Key Room, Arlington, Virginia, from 9:00 a.m. to 5:30 p.m. This session will consist of statements from selected representatives of multisport amateur athletic groups followed by questions from Commissioners concerning such testimony.

A closed portion of the meeting will be held on Saturday, June 12, 1976 at 9:00 a.m. through Sunday, June 13, 1976 pending completion of the discussion of the subject matter. A determination to close this portion of the meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education, and Welfare on May 25, 1976. The closed portion will be concerned with matters relating to specific individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy within the meaning of 5 U.S.C. 552(b). Summary minutes, a roster of Committee members and further information on the Commission may be obtained 14 days after the meeting from Mr. Michael T. Harrigan, Executive Director.

MICHAEL T. HARRIGAN,  
Executive Director.

MAY 25, 1976.

[FR Doc. 76-15660 Filed 5-26-76; 8:45 am]

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### RADIO TECHNICAL COMMISSION FOR AERONAUTICS SPECIAL COMMITTEE 130—RELIABILITY SPECIFICATIONS FOR AIRBORNE ELECTRONICS SYSTEMS

##### Meeting

Notice is hereby given to a meeting of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 130, which is being utilized as an Advisory Committee within the meaning of the Federal Advisory Committee Act, 5 U.S.C. Appendix 1. It will be held June 22-23, in Conference Room 246, Building 1202, NASA Langley Research Center, Hampton, Virginia, commencing at 9:30 a.m. Agenda items include:

1. Approval of the Minutes of the Meeting held December 2-3, 1975;
2. NASA Preservation on Avionics Reliability Studies;
3. Tour of NASA Computer Facilities;
4. Review and Consideration of Member Inputs;
5. Determine Future Actions of SC-130, and Assignment of Tasks.

Meetings of RTCA Special Committee 130 are open to the public, subject to space limitations. The public may submit written statements to and obtain additional information from the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Oral statements may be presented at the meeting, subject to time being available.

Issued in Washington on May 19, 1976.

EDGAR A. POST,  
Designated Officer.

[FR Doc. 76-15284 Filed 5-26-76; 8:45 am]



Both Braniff Airways, Incorporated (Braniff) and Eastern Air Lines, Inc. (Eastern) have filed complaints requesting that these revisions be suspended pending investigation. Eastern also requests that, in the alternative, the fares be rejected. In support of its complaint, Braniff contends that Aeromexico's filing is, in part, a competitive response to One-stop inclusive Tour Charters (OTC), and claims that the Board has refused in other areas to allow carriers to file reduced fares to match OTC charter rates. In addition, Braniff states that the proposed revisions will increase the dilutionary impact of the fares on carrier revenues and that Aeromexico has made no showing as to the revenue impact which will result from the proposed changes. Braniff also alleges that, although Aeromexico claims that the revised rules governing group-40 GIT fares were proposed, in part, to make them comparable to the rules governing group-10 GIT fares, numerous differences continue to exist between these two sets of rules with respect to the Christmas blackout, group size, minimum/maximum stay and minimum ground package.

Eastern contends that the revised GIT fares are uneconomic because they are available during the peak travel months of July and August, and that the reduction in both the land-tour requirement and in the advance reservation/ticketing period will increase diversion of full-fare traffic. In addition, Eastern states that Aeromexico has made no attempt to justify its revised GIT fares on the basis of their economics, nor has it made a profit impact test as required in the case of domestic discount fares.

In answer, Aeromexico maintains, inter alia, that its revisions in the rules governing its 40-passenger GIT fares constitute an appropriate competitive response to OTC's from the United States to Mexico; that the GIT package rates are higher than those for OTC's to Mexico; and that a summer blackout is not required for group-10 GIT fares which have previously been approved by the Board. Aeromexico contends that there is no reason for group-10 and group-40 GIT fares to have differing minimum tour price and advance reservations/ticketing requirements. The hotel rate of \$7 per day for group-10 GIT passengers should be adequate for the group-40 GIT passengers and, if any difference is justified, Aeromexico claims it should favor the larger group.

Upon consideration of the complaints, Aeromexico's response and all relevant factors, the Board has concluded to dismiss the complaints.

Irrespective of Aeromexico's objective in relaxing certain of the rules applicable to its group-40 GIT fares, the fact remains that the restrictions here at issue are no less onerous than those which have been applicable to group-10 GIT travel, previously approved by the Board. In this circumstance, we are unable to conclude that the group-40 fares will be any more diversionary than those used by smaller groups. If anything, we

would expect somewhat less diversion because of the larger minimum group size. In any event, neither complainant has produced any estimate of the diversion and revenue loss which they allege. Nor does it seem unreasonable for Aeromexico to cancel the July/August blackout when, as the carrier claims, it operated during these months in 1975 at load factors in the forty to fifty percent range, a lower level than that experienced in other months which are not blacked out. Finally, we would note that conforming the rules governing group-10 and group-40 travel does not, per se, appear unreasonable, and reflects at least a small step toward tariff simplification.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

The complaint of Braniff Airways, Incorporated in Docket 29077 and the complaint of Eastern Air Lines, Inc. in Docket 29145 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-15491 Filed 5-26-76;8:45 am]

[Order 76-5-102; Docket 29297]

#### FRONTIER AIRLINES, INC.

##### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By Order 76-5-101, issued concurrently herewith, the Board has proposed to realign the domestic route system of Western Air Lines in a manner which would, inter alia, give Western unrestricted authority in 10 minor markets<sup>1</sup> where Frontier Airlines also holds restricted authority.<sup>2</sup> As discussed in Order 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Frontier as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

<sup>1</sup> I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

<sup>2</sup> The minor markets where both Frontier and Western presently hold restricted authority are set forth in Appendix A to this order, as well as in Appendices F and G of Order 76-5-101.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Order 76-5-101, we tentatively find and conclude that the elimination of restrictions on Frontier's operations in the markets listed in Appendix A<sup>3</sup> is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Frontier to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389-24(a) (2) of the Board's Regulations.<sup>4</sup>

Accordingly, it is ordered, that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Frontier's certificate for Route 73 so as to remove operating restrictions in the markets listed in Appendix A attached hereto;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 76-5-101, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues

<sup>3</sup> Appendix A filed as part of the original document.

<sup>4</sup> We further find and conclude that Frontier is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

raised by the objections before further action is taken by the Board;<sup>5</sup>

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 76-5-101.

\* This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-15488 Filed 5-26-76;8:45 am]

[Order 76-5-103 Docket 28330]

#### HUGHES AIRWEST

##### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By Order 76-5-101, issued concurrently herewith, the Board has proposed to realign the domestic route system of Western Air Lines in a manner which would, inter alia, give Western unrestricted authority in 26 minor markets<sup>1</sup> where Hughes Airwest also holds restricted authority.<sup>2</sup> By application filed in Docket 28330, Airwest has requested a route realignment by show-cause procedures which involves, inter alia, a request for unrestricted authority in these 26 minor markets. As discussed in Order 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Airwest as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Airwest to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389-24(a) (2) of the Board's Regulations.<sup>4</sup>

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Airwest's certificate for Route 76 so as to remove operating restrictions in the markets listed in Appendix A attached hereto;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 76-5-101, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;<sup>5</sup>

\* Except for the 26 markets listed in Appendix A, action on the remainder of Airwest's application in Docket 28330 will be processed in due course.

\* We further find and conclude that Hughes Airwest is a citizen of the United States within the meaning of the Act and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

\* All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

\* I.e., markets which generate fewer than 20 true O&D plus interline connecting passengers a day.

\* The minor markets where both Airwest and Western presently hold restricted authority are set forth in Appendix A to this order, as well as in Appendices F and G of Order 76-5-101.

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 76-5-101.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

Minor markets where Airwest will receive unrestricted authority<sup>1</sup>

Market	CY 1974 traffic <sup>2</sup>	Present authority
Great Falls to:		
Las Vegas.....	5,020	Two-stop.
Oakland.....	630	Do.
Ontario.....	910	Do.
Palm Springs.....	220	Do.
Phoenix.....	2,800	Do.
Reno.....	1,330	Do.
Sacramento.....	1,050	Do.
San Diego.....	2,970	Do.
Idaho Falls to:		
Las Vegas.....	4,570	Do.
Oakland.....	720	Do.
Ontario.....	1,230	Do.
Palm Springs.....	160	Do.
Phoenix.....	1,840	Do.
Sacramento.....	750	Do.
San Diego.....	2,680	Do.
Las Vegas to Pocatello.....	2,840	Do.
Los Angeles to Pocatello.....	7,100	Do.
Oakland to Pocatello.....	470	Do.
Ontario to Pocatello.....	990	Do.
Palm Springs to Pocatello.....	60	Do.
Pocatello to:		
Reno.....	2,210	Do.
Sacramento.....	510	Do.
San Diego.....	1,850	Do.
San Francisco/San Jose.....	7,210	Do.

<sup>1</sup> By Order 76-5-101, we have tentatively decided to grant Western Air Lines unrestricted authority in each of the above markets. In addition, by Order 76-5-102, we have tentatively decided to grant Frontier Airlines unrestricted authority in the Great Falls to Phoenix/Las Vegas markets.

<sup>2</sup> True O. & D. plus interline connecting passengers.

[FR Doc.76-15489 Filed 5-26-76;8:45 am]

[Order 76-5-104; Docket 29298]

#### NORTHWEST AIRLINES, INC.

##### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By Order 76-5-101, issued concurrently herewith, the Board has proposed to realign the domestic route system of Western Air Lines in a manner which would, inter alia, give Western unrestricted authority in the Billings-Oakland minor market<sup>1</sup> where Northwest Airlines also holds restricted authority. As discussed in Order 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on

<sup>1</sup> I.e., a market which generates fewer than 20 true O&D plus interline connecting passengers a day.

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Northwest as well as the other carriers certificated to serve these minor markets will give these carriers greater flexibility to establish more logical aircraft routings, and may enable the carriers to offer new or additional service in these small markets, thereby benefitting the traveling public without any significant adverse impact on other carriers.

Upon consideration of the above matters, and consistent with our tentative findings and conclusions set forth in Order 76-5-101, we tentatively find and conclude that the elimination of restrictions on Northwest's operations in the Billings-Oakland market is required by the public convenience and necessity, and is consistent with the Board's policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable. Specifically, we propose to implement this authority by amending Northwest's certificate for Route 3 to add a new condition (14), as follows:

(14) Notwithstanding the linear route description in this certificate, the holder may schedule nonstop flights between Billings, Mont., and Oakland, Calif.

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Northwest to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a) (2) of the Board's Regulations.<sup>2</sup>

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Northwest's certificate for Route 3 so as to remove operating restrictions in the Billings-Oakland market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and

<sup>2</sup> We further find and conclude that Northwest is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to properly perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 76-5-101, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 20 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 76-5-101.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc. 76-15490 Filed 5-26-76; 8:45 am]

[Order 76-5-101, Docket 27123]

WESTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of May, 1976.

By application and petition filed on October 29, 1974, Western Air Lines has requested the Board to issue an order directing interested persons to show cause why Western's certificates of public convenience and necessity for Routes 19, 28, 35, 63 and 139 should not be amended or modified to realign Western's existing 17 domestic operating segments (including seven bifurcated segments) into one linear segment,<sup>1</sup> and to eliminate certain certificate conditions which Western claims are no longer required for competitive reasons and impede the carrier's operating flexibility.<sup>2</sup>

Although Western is the first trunk carrier to file for a comprehensive route realignment, the carrier asserts that the objectives to be achieved for Western closely parallel the results the Board has found to be beneficial in its local service carrier realignment program. More specifically, Western claims that the realignment will permit the carrier to derive many operating benefits and there-

<sup>1</sup> All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

<sup>2</sup> A map showing the realigned system, as modified herein, is set out in Appendix A. Appendices to this document filed as part of the original document.

<sup>3</sup> Western's certificates for its international Routes 52 and 152 are unaffected by this application and petition.

by provide improved service to the traveling and shipping public; to improve scheduling flexibility and equipment utilization; to conform route authority to traffic flows; to eliminate or modify certificate conditions which no longer serve a useful purpose, impair meaningful market development and inhibit more economical operations; and to provide new or improved service to the public in markets where Western's authority is now restricted by segment junction points or by outmoded certificate restrictions. The carrier also states that the requested changes in its authority should lower unit costs by increasing length of hop and passenger haul. The requested improvement in authority should also result in lower fares in some markets because of improved operating authority.

Answers in support of the petition were filed by the City and County of Denver; the Public Utilities Commission of the State of Colorado; the Denver Chamber of Commerce; the State of Idaho; the City of Idaho Falls; the Idaho Falls Chamber of Commerce; the Las Vegas Parties; the City of Pocatello, Idaho; the City of Reno, Nevada; the Reno Chamber of Commerce and the Wyoming Parties.

Answers in opposition to various phases of the petition were filed by the City of Long Beach, Air California, Alaska Airlines, American, Continental, Frontier, Hughes Airwest, North Central, Northwest, United, and Wien.<sup>3</sup> Western filed a reply, together with a motion for leave to file an otherwise unauthorized document,<sup>4</sup> in which it proposed certain additional restrictions in order to meet some of the objections raised by the opposing parties.

As stated in the recent Frontier, Piedmont, Texas International, and Airwest route realignments<sup>5</sup> it has been Board policy to realign the route systems of local service carriers in order to maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. The ultimate objectives of the Board's route realignment policy for local service carriers has been to reduce subsidy payments while, at the same time, improving air service to the traveling public.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that Western's route realignment and certificate amendment proposal, as modified herein, is consistent with the Board's policy and objectives and that substantial public service and carrier benefits will derive from the realigned route system.

<sup>3</sup> The specific markets where Western and the objecting carriers are not in accord are set forth in Appendices D through H.

<sup>4</sup> We will grant the motion.

<sup>5</sup> Orders 73-12-45, December 11, 1973; 73-7-22, July 6, 1973; 73-1-47, January 15, 1973; and 72-4-140, April 26, 1972.

It is our tentative view that the proposed realignment and certificate amendments will offer Western the potential for significant improvement in operating efficiency and will permit the carrier to provide improved service to the traveling public, while having a minimal effect upon competing carriers. Consolidating Western's existing lower 48-states domestic system into one segment and modifying or eliminating certain unnecessary and burdensome conditions will allow Western to provide new or improved service in markets in which such service is presently restricted as a result of either the arbitrary segmentation of the carrier's existing routes or outmoded certificate restrictions.<sup>6</sup>

We have, however, decided to change the technical format of Western's proposal in two respects. First, we propose to modify the carrier's proposal from a single-segment to a four-segment realignment, confining the carrier's realignment to its lower 48-states markets, and maintaining separate segments for the carrier's Mainland-Alaska, Alaska-Hawaii, and mainland-Hawaii route authority.<sup>7</sup> As Western recognizes, even its single-segment proposal would not result in any substantial improvement in its Alaskan and Hawaiian authority as all flights serving these markets would still have to stop at one of the carrier's present segment-junction points.<sup>8</sup> The Board's four-segment approach will maintain Western's current authority between lower 48-states gateways and Alaskan and Hawaiian points, and will at the same time simplify the carrier's certificate and more appropriately describe the true nature of Western's authority in these markets.<sup>9</sup>

<sup>6</sup> Western would, of course, be required by Order 74-12-109 to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which properly reflects the improved authority resulting from the realignment.

<sup>7</sup> Under this approach, Western's domestic route system will be set forth in the following format:

Authority	Present format	Realigned format
Lower 48 States.	Routes 19, 28, 35, and 63.	Segment 1, Route 19.
Mainland-Alaska.	Segments 1 and 2, Route 139.	Segment 2, Route 19.
Alaska-Hawaii.	Segment 3, Route 139.	Segment 3, Route 19.
Mainland-Hawaii.	Segment 5, Route 35.	Segment 4, Route 19.

<sup>8</sup> Lower 48-states-Alaska flights would still be required to make intermediate stops at the present gateway points of Portland, Seattle, Honolulu, or Hilo. Likewise, Mainland-Hawaii flights would still require intermediate stops at one of the present gateway points on segment 5 of Route 35.

<sup>9</sup> Nearly two-thirds of the restricted markets listed in Western's 14-page proposed single-segment certificate involve Alaskan or Hawaiian points. Under a four-segment approach with separate segments for Alaskan and Hawaiian authority, all of these Alaskan and Hawaiian market restrictions will be incorporated by virtue of segment-junction stops, and thus need not be listed separately.

Secondly, we propose to modify the format in which city-pair restrictions are listed in Western's realigned certificate from the traditional alphabetical city-pair ordering to a matrix format, as shown in Appendix B. We believe that such a matrix format, with all city-pair restrictions listed in a single-page array, offers several advantages over the traditional realignment certificate format. The most obvious advantage is conciseness. Under the traditional realigned certificate format, the listing of city-pair restrictions alone may comprise anywhere from five to ten or more pages,<sup>10</sup> while under a matrix format, all restrictions on the realigned carrier's authority (i.e., Western's lower 48-states authority) can be displayed on only one or two pages. Aside from substantially reducing the number of pages in the certificate, the matrix format will greatly facilitate use of the certificate by displaying in one table all of the carrier's authority in its realigned city-pair markets.<sup>11</sup>

#### GENERAL OBJECTIONS TO WESTERN'S REALIGNMENT

Numerous general objections have been raised to Western's proposal, most of which are directed to the question of realigning the route systems of trunkline carriers as opposed to the previous Board realignments of local service carriers. As Western's application represents the first trunkline realignment proposal in recent years, we believe it is necessary to discuss these objections in more detail.

Frontier argues that in the past the Board has relied heavily on subsidy reduction as a primary basis for the Board's program of realigning the route structures of local service carriers, but that this central rationale is not present in the case of trunkline realignments. Frontier further argues that trunkline carriers do not need realignments, claiming that one of the purposes of the local service realignment program was to enhance the competitive posture of local service carriers vis-a-vis the trunklines, and that the trunklines with their superior route structures and traffic flow do not need the additional competitive advantages which would result from realignment.

<sup>10</sup> Under the old format, for example, Allegheny's realigned certificate included 14 pages of individual city-pair restrictions. (Order 74-10-80, October 10, 1974.) Even in the recent Texas International realignment city-pair restrictions comprised 6 pages of the carrier's realigned certificate (Order 76-3-201, March 31, 1976).

<sup>11</sup> The traditional realignment format, listing restrictions by city-pairs, permits one to tell at a glance what restrictions, if any, are imposed on a carrier's authority between any two points. However, one drawback of such a format is that the availability of particular one-or-more-stop aircraft routings between two points can only be determined by cross-referencing for restrictions that might be imposed on the intermediate-point city-pair markets. The matrix format—with restrictions in all city-pairs listed in a single-page array—should greatly simplify this task.

These arguments, however, misinterpret the Board's purposes in realigning the route structures of the local service carriers. At no time in previous route realignments have we stated that this procedure was to be limited solely to local service carriers. The route structures of both trunklines and local service carriers have evolved and expanded over the years in much the same manner—by the piecemeal addition of new points, segments, and routes in numerous, often unrelated proceedings. As a result, the systems of both types of carriers contain numerous segment-junction stop restrictions and other conditions, many of which were imposed as pretrial limitations or for long-since outdated competitive reasons, which serve no useful purpose and are economically wasteful. In the case of local service carriers, the purposes of the Board's realignment policy have been:

To maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance.<sup>12</sup>

We view these goals as equally applicable to the realignment of trunk carriers. While subsidy reduction and improved service were considered to be the ultimate objectives of local service carrier realignments, that is not to say that the Board has a lesser interest in promoting improved economic efficiency and better service by trunkline carriers. We reject the notion that trunkline carriers should continue to be burdened by restrictions which serve no meaningful competitive purpose and hamper their ability to provide better service to the public merely because they are not subsidized carriers.

Moreover, contrary to the implications set forth in Frontier's answer, the Board's prior route realignments have not been designed to improve the competitive posture of any local service carrier against either other local service carriers or trunk carriers. We have long recognized that the show-cause route realignment procedure is not appropriate as a means of granting improved authority which results in significant competitive implications. In each previous realignment the Board has been careful to accede to the objections of other carriers—both local service and trunkline—upon the showing of a specifically identifiable and legitimate competitive impact from grant of improved authority. Here as well, we have taken care to restrict Western's realigned authority to the extent necessary to preserve the competitive balance in key markets, and to substantially lessen the likelihood of adverse economic impact on competing carriers.

The local service carriers also argue that the granting of improved authority to Western, particularly in monopoly markets, will tend to preempt future

<sup>12</sup> See, e.g., Order 75-7-15, July 2, 1975, p. 2.

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route expansion and strengthening opportunities for local service carriers, which might otherwise enable the carriers to enter new markets and reduce subsidy requirements. Similar arguments, based in part on Ashbacker principles,<sup>14</sup> have been raised in past realignment cases and appropriately rejected by the Board.<sup>15</sup> The fact that we are here dealing with a trunk carrier does not change our view. In the first place, we seriously doubt that the grant of improved authority to Western in monopoly and minor markets will cause the carrier to change the essentially long-haul major market emphasis of its present operations. Nor do we believe that trunkline realignments will freeze up the present route authority of local service carriers or otherwise preempt future route expansion and strengthening opportunities for local service carriers. As Frontier observed, local service carrier expansion efforts have in recent years focused more and more on high-density, medium-haul markets; yet under our proposal, Western's realigned authority in larger markets of this type will remain essentially unchanged. In many of the smaller markets, Western either presently provides single-plane service or otherwise carries the predominant share of traffic, and thus absent countervailing factors, Western would be the logical choice as the carrier to receive improved authority in the market.<sup>16</sup> Finally, in acting on future applications by local service carriers or others for new authority in these markets—particularly in markets where Western might not be fully utilizing its improved realigned authority—the Board would not be powerless to grant such new authority for any other appropriate relief upon a sufficient showing under the statutory standards of section 401 of the Act.

Frontier and Northwest claim that grant of Western's realignment proposal will result in substantial revenue diversion.<sup>17</sup> Frontier has estimated this diversion

at about \$3 million, which it claims will result in increased subsidy requirements, thereby offsetting one of the primary goals of the local service carrier realignment program. As pointed out by Western, Frontier's estimates significantly overstate Western's probable participation in these markets. These estimates do not reflect the real impact of the realignment because they assume Western will institute service in all markets pursuant to the new authority. As we have earlier stated, one of the primary goals of route realignments is to remove restrictions in small or monopoly markets which do not now or in the foreseeable future present competitive considerations of a magnitude sufficient to warrant stop restrictions, particularly with specified intermediate points. While this action will give the carrier greater operating flexibility to establish more logical aircraft routings, it is clear that not all of the markets in which Western receives improved authority will in fact receive new or additional service as a result of the realignment. Consequently, diversion that might result in these small or monopoly markets will be de minimis. Moreover, in a number of the larger markets in which Frontier claims diversion, we have proposed to restrict Western to its current authority or to otherwise limit its authority in order to protect Frontier (e.g., Billings-Salt Lake City and Denver-Phoenix), while in a number of other markets we propose to remove restrictions from Frontier's authority as well (e.g., Las Vegas/Phoenix - Billings/Casper/Cheyenne/Rapid City).

Finally, several parties have objected to the use of show-cause procedures for this realignment, claiming that the issues involved are too complex and controversial, and that Western has failed to provide sufficient operational data and economic justification to adequately assess the impact of the realignment proposal. Suffice it to say that identical objections have been raised and rejected by the Board in numerous local service carrier realignment proceedings, and we see no basis for a different result here.<sup>18</sup>

#### REALIGNMENT GUIDELINES

Over the course of previous local service carrier route realignments, the Board has developed general guidelines for determining the extent to which the applicant's authority should be improved in specific markets. Under these guidelines, city-pair markets are grouped into three principal classifications according to size and competitive characteristics: monopoly markets where no carrier besides the applicant is certificated at both points; minor markets which generate less than 10 true O&D passengers per day (3,650

authority, we have decided to restrict the carrier's authority in order to protect Northwest (e.g., Twin Cities-Billings/Great Falls). In short, the competitive impact on Northwest in these listed markets will be minimal.<sup>19</sup> See, e.g., Order 73-10-24, October 4, 1973, pp. 6-7; Order 72-4-140, April 26, 1972, p. 5.

passengers per year); and major competitive markets. For each of these three categories, the realigned authority was determined as follows:

In monopoly markets, the applicant received unrestricted authority;

In minor markets, the applicant received nonstop authority unless an objecting carrier held authority that was comparable to the applicant's authority, in which case the applicant's authority remained unchanged. If the objecting carrier held superior authority, the applicant was restricted to one intermediate stop more than the competitor's best round-trip single-plane service;

In major competitive markets, where the applicant's authority was superior to that of the objecting carriers, the applicant received the improvement it requested. However, if an objecting carrier held comparable or superior authority, the applicant's authority was generally restricted as in the case of minor markets.

In addition to these guidelines, the Board has followed a policy of modifying or eliminating long-haul restrictions and specific intermediate-stop requirements except where such changes would have substantial competitive implications. In no case was authority awarded superior to that requested by the applicant.

After a thorough analysis of Western's proposal in light of the realignment standards which have been evolved over the course of previous local service carrier realignments, we have decided to adopt several modifications to these realignment guidelines, particularly with respect to minor markets. To place these proposed expansions of the guidelines in perspective, it is important to understand the evolution over the past few years of the Board's realignment program.

This program of realigning the route systems of local service carriers is of relatively recent origin, essentially beginning with the realignment of Hughes Airwest in 1972. In the earliest of these realignments, the Board did not formulate precise guidelines, as such, but rather proceeded on the basis of granting improved authority on an ad hoc basis in the absence of meritorious objection. Since that time, the Board has enunciated guidelines for the grant of improved authority, developing various refinements and modifications along the way. In developing these guidelines, the Board has deliberately moved slowly, gaining experience from case to case, and acceding to objections whenever another carrier could make a plausible argument of potential competitive harm as a result of improved authority. As can be seen, the route realignment concept has been dynamic in nature, as we believe it should be. Accordingly, while earlier realignment guidelines developed by the Board are valuable as a focal point, we by no means feel wedded to these criteria in considering present or future realignment proposals. As recently noted in a slightly different context, we have become convinced that nonhearing decisional standards can and should be ap-

plied to permit new or improved authority in a broader range of markets than permitted under our prior realignment guidelines. Order 76-3-71, March 11, 1976.

The guidelines as set forth below and in Appendix C are intended to be equally applicable to both trunkline and local service carrier route realignments. As the Western realignment may well precipitate similar requests from other carriers, our proposed guidelines are discussed in detail below in order to provide guidance for those carriers that might be considering similar realignments for themselves.

**Monopoly Markets.** In monopoly city-pair markets where Western is the only carrier certified at both points, we propose to continue our present policy of granting the applicant unrestricted nonstop authority. Appendix D sets forth those Western monopoly markets in which improved authority has been objected to by another carrier.

**Minor Markets.** Small markets present a particularly compelling case for relaxation of the criteria whereby improved authority will be granted by show-cause procedures. The Board's hearing resources are severely limited and must necessarily be devoted to route matters involving the needs of larger markets—markets which not incidentally are most likely to present significant competitive considerations. Consequently, it is extremely unlikely that applications for improved authority in small markets generating fewer than 30 or so passengers a day will ever be considered in formal hearings. For these markets, show-cause procedures, particularly in the realignment context, may offer the only realistic means of considering proposals for improved authority.

In past realignments, the Board has adopted a general policy of granting nonstop authority in minor markets which generate fewer than 10 true O&D passengers a day, premised on the belief that such small markets "do not present competitive considerations of significant magnitude." We remain firmly convinced that this basic policy is sound, and indeed, we believe that there is considerable justification for expansion of the minor market classification to include additional markets which, while larger than the 10-true-O&D-per-day traffic level, are nevertheless "minor" markets in the practical, real-world sense. Accordingly, we propose to include within the minor market classification those markets which generate fewer than 20 true O&D plus interline connecting passengers per day (7,300 passengers per year).<sup>20</sup> With the inclusion of interline connecting traffic in the new standard, this traffic

<sup>14</sup> We believe that consideration of interline connecting traffic as well as true O&D traffic provides a more accurate picture of the competitive potential of a given market than just the bare true O&D traffic figures. In route proceedings, for example, the Board has traditionally considered O&D plus interline connecting traffic as an appropriate gauge of traffic and service potential.

level represents only a modest increase over the 10-a-day true O&D level used in previous realignments.<sup>21</sup> Our experience with recent realignments reinforces our conclusion that grant of improved authority in such very small markets at most permits greater operating flexibility without any significant attendant harm to other carriers. We recognize in this regard that it is difficult to select a generalized threshold traffic level above which markets will begin to take on competitive significance, although we are confident that the 20-a-day level we are proposing herein (i.e., 10 passengers per day in each direction) falls well below any such threshold level.<sup>22</sup>

In addition to the expansion of the minor market classification to include somewhat larger (though nevertheless minor) markets, we propose to grant unrestricted authority to all carriers authorized to serve such minor markets regardless of the comparative authority of the applicant vis-a-vis other carriers certificated in the market. In past realignments, despite our enunciated belief that as a practical matter such small markets "do not present competitive considerations of significant magnitude," the Board has on numerous occasions acceded to objections of carriers holding authority comparable or superior to the applicant's authority, restricting the applicant to its existing authority. The unintended result of these exceptions has been that minor markets have in effect come to be judged by essentially the same criteria as applied to larger competitive markets. This anomalous result is at odds with our general view that such very small markets do not present significant competitive considerations. Accordingly, in markets which generate fewer than 20 O&D plus interline connecting passengers a day, we propose to grant unrestricted authority to Western as well as to all other carriers certificated to serve the market, without regard to the comparative authority of Western vis-a-vis the other carriers in the market.<sup>23</sup>

The grant of permissive nonstop authority in minor markets to all carriers authorized to serve the market will give the carriers greater operating flexibility to develop more logical aircraft routings

<sup>20</sup> As a result of this change in the minor market traffic level, only nine additional Western markets fall within the minor market classification. See Appendix E, fn. 2. This further illustrates the modest impact of our proposed modification to the guidelines.

<sup>21</sup> In markets which generate only 10 passengers daily in each direction, the amount of traffic available for a given flight would undoubtedly be even less than 10 passengers. In relation to the capacity of large jet aircraft operated by carriers such as Western, such minimal traffic levels do not give rise to any significant competitive implications.

<sup>22</sup> This is consistent with our decision in the recent Texas International route realignment to grant nonstop authority to both TXI and Frontier in the Memphis-Salt Lake City minor market. Orders 76-3-201 and 76-3-202, March 31, 1976.

In response to traffic flows, and may enable the carriers to offer new or additional service in some of these small markets that would otherwise be unfeasible. Because of their small size, many of these minor markets do not now receive single-plane service, much less nonstop service. While we expect that some of these markets will receive new or additional service as a result of the improved authority granted to Western and other carriers, it is clear that the small size of the markets involved will continue to limit the ability of these carriers to provide improved service under their new authority, and will thereby minimize diversion. Under these circumstances, we see no sound basis for denying the public the potential benefits of improved service, particularly where these benefits could be attained without any significant adverse impact on other carriers.

In line with prior realignment guidelines, Western proposed to retain certain stop restrictions in 14 minor markets where its present authority is comparable or inferior to that of other carriers. In nine additional markets which generate fewer than 20 passengers daily (but more than the previous minor market level of 10 true O&D passengers daily), Western proposed restrictions in line with non-minor market guidelines. Under our modified guideline for minor markets, we propose that all carriers certificated to serve these markets, including Western, be granted unrestricted authority. These 23 minor markets where the Board proposes better authority than that requested by Western are set forth in Appendix E. In addition to these markets, Appendix F lists all other minor markets where objections have been raised to Western's request for unrestricted authority.<sup>24</sup> In each of these markets, we propose unrestricted authority for Western, as well as other carriers as indicated in Appendix F.<sup>25</sup>

**Non-minor Competitive Markets.** We propose to follow the established realignment guidelines in non-minor competitive markets. For purposes of clarification, we have rewritten the guidelines

<sup>23</sup> In most of the minor markets listed in Appendix F, Western's present authority is superior to that of the objecting carriers, and thus Western would be entitled to unrestricted authority even under prior realignment guidelines.

<sup>24</sup> Appendix G sets forth a complete list of minor markets where we propose that Frontier, Hughes Airwest, or Northwest, in addition to Western, receive nonstop authority. These proposed certificate amendments are the subject of separate show-cause orders issued contemporaneously herewith. In Docket 28330, Hughes Airwest has filed an application for a route realignment wherein it requests, inter alia, nonstop authority in a number of minor markets common to Western's realignment application. Consistent with our minor market guideline, we propose to grant both Western and Airwest new nonstop authority in 25 of these common markets (see Appendix F). To the extent not included herein, action on the remainder of Airwest's application in Docket 28330 will be dealt with separately.



applicable to markets when an objecting carrier holds authority superior to that of the applicant. (See guideline 3(c), set forth in Appendix C.) In such cases, the applicant will be restricted to one intermediate stop more than the competitor's best round-trip single-plane service in the market.<sup>22</sup> However, if the competitor offers no single-plane service, then the applicant will be restricted to one intermediate stop more than the competitor's best authority.<sup>23</sup>

As a further refinement, we propose to grant Western additional flexibility to (unless otherwise indicated) operate flights over segment 1 without regard to specific city-pair restrictions, subject to a traffic restriction. This would permit Western to operate, for example, nonstop flights between Denver and Las Vegas despite the one-stop restriction on the carrier's authority in that market, provided that on such flights, traffic enplaned at one of those two points is not deplaned at the other point.<sup>24</sup> In essence, this proposal merely substitutes a restriction on the carrier's traffic authority for the stop restriction on its operating authority, thereby affording Western greater operating flexibility without any attendant competitive impact on other carriers in the market.

Western has additionally requested the removal of single-plane and closed-door restrictions in a number of markets, to be replaced in most instances by stop restrictions. Traditionally, the route structures of local service carriers have contained few if any such restrictions, and thus it has not been necessary to focus on restrictions of this type in previous route realignments. Trunkline certificates, however, often contain such restrictions, many of which were originally imposed not to protect other carriers, but as piecemeal restrictions designed to limit the scope of route proceedings. In monopoly and minor markets, we propose to grant Western unrestricted authority, eliminating all single-plane and closed-door restrictions. As previously indicated, the grant of unrestricted authority in such markets is unlikely to have significant competitive impact.

<sup>22</sup> In certain markets where Western's present authority is stop-restricted over circuitous routings and where the competitor does not operate its best authority, we have restricted Western to one-stop via circuitous intermediate points, or in the alternative, to one intermediate stop more than the general level of incumbent service, via unspecified points. See, e.g., our discussion of the Montana/Idaho-Pacific Northwest markets, pp. 15-16.

<sup>23</sup> In certain situations where the incumbent carrier offers only a limited amount of, say, nonstop service, and where improved one-stop authority for Western might have a significant competitive impact on the incumbent, we have proposed to limit the availability of certain possible intermediate point routings. See, e.g., our treatment of the Billings-Minneapolis/Salt Lake City and Las Vegas-Ontario markets.

<sup>24</sup> This traffic restriction would preclude the carriage of local as well as connecting traffic on flights operated between the two restricted points.

Air California, an intrastate carrier, has raised objections to the removal of Western's single-plane restriction in the San Jose-San Diego market, claiming that while the market may be small in terms of traffic carried on interstate carriers, the inclusion of intrastate carrier traffic raises the market well above the minor market traffic level. However, Air California's arguments have not convinced us to retain the single-plane restriction in this market. While this market, which is presently served exclusively by intrastate carriers, is relatively large considering the volume of traffic moving on intrastate carriers, we do not believe that removal of Western's restriction will have any significant competitive impact on these intrastate carriers considering their entrenched position in the market. This conclusion is bolstered by Western's competitive experience in the much larger San Francisco-San Diego intrastate market where Western presently holds nonstop authority in competition with Air California and PSA. There, despite the parity of authority, the two intrastate carriers provide a carriers operate a total of 10 daily round-trip flights in sharp contrast to Western's limited two daily round-trip service pattern. In the smaller San Jose-San Diego satellite market, these same intrastate carriers operate a total of 10 daily round-trip flights, and in view of Western's experience in the San Francisco-San Diego market, it is improbable that Western will become a significant competitive factor in the San Jose-San Diego intrastate market. Aside from this, it is manifest that the single-plane restriction on Western's San Jose-San Diego authority was not imposed to protect Air California, an intrastate carrier that was not even in existence at the time the restriction was originally imposed. As Air California was not intended to be a beneficiary of the restriction, its claims of injury as a result of removal of the restriction are not compelling. In any event, we do not believe that claims of potential competitive harm raised by intrastate carriers are entitled to the same decisional weight as similar claims that might be raised by federally certificated carriers.<sup>25</sup>

In larger competitive markets, we tentatively find that single-plane and closed-door restrictions should be retained only where it can be demonstrated that no less restrictive condition will satisfy a legitimate competitive interest. Accordingly, in the absence of such a showing, we propose as a general rule to remove such restrictions to be replaced by appropriate stop restrictions in accordance with guideline 3(c).

Altogether, there are seven non-minor markets where Western's authority is

<sup>25</sup> In determining whether to grant improved authority to certificated carriers, the Board has traditionally attached only limited importance to claims of injury raised, for example, by noncertificated air taxi operators. See, e.g., *The Fort Myers-Atlanta Case*, Order 7510-119, October 29, 1975. We perceive no basis for different treatment with respect to intrastate carrier claims of potential injury.

subject to single-plane or closed-door restrictions. In the Las Vegas-Reno, Las Vegas-San Jose, Portland-San Jose, and Sacramento-San Francisco markets, incumbent carriers provide three or more daily nonstop round trips, and thus the grant of one-stop authority to Western should not have any significant competitive impact. In the Las Vegas-Ontario market, Airwest provides a limited amount of nonstop service together with some one-stop routings via Burbank. In these circumstances, we will restrict Western to one-stop authority via a point other than Los Angeles or Palm Springs, thus limiting the carrier to circuitous one-stop routings.<sup>26</sup> Service by incumbent carriers in the two remaining markets—San Jose-Reno/Seattle—is quite limited, and accordingly, Western will be restricted to two-stop authority via unspecified intermediates.

Based upon the foregoing, we tentatively find and conclude that the conditions contained in the attached certificate, based on the guidelines set forth in Appendix C, and their application to specific markets as set forth in Appendices D through H, are sufficient to preserve the competitive balance in key markets and substantially lessen the likelihood of adverse economic impact on competing carriers. In addition, we tentatively find and conclude that the elimination or modification of the operating restrictions, as proposed herein, are required by the public convenience and necessity and are consistent with the Board's policy of removing or modifying conditions which serve no useful purpose and which are otherwise wasteful and undesirable.<sup>27</sup>

#### OBJECTIONS TO IMPROVED AUTHORITY IN SPECIFIC MARKETS

Numerous objections have been filed by other carriers in response to Western's proposals for improved authority in a number of specific markets. These markets are listed in Appendices D through H. Appendix D sets forth those monopoly markets which are subject to objections, while Appendices E and F list those minor markets which are either subject to objections or in which the Board proposes better authority than requested by Western. In all monopoly and minor markets, we propose to grant Western unrestricted authority.<sup>28</sup>

Non-minor competitive markets subject to objections are set forth in Appendix H. In most of these markets, we

<sup>26</sup> This is similar to our treatment of the Billings-Salt Lake City and Billings-Minneapolis markets, discussed in the following section.

<sup>27</sup> We further find and conclude that Western is a citizen of the United States within the meaning of the Act, and is fit, willing, and able properly to perform the air transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder.

<sup>28</sup> Minor markets in which we propose to grant unrestricted authority to other carriers in addition to Western are set forth in Appendix G.

propose to follow our realignment guidelines for reasons which are readily apparent. In several markets, however, special circumstances exist which warrant either a departure from our guidelines or further explanation as to the reasons for following the guidelines.

Northwest Airlines has raised objections to grant of improved authority to Western in a number of markets along the northern tier between Minneapolis and Seattle/Portland, particularly with respect to markets in Montana and Idaho. Northwest holds essentially unrestricted nonstop and multistop authority along its whole route segment between Minneapolis and Seattle/Portland. Western, on the other hand, presently holds nonstop authority in the Minneapolis-Seattle/Portland markets, but is limited to circuitous two-stop authority between Seattle/Portland and its points in Montana, Idaho, Wyoming, and South Dakota. However, most of these Seattle/Portland intermediate markets generate fewer than 20 passengers per day, and thus qualify for nonstop authority under the minor market guideline. In fact, of these Seattle/Portland intermediate markets, only the Billings/Great Falls-Seattle/Portland and Butte-Seattle markets generate more than 20 daily passengers. In these latter Seattle/Portland markets, Northwest's principal service pattern is two-stop, and accordingly, Western's authority in these markets will be restricted in line with guideline 3(c). Specifically, we will limit Western to one stop via a point outside Idaho or Montana, or in the alternative, to three stops via unspecified intermediates.<sup>29</sup>

Northwest's concerns about the competitive impact of Western's additional authority in these markets are, in our view, greatly overstated, as even with these improvements to Western authority, Northwest will continue to enjoy a vastly superior competitive position over the northern tier between Minneapolis and Seattle/Portland. In the primary markets (Minneapolis-Seattle/Portland), the two strongest possible intermediate points available to Western—Billings and Great Falls—will be unusable due to compounding stop restrictions, while the remaining possible intermediates are all minor markets which generate fewer than 10 Seattle or Portland passengers per day each way. In contrast, Northwest has much stronger intermediate points on its Minneapolis-Portland/Seattle routings, including Billings, Great Falls,

<sup>29</sup> Under this proposal, the only one-stop routings available to Western will be via San Francisco or a point south thereof, or via backhauls to small points such as Sheridan or a point east thereof. The circuitry involved in any such routings coupled with the dearth of traffic support would clearly render any one-stop routings uncompetitive with Northwest's services. Similarly, the three-stop routings available to Western involve considerably more circuitry and much less intermediate traffic support than Northwest's current routings over intermediates such as Spokane and Missoula.

and Spokane which generate substantially more Seattle/Portland passengers than the minor markets available to Western. In short, without the support of any strong intermediate points such as Billings or Great Falls, Western will pose no realistic threat to Northwest's entrenched competitive position in these markets.

Western's current authority in the Minneapolis-Montana/Idaho points markets is limited to, at best, one-stop via Casper, Cheyenne, Denver, Sheridan, or Salt Lake City. All but two of these markets are minor markets where Western will be granted nonstop authority in line with guideline 2. In the remaining non-minor markets—Billings/Great Falls-Minneapolis—Northwest objects to grant of one-stop authority via unspecified intermediates. Northwest's principal service in these two markets is one-stop with limited nonstop service in the Billings-Minneapolis market. Consequently, improved one-stop authority for Western could have a competitive impact on Northwest, and consistent with guideline 3(c), we will restrict Western to one-stop authority via a point outside South Dakota, or in the alternative to two stops via unspecified intermediates.<sup>30</sup> Northwest also objects to any improvement in Western's authority between Billings, on the one hand, and Butte and Helena, on the other hand. The Billings-Butte market generates fewer than 20 passengers daily, and thus qualifies for nonstop authority. Moreover, because of the stringent stop restrictions we are imposing on Western's Billings-Portland/Seattle authority, the carrier will be essentially foreclosed from routing any Billings-Butte nonstop flights beyond to either Portland or Seattle, and thus, the grant of nonstop authority in this local minor market should not have any competitive effect on Northwest's operations over the northern tier between Minneapolis, Billings, and Seattle/Portland. The Billings-Helena market, where Western's current authority is one-stop via Great Falls, presents a different situation in that Great Falls is by far the strongest intermediate point routing available to Western. Thus, grant of one-stop authority via an unspecified intermediate point will not give Western any significantly greater usable authority than it already has, and should not have any measurable competitive impact on Northwest.

In the Billings/Great Falls-Los Angeles/San Francisco markets, Western's current authority is superior to that of any other carrier, and in accordance with guideline 3(b), we propose to grant Western unrestricted authority. Northwest has applied for nonstop authority in these markets (Docket 25156), and has raised objections to Western's request,

<sup>30</sup> Similarly, in the Billings-Salt Lake City market where Frontier holds nonstop authority but offers a limited amount of nonstop and one-stop service, we will restrict Western to one-stop authority via Great Falls or a point east thereof, or in the alternative to two stops via unspecified intermediates.

claiming that its own application is entitled to comparative consideration based on Ashbacker principles. However, Western is overwhelmingly the dominant carrier in these markets, carrying 90 percent of the RPM traffic in the two Great Falls-California markets, and over 50 percent of the traffic in each of the Billings-California markets during calendar year 1974. In contrast, Northwest has no usable single-plane authority in any of these markets,<sup>31</sup> and not surprisingly, its participation has been de minimis, amounting to no more than five percent in any one of these markets. Under these circumstances, we believe that Northwest's reliance on the Ashbacker doctrine is misplaced. Western currently holds single-plane authority in each of these markets and currently provides single-plane service in the Great Falls-Los Angeles/San Francisco markets, while Northwest for all practical purposes holds no single-plane authority whatsoever in these markets. Consequently, Northwest's contentions do not present the issue of which of two competing applications for new services should be granted, but rather whether a second carrier should be authorized to serve these markets. In similar situations, the Board has held that where a carrier already serves a market under restricted authority and transports the bulk of the traffic in the market, those existing restrictions should ordinarily be removed before another carrier is certified.<sup>32</sup> Beyond this, the Board has rejected Ashbacker claims where the particular market is not large enough to support a carrier in addition to the applicant, because it is the presence of the incumbent and the size of the market rather than improvements in the incumbent's authority which act to preclude certification of a new carrier.<sup>33</sup> Finally, in view of Western's dominance in these markets in terms of traffic carried, diversion from other carriers as a result of this improved authority will be minimal.<sup>34</sup>

In the Reno/Sacramento-Seattle/Portland markets, granting one-stop authority via an unspecified intermediate point rather than via San Francisco as presently required will not improve Western's authority, as San Francisco will continue to be the least circuitous and strongest intermediate point avail-

<sup>31</sup> Northwest's best authority in these markets is one-stop via Minneapolis, involving a prohibitive backhaul operation.

<sup>32</sup> See, e.g., Order 72-5-127, May 29, 1973, and the cases cited therein.

<sup>33</sup> See Frontier Route Realignment, Order 75-7-5, pp. 5-6, July 1, 1975; and *Service to Spokane*, 41 C.A.B. 1 (1964), discussed at length in Order 75-7-5.

<sup>34</sup> The same cannot be said of an award of nonstop authority to Northwest in these markets. Thus, even if we were to set Northwest's application for comparative hearing, the diversionary impact of the carrier's proposal on Western, the incumbent carrier, would no doubt weigh heavily against selection of Northwest as a new carrier in the markets.



able." The Denver/Salt Lake City-Seattle/Portland markets present a slightly different situation, as our grant of nonstop authority between Seattle/Portland and various small points in Montana and Idaho would improve Western's circuitous Denver/Salt Lake City authority by permitting one-stop service over those noncircuitous minor points. Accordingly, consistent with guideline 3(c), we will restrict Western's authority to one-stop via a point outside Montana or Idaho, or in the alternative, two-stop via unspecified intermediates.<sup>10</sup>

Western's authority between Phoenix, on the one hand, and San Francisco, Oakland, San Jose, and Sacramento, on the other hand, warrants comment. At present, Western's best authority in these Phoenix-Bay Area markets is one-stop via San Diego, or via Los Angeles with a long-haul restriction. Western has requested one-stop authority via unspecified intermediate points. In this instance, all possible noncircuitous intermediate point routings—other than existing San Diego or Los Angeles routings—are subject to compounding stop restrictions, and thus, grant of unspecified intermediate point authority will not result in any improvement of usable authority. Under Western's proposal, for example, its authority in the Phoenix-Las Vegas/Ontario/Palm Springs/Reno/Salt Lake City markets will be one-stop restricted, thus affording at best two-stop authority over any of these potential Phoenix-Bay Area routings. Moreover, as at present, any Phoenix-Bay Area routing via Los Angeles will be subject to the modified long-haul restriction on Western's Phoenix-Los Angeles nonstop operations (see discussion, *infra*).

In the Phoenix-Las Vegas/Reno markets, Western's best authority is likewise one-stop via San Diego, or via Los Angeles with a long-haul restriction. Here again under Western's proposal, all possible alternative intermediate point routings are themselves stop restricted,<sup>11</sup> so that grant of unspecified one-stop authority will not result in any significant improvement in authority, and will not affect Airwest's existing nonstop and direct one-stop service in these markets.

<sup>10</sup> By Order 75-11-45, November 12, 1975, Western was granted nonstop authority in the Las Vegas-Portland/Seattle markets (*Remanded Reno-Portland/Seattle Nonstop Service Investigation*, Docket 21136, et al.).

<sup>11</sup> While this would permit Western to operate one-stop Denver-Seattle/Portland flights via its minor Wyoming points, any such service would be decidedly uncompetitive with the abundant nonstop services of United and Continental in these markets. In the Salt Lake City-Seattle/Portland markets, one-stop service via Wyoming points would be noncompetitive due to circuitry alone.

<sup>12</sup> Western has proposed one-stop authority in the Phoenix-Oakland/Ontario/Palm Springs/Sacramento/Salt Lake City/San Francisco/San Jose markets, so that the carrier's best authority via any of these routings would be two-stop Phoenix-Las Vegas/Reno service.

Airwest has filed objections to Western's proposal in a number of markets, many of which are markets where Western presently holds one-stop authority as compared to Airwest's inferior two-stop authority. In most of these markets, Western carries 70 percent or more of the traffic, and in view of its superior authority, clearly qualifies for improved authority even under traditional realignment guidelines.<sup>13</sup> Moreover, under our modified guideline for minor markets, both Western and Airwest will receive unrestricted authority in a number of these markets (see Appendix G).

Of Airwest's remaining objections, many involve markets where Western's requested improvements will result in little or no improvement in usable authority,<sup>14</sup> while in the remainder, we have proposed to restrict Western's authority in a manner that should satisfy Airwest's objections.<sup>15</sup>

Finally, in the Las Vegas-Great Falls market, Western proposes nonstop authority which coupled with its Great Falls-Calgary/Edmonton authority on Route 52 would give the carrier new one-stop authority in the Las Vegas-Calgary/Edmonton markets. The question of nonstop authority in these latter markets is presently at issue in the Las Vegas-Calgary/Edmonton Route Proceedings, Docket 27185, but in view of the fact that no objection to Western's improved authority in these markets has been raised here, we need not determine whether any restriction would otherwise be warranted.<sup>16</sup>

<sup>13</sup> Airwest argues that because its authority in these markets was restricted to two-stops in the Airwest Route Realignment (Orders 72-9-58 and 72-12-104), Western's authority should likewise not be improved here. However, Airwest's authority in the above markets prior to its own realignment was essentially unusable due to multiple-stop requirements and circuitry. Its realigned authority was vastly improved but nevertheless limited to two-stop in recognition of the fact that Western, by virtue of its one-stop authority and historic participation, was truly the incumbent carrier in these markets. Thus, Airwest has no basis to claim competitive harm by virtue of the improvement of Western's presently superior authority in markets where Airwest has never had any significant stake, either prior to or subsequent to its own realignment.

<sup>14</sup> See, e.g., our discussion of the Phoenix-Las Vegas/Ontario/Oakland/Palm Springs/Reno/Sacramento/San Francisco/San Jose markets and the Portland/Seattle-Ontario/Palm Springs/Reno markets.

<sup>15</sup> See, e.g., our discussion of the Portland/Seattle-Great Falls/Salt Lake City and Las Vegas-Ontario markets. However, consistent with guideline 1, Western will be granted unrestricted authority in its monopoly market (see Appendix D).

<sup>16</sup> Airwest has objected to nonstop Las Vegas-Great Falls authority, but this objection is based on the argument that Western's one-stop authority should not be improved because of the prior two-stop restriction placed on Airwest in its realignment. As previously discussed, this particular objection is without merit.

In addition to the basic single-segment realignment of its certificate, Western requests the removal or modification of numerous specific certificate restrictions.<sup>17</sup> A number of these are closed-door or single-plane restrictions which as discussed above will be eliminated in the case of monopoly or minor markets, and replaced by stop restrictions in the case of larger competitive markets.<sup>18</sup> The remaining conditions are discussed below:

**Condition (3), Route 35.** This condition requires that all flights serving Sioux Falls originate or terminate at Rapid City or a point west thereof. Western requests that the condition be modified to require that Minneapolis-Sioux Falls nonstop flights serve any point beyond the market. Thus, Western would continue to be precluded from providing turnaround service in the market, and would obtain only modestly improved authority to originate or terminate Twin Cities-Sioux Falls flights at Pierre rather than Rapid City, and to operate Pierre-Sioux Falls turnaround service. We are not convinced by North Central's argument that such a minor modification in Western's long-haul restriction will have any significant impact on North Central's competitive position in the Sioux Falls-Twin Cities market, and thus we propose to modify the condition as requested.

**Condition (5), Route 35.** This condition precludes Denver-Salt Lake City flights from also serving Los Angeles, San Diego, Las Vegas, or points north or east of Denver. Frontier has objected to removal of this condition, contending that to do so would enable Western to increase its service in both the Denver-Salt Lake City and Denver-Las Vegas markets, and thereby jeopardize Frontier's competitive position in the markets. United has raised similar objections with respect to the Denver-Las Vegas market. In the Denver-San Diego market, Western presently possesses nonstop authority and operates nonstop service as well as one-stop service via Phoenix. Thus, grant of additional one-stop authority via Salt Lake City will merely permit greater operating flexibility without substantial competitive impact on other carriers in these markets. The Denver-Las Vegas and Denver-Los Angeles markets present a somewhat different situation, as Western's best authority in these markets is one-stop via Bay Area points or San Diego. However, both of these markets presently receive high levels of nonstop service,<sup>19</sup> and thus, one-stop service by

<sup>17</sup> Namely, conditions (3) through (8) on Route 35, and conditions (4) through (7) on Route 63.

<sup>18</sup> Conditions (4) and (8) on Route 35, and conditions (4) through (6) on Route 63.

<sup>19</sup> The Denver-Las Vegas market presently receives an average of eight daily nonstop round trips, with even greater levels of service during the peak weekend period. The Denver-Los Angeles market receives a total of 11 daily nonstop round trips, OAG, April 15, 1976.

Western in these markets—even via Salt Lake City—would appear to be unlikely to have any cognizable competitive impact on the incumbent nonstop carriers. Consequently, it is also unlikely that Western would be able to increase its Denver-Salt Lake City service by flowing any appreciable amount of Denver-Las Vegas/Los Angeles traffic over Salt Lake City.

This conclusion applies with equal force to the points north or east of Denver cited by Frontier.<sup>20</sup> The basic question presented here is the extent to which Western would be able to route traffic in these markets over the Denver-Salt Lake City sector so as to support a greater level of Denver-Salt Lake City service. With respect to Billings and Great Falls, it is apparent that Western will be unable to flow Billings/Great Falls-Salt Lake City traffic over the Denver-Salt Lake City sector because of the circuitry involved and the availability of noncircuitous nonstop and one-stop service in the Billings/Great Falls-Salt Lake City markets. While it is conceivable that Western might be able to flow some Billings/Great Falls-Denver traffic over Salt Lake City, the amount of such traffic would be quite small in view of the availability of ample Denver service over less circuitous routings.<sup>21</sup> In the Casper/Cheyenne/Rapid City-Salt Lake City markets, while Western would be able to flow some traffic in these markets over the Denver-Salt Lake City sector, the amount of traffic available between these points and Salt Lake City is by no means substantial—ranging from about 12 passengers per day each way in the Cheyenne-Salt Lake City market.<sup>22</sup> In these circumstances, it is extremely unlikely that Western will be able to flow sufficient traffic from these points over the Denver-Salt Lake City sector to support additional nonstop service in the Denver-Salt Lake City market. In sum, we believe that condition (5) is much broader than necessary to protect any legitimate competitive interests, and we have tentatively decided to remove the condition in its entirety.<sup>23</sup>

<sup>20</sup> Billings, Great Falls, Casper, Cheyenne, Rapid City, and West Yellowstone.

<sup>21</sup> The Great Falls-Denver market, for example, receives five daily direct one-stop flights via Billings, while the Billings-Denver market is served by five daily nonstop flights and several direct one-stop flights. Moreover, Western's ability to flow Billings-Denver traffic over Salt Lake City would be further hampered by the one-stop restriction we propose on its Billings-Salt Lake City authority.

<sup>22</sup> Clearly, only a portion of the traffic in even these markets would be available as flow traffic on flights routed over the Denver-Salt Lake City sector, with the remainder of the traffic traveling on nonstop services, less circuitous one-stop services, or connecting services.

<sup>23</sup> While carriers are not foreclosed from proposing narrower restrictions in specific markets, any such proposals should be fully documented and should demonstrate why a restriction is required in order to protect a legitimate interest.

**Conditions (6) and (7), Route 35.** These two related conditions require that nonstop Phoenix-Los Angeles flights originate or terminate at Seattle, Portland, Hilo, or Honolulu; and that Phoenix-Los Angeles flights on segment 4 (i.e., nonstop flights) shall not serve Denver.<sup>24</sup> Western has proposed (1) to modify the long-haul condition to require nonstop flights to serve a point outside of California in addition to Phoenix; and (2) to eliminate the restriction on serving Denver. In past realignments, the Board has adopted the policy of modifying or removing long-haul restrictions which are unnecessary or more burdensome than required for competitive purposes. In this instance, we propose to modify the long-haul condition as requested, except that nonstop Los Angeles-Phoenix flights will continue to be precluded from serving Denver.<sup>25</sup> The traffic support which a Denver-Phoenix-Los Angeles routing might provide may well have a significant competitive impact on Frontier, a subsidized carrier, in the Denver-Phoenix market; and moreover, the inclusion of Denver as an alternative long-haul point may significantly enhance Western's position in the Los Angeles-Phoenix nonstop market.<sup>26</sup> The proposed Los Angeles-Phoenix condition would read as follows:

Nonstop flights shall not serve Denver, and must serve a point outside of California in addition to Phoenix.

**Condition (7), Route 63.** This condition requires one intermediate stop on flights in the Twin Cities-Palm Springs/San Bernardino markets, when served through an airport other than Ontario International Airport. Both markets are Western monopoly markets and the carrier participates in roughly 75 percent of the total O&D traffic. Frontier's objections, based on the argument that grant of nonstop authority will preempt the potential expansion of Frontier's route system into these markets, have not convinced us that these markets should be treated differently than other realigned

<sup>24</sup> As the Denver restriction applies only to Phoenix-Los Angeles flights on segment 4, Western's present authority does permit a Los Angeles-San Diego-Phoenix-Denver routing, where the Los Angeles-Phoenix portion is routed over segments other than segment 4.

<sup>25</sup> Continental objects to any modification of Western's long-haul condition unless contemporaneous consideration is given to Continental's application for removal of its Los Angeles-Phoenix long-haul condition requiring flights to serve Houston or Austin. This objection is without merit. We are not here proposing to eliminate Western's long-haul condition, but rather to modify the condition in a manner which will retain the essential long-haul nature of the restriction. As Western's competitive position will not thereby be significantly changed *vis-a-vis* Continental and the other carriers in the markets, we see no need either as a legal or policy matter to simultaneously consider Continental's request for complete removal of its long-haul condition.

monopoly markets. Accordingly, we propose to remove this condition.

#### OTHER MATTERS

Western has requested that its authority to suspend service to West Yellowstone on a seasonal basis, originally authorized by Order E-22665, September 16, 1965, be continued; and that its suspension of direct service between Sheridan and Rapid City, authorized by Order E-8953, February 18, 1955, be terminated. No objections to these requests have been filed, and accordingly, we have tentatively decided to incorporate Western's off-season suspension at West Yellowstone into its certificate.<sup>27</sup> See condition (11) in the attached proposed certificate (Appendix B).

Western has also requested the deletion of San Bernardino from its certificate, to be replaced by Ontario, the airport presently serving the San Bernardino area. We have been informally advised, however, that the San Bernardino civic parties desire to retain the designation of their community as a certificated point, and that Western is no longer pressing its deletion request. Under these circumstances, we have tentatively decided to retain San Bernardino, to be designated as Ontario-San Bernardino.<sup>28</sup>

Western's request to hyphenate Long Beach with Los Angeles presents a different situation, as here, it appears that the Long Beach civic parties desire a cut-back or termination of certificated authority. The civic parties objected to Western's hyphenation request on the mistaken belief that the request was designed to increase Western's certificate authority and service level at Long Beach.<sup>29</sup> In fact, hyphenation merely makes it possible for Western to fulfill its Long Beach certificate obligations by providing service at Los Angeles, and thus in effect relieves the carrier from the requirement of serving Long Beach as a separate point. As Western points out, the intent and practical effect of its request will be to eliminate its service to Long Beach as a separate point. It thus appears that both the carrier and the civic parties are in accord as to the question of increased air service at Long Beach, and with this understanding, we tentatively find and conclude that hyphenation of Long

<sup>27</sup> The authority granted by Order E-8953 allowing Western to suspend service between Sheridan and Rapid City is permissive in nature. Consequently, no Board action is necessary to terminate the suspension since Western may reinstitute direct service at any time.

<sup>28</sup> As previously indicated, the existing closed-door restriction on Western's San Bernardino-Las Vegas authority (Condition (3) of Route 63) will be replaced by a stop restriction, with an appropriate amendment to reflect the new hyphenated designation.

<sup>29</sup> Western's authority at Long Beach is currently suspended. Order 73-9-72, September 18, 1973.



Beach with Los Angeles is required by the public convenience and necessity."

We have made an editorial modification to Western's proposal with respect to the carrier's authority at San Jose. In its proposed certificate, Western has listed San Jose and San Francisco separately in its table of restricted city-pair markets. However, San Francisco-San Jose is a hyphenated point on Western's system, and thus the carrier has no separate authority at San Jose. To avoid possible confusion, we have employed the hyphenated designation in each instance in the attached specimen certificate."

Interested persons will be given 60 days following the date of service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Western to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to section 389.24(a) (2) of the Board's Regulations.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Western's certificates for Routes 19, 28, 35, 63, and 139 in the manner set forth in the accompanying proposed certificate (Appendix B);

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 60 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I attached hereto, a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers to objections shall be filed 30 days thereafter;

"As Western does not currently provide service through the Long Beach Airport, the carrier would be required to file an airport notice pursuant to Part 202 of the Board's Regulations prior to instituting future service at Los Angeles-Long Beach through the Long Beach Airport. Under the provisions of sec. 202.13, any interested party is afforded the right to file memoranda in support of or in opposition to such an airport notice.

"In several markets, Western's authority to serve San Francisco-San Jose through the

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. Western Air Lines' motion for leave to file an otherwise unauthorized document, be and it hereby is granted; and

6. A copy of this order shall be served upon all persons listed in Appendix I attached hereto.

This order shall be published in the

FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,  
Acting Secretary.

[FR Doc.76-15487 Filed 5-26-76; 8:45 am]

[Docket 29041]

#### ALOHA AIRLINES, INC.

##### Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on May 27, 1976 (41 F.R. 18469, May 4, 1976), is postponed until further notice.

Dated at Washington, D.C., May 24, 1976.

[SEAL] RICHARD V. BACKLEY,  
Administrative Law Judge.

[FR Doc.76-15689 Filed 5-26-76; 8:45 am]

#### COMMISSION ON CIVIL RIGHTS ADVISORY COMMITTEES

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference of the Iowa, Kansas, Missouri and Nebraska Committees to this Commission will convene at 9:30 a.m. and end at 3:30 p.m. on June 25, 1976, at the Old Federal Office Building, 911 Walnut Street, Rm. 3100, Kansas City, Missouri 64106.

Persons wishing to attend this conference should contact the Committee

San Jose Airport is single-plane restricted. As discussed previously, we have proposed to replace these single-plane restrictions with appropriate stop restrictions. Rather than list these markets as separate San Jose markets, we have listed these markets as hyphenated San Francisco-San Jose markets with stop restrictions on the operation of service to the hyphenated point through the San Jose Airport. See, e.g., our treatment of the Las Vegas-San Francisco/San Jose market.

"All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, 911 Walnut Street, Rm. 3103, Kansas City, Missouri 64106.

The purpose of this conference is to discuss ways to improve the effectiveness of State Advisory Committees to the U.S. Commission on Civil Rights.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 24, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-16414 Filed 5-26-76; 8:45 am]

#### DELAWARE ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 2 p.m. on June 24, 1976, at the YMCA Building, 11th and Washington Streets, Wilmington, Delaware.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Rm. 510, Washington, D.C. 20037.

The purpose of this meeting is to plan activities for fiscal year 1976-1977.

The meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15415 Filed 5-26-76; 8:45 am]

#### KANSAS/MISSOURI ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas/Missouri Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 10 p.m. on June 16, 1976, at 6829 Locust, Kansas City, Missouri 64131.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to conduct a planning session for the Bi-State (Kan./Mo.) Committee on Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15416 Filed 5-26-76; 8:45 am]

#### MARYLAND ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10 p.m. on June 14, 1976, at Route 1, Box 420, Lutherville, Maryland.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Rm. 510, Washington, D.C. 20037.

The purpose of this meeting is for the Maryland Housing Subcommittee to meet and discuss plans for new projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15417 Filed 5-26-76; 8:45 am]

#### NEBRASKA ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 3 p.m. on June 14, 1976, at the Lincoln Community Center, 215 South 15th Street, Lincoln, Nebraska.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue planning on migrant programs and other possible SAC activities.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15418 Filed 5-26-76; 8:45 am]

#### NEW HAMPSHIRE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of

the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on June 15, 1976, at the New Hampshire Highway Hotel, Concord, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Rm. 1639, New York, New York 10007.

The purpose of this meeting is to discuss E.E.O. in New Hampshire and the bilingual bicultural project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15419 Filed 5-26-76; 8:45 am]

#### OHIO ADVISORY COMMITTEE Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a conference of the Ohio Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 3 p.m. on June 16, 1976, at Fifth Race, Netherland Hotel, Cincinnati, Ohio and reconvene at 12 noon and end at 3 p.m. on June 17, 1976, at the Community Chest and Counsel Office, 2400 Reading Road, Cincinnati, Ohio.

Persons wishing to attend this conference should contact the Committee Chairperson, or the Mid-western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to distribute the Ohio Prison Report, discuss the findings and recommendations with Community groups and individuals who have been invited to attend. This is the third and final follow-up mini-conference planned by the Committee to mobilize state-wide support to implement the report's recommendation.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15420 Filed 5-26-76; 8:45 am]

#### PENNSYLVANIA/DELAWARE ADVISORY COMMITTEE

##### Cancellation of Meeting

The meeting of the Pennsylvania/Delaware Advisory Committee to the United States Commission on Civil Rights, origi-

nally scheduled for June 10, 1976, a notice of which was previously published on page 20440 in the FEDERAL REGISTER on Tuesday, May 18, 1976 (FR Doc. 76-14344) has been cancelled.

Dated at Washington, D.C., May 21, 1976.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.76-15421 Filed 5-26-76; 8:45 am]

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA UNDER THE BILATERAL COTTON, WOOL AND MAN-MADE FIBER TEXTILE AGREEMENT

##### Adjusting Import Levels

May 24, 1976.

On September 30, 1975, there was published in the FEDERAL REGISTER (40 F.R. 44862) a letter dated September 25, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 28, 1975, as amended, between the Governments of the United States and the Republic of Korea, which establish specific export limitations on certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1975. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 7 of the agreement which provide that within the aggregate and applicable group limits, specific levels of restraint may be increased by designated percentages and that such levels may be increased for carryover and carryforward up to 11 percent of the applicable category limits.

Accordingly, pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of May 24, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in Categories 9/10, 22/23, 45/46/47, 48, 49, 50/51 and 52; wool textile products in Categories 116/117, 120, 121, and 124; and man-made fiber textile products in Categories 219, 221, 222, 224 (suits), 228, 229, 235, 237, and 238 for the twelve-month period which began on October 1, 1975.

ALAN POLANSKY,  
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.



COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

MAY 24, 1976.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On September 25, 1975 the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1975 and extending through September 30, 1976 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5 and 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on May 27, 1976, the levels of restraint established for Categories 9/10, 22/23, 45/46/47, 48, 49, 50/51, 52, 116/117, 120, 121, 124, 219, 221, 222, part of 224, 228, 229, 235, 237 and 238 to the following:

Category:		Amended 12-month level of restraint <sup>1</sup>
9/10	square yards	6,783,443
22/23	do	3,916,666
45/46/47	do	3,633,255
48	do	24,819
49	do	51,159
50/51	do	213,138
52	do	78,181
116/117	pounds	489,461
120	numbers	336,470
121	do	201,600
124	do	1,050,000
219	dozen	4,393,049
221	do	3,018,402
222	do	1,133,132
224 (only T.S.U.S.A. Nos. 380-0420 and 380.8143)	dozen	46,706
228	do	964,589
229	do	754,217
235	do	1,559,040
237	numbers	168,144
238	dozen	218,524

<sup>1</sup> The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1975.

<sup>2</sup> Square yards equivalent.

<sup>3</sup> Of which not more than 112,954 dozen shall be in Category 50 and not more than 162,889 dozen shall be in Category 51.

<sup>4</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-36, part of 63 (shoe uppers), 64, 200-213, and 241-243 may be exceeded by 10 percent; within Categories 39-62, part of 63 (other than shoe uppers), and 214-240, by 7 percent; and within Categories 101-132, by 5 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category

## NOTICES

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant Sec-  
retary for Resources and Trade  
Assistance, U.S. Department of  
Commerce.

[FR Doc. 76-15517 Filed 5-26-76; 8:45 am]

CERTAIN COTTON TEXTILES AND COTTON  
TEXTILE PRODUCTS FROM THE FED-  
ERATIVE REPUBLIC OF BRAZIL

Establishing New Import Levels

MAY 24, 1976.

On September 18, 1975, there was published in the FEDERAL REGISTER (40 F.R. 43051) a letter dated September 15, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil and exported to the United States during the twelve-month period which began on October 1, 1975. These levels of restraint were established to implement certain provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil.

On April 22, 1976, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, the Governments of the United States and the Federative Republic of Brazil concluded a new comprehensive bilateral textile agreement concerning exports of cotton textile products from Brazil to the United States over a period of three years beginning on April 1, 1976 and extending through March 31, 1979. Among the provisions of the new agreement are those establishing specific levels of restraint for cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/

limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50; 51, 55, 56, 62, and parts of 64 for the twelve-month period which began on April 1, 1976 and extends through March 31, 1977.

Accordingly, there is published below a letter of May 24, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, cancelling the directive of September 15, 1975 and directing that the amounts of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck), 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62 and parts of 64, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on April 1, 1976 be limited to the designated levels. The letter published below and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Effective date: June 1, 1976.

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant Sec-  
retary for Resources and Trade  
Assistance, U.S. Department of Com-  
merce.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

MAY 24, 1976.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on September 15, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Brazil and exported to the United States during the twelve-month period which began on October 1, 1975, in excess of the designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on June 1, 1976, and for the twelve-month period beginning on April 1, 1976 and extending through March 31, 1977, entry into the United States for consumption of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19, 22/23, 26 (duck), 26/27 (other than duck) 30/31, 43, 44, 45, 46, 50, 51, 55, 56, 62, and parts of 64 in excess of the following levels of restraint:

Category:		12-month level of restraint <sup>1</sup>
1-4	square yards	8,695,652
9	do	15,300,000
18/19	do	12,900,000
22/23	do	5,700,000
26 (duck)	do	3,200,000
26/27 (other than duck)	do	8,300,000
30/31	numbers	8,630,690
43	dozen	141,968
44	do	40,761
45	do	81,000
46	do	90,000
50	do	115,000
51	do	84,284
55	do	30,000
56	do	100,000
62	pounds	213,043
64 (only T.S.U.S.A. duck)	pounds	630,435
64 (floor coverings)	do	434,783

<sup>1</sup> The levels of restraint have not been adjusted to reflect any entries made after Mar. 31, 1976.

<sup>2</sup> The T.S.U.S.A. Nos. for duck fabric are:

320...	01 through 04,06,08
321...	01 through 04,06,08
322...	01 through 04,06,08
326...	01 through 04,06,08
327...	01 through 04,06,08
328...	01 through 04,06,08

<sup>3</sup> All T.S.U.S.A. numbers in category 26 except those listed in footnote 1.

<sup>4</sup> The T.S.U.S.A. numbers for floor coverings are:

360.2000	361.0542
360.2500	361.1820
360.3000	361.2010
360.7600	361.5000
360.8100	361.5422
361.0522	361.5622

Cotton textiles and cotton textile products, produced or manufactured in Brazil, which have been exported to the United States prior to April 1, 1976, shall not be subject to this directive.

Cotton textile products in Categories 43, 44, 45, 46, 56, 62 and part of 64 (floor coverings) which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles

## NOTICES

and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant  
Secretary for Resources and Trade  
Assistance, U.S. Department of  
Commerce.

[FR Doc. 76-15518 Filed 5-26-76; 8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER  
TEXTILE PRODUCTS FROM THE RE-  
PUBLIC OF KOREA

Announcing New Import Levels

On September 30, 1975, there was published in the FEDERAL REGISTER (40 F.R. 44862) a letter dated September 25, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing levels of restraint applicable to cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976.

By an exchange of letters dated March 24 and April 1, 1976, the two governments amended the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975 to establish specific levels of restraint for wool textile products in Categories 116/117 and 124 of 466,153 pounds and 1,000,000 units, respectively, for the year which began on October 1, 1975. These levels are the same as the designated consultation levels established for these two categories during the agreement year which began on October 1, 1974.

Under the terms of paragraph 8(b) of the bilateral agreement, the two governments have also agreed to increase the designated consultation levels established for wool textile products in Category 104 to 1,700,000 square yards and for man-made fiber textile products in Category 208 to 15,000,000 square yards for the twelve-month period which began on October 1, 1975.

Accordingly, there is published below a letter of May 24, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for con-

sumption in Categories 104, 116/117, 124 and 208 be limited to the designated levels.

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance,  
U.S. Department of Com-  
merce.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

MAY 24, 1976.

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on September 25, 1975 by the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry during the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of September 25, 1975 is amended, effective on May 27, 1976, to establish specific levels of restraint of 466,153 pounds for category 116/117 and 1,000,000 units for Category 124 for the twelve-month period which began on October 1, 1975.

The twelve-month levels of restraint established in the directive of September 25, 1975 for Categories 104 and 208 are amended as follows, effective on May 27, 1976:

Category		Amended 12-mo level of restraint <sup>1</sup>
104	square yards	1,700,000
208	do	15,000,000

<sup>1</sup> The levels of restraint have not been adjusted to reflect any entries made after Sept. 30, 1975.

Wool textile products in Categories 116/117 and 124, produced or manufactured in the Republic of Korea and which have been exported to the United States before October 1, 1975, shall not be subject to this directive.

Wool textile products in Categories 116/117 and 124 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile



Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant Sec-  
retary for Resources and Trade  
Assistance, U.S. Department of  
Commerce.

[FR Doc.76-15549 Filed 5-26-76;8:45 am]

#### COTTON, WOOL AND MAN-MADE FIBER APPAREL FROM HONG KONG

##### Establishment of Export Visa Requirement MAY 26, 1976.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 25, 1974, as amended between the Governments of the United States and Hong Kong, the two governments are discussing establishment of an export visa requirement for apparel products in Categories 39-63, 111-125, and 214-240.

The purpose of this notice is to advise interested parties to take all necessary steps to ensure that apparel products of cotton, wool and man-made fibers, produced or manufactured in Hong Kong which are to be entered into the United States for consumption or withdrawn from warehouse for consumption, will be properly visaed, inasmuch as shipments lacking a visa will be denied entry after the effective date to be established when agreement is reached. Details of the new requirement will be published in the FEDERAL REGISTER.

ALAN POLANSKY,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance  
U.S. Department of Com-  
merce.

[FR Doc.76-15701 Filed 5-26-76;8:45 am]

#### COMMODITY FUTURES TRADING COMMISSION

##### ADVISORY COMMITTEE ON REGULATION OF COMMODITY FUTURES TRADING PROFESSIONALS

###### Notice of Advisory Committee Meeting

Notice is hereby given, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission Advisory Committee on Regulation of Commodity Futures Trading Professionals ("Advisory Committee on Commodity Futures Trading Professionals") will conduct a public meeting on June 10, 1976, at the Union League Club, 65 West Jackson Boulevard, Chicago, Illinois, beginning at 10:00 a.m. The objectives and scope of activities of the

Advisory Committee on Commodity Futures Trading Professionals will be to consider and submit reports and recommendations to the Commission on the following subjects:

Standards for regulation under the Commodity Exchange Act, as amended, of domestic and foreign commodity futures trading professionals, including commodity trading advisors, commodity pool operators, futures commission merchants, floor brokers, and associated persons.

The summarized agenda for the meeting is as follows: (1) Churning, (2) Suitability/know your customer, (3) Discretionary accounts, (4) Supervision of customer accounts, (5) Advertising practices, and (6) Records of customer orders.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to David Gary, The Advisory Committee on Commodity Futures Trading Professionals, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, at least five days before the meeting. Members of the public that wish to make oral statements should inform David Gary, telephone 202-254-6354, at least five days before the meeting, and reasonable provision will be made for their appearance on the agenda.

The Commission is maintaining a list of persons interested in the operations of this advisory committee and will mail notice of the meetings to those persons. Interested persons may have their names placed on this list by writing DeVan L. Shumway, Director, Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Dated: May 21, 1976.

WILLIAM T. BAGLEY,  
Chairman Commodity Futures  
Trading Commission.

[FR Doc.76-15405 Filed 5-26-76;8:45 am]

#### DELAWARE RIVER BASIN COMMISSION

##### COMPREHENSIVE PLAN Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 2, 1976, commencing at 2 p.m. The hearing will be held in the main conference room of the Commission's headquarters building, 25 State Police Drive, West Trenton. The subjects of the hearing will be:

I. A proposal to amend the Comprehensive Plan by the addition of the following project:

Bucks County Commissioners-Montgomery County Commissioners: A single-purpose floodwater retarding dam located in New Britain Township, Bucks County, Pa. Designated as PA 615, the

dain would be located on an unnamed tributary to the West Branch of Neshaminy Creek. A part of the Neshaminy Creek watershed plan, the structure would be 34 feet high and constructed of compacted earth fill. There will be 714 acre-feet of storage space.

II. A proposed water supply contract between the Commission and the Jersey Central Power & Light Company for the sale of water supplies to the company for use at the Gilbert electric generating station, Unit 8, located on the Delaware River at mile 171.3, Holland Township, Hunterdon County, N.J. The contract provides for minimum payments to the Commission by the company for water to be used for cooling a 130-mega-watt combined cycle generating unit. Annual payments will be in accord with the terms and conditions of the Commission's water supply policy and regulations as adopted in Resolutions Nos. 71-4 and 74-6.

Documents relating to the items listed above may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,  
Secretary.

MAY 20, 1976.

[FR Doc.76-15397 Filed 5-26-76;8:45 am]

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-549-3]

##### AVAILABILITY OF ENVIRONMENTAL PROTECTION AGENCY COMMENTS Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of April 16, 1976 and April 30, 1976.

Appendix I contains a listing of the draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classification of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source

for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agencies' regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced review period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions and EPA comments referenced herein may be obtained by writing the Public Information Reference Unit, (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW, Washington, DC 20460, telephone 200/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: May 19, 1976.

PETER L. COOK,  
Acting Director,  
Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Apr. 16 and Apr. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
D-COE-E33023-NC	Maintenance of the waterway connecting Pamlico Sound and Beaufort Harbor, Carteret County, N.C.	LO2	E
D-COE-F33036-MI	Recreational boat harbor, detour, Chippewa County, Mich.	EO2	F
D-COE-G34021-TX	Operation and maintenance, Bardwell, Benbrook, Grapevine, and Navarro Mills Lakes, Trinity River Basin, Tex.	LO2	G
DS-COE-L36028-OR	Chetco River jetty extension, Brookings, Oreg.	LO1	K
DS-COE-L36031-WA	Additional flood control, Upper Baker project, Skagit River Basin, Skagit and Whatcom Counties, Wash.	LO1	K
D-COE-L36032-OR	Operation and maintenance, dredging Coos Bay, Coos and Millicum Rivers, Oreg.	LO1	K
Department of Agriculture:			
D-AFS-D65002-PA	Off-road vehicles policy, Allegheny National Forest, Pa. (USDA-RS-R3-DES-ADM-76-04).	LO1	D
D-AFS-F61005-MI	Timber management plan, Ottawa National Forest, Mich.	LO2	F
D-AFS-J61010-00	Fire management, Selway-Bitterroot Wilderness, Idaho and Montana	LO1	I
D-AFS-L61066-OR	John Day planning unit, land use plan, Malheur National Forest, Oreg. (USDA-FS-R6-DES-ADM-76-3).	LO2	K
D-AFS-L61067-OR	Mount Hood planning unit, Clackamas and Hood River Counties, Oreg.	LO1	K
D-AFS-L61069-ID	Proposed land use plan, blacktail planning unit, Kaniksu National Forest, Bonner and Kootenai Counties, Idaho (USDA-FS-R1-DES-ADM-76-13).	LO1	K
D-SCS-F36032-IN	Hall-Piat Creek watershed, Dubois County, Ind.	LO2	F
D-SCS-F36033-WT	Pine River watershed, Richland and Vernon Counties, Wis.	LO2	F
D-SCS-F36035-IN	Bailey-Cox-Newton watershed, Starke County, Ind.	ER2	F
D-SCS-G36046-NM	Espanola-Rio Chama watershed, Rio Arriba and Sandoval Counties, N. Mex.	LO1	G
Department of the Interior:			
D-IBR-J63000-00	Project Skywater, atmospheric water resource program, selected sites in Western States.	LO2	I
Department of Transportation:			
D-FAA-C51003-VI	Harry S. Truman Airport master plan, St. Thomas, V.I.	ER2	C
D-FAA-H51009-MO	Lee's Summit Memorial Airport, Lee's Summit, Jackson County, Mo.	LO2	H
D-FHW-D40029-VA	I-64 widening, from intersection Virginia 167 to Hampton Roads Bridge Tunnel, Hampton, Va.	ER2	D
D-FHW-D40030-PA	L.R. 1137 Section B03, Meadville to Titusville, Crawford County, Pa. (FHWA-PA-ETS-76-1).	ER2	D
D-FHW-F40033-OH	I-470, Belmont County, Ohio (FHWA-OH-EIS-76-01-D).	LO2	F
D-FHW-H40030-IA	Iowa 57, Cedar Falls, Black Hawk County, Iowa (FHWA-IA-EIS-76-02-D).	LO2	H
D-FHW-H40032-NB	Nebraska 14, city of Superior, Nuckolls County, Nebr. (FHWA-NEB-EIS-76-02-D).	LO2	H
D-FHW-K40038-HI	Kuakini Highway realignment, Palaw Road to Kema-kowaa Heiau, Hawaii County, Hawaii.	LO1	J
Federal Energy Administration:			
RD-FEA-A04031-00	Mandatory Canadian crude oil allocation regulations (FEA-D-DFS-76-1).	ER2	A
Department of Housing and Urban Development:			
DS-HUD-A61246-GA	Proposed Lake Alma development project, Alma, Bacon County, Ga. (CDI-PE-01).	3	



## APPENDIX II

## DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

## Environmental Impact of the Action

**LO—Lack of Objection.**—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

**ER—Environmental Reservations.**—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

**EU—Environmentally Unsatisfactory.**—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

## APPENDIX III.—Final environmental impact statements for which comments were issued between Apr. 16, and Apr. 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
<b>Corps of Engineers:</b>			
F-COE-A3254-MS.	Wolf and Jourdan Rivers, maintenance dredging, St. Louis Bay, Miss.	EPA continues to have environmental reservations relative to this project. The additional sampling requested by EPA has not been accomplished. Because the results of the sampling will determine the suitability of the material for overboard disposal, no final agreement can be made at this time as to the acceptability of the plan proposed, except for the configuration of the spoil piles. Also, since upland areas are within pumping distance of the channel, EPA believes further investigation of the use of upland sites for spoil disposal is in order. EPA recommended that these problems be fully discussed in a supplement to the final impact statement.	E
F-COE-A3248-MS.	Pascagoula Harbor, maintenance dredging, Jackson County, Miss.	EPA continues to have environmental reservations relative to the overboard disposal of materials. Continued overboard disposal in the present manner will gradually choke off the east-west littoral currents along the north shore and adversely affect water quality in the harbor areas and along the shore to the East and West of the Harbor area. Also, some of the sediment samples appear to contain excessive quantities of mercury. EPA recommended that these problems be fully discussed in a supplement to the final impact statement.	E
FS-COE-A3506-SC	Chicago Bridge and Iron Co., permit, Collection River, Victoria Bluff, Beaufort County, S.C.	EPA continues to have environmental reservations on this project. Due to the unknowns of the final disposition of the 308 acres from the buffer area, the final statement cannot specifically relate the environmental impact of its future development.	E
F-COE-C3300-NY.	New York Harbor, collection and removal of drift, New York.	EPA's concerns were adequately addressed in the final EIS.	C
F-COE-D3202-00.	Monongahela River operations and maintenance of navigation system, West Virginia and Pennsylvania.	do	D
<b>Department of the Interior:</b>			
F-IGS-A03075-CA.	Oil and gas development in the Santa Barbara Channel Outer Continental Shelf (OCS), off California (FES 76-13).	EPA had no objections to the development scenario proposed in the final EIS, but cautioned against any recommendations involving additional development before the State of California has accomplished the necessary coastal planning measures.	A
<b>Department of Transportation:</b>			
F-DOT-A4143-IN.	U.S. 36, Danville to Avon, Hendricks County, Ind.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-A42015-SC.	SC-61 expressway, north-west of Charleston, Charleston County, S.C.	do	E
F-FHW-F4000-WI.	Mequon Road, WI-157, Ozaukee County, Wis. (FHW-A-WIS-EIS-71-12-F).	do	F

## Adequacy of the Impact Statement

**Category 1—Adequate.**—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

**Category 2—Insufficient Information.**—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

**Category 3—Inadequate.**—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

## APPENDIX VI

## SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street, NE, Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 76-15265 Filed 5-26-76; 8:45 am]

[FRL 550-1; OPP-30008]

## PESTICIDE PROGRAMS

## General Statement of Policy—Data Requirements for Registration

On July 3, 1975, the Environmental Protection Agency ("EPA") pursuant to the authority of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (PL 92-516, 86 Stat. 973; PL 94-140, 89 Stat. 751; 7 U.S.C. 136) ("FIFRA") published its new rules on the registration, reregistration and classification of pesticides, 40 CFR Part 162, 40 FR 28242 (hereinafter "regulations"). These regulations became effective on August 4, 1975 and apply to all applications for registration either first submitted or resubmitted to the Agency after that date.

On June 25, 1975, the Agency, pursuant to the authority of Section 3(c)(2) of FIFRA, published in the Federal Register proposed Guidelines for Registering Pesticides in the United States, 40 FR 26802 (hereinafter "guidelines"). These guidelines detail the kinds of information which will be required to support the registration of a pesticide. Comments to the proposed guidelines have been received and the Agency is in the process of reviewing them in preparation of publication of final guidelines for registering pesticides.

The purpose of this Notice is to discuss the Agency's policy on data requirements for registration of a pesticide product pending publication of the final guidelines for registering pesticides, and to explain that on a case by case basis the Administrator may issue a conditional registration where certain required data

Identifying No.	Title	General nature of comments	Source for copies of comments
F-FHW-F40019-MN.	Minnesota trunk highways MN-36 and MN-13, Dakota and Hennepin Counties, Minn.	do	F
F-FHW-J4002-ND.	U.S. 2, Ray to Bethold, Ward, Williams and Mountrail Counties, N. Dak.	EPA continues to have serious environmental reservations concerning the proposed realignment of the highway because of the further encroachment on valuable wetlands.	I
F-FHW-J40012-WY.	U.S. 187, Elk Street project, Rock Springs, Sweetwater County, Wyo.	EPA's review of the final EIS indicated that the statement was unresponsive to EPA's draft comments on noise impacts. EPA restated the need for plans to mitigate noise impacts.	I
<b>Department of Housing and Urban Development:</b>			
F-HUD-E24001-GA.	Sanitary sewer trunkline, West section, Douglas, Coffee County, Ga.	EPA's concerns were adequately addressed in the final EIS.	E

## APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Apr. 16 and Apr. 30, 1976

Identifying No.	Title	Source for copies of comments
<b>Corps of Engineers:</b>		
F-COE-A3414-TX.	Aquilla Lake, Aquilla Creek, Hill County, Tex.	G
F-COE-A39119-TX.	Arkansas-Pd River Basins chloride control project, Wichita River Basin, King and Knox Counties, Tex.	G
FS-COE-G32022-1A.	Mississippi River, Baton Rouge to Gulf of Mexico, Louisiana.	G
F-COE-H36001-00.	Big Sioux River flood and erosion project, Sioux City, Iowa and South Dakota.	II
F-COE-L32001-WA.	Willapa River and Harbor navigation project, Pacific County, Wash.	K
<b>Department of Agriculture:</b>		
F-AFS-B61002-NH.	Kilkenny unit plan, White Mountain National Forest, N.H.	B
F-AFS-B82001-ME.	Cooperative spruce budworm suppression project, year 1976, Maine.	B
F-REA-G07004-OK.	Anadarko combined cycle unit, Caddo County, Okla.	G
F-SCS-J36037-LA.	Bayou Grosse IFte watershed, Point Coupee Parish, La.	G
F-SCS-J36005-00.	Sedwick-Sand Draws watershed, Colorado and Nebraska.	I
F-SCS-K36006-HI.	Waikuku-Alenalo watershed project, Hawaii County, Hawaii	J
<b>Department of the Interior:</b>		
F-SFW-K61003-A7.	Careza Prieta National Wildlife Refuge, Yuma and Pima Counties, Ariz. (FES 76-16).	J
<b>Department of Transportation:</b>		
F-CGD-C52001-NY.	Loran C transmitting station, Seneca County, N.Y.	C
F-CGD-G32003-TX.	Vessel traffic service, Houston, Galveston, Tex.	G
F-DOT-A40008-TX.	TX-36, Jones Creek to east of Brazos River, Brazoria County, Tex.	G
NE-FAA-E51012-TN.	Gibson County Airport, Trenton, Tenn.	E
F-FHW-A42334-OK.	U.S. 62, Junction with OK-9, McClain County, Okla.	G
F-FHW-42104-VT.	U.S. 4, West Rutland to Rutland, Rutland County, Vt.	B
F-FHW-A42407-OK.	Rogers Lane, U.S. 281 interchange, Comanche County Okla.	G
NE-FHW-F40074-NC.	NC-68, Oak Grove to U.S. 1, Durham and Wake Counties, N.C.	E
F-FHW-G40014-TX.	FM 1382, from TX spur 303 to Dallas-Fort Worth Turnpike, Grand Prairie, Dallas County, Tex.	G
F-FHW-E40015-NC.	Charlotte inner loop, from NC-49 to I-85, Mecklenburg County, N.C.	E
F-FHW-G40029-LA.	U.S. 171, De Ridder to Fort Polk Highway, Vernon Parish, La.	G
F-FHW-J40005-CO.	I-70, Wheeler Junction to Frisco, Summit County, Colo. (FHW-A-COLO-EIS-74-01-F).	I
F-FHW-K40002-CA.	Simi Valley, San Fernando Freeway, CA-118, Los Angeles, Calif.	J
F-FHW-K40010-CA.	CA-120, Manteca bypass, CA-5 near Mossdale to CA-99, San Joaquin County, Calif. (FHW-CA-EIS-74-12-F).	J
FS-UMT-A51014-GA.	Metropolitan Atlanta Rapid Transit System (Marta), station changes at Vine City station, Peachwood station, Tucker-North Dekalb corridor, Candler Park station, East Lake station, Georgia.	F
<b>Department of Housing and Urban Development:</b>		
F-HUD-E28007-AL.	Extension of Ray Community Public Water System (CDBG), Coosa County, Ala.	E
F-HUD-E85010-FL.	Le Chalet subdivision, Palm Beach, Dade County, Fla.	E
F-HUD-E83008-NC.	East Winston community development, Project I, (CDBG), Forsyth County, N.C.	E
F-HUD-K40035-CA.	Buenaventura Drive, proposed arterial between CA-229 and Railroad Ave., Redding, Shasta County, Calif. (HUD 809).	J
F-HUD-K61008-CA.	Charles H. Wilson Community Park (CDBG), Torrance, Los Angeles County, Calif.	J

## APPENDIX V.—Regulations, legislation and other Federal agency action for which comments were issued before Apr. 16 and 30, 1976

Identifying No.	Title	General nature of comments	Source for copies of comments
<b>Department of the Interior:</b>			
R-SFW-A86008-00.	50 CFR pt. 29, rights-of-way general regulations, proposed miscellaneous amendments.	EPA generally had no objections to the regulations as proposed but recommended inclusion of a requirement for preparing environmental impact statements in the event that the project would involve a significant impact upon the environment. EPA also cautioned against the provision for temporary permits associated with rights-of-way.	A
<b>Panama Canal Co.:</b>			
A-PCC-A86006-00.	Canal Zone Government, proposed procedures for consideration of environmental impact statements, notices.	EPA's review comments on the proposed procedures indicated that the canal agencies should adopt procedures for NEPA implementation which reflect their specific problems and administrative framework.	A



are not yet available. Such a registration would be issued conditional upon the development and submission of the required data within a specified period of time.

#### I. Background

Section 162.8 of the regulations, 40 CFR 162.8, is entitled Data in Support of Registration and Classification. Subsection 162.8(b) concerns data required in support of a new registration. Subsection 162.8(c) details the data required to support reregistration of a pesticide product. Subsection 162.8(d) provides, in part, that the Administrator may require such additional data as necessary to support any registration.

The data requirements for reregistration are specified in sections 162.8(c) and 162.8(d) of the regulations. As discussed in the procedural guidelines for registering pesticides (40 CFR 162.43(f) 1, applications for reregistration will be "called-in" by groups of products similar to each other in chemistry and broad use pattern. The Agency will not entertain applications for reregistration except in response to a "call-in". To expedite the reregistration and classification of currently registered products, the Agency is preparing a reregistration and classification guidance package for each group of similar products. As detailed at 40 CFR 162.43(f), for the convenience of the registrant the guidance package will list the types of data required to support the reregistration of the affected pesticide products.

The data requirements for new registration are not as firmly established at this time. Section 162.8(b) of the regulations outlines the general data requirements for new registration of a pesticide product and directs the potential applicant or other interested party to consult the registration guidelines for the conditions under which specific data will be required to support an application for registration. As discussed above, these guidelines were proposed on June 25, 1975 and the Agency is currently in the process of evaluating all the comments which were received and preparing the final guidelines. Until these guidelines are promulgated therefor, judgments regarding the conditions under which data will be required to support the new registration of a pesticide product have to be made on an individual case by case basis. These judgments, of course, must be consistent with the statutory mandate of FIFRA.

Section 3(c)(5) of FIFRA sets the statutory standard for approval of an application for registration. It is the responsibility of the applicant or registrant, as the case may be, to substantiate all claims made for the pesticide product and to establish that the product meets the requirements of the Act and the relevant regulations, see 40 CFR 162.6(b), 162.7(d) and 162.8(a). In order to register a pesticide product, the Administrator must determine, when considered with any restrictions imposed under FIFRA section 3(d), that:

(A) [the pesticide's] composition is such as to warrant the proposed claims for it;

(B) Its labeling and other material required to be submitted comply with the requirements of this Act;

(C) It will perform its intended function without unreasonable adverse effects on the environment; and

(D) When used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment.

The data requirements for registration of a pesticide have been increasing steadily over the past 25 years. For the most part, the registration regulations and proposed registration guidelines catalogue the specific requirements which have been in effect for the past several years. However, it is emphasized that FIFRA clearly authorizes the Administrator to alter the data requirements for registration of a pesticide product at any time; in implementing section 3 of FIFRA, data requirements in addition to those which had previously obtained have been imposed for both reregistration and new registration of a pesticide.

Generally, it is difficult if not impossible to reach the determinations required by section 3(c)(5) if all the data required by the Agency to support a registration application for the variety or type of pesticide for which registration is sought are not submitted. However, with respect to applications for reregistration and for new registration of products identical to currently registered pesticide products, the use history of the currently registered product and the data available to support the registration of the currently registered product may permit the Administrator to reach the determinations required by section 3(c)(5) of the Act for the period of time necessary to obtain the additional information.<sup>1</sup>

Accordingly, 40 CFR 162.6(b)(5)(ii) provides that when the regulations require data for reregistration which cannot reasonably be anticipated to be compiled within the period for completion of the reregistration program (i.e. before October 21, 1977), the Administrator may classify and reregister the pesticide product for a reasonable period of time pending completion of the required testing, provided the pesticide does not meet or exceed the criteria for risk of 40 CFR 162.11(a)(3) and the pesticide product otherwise satisfies the requirements of the Act. This provision permits conditional reregistration for a specified term of years where there are data required to support the reregistration which cannot

<sup>1</sup> In addition to requiring the Agency to promulgate guidelines setting forth data requirements for registration, Section 3(c)(2) of FIFRA requires the Agency to revise the guidelines "from time to time." Section 3(c)(2) then goes on to provide, in effect, that if a revision of the guidelines adds an additional kind of information to the data requirements for registration, applicants must be given time to obtain the additional information. This latter provision of section 3(c)(2) has no applicability at present, however, because it applies only to revisions of the guidelines. As noted above, the initial guidelines have not yet been promulgated.

be obtained and evaluated by October 21, 1977. The regulations do not provide for conditional reregistration where the data that are required to support the reregistration can be developed, submitted and reviewed by the Agency before October 1, 1977, because in such instances a timely decision regarding the classification and reregistration of the product can be made.

No such conditional registration provision was included in the regulations as regards new registration actions. In practical terms this has meant that it has not been possible for applicants to obtain a new registration when testing is necessary to support the new registration, and the test results are not yet available. This is entirely appropriate where the applicant proposes a new pesticide product which is different from a currently registered pesticide product. In such a case, the Administrator would be unable to make the determinations required by section 3(c)(5) of the Act without consideration of all the data required for the type of pesticide concerned, pursuant to the prevailing data requirements. However, the Administrator has determined that with respect to applications for new registration for pesticide products which are identical to currently registered products and applications for new registration for certain kinds of pesticide products which are substantially similar to currently registered pesticide products, a conditional new registration provision similar to that which has been included in the reregistration program would be in the public interest.

In the first place, where a new pesticide product is identical to a currently registered product, the Administrator may be able to make the determinations required by section 3(c)(5) of the Act, regarding use of the new pesticide product for the period of time necessary to conduct and evaluate the required long term testing, in reliance on the same information that supports the determination to approve the conditional reregistration of such a product. As discussed above, the section 3(c)(5) findings will, in the case of conditional reregistration, be based upon the use of history of the currently registered products and the data available to support that registration.

Moreover, there are other regulatory mechanisms for new products which are identical to currently registered products to enter the market short of obtaining an independent registration. 40 CFR 162.6(b)(4) provides for supplemental registration of distributor products. Such a registration permits distributor of a registered pesticide product to market the registrant's product under the distributor's brand name. No new data is required to support this registration; the product will be reregistered along with the parent pesticide product. In addition, a registrant may assign the rights of his registration to a new party by the transfer of registration procedures. To permit supplemental registration of distributor products and trans-

fers of registration, and not permit the independent registration of a new pesticide product which is identical to a currently registered product is to favor one business distribution system over another.

Furthermore, the granting of conditional registrations for new pesticide products which are identical to currently registered pesticide products would not, in all probability, affect the amount of a pesticide that is released into the environment. The amount of a pesticide sold in commerce (and therefore available for use) is controlled primarily by the amount of technical chemical produced and the prevailing market demand. Therefore, the number of independent registrations for a given type of pesticide product primarily affects the allocation of market shares among pesticide producers, rather than the quantity of the pesticide that is produced, distributed and used. The pesticide industry is, in part, composed of a number of relatively small formulator companies who depend on a continual turnover of registrations of pesticide products identical to currently registered pesticide products. It is not the Environmental Protection Agency's intention to disturb this industry structure.

A strong argument can also be made to make conditional registrations available for a narrow class of products which are substantially similar to currently registered products, where the differences are such as to present clear advantages from the standpoint of protecting the environment and the public health. A clear example of such a situation would be a new product which is identical to a currently registered product except for a formulation change which reduces the amount of active ingredient necessary to achieve the desired pesticidal effect. Another example would be a new product which is identical to a currently registered product, except for changes in the directions for use, which would result in less pesticide being utilized to achieve effectiveness. A further example would be modifications in directions for use which authorize a new application method which, while making no change in the amount of pesticide used, reduces the exposure of applicators to the pesticide. In these instances, it may not be possible to obtain a new registration, because of requirements for long term studies which have yet to be conducted.<sup>2</sup> However, a conditional new registration for a product identical to the currently registered product could be obtained under the policy articulated above. By not permitting conditional new registration of substantially similar products offering such advantages, the Agency would actually be disserving its primary mission of protecting man and the environ-

<sup>2</sup> As discussed more fully below, however, applications for conditional new registrations of these substantially similar products must be supported by product performance data which fully satisfy EPA requirements for new registrations.

ment, because it would be denying conditional new registrations to products clearly posing less risk than the currently registered product(s). The Agency has therefore determined that it is also in the public interest to entertain applications for conditional new registration for pesticide products which are substantially similar to currently registered products, if the differences are such as to reduce the exposure of man or the environment to pesticide. In such cases, as in the case of applications for conditional new registration of identical products, a conditional new registration will be issued if the Administrator can make the findings required by Section 3(c)(5) of the Act.

Accordingly, consistent with the Agency's responsibility to protect the nation's health and environment and to implement its regulations in a common sense manner, the Agency is prepared to entertain requests to classify and register new pesticide products which are identical to currently registered products or substantially similar to currently registered products (within the meaning of the discussion set out above) for a reasonable period of time pending completion of required long term testing when it is determined: (1) that the pesticide does not meet or exceed the criteria for risk set forth in section 162.11(a)(3), and (2) that the pesticide product otherwise satisfies the requirements of the Act and the regulations. Such a registration will be issued conditional upon the submission to the Agency within a fixed term of less than five years of appropriate data developed in accordance with tests procedures meeting the intent and reliability of the registration guidelines. The period of conditional of new registration will be sufficient to allow development, submission and review of required data and will be nonrenewable. Where a pesticide product does not otherwise satisfy the requirements of the regulations, or where there is doubt as to the advisability of classifying and registering the pesticide product pending completion of the required testing, such action will not be taken. If at any time, sufficient evidence regarding unreasonable adverse effects from use of the pesticide comes to the attention of the Agency, proceedings to either change the classification of the product or cancel or suspend its registration, as appropriate, will be initiated.

#### II. Circumstances under which conditional registration will be approved

Whether a request to approve the conditional reregistration of a currently registered product and the conditional new registration of a new pesticide product which is identical or substantially similar to a currently registered product will be granted, will depend on the data available to support such a registration action. Generally, the Agency is prepared to approve such a request where only required long term data is as yet unavailable to support the registration; provided available information does not indicate a potential for unreasonable ad-

verse effects from use of the product. Accordingly, no requests for conditional reregistration of a currently registered product or conditional new registration of a new pesticide product which is identical or substantially similar to a currently registered product will be honored if the pesticide meets or exceeds the criteria for risk set forth in 40 CFR 162.11(a)(3), or if short term data, as, for example, data on the general chemistry of the product or its acute or sub-acute toxicity to mammalian or avian species or aquatic organisms, are unavailable.

The requirements for conditional reregistration were discussed in the February 17, 1976 FEDERAL REGISTER Notice entitled "Data Requirements to Support Reregistration of Pesticide Active Ingredients and Preliminary Schedule of Call-ins" (41 FR 7218). This notice announced the Agency's preliminary assignment of the active ingredients of currently registered products to one of five reregistration categories based upon a review of data available to support the reregistration of the pesticide products. An active ingredient is assigned to category I if the data required to support reregistration are generally available in Agency files. An active ingredient is assigned to category II if the data available in the Agency's files are generally not sufficient to support reregistration and if the necessary testing cannot reasonably be expected to be completed prior to October 21, 1977. An active ingredient is assigned to category III if the data available in the Agency's files are not sufficient for reregistration and if the necessary testing can reasonably be expected to be completed by October 21, 1977. An active ingredient is assigned to category IV if available data indicates that the pesticide meets or exceeds any of the criteria for risk of 40 CFR 162.11(a)(3), thereby rendering the pesticide subject to a rebuttable presumption against registration. Assignment to category IV takes precedence over assignment to categories I, II or III; thus when the properties of an active ingredient are such as to give rise to a rebuttable presumption against registration, the chemical is not assigned to any of the other categories. An active ingredient is assigned to category V if EPA's review of the relevant data has not yet reached the point at which it can be assigned to one of the other categories. The February FEDERAL REGISTER notice encouraged interested persons to submit information which might affect the category assignments. As active ingredients are reassigned from category V and as other shifts of assignment, if any, are made they will be announced in subsequent FEDERAL REGISTER notices.

Only pesticide products all of whose active ingredients are in category I or II are eligible for either full or conditional reregistration. Similarly, the class of pesticides products which may be eligible for conditional new registration is limited to those all of whose active ingredients fall within Reregistration Category I or II. If an active ingredient falls



within category III, the short term data must be submitted to the Agency before any decision on the classification and registrability of the product will be made. If an active ingredient falls within category IV, the presumption against registration must be rebutted or the public hearing processes of 40 CFR 162.11(a) must be conducted and the determination reached that the benefits from use of the pesticide exceed the risks before a registration can be issued. If an active ingredient falls within category V, the data available to support the registration must be reviewed and the determination made that the active ingredients fall within category I or II before the pesticide product will be considered for either conditional or full registration.

The provisions for conditional new registration and conditional reregistration may not be utilized to avoid the compensation for data provision of section 3(c)(1)(D) of the Act. The current procedures for complying with the mandates of section 3(c)(1)(D) were discussed in the January 22, 1976 FEDERAL REGISTER Notice entitled "Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This Notice explained that the new regulations on registration, reregistration and classification clearly place the burden on the applicant to substantiate all claims made by the pesticide and to demonstrate that it will perform its intended function without causing unreasonable adverse effects on man or the environment. In order to meet this burden an applicant must either submit the necessary data along with the application or reference data previously submitted to the Agency in support of another registration. The Administrator will not consider in support of an application any data not submitted with, or referenced in the application.

The Administrator will not approve a conditional new registration or a conditional reregistration unless the applicant has either submitted or referenced such adequate studies as are available to support the registration action. To hold otherwise, would be a practical matter, be to countenance avoidance of the data compensation provisions of section 3(c)(1)(D) of the Act. Moreover, since the conditional new registration and conditional reregistration of like products will expire at the same time, all parties dependent on the same data for continued registration will simultaneously have to submit it to the Administrator in order to satisfy the condition attached to the registration. If an applicant must, at this juncture, rely on data prepared at the expense of another, the data compensation provisions of section 3(c)(1)(D) will apply.

As discussed above, the section 3(c)(5) determination in the case of conditional registration will be made in reliance on the use history of the currently registered product and the data available to support the registration. Where available data

satisfy the data requirement there is no question but that they must be submitted or referenced in the application. There may, in addition, be data available which though relevant to the issue addressed by a new data requirement, do not meet the full rigor of the requirement. The Agency will notify an applicant when citation of data which do not fully satisfy the data requirement for registration is necessary in order for the Administrator to make the determinations required by section 3(c)(5) of the Act for the period of the conditional registration. As discussed above, the Administrator will not approve a conditional registration in such instances, unless the data in question are incorporated in the application by the applicant.

### III. Terms and Conditions of Conditional Registration

Applicants for new registration or reregistration which satisfy the criteria discussed above will be issued either a conditional new registration or a conditional reregistration, as the case may be. If data developed in accordance with test procedures meeting the intent and reliability of the registration guidelines are not submitted to the Agency within the period of the conditional registration, proceedings to cancel the registration shall be initiated. If submitted data establishes that the pesticide may generally cause unreasonable adverse effects on man or the environment, proceedings to change the classification of the pesticide or cancel the registration and, if appropriate, to suspend the registration of the pesticide pending the cancellation proceedings shall be initiated.

As discussed above, no conditional registration for a currently registered product or conditional new registration for a new pesticide product which is identical or substantially similar to a currently registered product will be approved where required short-term data, as for example information on the products general toxicity, are unavailable. The industry has had knowledge of these data requirements for a considerable period of time, and these requirements can be satisfied within a relatively short period of time. Moreover, the acute and subacute evaluations are required to determine the appropriate use classification for the pesticide product. Thus, the Administrator shall only approve a conditional registration where long-term studies required to support the registration are as yet unavailable and where the other conditions discussed in this document are satisfied.

It is conceivable that an application for new registration or reregistration may require more than one long-term study to support a full registration. When more than one study is required to support a single product, the longest time allowed to conduct and submit the test results will determine the period of conditional registration. Earliest possible data development and submission is

nonetheless strongly encouraged so that a timely decision on the full registrability of the pesticide product can be made. As soon as the registrant obtains any information regarding adverse effects on man or the environment from use of the pesticide, he shall, pursuant to the authority of Section 8(a)(2) of the Act and 40 CFR 162.8(d)(2), immediately submit such information to the Administrator.

The studies which the Administrator considers long term are as follows:

#### A. Product Hazard Data Requirements

The product hazard data requirements for reregistration are generally contained at 40 CFR 162.8(c)(3). The product hazard data requirements for new registration are outlined at 40 CFR 162.8(b)(4). 40 CFR 162.8(d) authorizes the Administrator to request such additional data regarding product hazard as is necessary to support the registration of a pesticide product.

If there are long term product hazard data required to support the reregistration of a currently registered pesticide product and the data are not yet available, provided the active ingredient(s) of the product are in reregistration category II and the pesticide product otherwise satisfies the requirements of the Act and the regulations, the product will be eligible for conditional reregistration for a specified period of time. The February 17, 1976 FEDERAL REGISTER Notice indicated that the following time periods are considered reasonable for development and submittal of these long term tests: teratogenic, 12 months; reproduction, 24 months; oncogenic, 36 months; chronic feeding, 36 months; foliar residue and exposure, 48 months. These time periods for conditional registration are calculated from the date the pesticide product is "called in" for reregistration.

If a new pesticide product is identical or substantially similar to such a currently registered product, the applicant for new registration may be given a conditional new registration for the same period of time as is provided for the reregistrant. Such a scheme will put the new registrant on an equal footing with reregistrants dependent on submittal of the same data. The conditional new registration will be valid for the specified period of time calculated from the first time the missing data are requested in a reregistration guidance package. The Agency will no longer issue a new registration conditioned on receipt of long term product hazard data, once the time for obtaining and submitting these data to the Agency has passed.

#### B. Environmental Chemistry Data Requirements

On June 23, 1970, the Agency notified persons responsible for federal registration of pesticides of the environmental chemistry studies generally necessary to determine the effect of pesticides on the environment (PR Notice 70-15). The proposed registration guidelines have incorporated these requirements and included some additional requirements. As was

mentioned above, the conditions under which a specific study will be required to support an application for registration is being re-examined in preparation of the final guidelines. Until the guidelines are finalized, the environmental chemistry data required to support a specific application will be determined on a case-by-case basis.

Environmental chemistry data were not explicitly included in the new regulations as a data requirement for reregistration. It was the Agency's intent to require environmental chemistry studies for reregistration on a case-by-case basis, pursuant to the authority of 40 CFR 162.8(d), where such studies would be particularly relevant. The regulations contemplated that all registrants of products meeting the requirements for environmental chemistry data would need to submit such data at the five year anniversary of their registration as part of the five year cancellation program. In addition, as is discussed below, 40 CFR 162.8(b)(3)(ii) of the regulations provided that applicants for new registration of pesticides intended for outdoor application would be required to submit environmental chemistry data, prior to approval of their applications for new registration.

The Administrator is persuaded that this time schedule for submittal of environmental chemistry data is inequitable. Registrants of currently registered products are given more time than is necessary to conduct the required environmental chemistry studies and new registrants of pesticide products which are identical or substantially similar to currently registered products are put at a serious disadvantage.

Therefore, pursuant to the authority of 40 CFR 162.8(d), the Administrator will be requiring environmental chemistry data for reregistration of all pesticide products intended for outdoor application. If the necessary data are not yet available, affected reregistrants may be granted a conditional reregistration for a period of three years to run from the date of call-in for registration.

40 CFR 162.8(b)(3)(ii) provides that environmental chemistry studies will be required to support the application of a new pesticide product intended for outdoor application. If a new pesticide product is identical or substantially similar to a currently registered product and it requires environmental chemistry data which are not yet available to support the registration, the applicant for new registration may also be given a conditional registration. This conditional new registration will be valid for the same period of time as is provided for the conditional reregistration—three years to run from the date of call-in of the currently registered products. The Agency will no longer issue a new registration conditioned on receipt of environmental chemistry data once the time for obtaining these data and submitting them to the Agency has passed.

The February 17, 1976 Federal Register Notice which assigned active ingre-

dients to reregistration categories was compiled without regard to the environmental chemistry data available in the Agency's files to support the reregistration of currently registered products. Therefore, if a pesticide product is composed of an active ingredient which is presently assigned to category I, the pesticide product may, nonetheless, be eligible for a conditional reregistration or a conditional new registration rather than a full reregistration or new registration. The Agency is presently reviewing the environmental chemistry data contained in its files to determine what data are available to support the new registration and reregistration of pesticide products.

#### C. Efficacy Data Requirements

Efficacy data is generally not required for reregistration. The Administrator will, however, pursuant to the authority of 40 CFR 162.8(d), require additional efficacy data as a condition for reregistration if the pesticide's use history indicates that it may not effectively perform its intended function. In the event efficacy data are required to support reregistration, the registrant may be issued a conditional reregistration and afforded a reasonable amount of time to conduct the required testing.

The efficacy data requirements for new registration are outlined in 40 CFR 162.8(b)(2). The data required to support a specific application must be determined on a case-by-case basis. Any applicant for new registration of a pesticide product which is not identical to a currently registered product, will have to submit appropriate efficacy data prior to any approval of the application for registration. Moreover, whenever the efficacy of a new product is related to health effects, as for example a public health application or use of a disinfectant to mitigate a disease organism, efficacy data will be required prior to approval of a conditional registration. However, if a pesticide is identical to a currently registered product, its efficacy is not related to health effects, and appropriate efficacy data are not available, the applicant may be issued a conditional registration, which would allow 18 months for the submission of acceptable efficacy data to the Agency.

#### Public Comment

The Administrative Procedure Act (5 U.S.C. 553(b)) provides that the solicitation of comments is not required of Federal agencies for "interpretative rules, general statements of policy, or rules of agency organization, procedure or practice." EPA has determined that this Notice falls within this exemption from the requirement to solicit public comment. Accordingly, the Agency is not soliciting public comment regarding matters published in this notice. However, interested persons may submit written comments regarding the policy set forth herein to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Three

copies of all comments should be submitted to facilitate the work of the EPA and others interested in inspecting such documents. All comments filed pursuant to this Notice will be available for public inspection in the Federal Register Section, Office of Pesticide Programs, from 8:30 a.m. to 4:00 p.m., Monday through Friday.

Dated: May 19, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.76-15383 Filed 5-26-76; 8:45 am]

[FRL 550-2; PF37]

#### PESTICIDE PROGRAMS

##### Notice of Filing of Food Additive Petition

Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804, has submitted a petition (FAP 6H5131) to the Environmental Protection Agency which proposes that 21 CFR 561.20 be amended by establishing a regulation permitting the use of the insecticide acephate O,S-dimethyl acetylphosphoramidothioate on growing oranges, lemons and grapefruit with a tolerance limitation for the insecticide and its cholinesterase-inhibiting metabolite O,S-dimethyl phosphoramidothioate in the processed feed dried citrus pulp of 1 part per million.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569, Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St., SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 6H5131." Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

JOHN B. RITCH, Jr.,  
Director, Registration Division.

[FR Doc.76-15384 Filed 5-26-76; 8:45 a.m.]

[FRL 550-3; PP5G1620/T61]

#### EXTENSION OF A TEMPORARY EXEMPTION FROM THE REQUIREMENT OF A TOLERANCE

##### Nosema Locustae

On June 26, 1975, the Environmental Protection Agency (EPA) announced (40 FR 27072) that in response to a pesticide petition (PP5G1620) submitted by the United States Department of Agriculture



(USDA), Agricultural Research Service, Washington, DC 20250, a temporary exemption from the requirement of a tolerance was established for residues of the microbial insecticide *Nosema locustae* in or on the raw agricultural commodities rangeland grass and hay. This temporary exemption is scheduled to expire June 20, 1976.

USDA Agricultural Research Service has requested a one-year renewal of this temporary exemption from the requirement of a tolerance both to permit continued testing to obtain additional data and to permit the use of rangeland treated in accordance with two temporary permits which are being extended concurrently as experimental use permits under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that an extension of the temporary exemption from the requirement of a tolerance will protect the public health, and it is concluded, therefore, that the temporary exemption should be extended on condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. USDA, Agricultural Research Service must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. USDA must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

3. Each production batch must be tested for safety to laboratory animals as demonstrated by standardized intraperitoneal injections and a standardized 20-day feeding study.

This temporary exemption from the requirement of a tolerance expires May 19, 1977. Residues remaining in or on rangeland grass and hay after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary exemption from the requirement of a tolerance. This temporary exemption may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: May 19, 1976.

JOHN B. RITCH, Jr.,  
Director, Registration Division.  
[FR Doc. 76-15385 Filed 5-26-76; 8:45 am]

[OPP-50146, FRL 550-4]

#### E.I. DUPONT DE NEMOURS & CO. Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to E.I. DuPont de Nemours & Company, Wilmington, Delaware 19898. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 352-EUP-89) allows the use of 2,080 pounds of the insecticide oxamyl on apples, citrus, peanuts, and potatoes to evaluate control of various mites, aphids, thrips, nematodes, and the Colorado potato beetle. A total of 1,340 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Maine, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from April 29, 1976, to April 29, 1977. Temporary tolerances for residues of the active ingredient in or on apples, citrus, peanuts, and potatoes have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.  
[FR Doc. 76-15546 Filed 5-26-76; 8:45 am]

[OPP-50149, FRL 550-7]

#### PENNWALT CORP.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Pennwalt Corporation, Tacoma, Washington 98401. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with

respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 4581-EUP-17) allows the use of 14,107 pounds of the fungicide thiophanate methyl on apricots, cherries, nectarines, peaches, plums, apples, and strawberries to evaluate control of various fungi attacking these crops and commodities at both pre- and post-harvest intervals. A total of 8,233 acres is involved; the program is authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from April 29, 1976, to April 29, 1977. Temporary tolerances for residues of the active ingredient in or on apricots, cherries, nectarines, peaches, plums (fresh prunes), apples, and strawberries have been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.  
[FR Doc. 76-15543 Filed 5-26-76; 8:45 am]

[OPP-00027, FRL 551-1]

#### PESTICIDE PROGRAMS

##### Registration of M-44 Sodium Cyanide Capsules To Control Predators—Adoption of Modification To Order

On March 22, 1976, notice was given (41 FR 11871) that the Environmental Protection Agency (EPA) intended to modify Restriction No. 24 in the Order dated September 16, 1975 (40 FR 44726), regarding registration of M-44 sodium cyanide capsules for use in predator control. Restriction No. 24 sets forth requirements for antidote protection of M-44 applicators. The notice provided that the proposed modification of Restriction No. 24 would become final 30 days from the date of publication of the notice in the FEDERAL REGISTER unless a hearing was requested by persons who might be adversely affected by the modification.

No comments or requests for a formal hearing were received by the Agency.

Therefore, Restriction No. 24 in the Order of September 16, 1975, was amended, effective April 21, 1976, as follows:

"24. Each authorized or licensed applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain at least six pearls of amyl nitrite and instructions on their use. Each authorized or licensed applicator shall also carry on his person instructions for obtaining medical assistance in the event of accidental exposure to sodium cyanide."

Dated: May 21, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.  
[FR Doc. 76-15541 Filed 5-26-76; 8:45 am]

[OPP-50147, FRL-550-5]

#### ROHM & HAAS CO.

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 19105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-85) allows the use of 200 pounds of the herbicide 2-chloro-1-(3-ethoxy-4-nitrophenoxy) - 4 - trifluoromethyl benzene on almonds, apricots, grapes, peaches, nectarines, and plums to evaluate control of annual grasses and broad-leaf weeds. A total of 174 acres is involved; the program is authorized only in the State of California. The experimental use permit is effective from April 29, 1976, to April 29, 1977. Temporary tolerances for residues of the active ingredient in or on almonds, apricots, peaches, and nectarines have been established; temporary tolerances for residues of the active ingredients in or on grapes and plums (fresh prunes) intended for the fresh fruit market have also been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.  
[FR Doc. 76-15545 Filed 5-26-76; 8:45 am]

[OPP-50148, FRL 550-6]

#### TEXAS A & M UNIVERSITY

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Texas A & M University, College Station, Texas 77843. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 35899-EUP-2) allows the use of 200 pounds of the fungicide benomyl on elms, oaks, and sycamores to evaluate control of persimmon wilt fungus. A total of 2,000 trees will be treated; the program is authorized only in the State of Texas. The experimental use permit is effective from April 29, 1976, to April 29, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.  
[FR Doc. 76-15544 Filed 5-26-76; 8:45 am]

[OPP-50162, FRL 550-8]

#### U.S. DEPARTMENT OF AGRICULTURE

##### Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Southeastern Fruit and Tree Nut Research Station of the U.S. Department of Agriculture, Byron, Georgia 31008. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 11312-EUP-4) allows the use of 375 pounds of the pesticide aldicarb [2-methyl-2-(methyl-thio) propionaldehyde O-(methylcarbamoyl) oxime] for use on pecans to evaluate control of pecan aphids, spittlebugs, leafminers, and mites. Approximately 50 acres of pecan trees will be treated; the program is authorized only in the State of Georgia. The experimental use permit is effective from April 30, 1976, to April 30, 1977. A temporary tolerance for residues of the active ingredient in or on pecans has been established. The permit is issued with the limitations that grazing will not be allowed and cover crops grown in treated orchards will not be used as feed.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 21, 1976.

JOHN B. RITCH, Jr.,  
Director,  
Registration Division.

[FR Doc. 76-15542 Filed 5-26-76; 8:45 am]

#### FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1-234]

##### COMMON CARRIER SERVICES INFORMATION

##### International and Satellite Radio Applications Accepted for Filing

May 24, 1976.

The applications listed herein have been found, upon initial review to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d) (1).

##### FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,  
Secretary.

##### SATELLITE COMMUNICATIONS SERVICES

SSA-3-78 WESTPORT TELEVISION, INC., Kansas City, Missouri. Westport Television, Inc., licensee of station KBMA-TV, hereby requests that the Commission issue to it temporary authority to commence as soon as possible and to terminate on October 15, 1976, to install and operate a domestic communications satellite receive-only earth station at this location. Lat. 39 04 21. Long. 94 35 44. Rec. freq. 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

334-DSE-R-76 SCIENTIFIC-ATLANTA, Inc., Doraville, Georgia. Renewal of license (1-DSE-R)-75 for a Developmental Fixed station at this location. From: May 12, 1976, To: May 12, 1977.

335-DSE-P-76 UNITED VIDEO, INC., Tooty, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 30 05 07 Long. 93 31 40. Rec. freq. 3700-4200 GHz. Emission 34000F9. Using a 10 meter antenna.

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336-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Emmonak, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62 46 34 Long. 164 31 36. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

337-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Holy Cross, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62 11 58 Long. 159 46 02. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

338-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Sleetmute, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 61 42 12 Long. 157 10 05. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

339-DSE-P/L-76 RCA ALASKA COMMUNICATIONS, INC., Saint Marys, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 62 03 01 Long. 163 09 57. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

[FR Doc.76-15462 Filed 5-26-76;8:45 am]

[Report No. T-235]

#### COMMON CARRIER SERVICES INFORMATION

##### International and Satellite Radio Applications Accepted for Filing

MAY 24, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

#### FEDERAL COMMUNICATIONS COMMISSION,

VINCENT J. MULLINS,  
Secretary.

#### SATELLITE COMMUNICATIONS SERVICES

13-DSS-LA-76 COMSAT GENERAL CORPORATION. For authority to launch the second COMSTAR satellite, called the D-2 (call sign ES27), bring that satellite on station at 110° West Longitude, and carry out pre-operational testing of that satellite.

[FR Doc.76-1463 Filed 5-26-76;8:45 am]

#### FEDERAL MARITIME COMMISSION

##### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

##### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution)

which had been issued by the Federal Maritime Commission, covering the vessels indicated below, pursuant to 46 CFR Part 542 and Section 311(p)(1) of the Federal Water Pollution Control Act.

#### Certificate No. Owner/operator and vessels

01118... Hvalfangerselskapet "Polaris" A/S (The Whaling Co. "Polaris" Ltd.): Polartank.

01150... Chevron Transport Corp.: Roy G. Lucks.

01193... A/S Berpa: Panamerica.

01252... Aktieselskapet Havtor: Havtor, Havkong.

01269... S. Ugelstad Rederi A/S: Samuel Ugelstad.

01330... Shell Tankers (U.K.) Ltd.: Hemisus, Maritica, Zenatia, Zaphon.

01533... Oy Henry Nielsen AB: Passad III.

01839... Keystone Tankship Corp.: Key-tanker.

01861... BP Tanker Co. Ltd.: British Trust, British Kestrel, British Bombardier.

01905... Ben Line Steamers Ltd.: Benreoch.

01931... Brigantine Transport Corp.: Clementine.

02258... Bruusgaard Klosteruds Skibs A.S. Drammen: Hydra.

02288... "Cosarma": Brezza.

02501... Standard Oil Co. of California: Oregon Standard.

02505... Bamburgh Shipping Co. Ltd.: Bamburgh Castle.

02551... Ellerman Lines Ltd.: City of Delhi.

02863... Naviera Aznar S.A.: Monte Arucas.

03090... Malaysia Overseas Lines Ltd.: Liberia: Oriental Hero.

03139... Offshore Marine Ltd.: Atlantic Shore.

03300... Construction Aggregates Corp.: Western Squaw.

03455... Marukichi Kisen K.K.: Marukichi Maru No. 3.

03563... A/S Mosvold Maritime Co.: Moshill.

03625... Hygrade Operators Inc.: Hygrade No. 34.

03691... Spentonbush Transport Service, Inc.: F. A. Verdon.

03692... Marmac Corp.: WGH-12.

03734... Santa Fe Marine, Inc.: Santa Fe Marine 1.

03878... Ingram Barge Co.: Drake 992, ETT 118.

04004... Koninklijke Java-China-Paketaart Lijnen N.V.: Straat Le Maire.

04172... Eklof Marine Corp.: E 20.

04398... Hapag-Lloyd Aktiengesellschaft: Oriental Importer.

04404... Lars Rej Johnansen: Jodonna.

04407... Domar Ocean Transportation, Ltd.: Z-111, Z-101, Z-120, Z-122, Z-71, Z-112, Z-110, Domar 2502, Domar 2503, Domar 6501.

04487... Sanwa Enyo Gyogyo Siesan Kuni-nal: Sanwa Maru No. 3.

04555... Goyo Suisan K.K.: Setyo Maru, Goyo Maru.

04933... The Revilo Corp.: Iowa 922.

05053... Wakefield Fisheries: Akutan.

05156... Empresa Naviera Santa S.A.: Santamar.

05199... Prekookeanska Plovdba: Ribnica.

05537... Empresa Navigacion Mambisa: Mazimo Gomez.

05693... Korea Exchange Bank: Anyung No. 3.

05895... Black Navigation Co. Inc.: OB-2.

05992... Fujitake Gyogyo Kabushiki Kaisha: Seisho Maru No. 12.

06232... Aztec Trading Co., S.A.: Patricia Maru.

#### Certificate No.

06428... Tuna Societa Perla Pesca Oceanica S.p.A.: Tuna Prima.

06534... Union Steam Ship Co. (U.K.) Ltd.: Rangatira.

06542... Serriclos Tecnicos Industriales S.A.: La Chorrera.

06563... Ragnar Johansen & Co. A/S: Murfo.

06617... Universal Container Lines Inc.: Taeho.

06636... Nices Shipping Corp.: Nices.

06806... Korea Marine Transport Co. Ltd.: Pagodo.

06825... Takebayashi Katsusaburo: Ryoun Maru No. 2.

06828... Mohri Hikotaro: Shinnich Maru.

06830... Osaka Gyogyo Kabushiki Kaisha: Marunka Maru No. 62.

06995... Novorossiisk Shipping Co.: Moskovsky Festival, Grigory Achkanov, Gheorghe Gheorghiu Derzj, Giuseppe Garibaldi, Budapest, Phenjan, Praha, Petr Alekseev, Epifan Koutykh, Ljubino.

Novorossiisk Shipping Co.: Gdynia, Grigory Vakulenchuk, Dmitry Zhloba, Marshal Biryuzov, Riketa, Nikolai Podvoiskiy, Warshaw, Sofia, Palmiro Togliatti, Leonardo Da Vinci, Ljudimiro, Ljubotin, Lenkoran, Havana, Fedor Poletaev, Giuseppe Verdi, Mekhanik Ajanasiev, Galileo Galilei, Pyatides Yatijetie Oktyabrya.

07019... Allied Shipping International Corp.: Scorpio.

07032... Heinsmith Bulk-Shipping Schmidt & Co. KG.: Andromeda, Pegasis.

07362... Primorsk Shipping Co.: Viljusk, Pevek.

07957... Tatsumi Sumida: Tatsumi Maru No. 25.

07999... Sakamoto Yohel: Choset Maru No. 8.

08019... Taimo Steamship Co. S/A: Asia Taimo.

08020... Maeda Kisen Kabushiki Kaisha: Wayou Maru.

08131... Empresa Navegacion Caribe: Comandante Pinares.

08259... Samelet M/S "Belgrano": Belgrano.

08321... Lapatho Shipping Co. S.A. Panama: Stolt Pioneer.

08365... Compania Pella Navegacion, S.A.: Christina.

08387... Sure Hope Towing Co., Inc.: HTCO-29.

08447... Takamiya Maru Gyogyo Kabushiki Kaisha: Takamiya Maru No. 23.

08450... Muto Mori: Shotoku Maru No. 58.

08601... Super Lines Inc. S.A.: Super.

08698... Toko Suisan Kabushiki Kaisha: Toko Maru No. 2.

08908... Dong Seung Industrial Co., Ltd.: Dong Seung 203.

09083... Balboa Navigation S.A.: Sovereign Opal.

09088... Dong Won Fisheries Co., Ltd.: Dong Won No. 517, Dong Won No. 16, Dong Won 6, Dong Won 502, Dong Won 519.

09096... Dong Won Industrial Co., Ltd.: Dong Won No. 86, Dong Won 83.

09115... Hoyo Suisan K.K.: Hoyomaru No. 63.

09146... Western Marine Construction Inc.: ZB 13, ZB 9.

09173... Dong Bang Ocean Fisheries Co., Ltd.: Dongbang No. 73.

09214... Wha Yang Industrial Co., Ltd.: Wha Yang 101.

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#### Certificate No.

09215... Societe Generale Marocaine De Peches: Aslm.

09251... Hakuou Maru Gyogyo Selsan Kumiai: Hakuomaru No. 5.

09364... Illi Compania Naviera S.A. Panama: Ermis.

09408... Partenreederel Ms Woermann Sanaga: Woermann Sanaga.

09436... Daerim Fishery Co. Ltd.: Daejin 6, Daejin 7.

09567... Dong Soo, Ltd.: Dong Won No. 16, Dong Soo No. 111, Dong Soo No. 110.

09694... Jin Yung Fisheries Co., Ltd.: Jin Yung No. 505.

09702... Korean Overseas Fishing Co., Ltd.: Kum Bong No. 201, Kum Bong No. 202.

09788... Daejin Shipping Co., Ltd.: Sun Yang No. 22.

09903... Dae Wang Fisheries Co., Ltd.: Dae Wang No. 21.

09924... Jin Yang Fisheries Co., Ltd.: Nam Yang No. 3.

09964... Jin Yung Fisheries Co., Ltd.: Jin Yung No. 506.

09970... Izul Gyogyo Kabushiki Kaisha: Shinnan Maru No. 18.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-15513 Filed 5-26-76;8:45 am]

[FMC-142(a) (Rev. 3/74)]

#### SEA-LAND SERVICE, INC. AND MARINE JAMAICA, LTD.

##### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 16, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by: Frank Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., 10 Parsonage Road, P.O. Box 900, Edison, New Jersey 08817.

Agreement No. 10242, between the above-named parties, is a space charter arrangement whereby Marine Jamaica will convert its vessel S/S Pyramid Viking, at Sea-Land's expense, in order to render it capable of carrying a specified number of containers on deck. After completion of said conversion, Sea-Land will space charter such converted deck space for the transportation of its containers in the trade between Kingston, Jamaica and New Orleans, Louisiana, according to the terms, conditions and to the extent set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: May 24, 1976.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-15512 Filed 5-26-76;8:45 am]

#### FEDERAL POWER COMMISSION

[Docket Nos. C176-427, et al.]

#### ALLEN BEARD, ET AL. AND OTHER APPLICANTS LISTED HEREIN

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

MAY 18, 1976.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.<sup>2</sup>

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without

<sup>1</sup> This notice does not provide for for consolidation for hearing of the several matters covered herein.

<sup>2</sup> There is a Limited-Term Application for a certificate contained herein.



## NOTICES

further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the

Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C176-427 B 3-21-76	Allen Beard et al., P.O. Box 20, Sissonville, W. Va. 25320.	Consolidated Gas Supply Corp., Route 47, Field, Wood County, W. Va.	Uneconomical	
C176-433 A 3-29-76	Gulf Oil Corp., (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans.	\$13.51313	14.65
C176-435 (C164-200) F 3-29-76	Gulf Oil Corp., successor to Nafco Oil & Gas, Inc.	Colorado Interstate Gas Co., Kansas Hugoton Field, Kearny and Grant Counties, Kans.	\$15.51875	14.65
C176-436 F 3-29-76	do	Cities Service Gas Co., Hugoton Field, Kans.	\$13.16926	14.65
C176-438 B 4-1-76	Getty Oil Co., P.O. Box 1101, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Yoward Field, Bee County, Tex.	Wells plugged and abandoned	
C176-439 A 3-30-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Cook B No. 1 Well, Beaver County, Okla.	\$27.2213	14.65
C176-440 A 3-29-76	Teteco Inc., P.O. Box 60252, New Orleans, La. 70160.	Natural Gas Pipeline Co. of America, Ship Shoal Block 313 Field, offshore Louisiana.	\$53.041	15.025
C176-441 A 3-29-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Gentler Field, Stevens County, Kans.	\$51.7178	14.65
C176-443 B 3-30-76	H & L Operating Co., Box 7401, Amarillo, Tex. 79109.	Colorado Interstate Gas Co., #1 Elliott, sec. 21-SN-9E(CM), Keyes Field, Cimarron County, Okla.	Well watered out	
C176-444 A 4-1-76	Enserch Exploration, Inc., 1025 Connecticut Ave., N.W., Suite 1206, Washington, D.C. 20036.	Cities Service Gas Co., sec. 27, T25N, R17W, Woodward County, Okla.	\$55.6603	14.65
C176-445 A 4-14-76	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	United Gas Pipe Line Co., Shongaloo Field, Webster Parish, La.	\$60.551404	15.025
C176-446 (C571-18) F 4-1-76	Amoco Production Co., (successor to W. E. Bakke), Security Life Building, Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Stanton County, Kans.	\$13.5 \$23.5 \$29.5	14.65 14.73 14.73
C176-447 B 4-5-76	Xetron Minerals, Inc., P.O. Box 13003, Houston, Tex. 77019.	Tennessee Gas Pipeline Co., Susie Rugeley No. 1, North Tidehaven Field, Matagorda County, Tex.	Uneconomical	
C176-448 A 4-2-76	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Northern Natural Gas Co., block 480, West Cameron Area, offshore Louisiana.	\$55.29	15.025
C176-450 A 4-5-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., various fields, Eddy County, N. Mex.	\$18.91.9308	14.73
C176-451 A 4-8-76	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Page Ranch (Canyon) Field, Schleicher County, Tex.	\$67.0031	14.65
C176-452 A 4-5-76	Odessa Natural Corp., (operator), P.O. Box 3908, Odessa, Tex. 79700.	El Paso Natural Gas Co., Chaco-Dakota Pool, Rio Arriba and Sandoval Counties, N. Mex.	\$52.0	14.73
C176-453 A 4-5-76	Odessa Natural Corp., nonoperator	Colorado Interstate Gas Co., Higgins Unit Area, Sweetwater County, Wyo.	\$52.0	14.65
C176-454 A 4-6-76	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Meister B No. 1 Well, Stevens County, Kans.	\$1.7176	14.65
C176-455 A 4-5-76	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Red Hills Field, Lea County, N. Mex.	\$76.5951	14.65
C176-462 A 4-12-76	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 28 Field, West Cameron Area, Offshore Cameron Parish, La.	\$56.7339	15.025

<sup>1</sup> Subject to downward British thermal unit adjustment and includes 0.01313¢ tax reimbursement.  
<sup>2</sup> Subject to downward British thermal unit adjustment and includes 0.01875¢ tax reimbursement.  
<sup>3</sup> Not used.

<sup>4</sup> Includes 0.34537¢ downward British thermal unit adjustment and 0.01463¢ tax reimbursement.  
<sup>5</sup> Effective Mar. 1, 1976.  
<sup>6</sup> Effective July 1, 1976.

<sup>7</sup> Applicant proposes to continue the sale of gas heretofore authorized in docket No. C160-443 to be made by applicant pursuant to its FPC gas rate schedule No. 22.

<sup>8</sup> Includes 0.51¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.

<sup>9</sup> Subject to upward and downward British thermal unit adjustment.

<sup>10</sup> Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.

<sup>11</sup> Includes state taxes of 3.9427¢/1,000 ft<sup>3</sup> and is subject to upward and downward British thermal unit adjustment from 1,000 Btu/ft<sup>3</sup> at 60° F and 14.73 lb/in<sup>2</sup> a.

<sup>12</sup> Subject to upward and downward British thermal unit adjustment.

<sup>13</sup> From Dec. 15, 1973 to Mar. 31, 1976.

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

## NOTICES

<sup>14</sup> From Apr. 1, 1976 to June 30, 1976.

<sup>15</sup> On and after July 1, 1976.

<sup>16</sup> Subject to upward and downward British thermal unit adjustment.

<sup>17</sup> Includes 4.3777¢ upward British thermal unit adjustment.

<sup>18</sup> Applicant is willing to accept a permanent certificate at an initial rate of 52.0¢/1,000 ft<sup>3</sup> at 14.73 lb/in<sup>2</sup> a, plus production taxes, subject to upward and downward British thermal unit adjustment from 1,000 Btu/ft<sup>3</sup> in conformance with opinion No. 899, as amended.

<sup>19</sup> Subject to upward and downward British thermal unit adjustment. The contract rate is the national rate established by opinion No. 899-11 and applicant is willing to accept a permanent certificate in conformance with this opinion.

<sup>20</sup> Subject to upward British thermal unit adjustment.

<sup>21</sup> Subject to upward or downward British thermal unit adjustment.

<sup>22</sup> Subject to upward and downward British thermal unit adjustment.

<sup>23</sup> Applicant has expressed its willingness to accept the applicable nationwide area rate provided in opinion No. 699-11, as may be amended.

<sup>24</sup> Initial service for limited term with pregranted abandonment.

<sup>25</sup> Includes 3.1825¢ upward British thermal unit adjustment and 0.51¢ gathering allowance.

[FR Doc.76-15307 Filed 5-26-76; 8:45 am]

[Docket No. ER76-472]

CANAL ELECTRIC CO.

Supplemental Filing

MAY 19, 1976.

Take notice that on May 10, 1976, Canal Electric Company tendered for filing additional information regarding the contract for sale of Canal Unit No. 2 power to Cambridge Electric Light Company and New Bedford Gas and Edison Light Company. The supplemental filing was made in response to the Commission Secretary's letter of April 28, 1976.

The additional information deals with the Company's calculation of its depreciation expense, its calculation of two different rates for investment expense, and its capitalization.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15458 Filed 5-26-76; 8:45 am]

[Docket Nos. CP75-96, et al.]

EL PASO ALASKA COMPANY, ET AL.  
Joint Local Hearing

Order granting staff motion for joint hearing, denying motions by the county of Santa Barbara of the State of California for local hearing and by the peo-

<sup>1</sup> "Joint hearing," as the term is herein-after used, pertains to a hearing involving several jurisdictional proceedings and should be distinguished from the "joint hearing" contemplated in Section 1.37(e) of our Regulations, wherein members of the Federal Power Commission and members of one or more state commissions may sit together in a proceeding pending before one such commission.

ple of California and the public utilities commission of the State of California for joint local hearing, and permitting interventions. Issued May 19, 1976.

By this order we dispose of several matters which are before us in the above-captioned, unconsolidated proceedings. First of all, the Commission staff on April 16, 1976, filed a motion in which it seeks to have the Chief Administrative Law Judge or his designee order a common hearing in these three proceedings for the limited purpose of providing parties in all three proceedings with the opportunity to cross-examine the witnesses responsible for the preparation of certain documents<sup>2</sup> which, pursuant to Staff request, Western LNG Terminal Company (Western LNG)<sup>3</sup> submitted in each proceeding on April 6, 1976. Staff recites that its motion is made for the sake of administrative convenience and expedience and in no way reflects any desire on the part of Staff to consolidate the Western Terminal proposals in these separate proceedings for purposes of disposition. It is Staff's intention that the subject documents and sponsors thereof be examined before a single Administrative Law Judge and that the resulting transcript be incorporated by ref-

<sup>2</sup> The direct testimony and exhibits of Messrs. K. C. Kinney, E. Fuller, S. T. Kopecek, and W. H. England.

<sup>3</sup> Western Terminal proposed in Docket No. CP75-83 to provide LNG terminal service for all three above-titled proceedings. In the original application Western Terminal requested approval of the three terminal sites in California, conditioned upon approval of proposals for specific facilities, applications for which would be filed later. Western Terminal thereafter filed in Docket No. CP75-83-1 to construct facilities at Point Conception to receive LNG volumes from the project proposed in El Paso Alaska LNG Company, et al., Docket Nos. CP75-96, et al.; in Docket No. CP75-83-2 to construct facilities at Los Angeles Harbor to receive LNG volumes from the project proposed in Pacific Alaska LNG Company, Docket No. CP75-140; and in Docket No. CP75-83-3 to construct facilities at Oxnard to receive LNG volumes from the project proposed in Pacific Indonesia LNG Company, et al., Docket Nos. CP74-160, et al. By notice of March 19, 1975, the proposal in Docket No. CP75-83-1 was consolidated in the El Paso Alaska proceeding. By order of April 29, 1976, the proposal in Docket No. CP75-83-2 was consolidated in the Pacific Alaska LNG proceeding. By notice of April 18, 1975, the proposal in Docket No. CP75-83-3 was consolidated in the Pacific Indonesia LNG proceeding.

erence or otherwise be made a part of the record in each proceeding, to be available to the respective Presiding Judge in reaching his decision on the merits. Staff advises that May 24, 1976, has been determined to be a date acceptable to most parties. There being no objection to Staff's motion, either in substance or as to the proposed date, and said motion appearing to facilitate the handling of each proceeding without inhibiting due process, the motion will be granted. Consistent with the request of the El Paso Alaska Company (El Paso Alaska) in Docket No. CP75-96, et al., and subject to the approval of the Chief Administrative Law Judge, we direct that Administrative Law Judge Nahum Litt preside at the May 24, 1976, hearing session.

A second motion, unrelated to the first, was filed with the Commission on April 27, 1976, by the People of the State of California and the Public Utilities Commission of the State of California (hereinafter collectively referred to as California). California's motion is directed to the same terminal and regasification facilities to which the above-mentioned Western Terminal documents were directed, but its thrust is much broader than that of Staff's motion. California proposes, first, that, inasmuch as these facilities are all to be situated in California and will thus directly affect the economy, environment, and safety of that State and its residents, the Commission should provide for joint local hearings to be held in California as to these facilities. California further requests that these hearings be held in abeyance pending issuance of Draft Environmental Impact Statements (DEIS) in the Pacific Indonesia LNG and Pacific Alaska LNG proceedings (the Final Environmental Impact Statement (FEIS) having already been issued and introduced into evidence in the El Paso Alaska proceeding). California envisions that, upon issuance of the last DEIS, hearings would be convened in which (1) the sponsoring witnesses of both Staff's EIS's and Western Terminal's study would be offered for cross-examination, (2) representations of state and local agencies would be given the right to present direct evidence and be subject to cross-examination, and (3) the public would be afforded the opportunity to air views regarding the various environmental impact statements. In the event the Commission is unwilling to delay the El Paso Alaska proceeding in order to comply with its request, California alternatively moves the Commission to phase that proceeding in such a way as to permit decision on the LNG regasification siting issue therein to be deferred until such time as it can be heard in tandem with the siting issues in Pacific Indonesia and Pacific Alaska under the conditions which California here advocates.

<sup>4</sup> See p. 20,418 of the transcript in the El Paso Alaska proceedings; also pp. 2-3 of the response which El Paso Alaska filed on May 5, 1976.



Responses to California's motion have been received from El Paso Alaska, from Pacific Indonesia, Western Terminal, Pacific Alaska, and Southern California Gas Company (hereinafter Pac Indonesia, et al.), and from the Commission Staff. None of these respondents opposes joint local hearings per se. However, because of the procedural delays inherent in California's proposal to await issuance of the DEIS in the Pacific Indonesia LNG and Pacific Alaska LNG proceedings, these parties unanimously urge that California's primary motion be denied. Further, El Paso Alaska and Staff oppose any effort to sever and phase the LNG terminal and regasification siting issues in the El Paso Alaska proceeding as undermining the ability of El Paso Alaska to fully present, and the ability of the Presiding Judge to fairly assess, the overall attractiveness of the El Paso Alaska route vis-a-vis that of the Alaskan Arctic proposal there at issue.

A third motion (albeit first in time) was filed on January 5, 1976, by the County of Santa Barbara of the State of California (County of Santa Barbara) in conjunction with that body's petition to intervene in the proceedings in El Paso Alaska Company, Docket Nos. CP75-96, et al. The County of Santa Barbara also requests a local hearing, but limits the scope of its proposed hearing to the impact of the LNG facilities which Western Terminal contemplates constructing and operating at Los Angeles Harbor.

It is the general policy of this Commission to hold hearings on applications filed under the provisions of the Natural Gas Act in Washington, D.C., although we have on occasion agreed to schedule limited local hearings where substantial local interest has been demonstrated and good cause shown.<sup>4</sup> As evidenced from the attachments to California's motion<sup>5</sup> and the request for local hearings filed by the County of Santa Barbara, we do not doubt the presence of substantial local interest<sup>6</sup> here. And, insofar as good cause<sup>7</sup> is concerned, it is true that safety and the environment are primary among the factors which bear upon our decision to authorize or not to authorize local

hearings in a particular proceeding.<sup>7</sup> Where the siting of an LNG facility is in issue, we have recognized that safety and environmental concerns are of central importance, and we have accordingly shown ourselves willing to provide for local hearings where circumstances so warrant.<sup>8</sup> We observe, however, that a party requesting local hearings has not fully satisfied its burden by demonstrating merely that a proposed project may materially affect the safety and environment of a particular locality; the movant must also show a likelihood that it, or the constituents which it serves, will not be adequately represented in the proceedings which it seeks to have transferred, should its motion be denied. Neither California nor the County of Santa Barbara has made such a showing here. The People of California and the California Public Utilities Commission petitioned to intervene in Docket Nos. CP75-96, et al. on November 12, 1974, which petition was granted by our order of January 23, 1975. Along with every other participant to the proceedings in those dockets, California has been afforded ample opportunity to offer evidence and cross-examine witnesses on the siting issue, including the sponsors of the FEIS which Staff introduced into evidence on April 14, 1976 in Docket Nos. CP75-96, et al. We have been shown nothing to indicate that California is without sufficient resources to prepare and present its case on behalf of the citizens and local agencies within the State of California or that it has failed to meet its responsibilities in this respect. No person has come forward to identify relevant information on this issue which is not already part of the record or which, through California or on an individual basis, could not be tendered therefor.

We are similarly unpersuaded that a full and fair treatment of the LNG siting issue in the El Paso Alaska proceedings requires that it be heard together with the siting issues in Pacific Indonesia and Pacific Alaska. It is statutorily incumbent upon Staff in each EIS to test the environmental consequences of various alternatives to a proposed project at a specified site.<sup>9</sup> In the aforementioned FEIS in the El Paso Alaska proceedings, there is contained such an analysis embracing each of the three sites respectively proposed by Western Terminal in the El Paso Alaska, Pacific Indonesia, and Pacific Alaska proceedings. The record to be developed in connection with this analysis and the Western Terminal Study should enable the Presiding Judge to render an informed and intelligent decision on the LNG siting issue, taking into account the interests of both El Paso

Alaska, et al. and citizenry of the State of California.

For the reasons set forth above, we find that the motions for local hearings by the County of Santa Barbara and for joint local hearings by California should be denied. California's alternative motion, in which it seeks to have the LNG siting issue in El Paso Alaska severed therefrom and disposition thereof deferred, will also be denied. We will not engage in speculation as to the impact which such action may have on the ability of the applicants in Docket Nos. CP75-96 to present, or of the Presiding Judge to assess, their respective cases. Neither are we convinced of the legality of such action,<sup>10</sup> nor are we prepared, in view of the unprecedented importance of this case, to unnecessarily risk prejudicing the outcome thereof.

As a final matter, we note that Governor Thomas L. Judge, Lt. Governor Bill Christiansen, and The Montana Department of Natural Resources and Conservation filed a joint petition to intervene in Docket Nos. CP75-96, et al. on May 10, 1976. Finding this petition, as well as the January 5, 1976, petition of the County of Santa Barbara, noted supra, to be in compliance with the requisites of Section 1.8 of our Regulations, we shall permit the intervention of these parties, subject to the conditions set forth below.

The Commission finds

(1) Good cause has not been shown to grant the January 5, 1976, motion of the County of Santa Barbara of the State of California for local hearing in Docket Nos. CP75-96, et al.

(2) Good cause has been shown to grant the April 16, 1976, motion of the Commission Staff for joint hearing in Docket Nos. CP75-96, et al., Docket Nos. CP74-160, et al., and Docket Nos. CP75-140, et al.

(3) Good cause has not been shown to grant the April 27, 1976, motion of the People of California and the Public Utilities Commission of the State of California for joint local hearing in Docket Nos. CP 75-96, et al., Docket Nos. CP74-160, et al., and Docket Nos. CP75-140, et al.

(4) It is desirable and in the public interest that the petitioners referred to in the body of this order be permitted to intervene.

The Commission orders

(A) The above-referenced motions of the County of Santa Barbara of the State of California and the People of California and the Public Utilities Commission of the State of California are denied.

(B) The above-referenced motion of Commission Staff is granted, and, pursuant thereto, a hearing shall be held on May 24, 1976, at 10:00 a.m. before Administrative Law Judge Nahum Litt in a hearing room of the Federal Power Commission, 825 N. Capitol St., Washington,

<sup>10</sup> See *Scenic Hudson Preservation Conference v. F.P.C.*, 354 F.2d 608 (2nd Cir.), cert. denied 384 U.S. 941 (1965).

<sup>4</sup> Escogas LNG, Incorporated, et al., Docket Nos. CP73-47, et al. (order issued March 21, 1975).

<sup>5</sup> Included are a resolution dated March 31, 1976, by the California Energy Resources Conservation and Development Commission authorizing its General Counsel to request the Staff Counsel of the California Public Utilities Commission to ask this Commission for local hearings (Appendix A), a letter dated March 29, 1976, from the Mayor of the City of Los Angeles supporting this resolution (Appendix B), a telegram dated April 1, 1976, by the Board of Supervisors of the City of Los Angeles also supporting this resolution (Appendix C), a resolution dated April 13, 1976, by the Board of Supervisors of Ventura County in support of the aforementioned resolution (Appendix D), and, finally, a letter dated April 19, 1976, from the General Counsel of the California Energy Commission requesting that the California Public Utilities Commission implement the resolution (Appendix E).

<sup>9</sup> El Paso Natural Gas Company, Docket Nos. RP72-6, et al. (Order issued April 23, 1975 at mimeo p. 5).

<sup>8</sup> Escogas LNG, supra; Distigas Corporation, et al. Docket Nos. CP73-132, et al. (order issued March 21, 1975).

<sup>7</sup> See Section 102(2) (c) (iii) of the National Environmental Policy Act, 42 USC § 4332(2) (c) (iii).

D.C. 20426 for the purpose hereinabove described. Nothing in this order shall prevent Judge Litt, in his discretion, from prescribing procedures which may be necessary to suit the convenience of the parties involved and conclude the hearing session(s) as expeditiously as possible, consistent with due process.

(C) The above-referenced petitioners are permitted to intervene in the proceedings at Docket Nos. CP75-96, et al., subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings; and *Provided, further*, That such intervenors shall accept the evidentiary record as it has been established in the proceedings to date.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15461 Filed 5-27-76; 8:45 am]

[Docket Nos. CI75-119 and RI75-5]

JENKINS, WILLIAM A. (OPERATOR),  
ET AL.

Petition for Amendment to Order Granting  
Special Relief

May 19, 1976.

Take notice that on May 3, 1976, William A. Jenkins (Operator), et al. (Petitioner), Suite 808, Expressway Terrace Building, 2601 Northwest Expressway, Oklahoma City, Oklahoma, 73112, filed a petition in Docket Nos. CI75-119 and RI75-5 for Amendment to Order Granting Special Relief pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure. Petitioner requests that the Commission issue an order, amending its Order Adopting Initial Decision, (issued December 4, 1975) to provide for a rate of return of 20%. Petitioner states that this will result in a rate of 30.98¢ per Mcf for Petitioner's sales to Champlin Petroleum Company (Champlin), and 41.65¢ per Mcf for Champlin's sales to Cities Service Gas Company. Petitioner states in support thereof that precedents have been set in Independent Oil & Gas Association of West Virginia (IOGA), Docket No. RI75-21 (March 21, 1976) and in Opinion No. 742 (issued August 28, 1975) wherein the Commission found a 20% rate of return to be just and reasonable for small producers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's

Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15459 Filed 5-28-76; 8:45 am]

[Docket No. ES76-45]

NORTHWESTERN PUBLIC SERVICE CO.

May 19, 1976.

Take notice that on May 13, 1976, Northwestern Public Service Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to Section 204 of the Federal Power Act authorizing it to issue not to exceed 250,000 shares of Common Stock, par value \$7 per share. Included in such application is a request for exemption from the competitive bidding requirements of Section 34.1a(a), (b) and (c) of the Commission's Regulations under the Federal Power Act for the transaction to enable a public offering of the Common Stock through a selected group of underwriters pursuant to a negotiated underwriting agreement.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota, and Nebraska, with its principal business office being in Huron, South Dakota. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

Applicant proposes to sell shares of its authorized but heretofore unissued Common Stock sufficient to provide, as a maximum, proceeds to Applicant of approximately \$4,300,000, but in no event shall the number of such shares to be sold exceed 250,000. It is proposed that the sales price and underwriting fees and commissions for the Common Stock will be determined by negotiation with the underwriters.

The net proceeds from the financing will be used (in whole or in part, depending upon the timing of the availability of the funds and the requirements therefore) to provide a portion of the funds required for Applicant's 1976 construction program and to refund outstanding short-term bank loan indebtedness.

Applicant's 1976 construction expenditures are estimated to be \$15,250,000, of which approximately \$8,500,000 is for the Neal Electric Generating Project, \$1,000,000 is for the Coyote Electric Generating Project, \$202,000 is for other

electric production projects, \$1,189,000 is for major transmission lines, \$1,412,000 is for major electric substations, \$1,912,000 is for miscellaneous routine extensions and additions to gas distribution systems, and \$225,000 is for miscellaneous, general and transportation facilities. The Neal Electric Generating Project, which involves the construction of a jointly-owned 576,000 KW electric generating plant and related transmission facilities near Sioux City, Iowa, is scheduled for completion in 1979. Applicant shares in the cost of the Neal Electric Generating Plant in proportion to its 8.68% ownership interest. The Coyote Electric Generating Project, which involves the construction of a jointly-owned 415,000 KW electric generating plant and related transmission facilities near Beulah, North Dakota, is scheduled for completion in 1981. Applicant shares in the cost of the Coyote Electric Generating Plant in proportion to its 10% ownership interest.

As of March 31, 1976, Applicant had \$17,000,000 of short-term bank loans outstanding which were incurred to finance a portion of Applicant's 1975 construction program. Applicant's expenditures for its 1975 construction program totaled approximately \$18,303,000 of which approximately \$12,982,000 was for electric generating facilities (principally the Big Stone Electric Plant Project), \$314,000 for electric transmission lines, \$1,403,000 for major electric substations, \$3,200,000 for routine extensions and additions to electric distribution systems, \$526,000 for miscellaneous extensions and additions to gas distribution systems and \$404,000 for miscellaneous, general and transportation facilities.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before June 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15460 Filed 5-26-76; 8:45 am]

[Docket No. CP73-147]

MICHIGAN WISCONSIN PIPE LINE CO.,  
TRUNKLINE GAS CO. AND PANHANDLE  
EASTERN PIPE LINE CO.

Petition To Amend

May 20, 1976.

Take notice that on May 12, 1976, Michigan Wisconsin Pipe Line Company



(Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, Truckline Gas Company (Truckline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-147 a petition to amend further the order, as amended, issuing a certificate of public convenience and necessity to Petitioners in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioners request that term of the authorized delivery of natural gas by Michigan Wisconsin to Truckline and the transportation of natural gas by Trunkline and Panhandle for the account of Michigan Wisconsin be extended and that Trunkline and Panhandle be permitted to increase the charge for such transportation, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

In the instant docket Michigan Wisconsin is authorized to deliver gas to Trunkline, and Panhandle and Trunkline are authorized to transport and deliver gas for Michigan Wisconsin's account to its market area. Petitioners request authorization in the instant petition to amend for Panhandle and Trunkline to transport gas for the account Michigan Wisconsin for an additional 18 months, through October 31, 1977, and to charge Michigan Wisconsin 31.0 cents per Mcf in lieu of 21.5 cents per Mcf for the transportation service. Michigan Wisconsin proposes to deliver gas to Trunkline through October 31, 1977.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 10, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15427 Filed 5-26-76; 8:45 am]

[Dockets Nos. RP73-94, G-19618-CP63-270, CP65-123, CP63-247, CP65-93, CP75-53]

**VALLEY GAS TRANSMISSION INC. AND  
TENNESSEE GAS PIPELINE COMPANY,  
A DIVISION OF TENNECO, INC.**

#### Compliance Filing

MAY 20, 1976.

Take notice that on May 5, 1976, Valley Gas Transmission, Inc. (Valley) tendered for filing First Revised Sheet Nos. 107,

143, 144, 145 and 159 to its FPC Gas Tariff, Original Volume No. 1, pursuant to Ordering Paragraph (J) of the Commission's "Order Approving Settlement" issued on December 2, 1975 in these dockets. Valley requests an effective date of December 2, 1975 for the revised tariff sheets.

Copies of the filing are on file with the Commission and are available for public inspection. Any person desiring to file comments should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 1, 1976.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15428 Filed 5-26-76; 8:45 am]

[Docket No. CP75-110]

**WASHINGTON NATURAL GAS CO.,  
AS PROJECT OPERATOR**

#### Petition To Amend

MAY 20, 1976.

Take notice that on May 11, 1976, Washington Natural Gas Company, as Project Operator (Petitioner), 815 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP75-110 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner seeks authorization to operate the Jackson Prairie Storage Project in Lewis County, Washington, in such a manner so as to increase deliveries of seasonal working gas, to extend the withdrawal season, and to inject gas during the withdrawal season, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

The petition to amend states that continued evaluation of the storage project has indicated that, consistent with orderly development and expansion, the seasonal withdrawal capabilities should be increased on October 1, 1976, from the present level of 9.3 million Mcf to 10.1 million Mcf of gas. Accordingly, Petitioner proposes to increase the cushion gas inventory from not less than 14 million Mcf to not less than 15.2 million Mcf of gas and to increase the total gas storage inventory, both cushion and working gas, from not less than 23.3 million Mcf to not less than 25.3 million Mcf of gas. It is stated that injections are presently planned to be made into the storage project to attain these levels by October 1, 1976. It is said that working gas would be provided by Northwest Pipeline Corporation (Northwest) and cushion gas would be provided one-third each by each of the project participants, Petitioner, Northwest, and The Washington Water Power Company. Petitioner states that no construction of facilities is required to attain the proposed level of storage service.

The petition to amend states further that the continued evaluation has also indicated the desirability of extending the withdrawal season from the period,

October 16 through April 15, to the period, October 1 through April 30.

Petitioner states that the injection of gas during the withdrawal season would permit maximum utilization of Northwest's available gas supply during periods of low demand (weekends and holidays). It is said that gas injected during the withdrawal season would not be used to increase the seasonal withdrawal quantity proposed in the instant petition; but, to the extent such volumes would be injected, they would be used in computing the daily deliverability provided in the storage agreement among the project participants and would reduce the injection requirements during the next succeeding summer injection cycle.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15426 Filed 5-26-76; 8:45 am]

#### NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE AND COORDINATING COMMITTEE

##### Renewal

The Chairman of the Federal Power Commission has determined that renewal of the terms of the Executive Advisory Committee and the Coordinating Committee of the National Power Survey to a date not later than June 30, 1976, is necessary in the public interest in connection with the performance of duties imposed on the Commission by law.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, 38 FR 1083, as amended by Commission General Order No. 464-A, issued August 2, 1974, and authorities referred to therein, 39 FR 28929. See also Office of Management and Budget, Advisory Committee Management, Circular A-63 Revised, March 27, 1974, 30 FR 12389, as amended July 19, 1974.

The Executive Advisory Committee was established by Commission order, dated August 11, 1972, 37 FR 24213, and the Coordinating Committee by order, dated November 2, 1972, 37 FR 23868. These orders refer to the Commission order issued June 29, 1972, 37 FR 13380, which announced initiation of the National Power Survey, authorized formation of advisory committees, and estab-

lished procedures therefor. By order issued December 19, 1972, 37 FR 28661, the Commission amended its earlier orders to conform with the requirements of the subsequently enacted Federal Advisory Committee Act, 86 Stat. 770.

The continued existence of these two committees is desirable during preparation of the Commission report. Specifically, the Executive Advisory Committee will be solicited for its views and comments regarding the staff report, while the Coordinating Committee is the remaining link between the Commission staff and technical advisory committees whose work, in some cases, may form the basis for Commission action; these technical advisory committees have expired.

The Commission continues or reestablishes these committees in accordance with the terms of this order, and the following Commission orders:

Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972, 37 FR 13380.

Order Establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued August 11, 1972, 37 FR 24213.

Order Establishing National Power Survey Coordinating Committee and Designating Initial Membership and Chairmanship, issued November 2, 1972, 37 FR 23868.

Order Amending National Power Survey Orders Issued December 19, 1972, 37 FR 28661.

General Order No. 464-A, issued August 2, 1974, 39 FR 28929.

Order Renewing National Power Survey Executive Advisory Committees, issued August 7, 1974, 39 FR 29233.

Order Renewing National Power Survey Coordinating Committee, issued January 13, 1975, 39 FR 3250.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, dated July 30, 1974, 39 FR 27608, the Chairman of this Commission has determined and certified that the renewal of the aforesaid advisory committees of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Advisory Committee Management, has ascertained that the renewal of the aforesaid advisory committees of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

1. **Purposes.** The purposes of the Executive Advisory Committee of the National Power Survey, as renewed herein, are as set forth in the Commission's order of August 11, 1972, Paragraph 1, *Purpose*, and that Paragraph is hereby incorporated by reference herein. The purposes of the Coordinating Committee of the National Power Survey, as renewed herein, are as set forth in the Commis-

sion's order of November 2, 1972, Paragraph 1, *Purpose*, and that Paragraph is hereby incorporated by reference herein.

It is anticipated that the continuance of these National Power Survey Advisory Committees for the period ending June 30, 1976, will facilitate the conclusion of the Commission's work on the current phase of the continuing National Power Survey.

2. **Membership.** The Chairman, Secretary and other members of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the appendix hereto. The Chairman, coordinating representatives, secretaries and other members of the Coordinating Committee established herein, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. **Selection of Future Committee Members.** All future Executive Advisory Committee members, and persons designated to act as Committee Chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary. All future Coordinating Committee members and persons designated to act as Committee chairmen, coordinating representatives, and secretaries shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission's order issued June 29, 1972, as amended by Commission order issued December 19, 1972, and by Order Further Amending National Power Survey Orders, August 7, 1974, are hereby incorporated by reference herein:

3. *Conduct of Meeting*  
4. *Minutes and Records*  
5. *Secretary of the Committee*  
6. *Location and Time of Meetings*  
7. *Advice and Recommendations Offered by the Committee*

5. The National Power Survey Executive Advisory Committee and the Coordinating Committee renewed by this order shall terminate not later than June 30, 1976.

6. The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order along with the Order Further Amending National Power Survey orders, issued concurrently herewith, as constituting charters of the National Power Survey Advisory Committees renewed by this order.

7. This order shall take effect immediately upon the issuance thereof and the Secretary of the Commission shall cause

prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15038 Filed 5-26-76; 8:45 am]

#### FEDERAL RESERVE SYSTEM

##### C.I.T. FINANCIAL CORP.

##### Proposed Acquisition of Guardian Commercial Corp.

C.I.T. Financial Corporation, has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843 (c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire substantially all the assets relating to the consumer finance business of 27 wholly-owned subsidiaries of Guardian Commercial Corporation, Roslyn Heights, New York. The subsidiary offices of Guardian Commercial Corporation, the assets of which are to be acquired, are located in the states of Pennsylvania, New Jersey, Delaware and Connecticut. Notices of the application were published in newspapers of general circulation in the communities in the above-mentioned States in which the offices of subsidiaries of Guardian Commercial Corporation are located.

Applicant states that the subsidiaries to be acquired engage in the activities of the making of consumer loans (including second mortgage real estate loans), the purchase of retail installment contracts from dealers and the sale of credit life and credit accident and health insurance in connection with extensions of credit and casualty insurance on collateral securing extensions of credit. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and re-



ceived by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 22, 1976.

The Board of Governors of the Federal Reserve System, May 21, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc 76-15405 Filed 5-26-76; 8:45 am]

#### FIRST UNION CORP.

##### Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("the Act"), by First Union Corporation, Charlotte, North Carolina (formerly Cameron Financial Corporation), for a determination that First Union Corporation is not nor will be capable of controlling Andersen Armored Car, Inc. ("Andersen"). Andersen, South Carolina notwithstanding the indebtedness incurred by Andersen to First Union Corporation's subsidiary bank, First Union National Bank of North Carolina ("Bank") in connection with Andersen's purchase during February, 1976, from First Union Corporation of all of the shares of First Union Corporation's subsidiary, Courier Express Corporation, Charlotte, North Carolina. First Union Corporation has also requested a determination that it is not in fact capable of controlling Armored Protective Service, Inc. ("Armored"), High Point, North Carolina, notwithstanding the indebtedness incurred by Armored to Bank in connection with Armored's purchase during January, 1976, from Courier Express Corporation of a certain North Carolina intrastate operating authority.

Section 2(g) (3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g) (3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the request should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 18, 1976. If a request for oral hearing is filed, each request should contain a statement of the nature of the re-

questing person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the request.

Board of Governors of the Federal Reserve System, May 20, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc 76-15408 Filed 5-26-76; 8:45 am]

#### SOUTHWEST FLORIDA BANKS, INC.

##### Order Approving Acquisition of Bank

Southwest Florida Banks, Inc., Fort Myers, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a) (3) of the Act (12 U.S.C. § 1842(a) (3)) to acquire 80 per cent or more of the voting shares of First National Bank and Trust Company of Naples, Naples, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the seventeenth largest banking organization in Florida, controls eight banks with aggregate deposits of approximately \$284 million, representing 1.2 per cent of the total deposits in commercial banks in the State.<sup>1</sup> Applicant's acquisition of Bank would increase Applicant's share of total State deposits by 0.3 per cent and would not result in a significant increase in the concentration of banking resources in the State. Upon consummation of the subject proposal, Applicant would become the 16th largest banking organization in Florida.

Bank holds deposits of approximately \$68.5 million, representing 29.1 per cent of the total deposits in commercial banks operating in the Naples banking market, and ranks as the second largest of eight banks in the market.<sup>2</sup> Applicant does not

<sup>1</sup> All banking data are as of June 30, 1975, and represent holding company formations and acquisitions approved by the Board through April 30, 1976.

<sup>2</sup> The Naples banking market, the relevant geographic market for purposes of analyzing the competitive effects of this proposal, is approximated by all of Collier County, Florida, excluding therefrom the town of Immokalee.

have a subsidiary bank in the relevant market, although an office of one of Applicant's subsidiary banks is located in an adjacent banking market. It appears that no meaningful competition presently exists between any of Applicant's subsidiary banks and Bank, nor do the facts of record indicate that such competition is likely to develop in the foreseeable future. Moreover, it appears unlikely that Applicant would expand *de novo* into the Naples banking market since the population per banking office ratio of the market is well below the respective State average. In addition, Applicant has committed to terminate four interlocking directorships between Bank and Vanderbilt Bank, Naples, Florida, within 30 days of Bank's acquisition. This should have a salutary effect on competition in the market. On the basis of the entire record, the Board concludes that consummation of the subject proposal would not have any significant adverse effects on existing or potential competition in any relevant area and that the competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiaries and Bank are considered to be generally satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval. Bank's affiliation with Applicant should enable Bank to offer expanded and improved services by drawing on Applicant's expertise and resources. These considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. Accordingly, it is the Board's judgment that consummation of the proposal to acquire Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup> effective May 19, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc 76-15410 Filed 5-26-76; 8:45 am]

#### WALTER E. HELLER INTERNATIONAL CORP.

##### Proposed Acquisition of PepsiCo Leasing Corporation

Walter E. Heller International Corporation, Chicago, Illinois, has applied,

<sup>3</sup> Voting for this action: Chairman Burns and Governors Gardner, Wallach, Coldwell and Partee. Absent and not voting: Governor Jackson.

pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 CFR § 225.4(b) (2)), for permission to acquire voting shares of PepsiCo Leasing Corporation, Lexington, Massachusetts. Notice of the application was published on February 11, 1976, in the following newspapers circulated in their respective counties: *Paterson News*, Passaic County, New Jersey; *Fort Lauderdale News* and *Sun Sentinel*, Fort Lauderdale, Florida; *Oakland Tribune*, Alameda County, California; *The Philadelphia Inquirer*, Philadelphia County, Pennsylvania; *Boston Globe*, Suffolk County, Massachusetts; *The Sun*, Baltimore, Maryland; *The Cincinnati Post*, Hamilton County, Ohio; *Los Angeles Times*, Los Angeles County, California; *The Houston Chronicle*, Harris County, Texas; *Chicago Tribune*, Cook County, Illinois; *Dallas Times Herald*, Dallas County, Texas.

Applicant states that the proposed subsidiary would engage in the activities of commercial financing, personal property and equipment leasing, and data processing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 18, 1976.

Board of Governors of the Federal Reserve System, May 19, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[FR Doc 76-15409 Filed 5-26-76; 8:45 am]

#### WOODBINE AGENCY, INC.

##### Order Approving Formation of Bank Holding Company

Woodbine Agency, Inc., Woodbine, Kansas ("Applicant"), has applied for prior approval under section 3(a) (1) of

the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)) and section 225.3 (a) of Regulation Y (12 CFR 225.3(a)) to become a bank holding company through the acquisition of 50.8 percent or more of the voting shares of The Citizens State Bank, Woodbine, Kansas ("Bank"). Currently, Applicant has applied pursuant to section 4(c) (8) of the Act (12 U.S.C. 1843(c) (8)) and section 225.4(b) (2) of Regulation Y for permission to continue to engage in general insurance agency activities in a community with a population not exceeding 5,000 persons. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a) (9) (iii) (a)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (41 F.R. 12358 (1976)). The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c) (8) of the Act.

Applicant was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank, Applicant would control the 611th largest bank in Kansas holding .01 per cent of total deposits of commercial banks in the State. Bank, with deposits of \$868 thousand,<sup>1</sup> is the smallest of five banks in the Herington banking market<sup>2</sup> and controls 3.02 per cent of the total deposits therein.

Several of Applicant's principals are involved in two other one-bank holding companies. The subsidiary bank of one is located over 250 miles from Bank. Thus, the proposed transaction appears unlikely to eliminate any existing or potential competition between this bank and Bank. The other holding company's subsidiary bank is The First National Bank of Herington, Herington, Kansas ("Herington Bank"), which holds deposits of \$8.75 million. Herington Bank is located 11 miles from Bank and is the largest bank in the Herington market, controlling 30.5 per cent of market deposits. On the basis of the facts of record, it appears that consummation of the proposal would not materially alter the competitive relationship between Bank and Herington Bank. Moreover, since the subject proposal is essentially a reorganization of Bank's present ownership from individuals to a corporation owned by the same individuals with no immediate change in Bank's operations, and in view of the relative size of Bank, it appears that consummation of the proposal would not eliminate any significant existing or potential competition or increase the concentration of banking resources in

<sup>1</sup> All banking data are as of June 30, 1975.

<sup>2</sup> The relevant market is approximated by southeast Dickinson and western Morris Counties, Kansas.

any relevant area. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. Applicant proposes to service the debt incurred incident to this transaction over a ten-year period. In light of past earnings of Bank and the anticipated growth in Bank's earnings and insurance commissions, the projected earnings appear to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements and to maintain adequate capital for Bank. Therefore, considerations relating to banking factors are consistent with approval of the application.

Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposal to form a bank holding company would be in the public interest and that the application should be approved.

Applicant also proposes to engage in the sale of general insurance in a community of less than 5,000 population. It will conduct its business from the premises of Bank in Woodbine and will continue to provide a convenient source of insurance to Bank's customers, a factor which the Board regards as being in the public interest. Furthermore, there is no evidence in the record indicating that consummation of this proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

It has been determined, therefore, that the public interest factors set forth in section 4(c) (8) of the Act are favorable, and the application to continue to engage in the sale of general insurance in Woodbine, Kansas, should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction involving acquisition of shares of Bank shall not be made before the thirtieth calendar day following the effective date of this Order, or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in section 225.4 (c) of Regulation Y and to the authority of the Board of Governors to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the regulations and orders issued thereunder or to prevent evasion thereof.



By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective May 19, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary  
of the Board.

[F.R. Doc. 76-1541 Filed 5-26-76; 8:45 am]

# **GENERAL ACCOUNTING OFFICE REGULATORY REPORTS REVIEW Notice of Receipt of Report Proposals**

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 21, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the FMC and CAB submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 14, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

## **FEDERAL MARITIME COMMISSION**

FMC requests clearance of a voluntary "Letter Requesting Weights and Measurements of Automobiles," from 20 automobile manufacturers. The letter requests the net weight and cubic dimensions for each model manufactured, with and without bumpers, for the current year. The data received is used to compile the publication "FMC Guide on Shipping Automobiles, Automobile Manufacturers' Measurements," which is used by ocean carriers to ascertain transportation charges prior to moving automobile cargo. FMC estimates it will take 5 minutes annually for each automobile manufacturer to assemble the data requested in the letter since the manufacturers already compile the data for their own use.

FMC requests a first-time GAO clearance for Tariff Circular No. 3 (46 CFR 531): "Filing of Freight and Passenger Rates, Fares, and Charges in the Domestic Offshore Trade, Publication and Posting," which every common carrier by water engaged in the transportation of passengers or property on the high seas or the Great Lakes on regular routes from port to port between one State, Ter-

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ritory, District or possession of the United States and any other State, Territory, District or possession of the United States, or between places in the same Territory, District or possession is required to file with FMC under the provisions of Sections 4, 7 and 18(a) of the Shipping Act, 1916, and Sections 1 and 2 of the Intercoastal Shipping Act, 1933. The tariffs/schedules submitted to FMC by the issuing carrier must establish just and reasonable rates, fares, charges, classifications, regulations and practices. A separate tariff containing general rules and regulations affecting freight rates or passenger fares may also be published by a carrier or duly authorized agent [531.5 (g) (2)]. Respondents are approximately 236 water borne common carriers in U.S. domestic offshore trade who file an estimated 23 initial tariff pages and 33 revised tariff pages per year with an FMC estimated burden of 125 hours per respondent.

FMC requests a first-time GAO clearance of General Order 27, sections 542.5(a) (3), 542.6(d) and Forms 224, 11 and 346. The rules, pursuant to P.L. 92-500, provide the means by which owners or operators of vessels over 300 gross tons using any port or place in the U.S. or the navigable waters of the U.S. must establish and maintain evidence of financial responsibility of \$100 per gross ton or \$14 million, whichever is the lesser, to meet the liability to the U.S. to which the vessel could be subjected for the discharge of oil into or upon the waters of the U.S. Financial responsibility may be established by any one or a combination of the following methods: insurance, surety bond, guaranty or self-insurance. Vessel owners or operators must carry on board their vessels a Certificate of Financial Responsibility (Oil Pollution), which certifies that the necessary level of financial responsibility has been established. To obtain a certificate, Form 224, Application for Certificate of Financial Responsibility (Oil Pollution) must be submitted to the Commission, along with acceptable evidence of financial responsibility. Upon receipt, examination, and approval of the application form, evidence of financial responsibility, and application fee, a certificate is issued to the applicant for the vessel(s) listed on the application form. Approximately 1,150 vessel owners and operators using U.S. waters file Form 224 annually with respondent burden estimated at approximately one-half hour per response.

Form 11 is a followup letter used to request necessary data missing from an incomplete Form 224 application or an incomplete written request for the addition of vessels in order to process the application. Approximately 200 respondents file this information annually. Burden is estimated as one-quarter hour per response.

Section 542.5(a) (3) requires applicants wishing to qualify with the Commission as self-insurers and guarantors to file an annual current balance sheet and an annual current statement of income and surplus, certificated by ap-

propriate certified public accountants, within 120 days after the close of the applicant's fiscal year, and to inform the Commission within 30 days if the amounts of working capital and/or net worth fall below the amounts specified in the order. Respondents are 80 vessel owners and operators using U.S. waters. Burden is estimated as one hour annually per response.

Section 542.6(d) of General Order 27, requires individuals issue master certificates to submit to the Secretary of the Commission, every six months, beginning with the month in which the master certificate is issued, reports indicating the name or other identifying information and gross tonnage for every vessel covered by the master certificate during the reporting period. Respondents are 22 vessel owners and operators using U.S. waters who file a report every six months. Burden is estimated at one hour per response.

Form 346 is used to request verification from an applicant (after insurance is received from an underwriter) as to whether the applicant does in fact wish to obtain a certificate of financial responsibility for a specified vessel. Approximately 300 vessel owners and operators using U.S. waters file Form 346 annually. FMC estimates burden to be one-quarter hour for each response.

## **CIVIL AERONAUTICS BOARD**

CAB requests clearance of the new reporting requirements for Schedule P-13 "Passenger Revenue and Traffic Data by Type of Fare—48 States" of CAB Form 41 of Part 241—Uniform System of Accounts and Reports for Certificated Air Carriers. The objective of this reporting requirement is to provide discount fare information needed to monitor the 48-State fare level in light of the fare level policy adopted in Phase 5 of the Domestic Passenger Fare Investigation and to monitor the results of particular discount fares. Respondents are Certificated Domestic Trunk Air Carriers. Schedule P-13 is to be filed monthly and burden is estimated by CAB to be 24 hours for each response.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[F.R. Doc. 76-15520 Filed 5-26-76; 8:45 am]

## **INTERNATIONAL TRADE COMMISSION**

[AA1921-Inq-4]

## **MULTIMETAL LITHOGRAPHIC PLATES FROM MEXICO**

Commission Determines "No Reasonable Indication of Injury"

MAY 21, 1976.

On April 22, 1976, the United States International Trade Commission received advice from the Department of the Treasury that, in accordance with section 201(c) (1) of the Antidumping Act of 1921, as amended, an antidumping investigation was being initiated with respect to multimetal lithographic

plates from Mexico, and that, pursuant to section 201(c) (2) of the act, information developed during the summary investigation led to the conclusion that there is substantial doubt that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such lithographic plates into the United States from Mexico. Accordingly, the Commission on April 27, 1976, instituted inquiry AA1921-Inq-4 under section 201(c) (2) of the act to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on May 6, 1976. Public notice both of the institution of the inquiry and of the hearing was duly given by posting copies of the notice at the Secretary's Office in the Commission in Washington, D.C., and at the Commission's Office in New York City, and by publishing the original notice in the FEDERAL REGISTER on April 29, 1976 (41 F.R. 17977).

The Treasury instituted its investigation after receiving a properly filed complaint on March 24, 1976, from Printing Developments, Inc., Racine, Wisconsin. The Treasury's notice of its antidumping proceeding was published in the FEDERAL REGISTER of April 27, 1976 (41 F.R. 17581).

On the basis of its inquiry with respect to imports of multimetal lithographic plates from Mexico—the subject of the antidumping investigation initiated by the Treasury—the Commission (Commissioners Leonard, Minchew, Moore, Bedell, Parker, and Ablondi) determines that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

## **STATEMENT OF REASONS**

The United States International Trade Commission on April 27, 1976, instituted inquiry AA1921-Inq-4 under section 201(c) (2) of the Antidumping Act, 1921, as amended. The purpose of this 30-day inquiry was to determine whether "there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation" into the United States of multimetal lithographic plates from Mexico, which are the subject of a pending Department of the Treasury (Treasury) investigation under section 201(a) of the Antidumping Act, 1921, as amended.

## **DETERMINATION**

On the basis of the evidence developed during the course of this 30-day inquiry, the Commission unanimously determines that there is no reasonable indication

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that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of multimetal lithographic plates into the United States from Mexico.

## **DISCUSSION**

The Commission is not to determine in this inquiry whether an industry in the United States is in fact experiencing injury or likelihood thereof such as would be the situation during the course of an investigation under section 201(a). Nor is the Commission to speculate as to whether evidence will be adduced at a later time which would demonstrate such injury. Rather, in this inquiry, pursuant to section 201(c) (2), if the Commission, on the basis of the evidence before it, finds no reasonable indication of injury or likelihood thereof, then an affirmative determination to that effect must follow. Furthermore, if the Commission finds no reasonable indication that any injury or likelihood thereof is by reason of the possible sales at less than fair value (LTFV) of the merchandise which is the subject of the Treasury's investigation, an affirmative determination must also follow. In either case of an affirmative finding, the proceedings before Treasury are terminated.

In this inquiry, the evidence clearly demonstrates that whatever the indications of injury or likelihood thereof may be at this time, there is no reasonable indication that an industry in the United States is experiencing any injury or likelihood thereof by reason of any possible LTFV sales of multimetal lithographic plates from Mexico.

In order to determine whether there is no reasonable indication of injury or likelihood thereof, we have determined that the U.S. industry most generally competitive with the Mexican imports which are the subject of the Treasury investigation, and hence most likely to be adversely affected by such imports, consists of the domestic producers of sensitized and nonsensitized multimetal plates and, at least to some degree, deep-etched and long-run photopolymer-type plates.<sup>2</sup> The complainant in this inquiry accounted for more than three-fourths of the sales of total multimetal plates by

<sup>1</sup> The question of no reasonable indication of the prevention of establishment of an industry was not an issue in this inquiry.

<sup>2</sup> Commissioner Leonard does not join in the description of the U.S. industry set out in the text, considering it unnecessary to specifically define any such industry. Whether the U.S. industry (or industries) considered by the Commission in this inquiry is large (for example, consisting of the domestic facilities devoted to production of all lithographic plates) or small (for example, consisting of the domestic facilities devoted to the production of only nonsensitized multimetal lithographic plates) or somewhere in between these extremes, the determination in this inquiry is unchanged, since the evidence before the Commission demonstrates that the imported product under consideration is not a cause of injury or likelihood thereof to any such domestic industry.

domestic producers in 1975. The remaining producers of such merchandise did not join the complainant in this proceeding.

On the basis of information furnished to and gathered by the Commission during this inquiry, the ratio of import sales to total consumption of the plates considered competitive with the Mexican imports possibly sold at LTFV is approximately 3 percent. However, minimal imports possibly sold at LTFV is approximately 3 percent. However, minimal import penetration in itself is not sufficient to conclude that there is no reasonable indication of injury or likelihood thereof. Other indicators of injury and the causal relationship of such injury to the alleged LTFV imports must be examined.

The only information regarding the complainant's profits was furnished by the complainant to the Treasury and the Commission. During the period January 1973 through June 1975, the complainant's profits in its Plate and Chemical Division, the facility which primarily accounts for the production of lithographic plates, reflect a reasonable return on sales. Indeed, sales by the domestic producers in the U.S. market increased substantially from January-March 1975 to January-March 1976.

Other indicators of injury were suggested by the complainant e.g., unemployment, lost sales, and underselling. However, the complainant did not provide the Commission with the evidence it requested which would support the complainant's contention that these indicators represent some evidence of injury. Moreover, the Commission could not find sufficient information, as a result of its investigation during this inquiry, to support the complainant's claims before the Commission with respect to these indicators.

With regard to the employment situation in the domestic industry, the evidence before the Commission does not lead to the conclusion that any unemployment was reasonably related to the possible less-than-fair-value imports from Mexico. Further, the record clearly indicates that the initial price of multimetal lithographic plates most comparable to the Mexican imports is not the major factor in the decision as to whether to purchase a Mexican or a domestic lithographic plate. Also, purchasers accounting for the bulk of the purchases of the imports under consideration which complainant claims displaced domestic sales were contacted by the Commission staff. Such purchasers indicated that their preference for Mexican lithographic plates was based upon quality rather than price considerations.

On the basis of information received by the Commission from Treasury, all or part of the Mexican imports which are the subject of this inquiry have possibly been sold at LTFV, and the possible LTFV margins of dumping were significant. However, the evidence before the Commission reveals that the imported plates from Mexico have not undersold



the domestic plates that can be considered comparable in the U.S. marketplace.

There is also no reasonable indication that the domestic industry is likely to be injured by the subject Mexican imports. As previously noted, sales by the domestic producers in the U.S. market increased substantially from January-March 1975 to January-March 1976. Further, information before the Commission indicates that the Mexican industry producing the imported product under consideration is operating at full capacity. Moreover, imports of multi-metal lithographic plates from Mexico are presently decreasing rather than increasing.

By order of the Commission.

Issued: May 25, 1976.

[SEAL]

KENNETH R. MASON,  
Secretary.

[FR Doc. 76-13469 Filed 5-26-76; 8:45 am]

# LEGAL SERVICES CORPORATION COMMITTEE ON APPROPRIATIONS & AUDIT COMMITTEE ON PROVISION OF LEGAL SERVICES BOARD OF DIRECTORS

## Time Change of Meetings

The Committee on Appropriations and Audit and the Committee on Provision of Legal Services of the Legal Services Corporation Board of Directors will meet at 9:30 a.m. on Thursday, June 3, 1976 in the Cloyd Heck Marvin Center, George Washington University, 800--21st Street, N.W., Washington, D.C.

The Committee on Appropriations and Audit will meet in room 426 to discuss budget and related matters.

The Committee on Provision of Legal Services will meet in room 406 to discuss the study of provision of legal services.

Both meetings are open to the public. The meeting of the Board of Directors, originally scheduled for 9:00 a.m., June 3, 1976, will begin at 12 noon in room 426.

THOMAS EHRLICH,  
President.

[FR Doc. 76-15452 Filed 5-26-76; 8:45 am]

# NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-48]

## LICENSING MANAGEMENT CORP. Intent To Grant Foreign Exclusive Patent License

In accordance with the NASA Foreign Licensing Regulations, 14 C.F.R. 1245.405 (e), the National Aeronautics and Space Administration announces its intention to grant to the Licensing Management Corporation, New York, New York, an exclusive patent license in Canada, France, Great Britain, Italy, Japan, Sweden and West Germany for the NASA owned invention covered by the foreign counterparts of U.S. Patent Application Serial No. 583,485 for "Sus-

tained Arc Ignition System", filed by NASA on June 3, 1975. Copies of the above U.S. Patent Application can be purchased from the National Technical Information Service, Springfield, Virginia 22150, at a cost of \$3.50 a copy. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters, Code GP, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: May 21, 1976.

GERALD J. MOSSINGHOFF,  
Acting General Counsel.

[FR Doc. 76-15406 Filed 5-26-76; 8:45 am]

# NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-31-1]

## AMERSHAM/SEARLE CORP.

### Filing of Petition for Rule Making

Notice is hereby given that the Amersham/Searle Corporation, 2636 S. Clearbrook Drive, Arlington Heights, Illinois, by letter dated April 23, 1976, has filed with the Nuclear Regulatory Commission, a petition for rule making.

The petitioner requests the Commission to amend its regulation "General Licenses for Byproduct Material," 10 CFR 31 by adding the following paragraph (a) (6) to § 31.11, General License for use of byproduct material for certain in vitro clinical or laboratory testing:

(a) (6) Selenium-75 in units not exceeding 10 microcuries each, for use in in vitro clinical laboratory tests not involving internal or external administration of byproduct material, or the radiation therefrom, to human beings, or animals.

The petition states that the basis for the request is an Amersham/Searle product used for the assay of cortisol in human serum or heparinized plasma which provides valuable information to the clinician in the diagnosis of a number of diseases and abnormal conditions involving the adrenal gland.

The petitioner states further that the use of beta-emitting radioisotopes such as carbon-14 or tritium as labels for the cortisol requires liquid scintillation counting methods not widely available in hospitals and clinics, and that certain selenium labeled chemical compounds have an advantage over the corresponding iodine-125 labeled materials in that it is not necessary to modify the original material chemically before it can be labeled.

The petitioner also expresses the view that the use of selenium-75 as a label for the cortisol allows the use of conventional gamma counting equipment, provides a more stable label, and the addition of selenium-75 to the general license of section 31.11 would not appear to increase the radiation exposure hazard to clinical personnel.

A copy of the petition for rule making is available for public inspection in the

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by July 26, 1976.

Dated at Washington, D.C. this 21st day of May 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 76-15474 Filed 5-26-76; 8:45 am]

## ARKANSAS POWER AND LIGHT CO.

[Docket No. 50-368]

### Availability of NRC Draft Environmental Statement for Arkansas Nuclear One- Unit 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of Arkansas Nuclear One-Unit 2 located in Pope County, Arkansas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Arkansas Polytechnic College Library, Russellville, Arkansas. The Draft Environmental Statement is also being made available at the Arkansas Department of Planning, 400 Train Station Square, Little Rock, Arkansas, and the West Central Arkansas Planning and Development District, Municipal Building, Hot Springs, Arkansas. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

The applicant's Environmental Report, as supplemented, submitted by Arkansas Power and Light Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on April 23, 1974 (39 FR 14371).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the applicant's Environmental Report and the Draft Environmental Statement

(local agencies may obtain these documents upon request). Comments are due by July 12, 1976. Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Arkansas Polytechnic College Library in Russellville, Arkansas. Upon consideration of these comments, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis, Office of Nuclear Reactor Regulation.

Dated at Rockville, Maryland, this 20th day of May 1976.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,  
Chief, Environmental Projects  
Branch 2, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 76-15475 Filed 5-26-76; 8:45 am]

[Docket No. 50-317]

## BALTIMORE GAS AND ELECTRIC CO.

### Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-53 issued to Baltimore Gas and Electric Company which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Plant, Unit 1, located in Calvert County, Maryland. The amendment is effective 30 days following the date of issuance.

The amendment revises the location of temperature sensors from the condenser outlet pipes to the discharge tunnels and will provide a more representative measurement of true average discharge temperature.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared

in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 8, 1975, and (2) Amendment No. 14 to License No. DPR-53. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of item 2 may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 20th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,  
Chief, Environmental Projects  
Branch 1, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 76-15473 Filed 5-26-76; 8:45 am]

[Docket No. 50-324]

## CAROLINA POWER AND LIGHT CO.

### Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-62 for operation of Unit 2 of the Brunswick Steam Electric Plant, located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment allows an eight month delay in the installation of cooling towers from May 1, 1978 to a date corresponding to three years of plant operation estimated to be January 1, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal to amend Facility Operating License DPR-62 and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Brunswick Steam Electric Plant published in January 1974, and that a negative declaration to this effect is appropriate.

For further details with respect to this action see (1) the application for the

amendment dated August 13, 1975 and March 30, 1976; and (2) Amendment No. 15 to License No. DPR-62; and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 18th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,  
Chief, Environmental Projects  
Branch 1, Division of Site  
Safety and Environmental  
Analysis.

[FR Doc. 76-15471 Filed 5-26-76; 8:45 am]

[Dockets Nos. 50-250 and 50-251]

## FLORIDA POWER AND LIGHT CO.

### Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 16 and 15 to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendment modifies the Technical Specification regarding the requirements for certain surveillance test frequencies. The modifications clarify the wording of the specified test frequencies but do not change the original intent of the specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d) (4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of these amendments.



For further details with respect to this action, see (1) the application for amendments dated September 19, 1974, (2) Amendments Nos. 16 and 15 to Licenses Nos. DPR-31 and DPR-41 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Operating Reactors.

[FR Doc.76-15476 Filed 5-26-76; 8:45 am]

#### INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

##### Availability of Drafts for Public Comments

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will include five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group, which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States.

IAEA Safety Guide, SG-D1, "Safety Functions and Component Classification for BWR, PWR and PTR," is being developed and the NRC staff is soliciting comments on the present draft of this guide from the U.S. public.

Comments were previously solicited (40 FR 55395, November 28, 1975) on an earlier draft of this guide that was prepared by an IAEA Working Group. The earlier draft was reviewed and modified at meetings of the IAEA Technical Review Com-

mittee on Design on January 12-16, 1976 and March 29-April 2, 1976.

As the next step in its development, the draft Safety Guide is scheduled to be reviewed by the IAEA Senior Advisory Group at a meeting in Vienna, Austria on August 30-September 3, 1976. Comments received by July 16, 1976 will be useful to this review. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 14th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,  
Office of Standards Development.

[FR Doc.76-15477 Filed 5-26-76; 8:45 am]

[Docket No. 50-363A]

#### JERSEY CENTRAL POWER & LIGHT CO.

##### Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

JERSEY CENTRAL POWER & LIGHT COMPANY  
(Forked River Nuclear Generating  
Station, Unit No. 1)

This action is in reference to the "Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters" published in the FEDERAL REGISTER on October 9, 1971.

The members of the Board are:

Daniel M. Head, Esq., Chairman, Atomic  
Safety and Licensing Board Panel, U.S.  
Nuclear Regulatory Commission, Wash-  
ington, D.C. 20555.  
Hugh K. Clark, Esq., Member, P.O. Box  
127A, Kennedyville, Maryland 21645.  
Sheldon J. Wolfe, Esq., Member, Atomic  
Safety and Licensing Board Panel, U.S.  
Nuclear Regulatory Commission, Wash-  
ington, D.C. 20555.

Dated at Bethesda, Maryland this 21st day of May 1976.

ATOMIC SAFETY AND LICENS-  
ING BOARD PANEL,  
JAMES R. YORE,  
Acting Chairman.

[FR Doc.76-15478 Filed 5-26-76; 8:45 am]

[Docket No. 50-238]

#### MARITIME ADMINISTRATION Issuance of Amendment to Amended Facility License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

Commission) has issued Amendment No. 8 to Amended Facility License No. NS-1 issued to the Maritime Administration (the licensee) for the pressurized water nuclear reactor facility located aboard the NUCLEAR SHIP SAVANNAH. The amendment is effective as of its date of issuance.

The amendment authorizes the licensee to possess, but not operate, the facility, and incorporates revised Technical Specifications which provide for the maintenance of the retired facility.

The amendment authorizes the licensee to comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 17, 1976, as supplemented April 13, and 21, 1976, (2) Amendment No. 8 to License No. NS-1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of May, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of  
Operating Reactors.

[FR Doc.76-15479 Filed 5-26-76; 8:45 am]

[Docket No. 50-289]

#### METROPOLITAN EDISON CO., ET AL. Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company, which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania.

The amendment is effective as of its date of issuance.

The amendment provides for (1) the removal of surveillance capsules during Cycle 2, (2) the rescheduling of the surveillance program to conform with 10 CFR Part 50, Appendix H, and (3) the clarification of other requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1976, (2) Amendment No. 15 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of May 1976.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,  
Acting Chief, Operating Reactors  
Branch No. 4, Division of  
Operating Reactors.

[FR Doc.76-15480 Filed 5-26-76; 8:45 am]

[Docket No. 50285]

#### OMAHA PUBLIC POWER DISTRICT Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station Unit No. 1, located in Washington County, Nebraska.

In accordance with the licensee's submittal dated April 19, 1976, the amendment would relate to the expansion of the spent fuel storage pool. The licensee proposes to install 305 additional storage

locations in the present spent fuel pool, increasing its capacity from 178 fuel assemblies to 483 fuel assemblies.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By June 28, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Hope Babcock, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated April 19, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln

Street, Blair, Nebraska 68008. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 18th day of May 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,  
Chief, Operating Reactors  
Branch No. 3, Division of  
Operating Reactors.

[FR Doc.76-15472 Filed 5-26-76; 8:45 am]

#### REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.20, Revision 2, "Comprehensive Vibration Assessment Program for Reactor Internals During Preoperational and Initial Startup Testing," presents a method acceptable to the NRC staff for implementing requirements for assessing the design and performance of the internals of light-water-cooled reactors during pre-operational and initial startup testing. This guide was revised as the result of comments from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))



Dated at Rockville, Maryland this 17th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,  
Office of Standards Development.

[FR Doc.76-15492 Filed 5-26-76;8:45 am]

[Docket No. 50-312]

# SACRAMENTO MUNICIPAL UTILITY DISTRICT

## Issuance of Amendment to Facility Operating License and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District which revised Technical Specifications for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment (1) changes operating limits in the Technical Specifications based upon an acceptable evaluation model that conforms to the requirements of 10 CFR 50.46; (2) terminates restrictions imposed on the facility by the Commission's December 27, 1974 Order for Modification of License; (3) changes surveillance requirements for the structural integrity of the reactor building; and (4) updates the corporate organization chart in the Technical Specifications.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37110). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Rancho Seco Nuclear Generating Station, issued in March 1973 and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the applications for amendment dated July 8, 1975, as supplemented March 12, May 8, August 1, October 13, November 17, and November

23, 1975; May 23, 1975; and March 10, 1976, Amendment No. 4 to License No. DPR-54, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of May, 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4, Division of  
Operating Reactors.

[FR Doc.76-15491 Filed 5-26-76;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON WESTINGHOUSE WATER REACTORS

### Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Westinghouse Water Reactors will hold a meeting on June 16, 1976 in Room 1046, 1717 H St., N.W., Washington, DC 20555. The purpose of this meeting is to discuss the Westinghouse Reference Safety Analysis Report-3S (RESAR-3S) pertaining to the Westinghouse Nuclear Steam Supply System.

The agenda for the subject meeting shall be as follows:

Wednesday, June 16, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above evaluation.

9:15 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Westinghouse Electric Corporation, and their consultants, and will hold discussions with these groups pertinent to its review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Sub-

committee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 9, 1976 to Mr. Richard Savio, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 15, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1920, Attn: Mr. Richard Savio) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Richard Savio, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 23, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555, after September 16, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: May 25, 1976.

JOHN C. HOYLE,  
Advisory Committee  
Management Office.

[FR Doc.76-15639 Filed 5-26-76;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

### Notice of Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on June 17, 1976 in Room 1046, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to discuss changes to the Combustion Engineering, Inc. evaluation model such as the geometry correction method for extrapolating FLECHT reboiler heat transfer coefficients to 16 x 16 fuel bundle geometry, to discuss planned improvements to emergency core cooling systems, and to discuss the status of development of a "best estimate" evaluation model.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

The agenda for the subject meeting shall be as follows:

Thursday, June 17, 1976, 8:30 a.m. until the conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of Combustion Engineering, Inc.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 10, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identify-

ing the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 16, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 24, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after September 17, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: May 25, 1976.

JOHN C. HOYLE,  
Advisory Committee  
Management Office.

[FR Doc.76-15640 Filed 5-26-76;8:45 am]



**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS**  
**Notice of Meeting**

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on June 15, 1976 in Room 1046, 1717 H Street, NW, Washington, DC 20555. The purpose of this meeting is to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

The agenda for the subject meeting shall be as follows:

Tuesday, June 15, 1976, 8:30 a.m. until the conclusion of business. The Subcommittee with any of its consultants who may be present will meet in open session to hear presentations by the NRC Staff and by representatives of the Westinghouse Electric Corporation.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters discussed have been adequately covered and whether the Subcommittee should recommend to the full Committee further ACRS consideration. During the session Subcommittee members and consultants will discuss their opinions and recommendations. Upon conclusion of this caucus, the Subcommittee may meet again in brief open session to announce its determination.

In addition to this closed deliberative session, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and participants matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while the closed Executive Session is in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 8, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on June 14, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after June 22, 1976 at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, D.C. 20555 after September 15, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: May 25, 1976.

JOHN C. HOYLE,  
*Advisory Committee  
 Management Officer.*

[FR Doc.76-15641 Filed 5-26-76;8:45 am]

[Docket No. 50-263]

**NORTHERN STATES POWER CO.**

**Notice of Issuance of Amendment to Provisional Operating License and Negative Declaration**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Provisional Operating License No. DPR-22 issued to Northern States Power Company which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota. The amendment is effective as of July 1, 1976, for Interim Technical Specifications. The section regarding Environmental Radiation Monitoring Program is effective as of its date of issuance except the Air Particulate Monitoring Program which will become effective 120 days after the date of issuance.

The amendment permits the Northern States Power Company (the licensee) to operate the Monticello Nuclear Generating Plant with new Limiting Conditions for Operation related to liquid and gaseous radwaste releases from the plant that have been stipulated by all parties in the ongoing Atomic Safety and Licensing Board hearing. The amendment also permits the licensee to modify its radiation environmental monitoring program in accordance with the Commission's requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Monticello Nuclear

Generating Plant published in November 1972, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the applications for amendments dated October 15, 1975, and March 1, 1976, (2) Amendment No. 21 to License No. DPR-22, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Rockville, Maryland, this 20th day of May 1976.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,  
*Chief, Environmental Projects  
 Branch 3, Division of Site  
 Safety and Environmental  
 Analysis.*

[FR Doc.76-15642 Filed 5-26-76;8:45 am]

[Docket No. 50-309]

**MAINE YANKEE ATOMIC POWER CO.**

**Notice of Issuance of Amendment to Facility Operating License**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment makes changes in the Maine Yankee Technical Specifications related to the surveillance requirements for safety related instrumentation and control systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 13, 1975, (2) Amendment No. 20 to License No. DPR-36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
*Chief, Operating Reactors  
 Branch No. 4, Division of Operating Reactors.*

[FR Doc.76-15643 Filed 5-26-76;8:45 am]

[Docket No. 50-289]

**METROPOLITAN EDISON CO., ET AL.**

**Notice of Issuance of Amendment to Facility Operating License and Negative Declaration**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to establish operating limits for TMI-1 as reloaded for cycle 2 operation based upon an acceptable Emergency Core Cooling System evaluation model conforming to the requirements of 10 CFR 50.46, and terminates the operating restrictions imposed by the Commission's December 27, 1974 Order for Modification of License.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notices of Proposed Issuance of Amendment to Facility Operating License in connection with this action were published in the FEDERAL REGISTER on September 30, 1975 (40 FR 44896) and March 8, 1976 (41 FR 9938). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the re-

vised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Three Mile Island Nuclear Station, Unit No. 1, issued in December 1972, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the applications for amendment dated August 8, 1975, as supported by filings dated July 9 and 15, 1975, and October 23, 1975; and January 13, 1976, as amended February 11, 1976, and April 2, 1976, and supported by filings dated January 23, 1976, April 5 and 8, 1976, (2) Amendment No. 17 to License No. DPR-50, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of May 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
*Chief, Operating Reactors  
 Branch No. 4, Division of Operating Reactors.*

[FR Doc.76-15644 Filed 5-26-76;8:45 am]

**ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE**

**Notice of Meeting**

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.) the ACRS Environmental Subcommittee will hold a meeting on June 11, 1976 in Room 1046, 1717 H St., N.W., Washington, D.C. 20555. This meeting will be closed to the public.

The Subcommittee will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to review working papers pertaining to proposed Plutonium Dose Calculation Methodology. In connection with this matter, the Subcommittee may hold executive sessions not open to the public or NRC Staff prior to and at the conclusion of the meeting with the NRC Staff and NRC Staff consultants to exchange opinions and formulate recommendations to the ACRS.

Persons wishing to submit written statements regarding the agenda may do so by sending a readily reproducible



copy in time for consideration at this meeting. Comments postmarked no later than June 4, 1976 to Mr. R. Muller, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close this session which will consist of a review and discussion of NRC internal working papers which are exempt from disclosure under 5 U.S.C. 552(b)(5). I have further determined that this session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, could fall within exemption 5 U.S.C. 552(b)(5). Separation of factual material from individuals' advice, opinions, and recommendations while this meeting is in progress is considered impractical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and Agency operation.

Dated: May 25, 1976.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc 76-15698 Filed 5-26-76; 9:34 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON INDUSTRIAL SECURITY AND SAFEGUARDS FOR SPECIAL NUCLEAR MATERIAL

##### Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 232 b.) the ACRS Subcommittee on Industrial Security and Safeguards for Special Nuclear Material will hold a meeting on June 17, 1976 at the O'Hare American Inn, 2175 E. Touhy Ave., Des Plaines, IL 60018. This meeting will be closed to the public.

The Subcommittee will meet in closed session with its consultants, members of the NRC Staff and NRC Staff consultants to discuss current design provisions that could reduce the possibility and consequences of sabotage and to exchange preliminary views on possible alternative designs. In connection with this matter, the Subcommittee may hold executive sessions not open to the public or NRC Staff prior to and at the conclusion of the meeting with the NRC Staff and NRC Staff consultants to exchange opinions and formulate recommendations to the ACRS.

Persons wishing to submit written statements regarding the agenda may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than June 10, 1976, to Mr. John C. McKinley, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to close this session

which will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption 5 of 5 U.S.C. 552(b). Separation of factual material from individuals' advice, opinions, and recommendations while this meeting is in progress is considered impractical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with the Subcommittee and Agency operation.

Dated: May 25, 1976.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc 76-15699 Filed 5-26-76; 9:45 am]

[License No. XSNM-805, Docket No. 70-2071;  
License No. XSNM-845, Docket No. 70-2131]

#### EDLOW INTERNATIONAL CO.

Agent for the Government of India on Application To Export Special Nuclear Material

On March 2, 1976, three organizations (Sierra Club, Natural Resources Defense Council, Inc., and the Union of Concerned Scientists) (Petitioners) filed a petition with the Nuclear Regulatory Commission (Commission) seeking to intervene in these licensing proceedings for the export of low-enriched uranium fuel for use in the Tarapur Atomic Power Station near Bombay, India. After an exchange of written pleadings between Petitioners, the Department of State and the Commission Staff, the Commission held a preliminary hearing on the procedural issues posed by the Petitions on March 17th.

After a thorough review of the oral and written record in this matter the Commission issued its Opinion on the preliminary issues on May 7, 1976. Among other things, the Opinion denied the Petitioners standing to intervene in this proceeding as a matter of right under Section 189 of the Atomic Energy Act of 1954. However, the Commission decided, as a matter of discretion, to hold a legislative type hearing on the issues raised in connection with these license applications. An appropriate Notice of Hearing which specified that the hearing would commence on June 2, 1976 and set forth time periods for filing of comments and questions was published in the FEDERAL REGISTER on May 17, 1976 (41 FR 20232).

On the same day that the Commission's notice of hearing was served on the participants, the Petitioners filed a motion seeking deferral of the date on which proposed testimony for the hearing was due until July 8, 1976, a period of forty-five (45) days, with the hearing to follow. The response of the Department of State to Petitioners' motion included further information from the Indian Government concerning fuel supply conditions at the Tarapur Atomic Power Station, to the effect that the quantities of material reflected in the present application XSNM-805 would not

be sufficient to sustain the requirements of the nuclear fabrication process supporting the Tarapur reactor during the period of delay Petitioners proposed. The Department of State and Petitioners agreed that, in order to permit an extension of time adequate for preparation for hearings, the license application filed for XSNM-805 would be amended to include some of the material covered by the application for XSNM-845, and Petitioners would raise no further objection to the granting of License No. XSNM-805 as amended. The agreement between the participants included the provision that "In neither petitioners nor the State Department waive any legal arguments with respect to License No. XSNM-845." Both the NRC staff and the Edlow International Company, as agent for the Government of India, have agreed to the conditions set forth in the response of the Department of Justice (representing the Department of State).

In light of the foregoing, the Commission believes that an extension of time would be appropriate in these proceedings. In the meantime, it expects to proceed expeditiously to a decision on amended license application No. XSNM-805, as its May 7 Opinion indicated might occur. Therefore, the Notice of Hearing is hereby amended so as to include the following:

1. The time for receipt of written comments by participants and for written comments and/or suggested questions by other persons is extended to July 8, 1976. These comments shall include the text of any factual or other statements intended to be presented at the oral hearing.

2. Rebuttal materials and/or suggested questions to be asked of proposed witnesses by the present participants should be received by July 16, 1976.

3. The oral hearing in this matter will be rescheduled to begin at 10:00 a.m., July 20, 1976 in Room 1115, 1717 H Street, N.W., Washington, D.C.

4. Individuals other than the present participants and the Government of India who desire to be participants in the oral hearing should file with the Commission a statement as to their interest in appearing at the oral hearing, including an indication of any unique or particular contribution they would be able to make thereto. This statement may be filed on or before June 17. The Commission will promptly decide whether to admit such new participants to the oral portion of the proceeding and will notify each individual of its decision.

The Commission intends to act expeditiously in its review and consideration of the amended license application XSNM-805. Neither the decision on the request for extension of time reflected in this amended Notice of Hearing, nor any decision on amended license XSNM-805 will bind the Commission's judgment or the issues to be considered in the forthcoming hearing and decision.

Dated at Washington, D.C. this 25th day of May, 1976.

For the Commission.

JOHN C. HOYLE,  
Assistant Secretary  
of the Commission.

[FR Doc 76-15700 Filed 5-26-76; 9:34 am]

#### NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-453]

#### AIRCRAFT ACCIDENT—ST. THOMAS, VIRGIN ISLANDS

##### Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (local time) on July 13, 1976, in the Convention Hall of the Frenchman's Reef-Holiday Inn, St. Thomas, Virgin Islands.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving an American Airlines, Inc., Boeing 727, N1963, which occurred April 27, 1976, on the Harry S Truman Airport, St. Thomas, Virgin Islands.

JAMES W. KUEHL,  
Senior Hearing Officer.

MAY 19, 1976.

[FR Doc 76-15508 Filed 5-26-76; 8:45 am]

[N-AR 76-22]

#### SAFETY RECOMMENDATIONS AND RESPONSES

##### Notice of Availability and Receipt

**Safety Recommendations.** Results of investigation in the past few years of five major highway accidents involving tractor-semitrailer accidents prompted the National Transportation Safety Board to issue, May 19, recommendation No. H-76-16 to the Federal Highway Administration. In each accident under consideration, the semitrailer had become separated from its tractor during rollover because either the fifth-wheel assembly or its attachment to the tractor frame failed. Accordingly, the Safety Board has recommended that FHA develop information regarding both the initiation of rollover and the severity of tractor-semitrailer rollover accidents. If this information supports the Board's belief that combinations should remain attached so that they can resist overturn and so that the consequences of a rollover will be less severe, FHA is asked to revise 49 CFR 393.70(b) to reflect the requirement that all fifth wheels and their attachments to tractor frames which are manufactured after January 1, 1978, be upgraded to insure that they can resist tractor-semitrailer separation during rollover.

Three Class I (urgent followup) recommendations were issued by the Safety Board on May 20 to the Arizona Public Service Company. The recommendations,

Nos. P-76-17 through P-76-19, followed Board investigation of the explosion and burning of a house in Phoenix, Arizona, last February 8. Investigation disclosed that natural gas at 39-psig pressure had leaked from the compression-coupled connection of a 2-inch plastic pipe located 10 feet from the house in an alley. The 2-inch pipe appeared to have been inserted insufficiently through the gasket and into the coupling. Gas which leaked from this joint was trapped from above by heavily compacted soil; it consequently seeped into the house, where it was ignited by an unknown source, according to the Board. After reviewing the Arizona Public Service Company's leak experience and written procedures, the Safety Board has recommended that the company (1) determine the number of similar plastic pipe coupling installations in their facilities, excavate and inspect a statistically representative sample of these to determine whether they have been installed correctly, take remedial action on any deficient installations found during the sampling and based upon results of the sampling institute necessary corrective action; (2) develop comprehensive construction standards for the installation of compression couplings for each type of pipe for which each type of fitting will be used; and (3) train employees who will install compression couplings under the standards developed and monitor their performance by inspecting their work.

**Letters in Response to Safety Board Recommendations.** Addressees of previous recommendations in the marine, highway, pipeline, and railroad transport modes last week supplied the following replies: From the U.S. Department of Transportation—

Coast Guard—Letter of May 7 updates response to recommendation M-75-8 issued as a result of the entanglement of the submersible *Johnson Sea Link* with submerged wreckage off Key West, Florida, on or about June 17, 1973. The recommendation asked that the Coast Guard and the U.S. Navy collaborate in a research and development program to develop the capability for civilian submersible rescue operations within the Coast Guard. Coast Guard's reply indicates that a study of worldwide submersible resources has been jointly funded by the Navy and Coast Guard and should be published this year. Also, the Navy, Coast Guard, and National Oceanic and Atmospheric Administration will sponsor a submersible safety seminar in 1977. No further joint projects are currently planned, but close liaison with the Navy will be maintained. (Reference report No. USCG/NTS B-MAR-75-2, March 12, 1975.)

Federal Highway Administration—Letter of May 14 acknowledges receipt of recommendations H-76-11 through H-76-15 (41 FR 20747, May 20, 1976) and promises a substantive reply within 90 days on the merits of the recommendations and the action to be taken thereon.

Materials Transportation Bureau, Office of Pipeline Safety (OPSO)—Letter

of May 10 concerns recommendations P-75-7 through P-75-11 which resulted from the June 4, 1974, pipeline failure in the Transcontinental Gas Pipe Line Corporation (TRANSCO) system near Bealeton, Virginia. (See 40 FR 36638, August 21, 1975.) Concerning recommendation P-75-7, OPSO, after discussions held with the American Gas Association and various operators, states, "... it is apparent that crossover lines including their valves are installed in looped natural gas transmission systems principally for economic purposes, such as increased looped line capacity or increased system efficiency." OPSO believes that it would be inappropriate to develop additional regulations concerning crossover lines and valves. However, OPSO is presently evaluating a recent contract study report on rapid shutdown of failed pipeline systems, the study relating to the advantages and disadvantages of the use of automatic valves.

In commenting on P-75-8, OPSO states that it has reviewed the requirements of Part 192 relative to providing warnings of pipeline failures and cites 18 sections of that regulation relating directly or indirectly to the ability of a pipeline system to be controlled. OPSO believes that the existing requirements for pressure controls and relief devices for compressor stations and valves, the required operating and maintenance plans, and the periodic maintenance procedures of such devices and plans are presently adequate to provide warnings of pipeline failures. In OPSO's opinion, additional requirements relative to failure alarms would not improve safety sufficiently to compensate for the expense or loss in operating economies and flexibility of system operation. No further action is planned by OPSO. In answer to recommendations P-75-9 through 11, the letter details the joint activities of OPSO and TRANSCO subsequent to the Bealeton accident to accomplish effectively the action recommended by the Safety Board. OPSO notes that TRANSCO personnel have been instructed, in the event of a line failure, immediately to shut down the immediate upstream compressor station to assist in proper identification of the failed line. OPSO states that open crossovers improve system efficiency, but make line break sensing and operation of automatic valve closing devices more difficult. TRANSCO, in an effort to minimize this problem, has closed crossovers wherever possible without serious loss in system efficiency. At this time, TRANSCO has 80 percent of its crossovers closed, according to OPSO. Further, TRANSCO has equipped or has scheduled to equip all main line block valves and normally open crossover valves with automatic shutdown devices, and is in the process of modifying the control of crossover valves.

With specific reference to recommendations P-75-10 and 11, OPSO notes that TRANSCO has ascertained that the existing pipeline failure alarm system at compressor stations will function properly, and OPSO agrees with TRANSCO

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that a redesign of their failure alarm system is not necessary. TRANSCO is installing dial-type pressure gauges which will be easily visible to operation personnel for simultaneous display of pressure conditions for each line entering or leaving a compressor station. Also, according to OP&O, TRANSCO plans to install a rate-of-pressure drop alarm on the suction and discharge headers at each compressor station as a backup for the existing alarm system.

Urban Mass Transportation Corporation—Letter of May 6 concerns recommendation H-75-39 issued following the Safety Board's special investigation of the UMTA prototype bus fire near Phoenix, Arizona, May 13, 1975. (See 41 FR 4366, January 29, 1976.) The Board recommended that UMTA burn one or more of the prototype buses to establish the rate at which nonlife-supporting environments develop in the bus passenger compartment. UMTA, concluding that little or no benefit would be gained by carrying out a burn test program, states, "What is needed is not further confirmation that current usage does not promote adequate fire safety but rather a beginning toward improved design practice." In response to the need for improved test and qualification specifications for materials used in mass transit systems, UMTA is preparing flammability, toxicity, and smoke-producing guideline specifications for these materials. According to UMTA, "Once these are completed we plan to make the conformance to the specifications one of the conditions for approval of the funding of vehicle procurements under the capital assistance program."

From the National Railroad Passenger Corporation (Amtrak)—

Letter of May 6 is in response to recommendations R-72-27 and R-74-4 and 5, issued after the Safety Board investigated accidents involving, respectively, Amtrak trains near Collinsville, Oklahoma, April 5, 1971 (NTSB-RHR-72-1) and at Melvern, Kansas, July 5, 1974 (NTSB-RAR-75-1). Re recommendation R-72-27, the Amtrak letter lists 11 measures undertaken to correct injury-causing features in its passenger cars. Corrective features applied to many of Amtrak's older cars include: Carpeted floors, wainscote panels, ceilings and end bulkheads; windows having one pane of polycarbonate, not only to protect passengers from objects striking windows, but to help keep passengers from falling through windows of overturned cars; and emergency lights which come on when trainline electric power is interrupted. Amtrak states that completely rebuilt cars will include all 11 corrective features to the extent feasible, although no rebuilding is currently being done. Concerning recommendation R-75-4, Amtrak states that all of the Metroliners, the 492 new Amfleet cars, and the 235 new bilevel cars have window sash designed for easy removal from the out-

side by merely "unzipping" the rubber glazing filler strip. A copy of Amtrak's instruction for emergency removal of window units is attached to the May 6 letter. In response to recommendation R-75-5, which required inclusion of the latest practical crashworthiness features when equipment is renovated or purchased, Amtrak states that its explanation relative to recommendation R-72-27 should be accepted as applicable with one addition—the Metroliners and all of Amtrak's new cars are designed without window shades. Window shades have been removed from a few renovated cars as well, according to Amtrak.

The two recommendation letters are available to the general public; single copies may be obtained without charge, as may single copies of accident reports referenced in recommendation responses. Copies of the letters in response to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this Federal Register notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 (49 U.S.C. 1907)).)

MARGARET L. FISHER,  
Federal Register Liaison Officer.

MAY 24, 1976.

[FR Doc.76-15509 Filed 5-26-76; 8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET CLEARANCE OF REPORTS

### List of Requests

The following is a list of requests for clearing of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 21, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

## NOTICES

### NEW FORMS

#### UNITED STATES INTERNATIONAL TRADE COMMISSION

Importers' Questionnaire—Acrylic Sheet, single-time, domestic importers, Laverne V. Collins, 395-5867.

Purchasers' Questionnaire—Acrylic Sheet, single-time, domestic purchasers, Laverne V. Collins, 395-5867.

Producers' Questionnaire—Acrylic Sheet, single-time, domestic manufacturers, Laverne V. Collins, 395-5867.

#### DEPARTMENT OF DEFENSE

Departmental and Other, A&E Firms Identification of Former Department of Defense Employees, single-time, top 25 A&E contractors with Department of Defense, Lowry, R. L., 395-3772.

#### REVISIONS

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: SSI Impact Research Questionnaire—First Follow-Up SSA-8968, single-time, low income aged in Portland, Oregon, O. Louis Kincannon, 395-3211.

PHILLIP D. LARSEN,  
Budget and Management Officer.

[FR Doc.76-15579 Filed 5-26-76; 8:45 am]

## CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearing of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 20, 1976 (44 U.S.C. 3509). The purpose of Publishing this list in the FEDERAL REGISTER is to inform the public.

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### NEW FORMS

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management: Report on Program Utilization Section 8 Housing Assistance Payments Program New Construction and Substantial Rehabilitation, HUD-52684, monthly, project owners assisted under section 8, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

## NOTICES

### CLEARANCE OF REPORTS List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 19, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

### NEW FORMS

#### ENVIRONMENTAL PROTECTION AGENCY

Student Health Study Questionnaire, single-time, students and parents, Laverne V. Collins, Richard Eisinger, 395-5867.

#### DEPARTMENT OF COMMERCE

Bureau of Census: Survey of Work History and Job Search Activities of Persons not in the Labor Force, CPSI, 652, 6, single-time, 110,000 interviewed households in July and August, Strasser, A., 395-5867. Residential Electric Utility Report and Letter, P-2, annually, public utility companies, George Hall, 395-6140.

### REVISIONS

#### DEPARTMENT OF AGRICULTURE

Statistical Reporting Service Sunflower Seed Inquiry, semi-annually, sunflower buyers and contractors, Hulett, D. T., 395-4730. Food and Nutrition Service, Monthly Report of the Child Care Food Program and Summer Food Service Program for Children, FNS-44, monthly, State agencies, Human Resources Division, Lowry, R. L., 395-3532.

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service, Flash Reporting of Selected Program Data, SRSNCS124, monthly, State welfare/medical agencies, Sunderhauf, M. B., 395-6140.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Settlement Statement, HUD-1, on occasion, persons conducting real estate settlements, Community and Veterans Affairs Division, 395-3532.

### EXTENSIONS

#### DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Import Request (Meat, Poultry and Meat or Poultry Products), MP-410, on occasion, importers/brokers, Marsha Traynham, 395-4529.

Animal and Plant Health Inspection Service, Application for Approval of Label, Formulation or Device (Meat and Poultry Products), MP-480, on occasion, meat and poultry establishments, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,  
Budget and Management Officer.  
[FR Doc.76-15577 Filed 5-26-76; 8:45 am]

## RAILROAD RETIREMENT BOARD RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

### Determination of Quarterly Rate of Excise Tax

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1976, shall be at the rate of twelve cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1976, 12.0 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 88.0 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: May 20, 1976.

By Authority of the Board.

R. P. BUTLER,  
Secretary of the Board.

[FR Doc.76-15453 Filed 5-26-76; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12457; File No. SR-DSE-76-3]

### DETROIT STOCK EXCHANGE Net Capital Rule

In the matter of proposed rule change by Detroit Stock Exchange.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 29, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Amendment of the rules of the Detroit Stock Exchange to conform net capital rules of the Exchange to those of S.E.C. Rule 15c3-1 (uniform net capital rule).



## STATEMENT OF BASIS AND PURPOSE

The proposed amendment of the net capital rule was approved by the Governing Committee to conform the Rules of the Detroit Stock Exchange to those of the Uniform Net Capital Requirements under S.E.C. Rule 15c3-1 which became fully effective on January 1, 1976.

S.E.C. Rule 15c3-1, as amended, which became fully effective on January 1, 1976, adopted a uniform net capital rule by the securities industry and discontinued the previous exemption in the Commission net capital rule for members of designated national securities exchanges.

Comments on the proposed amendments were not solicited from members, participants or others and no unsolicited comments were received.

The proposed amendments would impose no burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or as to which the above-mentioned self-regulatory agency consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 19, 1976.

[FR Doc.76-15387 Filed 5-26-76; 8:45 am]

[File No. 500-1]

## EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

## Suspension of Trading

MAY 20, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation,

being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from May 21, 1976 through May 30, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15386 Filed 5-26-76; 8:45 am]

[Release No. 34-12458; File No. SR-MSE-76-6]

MIDWEST STOCK EXCHANGE, INC.  
Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 28, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

## STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Article XX of the Midwest Stock Exchange Rules would be revised as follows:

## NET CAPITAL

Rule 3. (a) (1) A member organization using the facilities of the Midwest Clearing Corporation or Midwest Securities Trust Company (other than a registered specialist whose other securities activity is as a floor broker) or doing business with the public and a member or member organization acting as a registered floor trader, as a floor broker (except if its sole other securities activity is as a registered specialist) or introducing customer accounts to another broker or dealer shall at all times—

(i) Maintain net capital not less than that prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1) and

(ii) Maintain subordinated cash borrowings and secured demand notes equal to or greater than 50% of its total subordinated borrowings to the extent that these subordinated borrowings are part of the debt equity total.

(2) A member organization shall promptly notify the Exchange if it ceases to be in compliance with the requirements of clause (1) of this paragraph (a) or if it becomes obligated to file monthly reports under paragraph (c) of this Rule.

A member or member organization shall also promptly notify the Exchange of any material unsecured or partly secured loan, drawing in excess of share of profits, or other obligation owed to the member organization by (i) any person, including a subordinated lender, having a capital interest in the member organization, (ii) any partner, officer, director or employee of the member organization, or

(iii) any corporation, firm or entity in which any partner, officer, director or employee of the member organization holds office or has a material financial interest. Such notification may show such obligations owed to the member organization by category without personal identification, except that personal identification shall be made in respect to any person having such obligations equal to five percent or more of the member organization's debt equity total.

(b) *Specialist Capital Requirement.* (1) A member organization registered as a specialist who has no other securities activity other than as a floor broker must be able to assume a position of 1,000 shares in each common stock in which he is registered, 500 shares in each convertible preferred stock in which he is registered and 200 shares in each non-convertible preferred stock in which he is registered.

(2) Each member organization subject to this paragraph must be able to establish that it can meet with its own net liquid assets a minimum capital requirement which is the greater of \$100,000 or 25% of the position requirements as set forth in this paragraph. Withdrawals from the greater of these amounts may only be made with the permission of the Exchange. Such specialists must maintain net liquid assets no less than the greater of \$75,000 or 18.75% of the position requirements set forth in this paragraph. In the event that a specialist falls below the initial capital requirements but is above the maintenance capital requirement set forth herein, it shall furnish the Exchange such daily financial information as it shall be individually notified by the Department of Member Firms.

(3) The term "net liquid assets" is defined as the excess of cash, readily marketable securities and amounts due from clearing organizations utilizing a continuous net settlement system, over all liabilities other than satisfactory subordination agreements.

Readily marketable securities shall include securities in the trading, investment and specialist accounts of the member organization, capital accounts of partners and accounts of partners which are covered by agreements approved by the Exchange providing for the inclusion of equities therein as partnership property and borrowings covered by subordinated loan agreements approved by the Exchange, all of which must be marked to market whenever a financial statement is prepared. Securities contributed under a secured demand note will be valued at the lower of market value or the face amount of the secured demand note.

## MONTHLY FINANCIAL STATEMENTS

(c) (1) Monthly financial statements consisting of FOCUS Part II or Part IIA Report shall be filed with the Exchange for a minimum period of three months unless otherwise specified in writing, by a member organization which:

(i) Fails to maintain net capital of at least 120% of the Exchange minimum requirements, or

(ii) Fails to maintain net capital equal to or greater than 8 1/2% of its aggregate indebtedness, or 6% of its aggregate debits if it computes its net capital requirements under the alternative form, or

(iii) Fails to maintain equity equal to or greater than 36% of its debt equity total, or

(iv) Carries in the proprietary or other accounts of the member organization equity securities having a market value in excess of twice its debt equity total, or

(v) For a month had losses greater than 15% of the amount by which its net capital at the beginning of such month exceeds the Exchange minimum requirements, or for a consecutive three month period had losses exceeding 30% of the amount by which its net capital at the beginning of such period exceeds the Exchange minimum requirement, or

(vi) Has subordinated securities loans approved by the Exchange prior to September 1, 1975 in excess of 37 1/2% of its debt-equity total, or

(vii) Has satisfactory subordination agreements maturing within the next six months which, if not renewed, would result in one of the above conditions, or

(viii) The Exchange otherwise determines that the member organization may be approaching financial or operational difficulty.

(2) In addition to the regular annual field examination that all member organizations receive, the Exchange will conduct such extraordinary field examinations of member organizations filing monthly reports pursuant to this paragraph as it shall determine to be necessary or appropriate for the protection of investors, other member(s) and member organizations and the Exchange.

(3) The term "debt equity total" shall have the same meaning ascribed to it in paragraph (d) of SEC Rule 15c3-1.

(4) The term "equity" shall have the same meaning ascribed to it in paragraph (d) of 17 CFR 240.15c3-1.

## RESPONSIBILITY OF COMPUTATIONS OF NET CAPITAL REQUIREMENTS

(d) It shall be the responsibility of members and partners and officers of member organizations to effect consistent compliance by their respective organizations with the net capital requirements of the Exchange. The frequency of computations of net capital may be determined by the member organization, but failure to make adequate computations at reasonable intervals of time or under unusual conditions shall be subject to Exchange review and action. In no event shall a computation be prepared less frequently than once a month. All computations shall be retained for a period of not less than three years.

## RESTRICTIONS ON OPERATIONS

(e) Whenever it shall appear to the President that a member organization obligated to file reports under paragraph (c) of this Rule is unable within a reasonable period, to maintain sufficient net capital to a point where it is no

longer obligated to file such reports, or that a member organization is carrying inventories which are excessive in relation to its capital, failing to maintain necessary operational personnel and facilities, or engaging in any other activity which casts doubt upon such member organization's continued compliance with the net capital requirements of the Exchange, the President may impose such conditions and restrictions upon the operations, business and expansion of such member organization and may require the submission of, and adherence to, such plan or program for the correction of such situation as he determined to be necessary or appropriate for the protection of investors, other members and member organizations and the Exchange. Each action taken under this Rule shall be reported promptly to the Chairman of the Board and the Chairman of the Executive Committee.

The following Rules 6 and 8 will be deleted entirely:

## NET CAPITAL

Rule 6. "Net Capital" shall mean the excess over total liabilities of all assets of the member or member organization which can be readily converted into cash after:

(1) Reflecting the difference between the current market value and book value of all securities, long or short, in accounts which are to be considered as capital;

(2) Deducting from the market value of all securities, long or short, in accounts which are considered as capital, including each net long or short position resulting from existing contractual commitments;

(a) 0% on securities of the U.S. Government which mature within one year,

(b) 1 1/2% on securities of the U.S. Government which mature from one to three years,

(c) 2 1/2% on securities of the U.S. Government which mature after three years and on securities of states and political subdivisions thereof and of the government or political subdivision of the country of which the member is a citizen (if not the U.S.),

(d) 0% to 5% on non prime commercial paper,

(e) 10% on institutional bonds,

(f) 12 1/2% on corporate bonds of the first four ratings of any nationally known statistical service,

(g) 30% of all other securities.

The foregoing and following percentages may be altered in the case of specific issues if, in the judgment of the Exchange, such adjustment may more properly reflect the liquidity of such issues. In the absence of other information satisfactory to the Exchange, the following percentages will apply:

(i) 50% of all securities which are not regularly quoted in daily financial newspapers and/or in which not less than three or more than six brokers or dealers other than respondent regularly make a market,

(ii) 100% of all securities which are not regularly quoted in daily financial newspapers and in which less than three brokers or dealers other than respondent regularly make a market or of which the sale is in any way restricted,

(h) 30% of all long and all short spot (cash) or future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any spot commodity position),

(i) 100% of the amount by which the daily limit fluctuation of all future commodity contracts carried for a customer exceeds 10% of the member organization's net worth,

(j) 100% of any advance against a warehouse receipt except in respect of an advance for a period not exceeding 90 days against a commodity tendered on an exchange for delivery on a contract in respect of certified stock or deliverable grades against a warehouse receipt issued by a warehouse licensed by a commodity exchange,

(k) 100% of the difference between the original or clearing house margin and the existing margin in the account when original or clearing house margin shall be depleted by 50% on all future commodity accounts in each customer's account,

(l) 1 1/2% of the market values of the greater of either the total long or total short future contract in each commodity carried for all customers,

(m) The foregoing percentages of the market value of securities in customers' accounts in deficit;

(3) Deducting 10% of the contract value of each item in the securities failed to deliver account which is outstanding 40 to 49 calendar days, 20% of the contract value of each item in the securities failed to deliver account which is outstanding 50 to 59 calendar days and 30% of the contract value of each item in the securities failed to deliver account which is outstanding 60 or more calendar days, and

(4) Deducting the full amount of any self-insurance and also deducting the full amount of each loss, as it occurs, falling within the range of self-insurance.

In determining assets "which can readily be converted into cash", the following assets (among others) will be excluded as illiquid assets:

Real estate, furniture and fixtures and leasehold improvements (less any indebtedness secured thereby), prepaid expenses and deferred charges; exchange memberships; organization expense; goodwill; deficits in customers' unsecured and partly secured securities accounts; all unsecured receivables; deficits in partners' accounts; deficits in customers' commodity accounts; cash and stock dividends receivable; underwriting commissions and profits receivable; all unsecured trading and commodity commissions receivable; good faith deposits; cash surrender value of life insurance (unless specifically approved by the Exchange); deposits with clearing organi-



zations other than those clearing organizations which use a continuous net settlement system for the clearance and settlement of securities transactions; investments in real estate mortgages; short stock record differences (not reduced by long differences) and any other amounts not readily convertible into cash.

In determining "Net Capital" a loss, at market, in any individual contractual commitment shall be deducted and a profit shall not be included.

The term "accounts which are to be considered as capital" shall mean capital accounts of partners, investment and trading accounts, participations in joint accounts, accounts of partners which contain only fully paid-for securities and which are covered by written agreements, approved by the Exchange providing that equities therein be considered as partnership property, any borrowings subordinated to the claims of general creditors pursuant to a subordination agreement executed on a standard Exchange subordination agreement form (with such amendments as the Exchange may approve in writing) which has been filed with and is satisfactory to the Exchange, and other proprietary accounts.

The term "Contractual Commitments" shall include underwriting, when-issued, when-distributed and delayed delivery contracts, endorsements of puts and calls, commitments in foreign currencies and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures.

In determining the net capital of a member or member organization registered as a specialist or odd-lot dealer on a registered national securities exchange, the percentile reserve for market decline computations on short positions in security issues as to which the member member firm or member corporation is a registered specialist or odd-lot dealer shall be applied only to the excess of the market value of short positions over the market value of long positions in such issues.

#### AGGREGATE INDEBTEDNESS

Rule 8. "Aggregate indebtedness" shall mean total money liabilities, plus the market value of securities borrowed (other than for delivery against customer sales) for which no equivalent value is paid or credited, plus money borrowed on discounted drafts or drafts deposited for immediate credit which are uncleared as of the date of the determination, plus unrecorded liability reserved in connection with any lawsuits pending accommodation endorsements, guarantees or any other contingency, after excluding:

(1) Money borrowings adequately collateralized by securities or spot commodities in accounts which are to be considered as capital or by fixed assets owned by the member or member organization.

(2) Money payable against securities loaned which are owned in accounts which are to be considered as capital,

(3) Money payable against securities failed to receive for accounts which are to be considered as capital and which securities have not been sold.

(4) Equities in customers' commodity accounts segregated under the Commodity Exchange Act.

(5) Customer free credit balances segregated in an account covered by a segregation agreement approved by the Exchange.

(6) Liabilities on existing contractual commitments.

(7) Credit balances in accounts of partners which are covered by written agreements, approved by the Exchange, providing that equities therein be considered as partnership property.

(8) Any liabilities subordinated to the claims of general creditors pursuant to a subordination agreement executed on a standard Exchange subordination agreement form (with such amendments as the Exchange may approve in writing) which has been filed with and is satisfactory to the Exchange, and

(9) Money payable against securities failed to receive which arise from the execution of orders for another member or member organization in connection with an agreement filed with and approved by the Exchange under Rule 1 of Article XXVIII, provided, however, that said liabilities may be excluded from or included in aggregate indebtedness if, in the Exchange's opinion, such action is warranted by the circumstances. The terms "accounts which are to be considered as capital" and "contractual commitments" shall have the same meaning as defined in Rule 6 of Article XX.

#### STATEMENT OF BASIS AND PURPOSE

Paragraph (a) of the amended Rule incorporates the Uniform Net Capital Rule by reference. The only addition is to limit, as a part of net capital, subordinated securities loans (other than secured demand notes) to no more than 50% of total permitted subordinated loans. This is a carry-over from the Exchange's current Rule. Securities loans are not permitted under the Uniform Net Capital Rule, but such existing loans in effect on September 1, 1975 are grandfathered in until the earlier of their normal expiration date, or September 1, 1980.

Paragraph (b) establishes a new and different net capital requirement for specialists who are currently exempt from the Uniform Net Capital Rule. The SEC is considering adopting its own requirements for specialists so this part of the Rule may be subject to further change at a future date. This specialist net capital Rule is patterned after specialist net capital requirements of the New York Stock Exchange, but is generally reduced to 20% of the New York Stock Exchange requirement. We consider this to be a more appropriate standard for specialists in that it relates to position requirements and responsibilities undertaken by a specialist when it assumes a book rather than the

complicated haircut and aggregate indebtedness standards which currently prevail. We believe that this approach will encourage specialists to more fully participate in the market, particularly in times of stress, as no haircuts would apply to their positions. On the other hand, however, this Rule would apply a more affirmative financial responsibility standard to specialists applying for new books.

Paragraph (c) of the amended Rule establishes the early warning guidelines to be used by the Exchange. In most cases these early warning guidelines are somewhat relaxed from the current early warning guidelines used by the Exchange to conform them to those generally followed by the SEC in its Rule 17a-11. The new guidelines also recognize the alternative net capital requirements under the uniform rule. The new early warning guidelines establish a net loss criteria for a 3-month period in addition to the current 1-month criteria, bring into play the maturity of subordinated loans during the coming six months where they could possibly create a financial difficulty for the member organization, and spell out a previously unwritten policy that the Exchange may apply other criteria which come to its attention which may cause financial or operational difficulty.

The deletions of Rules 6 and 8 are proposed to conform the Article to the Uniform Net Capital Rule by revising definitions of "debt equity total" and "equity."

The proposed rule change protects public investors and the public interest while preventing fraudulent and manipulative practices.

The comments received by the Midwest Stock Exchange, Incorporated from member firms via telephone did not challenge the substance of the Uniform Net Capital Rule. The comments were very specific inquiries as to the treatment of certain items.

The Midwest Stock Exchange, Incorporated believes that no burden has been placed on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written sub-

missions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

MAY 19, 1976.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15388 Filed 5-26-76; 8:45 am]

[Release No. 34-12460; File No. SR-MSE-76-7]

#### MIDWEST STOCK EXCHANGE, INC. Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 28, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Article 1, Rule 14 of the Midwest Stock Exchange Rules, would be renumbered Article 1, Rule 14(a).

#### NEW RULE

Article 1, Rule 14(b): Amounts held on deposit with a bank or trust company in escrow pursuant to Paragraph (b)(2) of 17 CFR 240.15c3-1 shall be applied by the Exchange to the purposes and in the order of priority set forth in Paragraph (a) of this Rule. A copy of the escrow agreement and any changes thereto must be filed with the Exchange.

Article 1, Rule 16 would be amended as follows: Rule 16: If the amount of any sum payable out of the proceeds of a membership or the escrow account provided for in Rule 14(b) of this Article cannot, for any reason, be immediately ascertained and determined, the President may reserve and retain such amount as he may deem appropriate, pending determination of the amount so payable.

#### STATEMENT OF BASIS AND PURPOSE

The Uniform Net Capital Rule currently provides that floor brokers may comply solely if their seats are worth \$25,000 and the Exchange has rules requiring that the proceeds from the sale of the seat be subject to the prior claims of the Exchange and its Clearing Corporation, and those arising from the closing out of contracts entered into on the floor of the Exchange. The Midwest Stock Exchange has the appropriate rules, but the value of the Midwest seat has not been \$25,000 for some time. The SEC sub-

sequently proposed a rule change which lowers the dollar amount to \$15,000 from \$25,000 and permits the difference between \$15,000 and the value of the Exchange seat to be put in an escrow account held by an independent agent, if the rules of the Exchange have the same requirements regarding the escrow account that they have on the proceeds from the sale of the membership itself.

In order to provide the opportunity for floor brokers on the Midwest Stock Exchange to avail themselves of this provision of the Uniform Net Capital Rule, these changes have been proposed.

The proposed rule change promotes just and equitable principles of trade and removes impediments to the mechanisms of a free and open market.

Approval has been expressed orally by all specialists of the Midwest Stock Exchange affected by the proposed rule. No other comments have been solicited or received.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the dates of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 19, 1976.

[FR Doc.76-15389 Filed 5-26-76; 8:45 am]

[Release No. 34-12439; SR-PSE-76-5]

#### PACIFIC STOCK EXCHANGE Proposed Rule Change; Extension of Time

Notice is hereby given that the Securities and Exchange Commission extends,

for a period of 90 days from the date of publication, Commission action on the proposed amendment to Rule VII of the Pacific Stock Exchange, Inc. The proposed rule change, which was filed pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934 ("the Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] and Rule 19b-4 [17 CFR § 240.19b-4] thereunder, was published in the FEDERAL REGISTER on April 19, 1976.

Section 19(b)(2) of the Act provides that the Commission shall take action with respect to a proposed rule change filed by a self-regulatory organization within 35 days of its publication. However, the section permits the Commission to designate a longer period, up to 90 days after publication, if it finds such extension to be appropriate and publishes its reasons for so finding.

On April 20, 1976 the Commission announced a program for allocation of regulatory responsibilities, including the adoption of Rule 17d-1 [17 CFR § 240.17d-1] and proposal of Rule 17d-2. As proposed, Rule 17d-2 would call upon self-regulatory organizations to recommend, in the form of plans to be filed with the Commission, allocation of regulatory responsibility among themselves with respect to members which they have in common. The Commission will be soliciting comments on the implementation of this program until June 15, 1976.

Since the proposed amendment to PSE Rule VII was published on April 19, 1976 under Section 19(b)(2) of the Act, absent an extension of time, Commission action on this proposal would be required by May 24, 1976. However, in order for the Commission to consider the interaction of the interaction of the allocation program as it will be put into effect subsequent to June 15, 1976 and the proposed PSE rule, the Commission has determined that there is good cause to find, and does find, that Commission action on the proposed amendment to PSE's Rule VII should be deferred pursuant to Section 19(b)(2) of the Act, for 90 days from the date of publication of the proposed amendment.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 12, 1976.

[FR Doc.76-15390 Filed 5-26-76; 8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5104]

#### TOWER VENTURES, INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Tower Ventures Inc. (Tower), Sears Tower, BSC 38-50, Chicago, Illinois 60684, a federal licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 C.F.R. 107.1004 (1976) for approval of a conflict of interest transaction.

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In connection with an offering totaling \$1,200,000 of securities made by the Highland Community Bank (Bank), a minority bank located in Chicago, Illinois, Tower proposes to provide financing of \$100,000 in the form of a \$50,000 Capital Note and \$50,000 of cumulative Preferred Stock. The proceeds of the financing will be used to increase the bank's capital funds.

The proposed financing comes within the provisions of 13 C.F.R. 107.1004 (1976) for the reason that Mr. Ray J. Graham, President and a director of Tower, is also a director of the Bank.

Notice is hereby given that any interested person may, not later than fifteen days from the date of publication of this notice, submit to SBA written comments on the proposed transaction. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by Tower in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 20, 1976.

JAMES THOMAS PHELAN,  
Deputy Associate Administrator  
for Investment.

[FR Doc. 76-1467 Filed 5-26-76; 8:45 am]

## DEPARTMENT OF LABOR

Office of Federal Contract Compliance  
Programs

### FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOY- MENT OPPORTUNITY PROGRAMS

#### Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. Meetings of the Advisory Committee were held on February 27, April 28, and May 27, 1976.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the fourth meeting of the above committee has been scheduled for 9:30 A.M. on June 11, 1976, in Room S-3215 A & B, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the June 11 meeting calls for general discussion of the items listed below, and for the establishment of procedures for their further study:

1. Discussion of options for revision of enforcement procedures under Executive Order 11246, as amended.

2. Discussion of options regarding use of graduated sanctions under Executive Order 11246, as amended.

3. Revised Order No. 4 (41 CFR Part 60-2), on written affirmative action programs, and the Format for Development of an Affirmative Action Program by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).

4. Discussion of proposals for increasing the supply of minorities and women for faculty employment.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Opportunity Programs, New U.S. Department of Labor Building, Room C-3322, Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of May 1976.

LEONARD J. BIERMANN,  
Executive Secretary.

NOTE: The publication of Department of Labor documents usually occurs in the Friday issue of the FEDERAL REGISTER. For the convenience of the readers and the Agency this document is being published today, Thursday, May 27, 1976, and will be reprinted per schedule Friday, May 28, 1976.

[FR Doc. 76-15539 Filed 5-25-76; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[Volume No. 32]

#### REPUBLICATIONS OF GRANTS OF OPER- ATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

MAY 21, 1976.

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission on or before June 28, 1976. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting

authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 133919 (Sub-No. 2) (Republication) filed October 21, 1975, and published in the FEDERAL REGISTER issue of November 19, 1975, and republished this issue. Applicant: JOHN ROSSETTI, 683 Pine St., Burlington, Vt. 05401. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11383. An Order of the Commission, Review Board Number 2, dated April 23, 1976 and served May 6, 1976, finds that the present and future public convenience and necessity require operations by petitioner, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of cheese, cheese products, and curd, from Alburg, Milton, Richmond, Cabot, Hinesburg and Swanton, Vt., to Carle Place, N.Y., under a continuing contract or contracts with Lucille Farm Products, Inc., located at Yonkers, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate petitioner's additional grant of authority at Carle Place, N.Y., as the destination point, in lieu of New York, N.Y.

No. MC 141317 (Republication) filed September 2, 1976, and published in the FEDERAL REGISTER issue of October 2, 1976, and republished as amended this issue. Applicant: R J L CORPORATION, Shelburn, Ind. 47879. Applicant's representative: Donald W. Smith, One Indiana Square, Suite 2465, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Corrugated plastic drainage tubing, (a) from Montpelier, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee and Wisconsin; and (b) from the plantsites of Certain-Teed/Daymond Company, located at Lawrenceville, Ill., Lake Mills, Iowa, and Geneva, N.Y., to Montpelier, Ind.; and (2) plastic coupling T's, reducers, caps, adapters and elbows, used in the distribution and installation of corrugated plastic drainage tubing, from points in the States named in (1) (a) above to Montpelier, Ind., under a continuing contract, or contracts, with Certain-Teed/Daymond Company, of Ann Arbor, Mich.

NOTE.—The purpose of this republication is to indicate the authorization of: (1) Iowa as a destination State in (1) (a) above; (2) Lake Mills, Iowa as an origin point in (1) (b) above; and (3) Iowa as an origin State in (2) above.

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

#### Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 491 (Sub-No. 3) (Correction) filed April 2, 1976, published in the FEDERAL REGISTER issue of May 13, 1976, republished as corrected this issue. Applicant: MARSH EXPRESS, INC., P.O. Box 447, Glassboro, N.J. 08028. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, commodities in bulk and commodities requiring the use of special equipment), (1) between Philadelphia, Pa., and Newfield, N.J., serving all intermediate points: (a) From Philadelphia, over U.S. Highway 76 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over New Jersey Highway 77, thence over New Jersey Highway 77 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to Newfield, and return over the same route.

NOTE.—The purpose of this partial republication is to (1) correct the territorial description in (1) (a); and (2) to indicate the conversion or irregular route operations to that of regular route operations.

No. MC 1263 (Sub-No. 21), filed April 30, 1976. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Iowa, Illinois, Indiana, Kansas, Missouri, Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Kansas City, Mo.

No. MC 2202 (Sub-No. 508), filed April 29, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, commodities in bulk, household goods as defined by the Commission,



livestock, Classes A and B explosives, and those requiring special equipment), serving the plantsite of Dana Corporation at or near Churubusco, Ind., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fort Wayne, Ind. or Washington, D.C.

No. MC 2202 (Sub-No. 509), filed April 29, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), serving Bunkie, Colfax, Mansura and Marks-ville, La., as off-route points in connection with applicant's presently authorized regular-route operations to and from Alexandria, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Alexandria, La. or Washington, D.C.

No. MC 11294 (Sub-No. 11) (Correction) filed March 15, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, republished as corrected this issue. Applicant: INDUSTRIAL CITY LINES, INC., 5310 St. Joseph Avenue, St. Joseph, Mo. 64505. Applicant's representative: Tom B. Kretsinger, Suite 910, Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Cans*, from Omaha, Nebr., to Topeka, Kans., and St. Joseph, Mo.; (2) *damaged and rejected shipments*, on return in (1) above; and (3) *cans*, from St. Joseph, Mo., to Topeka, Kans., restricted in (1), (2) and (3) above to transportation on power roller-bed equipment, under a continuing contract or contracts with Continental Can Company.

NOTE.—The purpose of this republication is to reflect the name of the contracting shipper. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 22195 (Sub-No. 166), filed April 26, 1976. Applicant: DAN DUGAN TRANSPORT COMPANY, P.O. Box 496, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and feed supplements*, from Cargill, Inc. Soybean Plant located at Sioux City, Iowa, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sioux City, Iowa or Sioux Falls, S. Dak.

No. MC 35835 (Sub-No. 31), filed April 28, 1976. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue S.E., Independence, Iowa 50644. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Products of corn*, in bulk, from Chicago and Pekin, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 152), filed April 27, 1976. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Fred L. Cardascia (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Miami, Fla., to Hartsville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y. or Newark, N.J.

No. MC 59135 (Sub-No. 33), filed April 29, 1976. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as, RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative: Leonard A. Zaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), serving Sodus, N.Y., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Syracuse, N.Y. or Washington, D.C.

No. MC 69116 (Sub-No. 184), filed April 28, 1976. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Automobile body parts*, between Jackson, Ohio, and Mahwah, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71478 (Sub-No. 36), filed April 26, 1976. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, Okla. 74115. Applicant's representative: Sam Roberts, 501 Philtower Building, Tulsa, Okla. 74103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, caps, enclosures for glass and plastic containers and boxes*, knocked down, from

the plantsite and storage facilities of Brockway Glass Company, Inc., at or near Muskogee, Okla., to Dallas and Fort Worth, Tex., and their respective commercial zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Oklahoma City, Okla. or Dallas, Tex.

No. MC 72069 (Sub-No. 8), filed April 30, 1976. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry (except in tank or hopper type vehicles), from Norfolk and Chesapeake, Va., to Cambridge, Berlin, and Pocomoke City, Md., and points in New Castle and Kent Counties, Del.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 73165 (Sub-No. 386), filed April 26, 1976. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Overhead cranes and material handling equipment*, from Terrell, Tex., to points in the United States (except Alaska and Hawaii), and (2) *parts, materials, accessories and supplies* used in the manufacture of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Terrell, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 76032 (Sub-No. 316), filed April 22, 1976. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Toledo, Ohio, as a point of joinder in connection with carrier's existing regular route operations.

NOTE.—Applicant states that the purpose of this application is to permit it to utilize Toledo, Ohio, as a joinder point in connection with its existing regular-route operations, to, from and through Toledo. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Chicago, Ill.

No. MC 83539 (Sub-No. 429), filed April 21, 1976. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as ap-

plicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lead and lead alloys*, from Glover, Mo., and Omaha, Nebr., to points in the United States (except Alaska and Hawaii); (2) *materials and supplies* (except in bulk), used in the manufacture and distribution of lead and lead alloys, from points in the United States (except Alaska and Hawaii), to Glover, Mo., and Omaha, Nebr.; and (3) *non-ferrous metals*, from Omaha, Nebr., and Tacoma, Wash., to Amarillo, Tex., restricted in (1), (2) and (3) above, to the transportation of shipments originating at or destined to the facilities of ASARCO Incorporated, located at or near Glover (Iron County), Mo., Omaha, Nebr., and Amarillo, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 95540 (Sub-No. 948), filed April 29, 1976. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33801. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from Rocky Mount, N.C., to Mason City, Iowa and Independence, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 100449 (Sub-No. 64), filed April 23, 1976. Applicant: MALLINGER TRUCK LINE, INC., Route 4, Fort Dodge, Iowa. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fargo and West Fargo, N. Dak., to points in Arizona, California, Montana, Nevada, Oregon, Utah and Washington, restricted to shipments originating at the plantsite and storage facilities of Flavorland Industries, Inc., at Fargo and West Fargo, N. Dak., and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.; Omaha, Nebr.; or Kansas City, Mo.

No. MC 102616 (Sub-No. 918), filed April 30, 1976. Applicant: COASTAL TANK LINES, INC., P.O. Box 5555, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Rolling processing fluids and lubricating oils*, in bulk, in tank vehicles, from the plantsite of the Ironsides Com-

pany located at Columbus, Ohio, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, and Wisconsin; (2) *wire drawing compounds*, in bulk, in tank vehicles, from Columbus, Ohio, to Phoenix, Ariz.; and (3) *ingredients and raw materials* used in the manufacture of rolling processing fluids, wire drawing compounds, and lubricating oils, in bulk, in tank vehicles, from Smackover, Ark.; Savannah, Ga.; Jeffersonville, Ind.; Ashland, Ky.; Elkridge, Md.; Austin, Minn.; St. Louis, Mo.; Weehawken, N.J.; Buffalo, N.Y.; Bradford, Marcus Hook, Petrolia, Franklin, Philadelphia and Bainbridge, Pa.; Houston, Tex.; Norfolk, Va.; Madison, Wis.; and Lake Charles, La., to the plantsites of the Ironsides Company located at Columbus, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Chicago, Ill.

No. MC 103993 (Sub-No. 867), filed April 26, 1976. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies* used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company located at or near Laurinburg, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Atlanta, Ga.

No. MC 105501 (Sub-No. 17), filed April 30, 1976. Applicant: TERMINAL WAREHOUSE COMPANY, INC., 1851 Radisson Road, N.E., Blaine, Minn. 55434. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Minneapolis, St. Paul and Hugo, Minn., on the one hand, and, on the other, points in North Dakota and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 141191, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 105566 (Sub-No. 120), filed April 27, 1976. Applicant: SAM TANKS-LEY TRUCKING, INC., P.O. Box 1119, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic compounds and materials, and chemical compounds*

(except in bulk, in tank or hopper vehicles), from Parkersburg and Washington, W. Va., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 121), filed April 29, 1976. Applicant: SAM TANKS-LEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 62701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic materials, crude rubber, liquid latex, rubber preservatives, and rubber accelerators*, in straight or mixed shipments, from the facilities of B. F. Goodrich Chemical Company located at Akron, Ohio, Avon Lake, Ohio, and Louisville, Ky., to points in Arizona, California, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105733 (Sub-No. 57), filed April 27, 1976. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, in tank vehicles (except gasoline, kerosene, lubricating oil, heating oil, jet fuels, road oils, tar, asphalt and cement), (1) from points in Rhode Island, to points in Connecticut, Maine, Massachusetts, New Hampshire and Vermont; and (2) from Fall River, Mass., to points in Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 221), filed April 15, 1976. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2270 Peyton Rd., N.W., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, machinery and supplies*, used in the manufacturing, processing and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to the plantsite and facilities of American Cast Iron Pipe Company, at Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 107002 (Sub-No. 487), filed April 28, 1976. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a common



carrier, by motor vehicle, over irregular routes, transporting: (1) *Corn cane and beet products, and blends thereof*, in bulk, from Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Chicago, Ill.

No. MC 107295 (Sub-No. 813), filed April 30, 1976. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), between points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at, or destined to, the plantsite, warehouses, consolidation or distribution facilities of Boise Cascade Corporation and its subsidiaries, and affiliates.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Washington, D.C.

No. MC 107496 (Sub-No. 1030), filed April 29, 1976. Applicant: RUAN TRANSPORT CORPORATION, a Corporation, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal mucosa*, in bulk, in tank vehicles, (1) from points in the United States (except Alaska and Hawaii), to Franklin, Ohio; and (2) from points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota, to the plantsite of Abbott Laboratories located at North Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 108053 (Sub-No. 130), filed April 27, 1976. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 W. 23rd St., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Wallula, Wash., to points in California, Colorado and Oregon.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 109544 (Sub-No. 167), filed April 29, 1976. Applicant: ARIZONA-PACIFIC TANK LINES, 3980 Quebec Street, Denver, Colo. 80207. Applicant's representa-

tive: Don Bryce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water base graphite*, in bulk, in tank vehicles, from Buckeye, Ariz., to Cucamonga, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 110525 (Sub-No. 1155), filed April 26, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from Corsicana, Tex., to points in the United States (except Connecticut, Delaware, Hawaii, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Vermont and Alaska).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 110563 (Sub-No. 166) (Amendment) filed January 12, 1976 published in the FEDERAL REGISTER issue of February 20, 1976, republished as amended this issue. Applicant: COLD-WAY FOOD EXPRESS, INC., Ohio Bldg., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene film packaging products* in packages or/and carton, (except commodities in bulk in tank vehicles), from the plantsites and warehouse facilities of Eva-Lee, Inc., and U.S. Plastics Corp., located at or near Lynn, Mass., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, restricted to traffic originating at the named origin points.

NOTE.—The purpose of this republication is to restrictively amend the requested authority. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 111170 (Sub-No. 229), filed April 21, 1976. Applicant: WHELLING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bromine),

in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111302 (Sub-No. 88), filed April 28, 1976. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, Tenn. 37949. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet, cane and corn products*, in bulk, in tank vehicles, from the plant and warehouse facilities of American Maize Products Company, located at or near Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111401 (Sub-No. 463), filed March 26, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Enid, Okla., to points in Ohio and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Oklahoma City, Okla.

No. MC 111545 (Sub-No. 223), filed May 5, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., a Corporation, 1425 Franklin Road, S.E., P.O. Box 6426, Station A, Marietta, Ga. 30067. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled utility graders*, not exceeding 10,000 pounds, and *self-propelled paving machines, trailers, and parts thereof*, from Gwinnett County, Ga., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 111729 (Sub-No. 651), filed April 26, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toiletries, chemicals, medicines, cosmetics and compressed gas*, between points in Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill Counties, Oreg., restricted to the transportation of

shipments having an immediate prior or subsequent movement by air, rail or motor vehicle and further restricted against the transportation of shipments weighing in excess of 150 pounds in the aggregate.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Seattle, Wash.

No. MC 113646 (Sub-No. 14), filed April 26, 1976. Applicant: JEFFERSON TRUCKING COMPANY, a Corporation, Box 17, National City, Mich. 48748. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, crude, crushed, ground or pulverized, in bulk, from the plantsite of National Gypsum Company, at or near Shoals (Martin County), Ind., to points in Illinois, Kentucky, Ohio, and Tennessee; points in Des Moines, Lee, Louisa, Muscatine, and Scott Counties, Iowa; points in Lenawee, Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, Mich.; points in Marion, Ralls, Pike, Lincoln, St. Charles, St. Louis, St. Louis City, Jefferson, St. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, and Pemiscott Counties, Mo.; and points in Warren, Forrest, Clarion, Armstrong, Westmoreland, Fayette, Erie, Crawford, Venango, Mercer, Butler, Lawrence, Allegheny, Beaver, Washington and Greene Counties, Pa., under contract with National Gypsum Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.; Buffalo, N.Y.; or Chicago, Ill.

No. MC 113651 (Sub-No. 196), filed April 26, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Des Moines, Iowa, to points in Louisiana and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113760 (Sub-No. 11), filed April 30, 1976. Applicant: PETCO INC. INTERSTATE, P.O. Box 447, Commerce City, Colo. 80022. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Sinclair, Wyo., to points in Routt, Moffatt and Rio Blanco Counties, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113908 (Sub-No. 376), filed April 28, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine products, distilled spirits, neutral spirits, alcohol and alcoholic liquors*, in bulk, from points in California, to Woodruff, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 114015 (Sub-No. 18), filed April 26, 1976. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, Va. 23924. Applicant's representative: Morton E. Kiel, Suite 6193—5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, paint and paint products, building materials, gypsum and gypsum products, Lime* (except liquid in bulk) and *such materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned commodities (except liquid commodities in bulk), between Norfolk, Va., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, under a continuing contract or contracts with United States Gypsum Company of Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 114533 (Sub-No. 340), filed April 28, 1976. Applicant: BANKERS DISPATCH CORPORATION, a Corporation, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures) and *business records*, between Louisville, Ky., on the one hand, and, on the other, points in Allen, Cass, Fayette, Hancock, Howard, Jay, Marion, Montgomery and Tippecanoe Counties, Ind.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Indianapolis, Ind.

No. MC 114533 (Sub-No. 341), filed May 2, 1976. Applicant: BANKERS DIS-

PATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Paul R. Bergant (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, Classes A and B explosives, commodities which because of size and weight require special equipment and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), between points in Iowa, Kansas, Missouri and Nebraska, restricted against the transportation of packages weighing more than 50 pounds with each package or article considered as separate and distinct shipment, and further restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location in any one day.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. 114569 (Sub-No. 139), filed April 26, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or frozen), from the plantsite and storage facilities of the Great Atlantic & Pacific Tea Co., located at or near Plymouth, Wis., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 114604 (Sub-No. 41), filed April 27, 1976. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer 1, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30328. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs and pet foods*, from Gulfport, Miss., to points in Alabama, Georgia, Tennessee, Kentucky and Florida.

NOTE.—Applicant intends to tack at Atlanta, Ga., to provide service to points in North Carolina and South Carolina. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 115331 (Sub-No. 409), filed May 4, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Clay and clay products* (except in bulk), from Mounds, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115853 (Sub-No. 23), filed April 27, 1976. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 619, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, building board, insulation board, fibreboard, and pulp board*, from the plantsite and storage facilities of the United States Gypsum Company, located at Lisbon Falls, Maine, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, South Carolina, Tennessee and Wisconsin; and (2) *return shipments of the commodities specified in (1) above, and materials, supplies and equipment* used in the manufacture, installation, and distribution of the commodities specified in (1) above (except in bulk), from the destination States named in (1) above, to the origin points named in (1) above, under a continuing contract, or contracts, with United States Gypsum Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115904 (Sub-No. 52), filed May 3, 1976. Applicant: GROVER TRUCKING CO., 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Fremont, Calif., to points in Oregon and Washington, restricted to the transportation of traffic originating at the facilities of The Flintkote Company, located at Fremont, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Los Angeles, Calif.

No. MC 116077 (Sub-No. 371), filed April 22, 1976. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, P.O. Box 1945, 500 West Sixteenth Street, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Corpus Christi, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or New Orleans, La.

No. MC 116300 (Sub-No. 25), filed April 29, 1976. Applicant: NANCE & COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's represen-

tative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, treated piling, treated timber, and treated lumber*, from Fernwood, Miss., to points in Kansas, Michigan, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss. or New Orleans, La.

No. MC 116763 (Sub-No. 342), filed April 28, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned prepared and preserved foodstuffs*, from Sodas, N.Y., to points in Florida, Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 117503 (Sub-No. 9) (Correction), filed March 26, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, class A explosives, household goods as defined by the Commission, and those of unusual value), between the Seattle-Tacoma International Airport near Seattle, Wash.; Portland International Airport near Portland, Ore.; Sacramento Metropolitan Airport near Sacramento, Calif.; San Francisco International Airport near Los Angeles, Calif., and the facilities of direct and indirect air carriers located within twenty-five (25) miles of the airports mentioned above, restricted to the transportation of traffic having a prior or subsequent movement by air, to movements in trailers equipped with rollerized floors; and further restricted against service between the Seattle-Tacoma International Airport, on the one hand, and, on the other, the Portland International Airport, and against service between the San Francisco International Airport, on the one hand, and, on the other, the Los Angeles International Airport.

NOTE.—The purpose of this republication is to (1) correct the exception portion, which was published "Classes A and B explosives . . ." so as to read: "Class A explosives . . ." and (2) correct the restriction so as to read: ". . . restricted to the transportation of traffic having a prior or subsequent movement by air." If a hearing is deemed necessary, the applicant requests it be held at either Sacramento, Calif. or San Francisco, Calif.

No. MC 117565 (Sub-No. 93), filed April 27, 1976. Applicant: MOTOR SERVICE COMPANY INC., Route 3, P.O. Box 448, Coshocton, Ohio 43812. Applicant's representative: Louis Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel shot and grit*; and (2) *machines and parts of machines* used for the application of the commodities named in (1) above, from Butler, Pa., to points in the United States, (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC-135701 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Cleveland, Ohio or Columbus, Ohio.

No. MC 118039 (Sub-No. 28), filed April 30, 1976. Applicant: MUSTANG TRANSPORTATION, INC., 833 Warner Street, S.W., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsite of Pearl Brewing Company located at San Antonio, Tex., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 118142 (Sub-No. 125), filed April 23, 1976. Applicant: M. BRUENGER & CO. INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of H. H. Keim Company, Ltd., at Nampa, Idaho, to Denver, Colo.; Chicago, Ill.; Wichita, Kans.; St. Paul, Minn.; Gulfport, Miss.; Carrolton, Mo.; Omaha, Nebr.; and Kenosha, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita or Kansas City, Kans.

No. MC 118159 (Sub-No. 172), filed April 5, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; materials, equipment, and supplies* used in the manufacture and distribution thereof (except commodities in bulk and except commodities which because of size or weight require the use of special equipment), between the plantsite, warehouse, and storage facilities of Mead Corporation located in the north-

eastern part of Jackson County, Ala., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Oklahoma, Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing with five similar applications.

No. MC 118535 (Sub-No. 81), filed April 21, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potash, potash products and potash by-products*, from points in Lea and Eddy Counties, N. Mex., to points in Indiana, Kentucky, Michigan, North Carolina and Ohio; and (2) *Potash, potash products and potash by-products* (except in bulk), from points in Lea and Eddy Counties, N. Mex., to points in Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 82), filed April 21, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, animal feed ingredients, animal health products, and chemicals* when shipped in mixed loads with animal feed or animal feed ingredients, from Minneapolis, Minn., to points in Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118535 (Sub-No. 83), filed April 28, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from the plantsite and facilities of Morton Salt Company at or near Hutchinson, Kans., to the plantsite and facilities of E. I. Dupont De Nemours and Company at or near Woodstock, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118989 (Sub-No. 136), filed April 9, 1976. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends* (except refuse containers), from the warehouse facil-

ties of Owens-Illinois, Inc. located at or near Toledo, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119493 (Sub-No. 142), filed April 22, 1976. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Walter E. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, from the plantsite and storage facilities of Lincoln Grain, Inc., Cereal Processing Division, located at or near Atchison, Kans., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Topeka, Kans. or Kansas City, Mo.

No. MC 119555 (Sub-No. 11), filed April 26, 1976. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Kobay, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic ammonia compounds*, in bulk, in tank vehicles, from the plantsites of Armak Co., at or near Morris and McCook, Ill., to ports of entry on the International Boundary line between the United States and Canada, located at or near Port Huron and Marine City, Mich., restricted to shipments destined to Longford Mills, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at any city in Montana.

No. MC 119634 (Sub-No. 18), filed April 26, 1976. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Building, 404 North 31st, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from ports of entry on the International Boundary line between the United States and Canada, at or near Sweet Grass, Mont., and Wild Horse, Alberta, Canada, to points in the United States (except Alaska and Hawaii) restricted to traffic originating from Can-carb, Ltd., Medicine Hat, Alberta, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Great Falls, or Billings, Mont.

No. MC 119789 (Sub-No. 288), filed April 26, 1976. Applicant: CARAVAN

REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foods*, other than frozen, from the plantsite of RJR Foods, Inc., located at or near Cambridge, Md., to points in Arizona, California, Colorado, Oklahoma, Texas, Utah and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 123314 (Sub-No. 21), filed April 22, 1976. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, Pa. 17241. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Toledo, Fremont and Bowling Green, Ohio, to points in Maryland, New Jersey, and Pennsylvania, restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 124083 (Sub-No. 53), filed April 28, 1976. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and dry commodities* in bulk, between the Southwind Maritime Centre at or near Mount Vernon (Posey County), Ind., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Indianapolis, Ind.

No. MC 124117 (Sub-No. 19), filed April 26, 1976. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap batteries, scrap parts thereof, scrap lead and recycled lead*, (1) between Bristol, Tennessee-Virginia; Evansville, Ind.; Chattanooga, Tenn. and Paducah, Ky., and their Commercial Zones; and (2) between Bristol, Tennessee-Virginia; Evansville, Ind.; Chattanooga, Tenn., and Paducah, Ky., and their Commercial Zones, on the one hand, and, on the other, points in Birmingham and Troy, Ala.; Atlanta, Ga.; Lexington and Louisville, Ky.; Baton

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Rouge, La.; Detroit, Mich.; Baltimore, Md.; Camden and Trenton, N.J.; Cincinnati, Ohio; Harrisburg, Philadelphia, Pittsburgh and Reading, Pa.; Asheville and Charlotte, N.C.; Greenville, and Spartanburg, S.C.; College Grove, Knoxville, Memphis, Nashville and Dallas, Tex.; Charleston, W. Va.; Richmond and Roanoke Va., and their Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Washington, D.C.

No. MC 125485 (Sub-No. 9), filed April 27, 1976. Applicant: SKYLINE EXPRESS INC., 1703 Highway Two, Duluth, Minn. 55810. Applicant's representative: L. J. Carrington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags or containers, from the Duluth, Minn.-Superior, Wis. Commercial Zone, to points in Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Wisconsin; (2) *cement*, in bulk from the Duluth, Minn.-Superior, Wis. Commercial Zone, to points in the Upper Peninsula of Michigan and Wisconsin; and (3) *lime and mineral filler*, in bags or containers, from the Duluth, Minn.-Superior, Wis. Commercial Zone, to points in North Dakota, South Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Madison, Wis.

No. MC 125754 (Sub-No. 4), filed April 26, 1976. Applicant: H. & W. CARRIERS, INC., P.O. Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reich Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe, fabricated steel pipe, valves, elbows, joints, machinery, reducers, flanges, steel pipe configurations, and re-enforcing rods*; and (2) *tools, machines, parts, supplies and equipment* used to install or erect the commodities named in (1) above at natural gas pumping stations, chemical plants, petroleum pumping stations, and natural gas compressor stations, between the plantsite and storage facilities of J. L. Allen Co., located at or near Ficklin, Ill., on the one hand, and, on the other points in Indiana, Iowa, Kansas, Kentucky, Missouri, Minnesota, Michigan, North Carolina, Ohio, Pennsylvania and Wisconsin, under a continuing contract, or contracts, with J. L. Allen Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 128539 (Sub-No. 23), filed April 26, 1976. Applicant: KATUIN BROS. INC., 102 Terminal Street, P.O. Box 1127, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and*

*articles distributed by meat packing-houses* as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson & Co., Inc., located at Cedar Rapids, Iowa to points in Illinois located within the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Des Moines, Iowa.

No. MC 127019 (Sub-No. 10), filed April 26, 1976. Applicant: LARUE LAMB, doing business as LARUE LAMB TRUCKING, P.O. Box 374, Myton, Utah 84052. Applicant's representative: Stuart L. Poelman, 700 Continental Bank Bldg., Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsonite* (natural asphaltum) in bulk, from points in Duchesne and Uintah Counties, Utah, to points in Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Salt Lake City, Utah.

No. MC 127002 (Sub-No. 2), filed March 25, 1976. Applicant: SECO TRUCKING CO., 219 North Jackson, Mason City, Iowa 50401. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, between Belleville, Ill., and Cherokee County, Kans.

NOTE.—Applicant holds contract carrier authority in MC 105678 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 128356 (Sub-No. 11), filed April 20, 1976. Applicant: DOWNINGTON TRAILER CARRIERS, INC., 640 W. Boot Road, West Chester, Pa. 19380. Applicant's representative: Bryon R. LaVan, 400-117 S. 17th Street, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New and used trailers semi-trailer, and trailer chassis, and containers* (except house trailers and those to be drawn by passenger automobiles), in truckaway service in initial and secondary movements; and (2) *parts* for the commodities named in (1) above, in initial and secondary movements, between the plantsite of The Budd Company, Trailer Division, located at Ridgeway, Va., on the one hand, and, on the other, points in the United State (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 128555 (Sub-No. 11), filed April 27, 1976. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East

Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed and manufactured by the R. T. French Company (except in bulk), from the plantsite and/or warehouse facilities of the R. T. French Company at Springfield, Mo., to points in Alabama, Florida, and Georgia.

NOTE.—Applicant holds common carrier authority in MC 136123, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y.

No. MC 128720 (Sub-No. 5), filed April 26, 1976. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, P.O. Box 7280, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville and Knoxville, Tenn.: From Nashville over Interstate Highway 40 to Knoxville and return over the same route, serving all intermediate points in Putnam County as off-route points; (2) Between Nashville and Chattanooga, Tenn.: (a) From Nashville over Interstate Highway 24 to Chattanooga and return over the same route serving no intermediate points; (b) From Nashville over Interstate Highway 24 to its junction with Tennessee Highway 28, thence over Tennessee Highway 28 to its junction with U.S. Highway 41, thence southeast over U.S. Highway 41 to its junction with Interstate Highway 24, thence over Interstate Highway 24 to Chattanooga, Tenn., and return over the same routes, serving no intermediate points; and (3) Between Holland, Ky., and Chattanooga, Tenn.: From Holland, Ky., over Kentucky Highway 99 to the Kentucky-Tennessee State Line, thence over Tennessee Highway 10 to its junction with Tennessee Highway 25, thence over Tennessee Highway 25 to its junction with Tennessee Highway 53, thence over Tennessee Highway 53 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to Cookeville, Tenn., thence over Tennessee Highway 42 to Sparta, thence over Tennessee Highway 111 to its junction with Tennessee Highway 8, thence over Tennessee Highway 8, to its junction with U.S. Highway 127, thence over U.S. Highway 127 to Chattanooga, Tenn., and return over the same route, serving all points in Macon and Putnam Counties as off-route points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 131146 (Sub-No. 17), filed April 26, 1976. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast

Expressway, N.E. Atlanta, Ga. 30341. Applicant's representative: J. Michael May, Suite 400, 1447 Peachtree St., N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (except in bulk, in tank vehicles), from Atlanta, Ga., to points in the United States in and east of Arkansas, Iowa, Kansas, Louisiana, Oklahoma, Nebraska and Wisconsin under contract with Monarch Wine Company of Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 133494 (Sub-No. 10), filed March 29, 1976. Applicant: E. W. BELCHER TRUCKING, INC., 201 Dallas Drive, Denton, Tex. 76201. Applicant's representative: William D. Lynch, 1003 West 6th Street, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed supplements* in bags and containers in bulk, from Crawford and Sebastian Counties, Ark., to points in Alabama, Colorado, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, New Mexico, Oklahoma, Tennessee and Texas; and (2) *animal and poultry feed, feed supplements, and feed ingredients*, dry, in bulk in hopper trailers, between points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Missouri, Mississippi, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Little Rock, Ark.

No. MC 133959 (Sub-No. 3), filed April 30, 1976. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, a partnership, doing business as ALBAUGH TRUCK LINE, 2005 East Grand Avenue, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1880 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by wholesale and retail department stores and store fixtures and display cases, between the distribution facilities of Ardan Wholesale, Inc., at Des Moines, Iowa, on the one hand, and, on the other, the department store location of Ardan Wholesale, Inc., at points in California, Illinois, Kansas, Nebraska, Nevada and Texas, under contract with Ardan Wholesale, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 134035 (Sub-No. 16), filed April 28, 1976. Applicant: DOUGLAS TRUCKING COMPANY, a corporation, 5611 East Imperial Highway, South Gate, Calif. 90280. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fasteners, nuts, bolts, plastic and metal*, from

Compton, Calif., to Dallas, Tex. and Atlanta, Ga., restricted to traffic originating at the plantsite and warehouse facilities of VSI, Incorporated, Compton, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134060 (Sub-No. 15), filed April 30, 1976. Applicant: DAVINDER FREIGHTWAYS LTD., 435 Trunk Road, Duncan Financial Centre, Duncan, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Seattle and Tacoma, Wash., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash., restricted to traffic moving to Vancouver Island, British Columbia, Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 134068 (Sub-No. 29), filed April 29, 1976. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representatives: Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and pet foods*, from San Diego, Calif., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles or San Diego, Calif.

No. MC 134323 (Sub-No. 83), filed April 29, 1976. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn L. Larsen, 521 South 14th, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners and air conditioners, humidifiers and dehumidifiers* (except commodities which because of size or weight require the use of special equipment), from the facilities of Fedders Corporation, at or near Edison, N.J., to points in Idaho, Montana and Wyoming, under contract with Fedders Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Washington, D.C.

No. MC 134388 (Sub-No. 12), filed April 26, 1976. Applicant: HOME RUN, INC., Three North Cynamore Street, Jamestown, Ohio 43335. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract*

*carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies, and fixtures*, used in the erection or assembly of buildings (except commodities in bulk), between Jefferson, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract, or contracts, with Ryan Homes, Inc., at Pittsburgh, Pa., and against the transportation of (a) buildings, in sections, when mounted on wheeled undercarriages, and (b) cement.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134453 (Sub-No. 10), filed April 28, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 61010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment*, heat exchanging, drying, transferring or evaporating and parts thereof (except in bulk), from Winsted, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture of commodities named in (1) above (except in bulk), from points in the United States (except Alaska and Hawaii), to Winsted, Minn., under a continuing contract or contracts in (1) and (2) above with Sterner Industries, Inc. at Winsted, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134453 (Sub-No. 11), filed April 28, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Street or outdoor lighting fixture and parts* for street or outdoor lighting fixtures, from Houston, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* (except in bulk) used in the manufacture of the commodities in (1) above, from points in Alabama, California, Connecticut, Indiana, Illinois, Louisiana, Massachusetts, Minnesota, New Jersey, Ohio, Oklahoma, Pennsylvania, and West Virginia, to Houston, Tex., under a continuing contract or contracts in (1) and (2) above with Sterner Lighting, Inc. at Houston, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134453 (Sub-No. 12), filed April 28, 1976. Applicant: STERNLITE TRANSPORTATION COMPANY, a Corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack,



P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Street or outdoor lighting fixture and parts* for street or outdoor lighting fixtures, from College Point, N.Y., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture of the commodities in (1) above (except in bulk), from points in California, Connecticut, Delaware, Florida, Illinois, Indiana, New Jersey, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Rhode Island, Texas, and Wisconsin, to College Point, N.Y., under a continuing contract or contracts in (1) and (2) above with Sterner Lighting, Inc. at College Point, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134501 (Sub-No. 15), filed April 26, 1976. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sanford, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, New Jersey, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee (except Shelby County), Virginia, Vermont, West Virginia, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C. or Atlanta, Ga.

No. MC 135684 (Sub-No. 22), filed April 27, 1976. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dubin, Federal Bar Building West, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic film and sheeting*, (a) from the facilities of Consolidated Thermoplastics Company located at or near Harrington, Del., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (b) between the facilities of Consolidated Thermoplastics Company located at or near Harrington, Del., and Chippewa Falls, Wis. (2) *materials, supplies, and equipment* used in the manufacture, sale, or distribution of the commodities named in (1) above, from points in the above-named destination states, to Harrington, Del., restricted to

traffic originating at the facilities of Consolidated Thermoplastics at Harrison, Del. and Chippewa Falls, Wis. and destined to points in the named states.

NOTE.—Applicant holds contract carrier authority in MC 87720 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 52), filed April 29, 1976. Applicant: J. B. HUNT TRANSPORT, INC., U.S. Highway 71, P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Ralph B. Harlan, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from Gideon, Mo., and Savannah, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark. or Memphis, Tenn.

No. MC 136595 (Sub-No. 5), filed May 5, 1976. Applicant: EASTSIDE ENTERPRISES, INC., doing business as EASTSIDE MOBILE HOME TRANSPORTING, INC., 1440 South "A" Street, Springfield, Ore. 97477. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and sectionalized buildings*, between points in Oregon on the one hand, and, on the other, points in California, Idaho, Montana, Oregon and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Ore.

No. MC 136635 (Sub-No. 6), filed April 5, 1976. Applicant: COPELAND TRANSPORTATION CO., INC., 4159 North Broadway, Wichita, Kans. 67204. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* as are dealt in by dealers of truck equipment, from Montgomery and Fort Payne, Ala.; Garden City and Liberal, Kans.; Louisville, Ga.; Chicago, Lyons, Melrose Park, Peoria, Quincy, Streator and Urbana, Ill.; Cedar Falls, Cedar Rapids, Grundy Center, Jefferson and Woodbine, Iowa; Louisville, Owensboro, and Paris, Ky.; Minden and New Orleans, La.; Dearborn and Muskegon, Mich.; Fairmont, Lake Crystal and Minneapolis, Minn.; Meridian, Miss.; St. Louis and Springfield, Mo.; Botkins, Cleveland, Galion and Marion, Ohio; Broken Arrow, Durant and Oklahoma City, Okla.; Reading, Pa.; Brady, Clebourne, Dallas and Houston, Tex., and Milwaukee and West Bend, Wis., to Denver and Grand Junction, Colo.; and Scottsbluff, Nebr., under a continuing contract, or contracts, with

O. J. Watson Company, Inc., of Colorado; (2) *commodities* as are dealt in by dealers of truck equipment, from Montgomery and Fort Payne, Ala.; Denver, Colo.; Louisville, Ga.; Chicago, Lyons, Melrose Park, Peoria, Quincy, Streator and Urbana, Ill.; Cedar Falls, Cedar Rapids, Grundy Center, Jefferson and Woodbine, Iowa; Louisville, Owensboro and Paris, Ky.; Minden and New Orleans, La.; Dearborn and Muskegon, Mich.; Fairmont, Lake Crystal and Minneapolis, Minn.; Meridian, Miss.; St. Louis and Springfield, Mo.; Botkins, Cleveland, Galion and Marion, Ohio; Broken Arrow, Durant and Oklahoma City, Okla.; Reading, Pa.; Brady, Clebourne, Dallas and Houston, Tex., and Milwaukee and West Bend, Wis., to Hays, Kans., under a continuing contract, or contracts, with Hays Truck Equipment, Inc.

(3) *Commodities* as are dealt in by dealers of truck equipment, from Louisville, Ga.; Chicago, Lyons, Melrose Park, Peoria, Quincy, Streator and Urbana, Ill.; Cedar Falls, Cedar Rapids, Grundy Center, Jefferson and Woodbine, Iowa; Louisville, Owensboro and Paris, Ky.; Minden and New Orleans, La.; Dearborn, Mich.; Minneapolis, Minn.; Botkins, Ohio; and Reading, Pa., to Beloit, Colby, Dodge City, Great Bend, Kansas City, Parsons, Topeka and Wichita, Kans. and Springfield, Colo., under a continuing contract, or contracts, with O. J. Watson Co., Inc., located in Wichita, Kans.; Scherer Truck Equipment, Inc., located in Kansas City, Kans.; Capitol Body and Equipment Company, Inc., located in Kansas City, Kans.; and O. J. Watson Solid Waste Division, Inc., located in Wichita, Kans.; (4) *commodities* as are dealt in by dealers of truck equipment, between Beloit, Colby, Dodge City, Great Bend, Hays, Kansas City, Parsons, Topeka and Wichita, Kans., on the one hand, and, on the other, Denver, Grand Junction and Springfield, Colo. and Scottsbluff, Nebr., under a continuing contract, or contracts, with O. J. Watson Co., Inc., located in Wichita, Kans.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment Company, Inc.; O. J. Watson Solid Waste Division, Inc.; O. J. Watson Company, Inc., of Colorado, located in Denver, Colo., and Hays Truck Equipment, Inc.; (5) *commodities* as are dealt in by dealers of truck equipment, from Brady, Tex., to Hays, Kansas City, Topeka and Wichita, Kans., and Denver, Colo., under a continuing contract, or contracts, with O. J. Watson Co., Inc.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment Company, Inc.; and O. J. Watson Solid Waste Division, Inc. (6) *Commodities* as are dealt in by dealers of truck equipment, from Jerseyville, Ill. and Lenox, Iowa, to points in Kansas; points in Colorado on and east of Interstate Highway 25; points in Missouri west of U.S. Highway 63 and points in Alfalfa, Beaver, Cimarron, Craig, Delaware, Ellis, Garfield, Grant, Harper, Kay, Major, Mayes, Noble, Nowata, Osage, Ottawa, Pawnee, Rogers, Texas, Tulsa, Washington, Woods and Woodward Counties, Okla., under a continuing contract, or contracts, with O. J. Watson Co., Inc.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment, Inc.; O. J. Watson Company, Inc. of Colorado and Hays Truck Equipment, Inc.; and (7) *fertilizer blenders*, from

Jerseyville, Ill., to points in Kansas, points in Colorado on and east of Interstate Highway 25; points in Missouri west of U.S. Highway 63 and points in Alfalfa, Beaver, Cimarron, Craig, Delaware, Ellis, Garfield, Grant, Harper, Kay, Major, Mayes, Noble, Nowata, Osage, Ottawa, Pawnee, Rogers, Texas, Tulsa, Washington, Woods and Woodward Counties, Okla., under a continuing contract, or contracts, with O. J. Watson Co., Inc.; Scherer Truck Equipment, Inc.; Capitol Body and Equipment, Inc.; O. J. Watson Company, Inc. of Colorado and Hays Truck Equipment, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 136766 (Sub-No. 2), (Correction), filed March 22, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, republished as corrected this issue. Applicant: CARL DITTFIELD, 33 Drake Street, Hughestown, Pa. 18640. Applicant's representative: Joseph F. Hoary, 121 South Maine Street, Taylor, Pa. 18640. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Shredded polyurethane and shredded paper, paper and paper articles*, from West Pittston, Pa., to Chicago, Ill., Toledo and Cleveland, Ohio, points in New Jersey and New York; (b) *spiral paper board tubes*, from Little Falls, N.J., to West Pittston, Pa.; and (c) *cellophane*, from Brooklyn, N.Y., and Linden, N.J., to West Pittston, Pa., under continuing contract, or contracts with Warren Products.

NOTE.—The purpose of this republication is to correct the origin point in (c) above so as to read: "Brooklyn, N.Y." in lieu of Brooklyn, N.J. If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa.

No. MC 138018 (Sub-No. 29), filed April 23, 1976. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and facilities utilized by Glover Packing Co., at or near Amarillo, Tex., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Nevada, North Dakota, Ohio, Oklahoma, South Dakota and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 124377 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 139089 (Sub-No. 5), filed April 27, 1976. Applicant: FREEPORT TRANSPORT, INCORPORATED, P.O. Box 1276, Freeport Center, Clearfield, Utah 84016. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and aluminum articles and products, fibreglass grating and decking, and steel buildings* knocked down, in sections, from Wheeling, W. Va.; Pittsburg, Pa.; Canton, Ohio; St. Louis, Mo.; Litchfield and Chicago, Ill.; Houston, Conroe and Dallas, Tex.; Cottontdale, Ala.; Seattle and Woodinville, Wash.; Pueblo, Colo.; San Carlos, Gardena and Burlingame, Calif.; and Ogden, Utah, to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with R. W. Taylor Steel Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Washington, D.C.

No. MC 139193 (Sub-No. 36), filed April 26, 1976. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), between the plant sites and facilities utilized by John Morrell & Co., at East St. Louis, Ill., and Cincinnati, Ohio, under contract with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139313 (Sub-No. 3), filed April 26, 1976. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 3554 McReynolds Avenue, Modesto, Calif. 95355. Applicant's representative: Charles Ennis (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Modesto, San Jose, and Lodi, Calif., and points in Los Angeles and Orange Counties, Calif., to Aberdeen, Olympia, Bellevue, Seattle, and Everett, Wash., under contract with K & L Distributors, Inc., at Bellevue, Wash., and E & J Gallo Winery, at Modesto, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 139495 (Sub-No. 146), filed April 27, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Bean bag chairs*, from Irving, Tex., to points in Arkansas, Arizona, Colorado, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Oregon, Utah, Washington, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139868 (Sub-No. 5), filed April 22, 1976. Applicant: WESTERN SALES TRANSPORTATION, INC., 1801 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic containers and lids*, from Omaha, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Oklahoma, Texas and Wisconsin, under a continuing contract, or contracts, with Airlite Plastics Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 139923 (Sub-No. 12), filed April 26, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Packerland Packing Co., Inc., at or near Pampa and Amarillo, Tex., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at the above named facilities.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 140067 (Sub-No. 2), filed November 28, 1975. Applicant: ROY VICTOR MCDOWELL AND ROY DWAYNE MCDOWELL, a Partnership, doing business as MCDOWELL HOUSE AND TANK MOVERS, 6005 Oxbow, Amarillo, Tex. 79106. Applicant's representative: Roy Dwayne McDowell, Route 1, Box 139, Canyon, Tex. 79015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses, boxcars, buildings* (excluding oilfield buildings), between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, lying within that geographical area bounded as follows: Beginning at the Texas-New



Mexico State Boundary line at its intersection with U.S. Highway 285, thence north along U.S. Highway 285 to junction U.S. Highway 85, thence north and east along U.S. Highway 85 to junction U.S. Highway 160 at Trinidad, Colo., thence east and north along U.S. Highway 160 to junction Kansas Highway 27 at Johnson, Kans., thence north along Kansas Highway 27 to junction Kansas Highway 96 at Tribune, Kans., thence east along Kansas Highway 96 to junction U.S. Highway 281 at Great Bend, Kans., thence south along U.S. Highway 281 to junction U.S. Highway 183 at Seiling, Okla., thence south along U.S. Highway 183 to junction U.S. Highway 62 at Snyder, Okla., thence west along U.S. Highway 62 to junction U.S. Highway 285.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo or Fort Worth, Tex.

No. MC 140227 (Sub-No. 3), filed April 27, 1976. Applicant: DALE ETTSVOLD, 1287 11th Avenue, Granite Falls, Minn. 56241. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 56241. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Madison, Fairmont, Granite Falls, Ortonville, Slayton, Sleepy Eye and Victoria, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140266 (Sub-No. 4), filed April 26, 1976. Applicant: BAKER TRUCK LINES, INC., 2906 29th St. N., P.O. Box 535, Lewiston, Idaho, 83501. Applicant's representative: George R. LaBlissiere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, wood residuals and related materials*, between points in Asotin, Whitman, and Spokane Counties, Wash., on the one hand, and, on the other, points in Idaho, under a continuing contract, or contracts, with Potlatch Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Spokane, Wash.

No. MC 140363 (Sub-No. 2), filed April 8, 1976. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Ford Pierson Lusey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Purvis, Miss., to New Orleans, Burnside, Davant, and Chalmette, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Pittsburgh, Pa.

No. MC 141468 (Sub-No. 2), filed April 22, 1976. Applicant: JAMES UZMACK AND WILLIAM MAUTHE, a Partnership,

doing business as DGB TRUCKING, R.D. No. 1, Strattanville, Pa. 16258. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Clarion County, Pa., to Dundee, Mich. and Dunkirk, N.Y., under a continuing contract or contracts with Colt Resources, Inc., H & G Coal & Clay Company and Chernicky Coal Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 141724 (Sub-No. 2), filed April 1, 1976. Applicant: METZ BEVERAGE COMPANY, INC., 300 North Custer Street, Sheridan, Wyo. 82801. Applicant's representative: Richard M. Davis, Jr., P.O. Box 728, 101 West Brundage St., Sheridan, Wyo. 82801. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Rancho, Wyo., to Denver, Colo., under contract with Ranchester Packing Company/Wyoming Beef Packers, at Rancho, Wyo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cheyenne, Wyo.; Billings, Mont.; or Denver, Colo.

No. MC 141762 (Sub-No. 1), filed April 26, 1976. Applicant: MASSEY'S VACUUM TRUCK SERVICE, INC., 1907 Western Avenue, Farmington, N. Mex. 87401. Applicant's representative: Robert G. Cardin, 218 West Apache, Farmington, N. Mex. 87401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Drilling mud*, in containers, *lost circulation materials*, and *chemicals*, the transportation of which does not require specialized equipment, between warehouse and wellhead located at Farmington, N. Mex., on the one hand, and, on the other, points in Apache and Navajo Counties, Ariz., that part of Utah on and east of U.S. Highway 89 and on and south of U.S. Highway 50, and that part of Colorado on and south of U.S. Highway 50, restricted against the transportation of chemicals in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Farmington, Albuquerque, or Santa Fe, N. Mex.

No. MC 141784 (Sub-No. 2), filed April 12, 1976. Applicant: MOORE'S TRUCKING, INC., Box 227, Exmore, Va. 23350. Applicant's representative: W. M. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer material and agriculture chemicals*, from points in Accomack and Northampton Counties, Va., to points in Kent and Sussex Counties, Del., points in Caroline, Queen Annes, Somerset, Wicomico and Worcester Counties, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Exmore, Va. or Washington, D.C.

No. MC 141788 (Sub-No. 2), filed April 23, 1976. Applicant: JERRY HILL, Route 1, Box 213, Morrilton, Ark. 72110. Applicant's representative: Jerry Hill (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust and wood shavings*, from points in Garland County, Ark., to points in McCurtain and Choctaw Counties, Okla.; Bowie County, Tex., and Bossier, Webster, Clairborne, Union and Morehouse Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141804 (Sub-No. 6), filed April 23, 1976. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Modular acoustical panels, metal, glass, and fabric combined*, other than permanent wall panels or partitions and wall panels, from the plantsite of Directional Products, Inc., at or near Santa Ana, Calif., to the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Los Angeles, Calif.

No. MC 141812 (Sub-No. 2), filed April 28, 1976. Applicant: PRICE G. TURNER, 10312 Miller Road, R.D. No. 2, Utica, N.Y. 13502. Applicant's representative: Murray J. S. Kirshtein, 118 Blecker Street, Utica, N.Y. 13501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Elk County, Pa., to points in New York on or east of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Syracuse or Utica, N.Y.

No. MC 141907 (Sub-No. 1), filed April 9, 1976. Applicant: RAHIER TRUCKING, INC., P.O. Box 3148, 1822 South First Street, Yakima, Wash. 98901. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Los Angeles, Calif., to points in King and Kakima Counties, Wash., under a continuing contract or contracts with Associated Grocers Inc.

NOTE.—Applicant holds common carrier authority in MC 123558 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle or Yakima, Wash.

No. MC 141931 (Sub-No. 2), filed April 23, 1976. Applicant: ELMER MANUAL BATES AND EARNEST HENRY BATES, doing business as BATES BROS. TRUCKING COMPANY, 415 McClen-don Road, Hot Springs, Ark. 71901. Applicant's representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, Ark. 72201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust, wood shavings and other wood residuals*, from points in Garland County, Ark. to points in McCurtain and Choctaw Counties, Okla.; Bowie County, Tex. and Bossier Webster, Clairborne, Union and Morehouse Parishes, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 141952 (Sub-No. 1), filed April 29, 1976. Applicant: WALTER A. JUNG, INC., 3818 84th St. S.W., P.O. Box 91531, Tacoma, Wash. 98444. Applicant's representative: George R. LaBlissiere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, (except in bulk), from points in California, to Bremerton and Seattle, Wash.

NOTE.—Applicant holds contract carrier authority in MC 115570 and subs thereunder, therefore dual operations may be involved. Applicant is seeking conversion from contract to common carrier authority. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 141989 (Sub-No. 1), filed March 31, 1976. Applicant: NOBLE TRANSPORT, INC., 1555 Tremont Place, P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Klissinger, Suite 140, 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or less, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic moving on trailers to or from the facilities of Frito Lay, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Denver, Colo.

No. MC 141987 (Sub-No. 1), filed April 20, 1976. Applicant: THE LOGAN TRUCKING COMPANY, a Corporation, RFD 2, Belle Center, Ohio 43310. Applicant's representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Aggregates, hot mix and such materials and supplies*, as are to be used in road building, in dump vehicles, from the facilities of The Shelly Company, L. P. Cavett

Company, United Asphalt, and Richards & Son, Inc., located in Adams, Ashtabula, Athens, Belmont, Brown, Butler, Carroll, Clermont, Columbiana, Darke, De-fiance, Fulton, Gallia, Hamilton, Harrison, Jefferson, Lawrence, Lucas, Mahoning, Meigs, Mercer, Monroe, Paulding, Preble, Scioto, Trumbull, Van Wert, Washington, and Williams Counties, Ohio, to points in Adams, Allen, Dear-born, Dekalb, Franklin, Jay, Randolph, Steuben, Union, and Wayne Counties, Ind.; Boone, Boyd, Bracken, Campbell, Greenup, Kenton, Lewis, Mason, and Pendleton Counties, Ky.; Hillsdale, Len-awee, and Monroe Counties, Mich.; Beaver, Crawford, Erie, Lawrence and Mercer Counties, Pa.; and Brook, Cabell, Hancock, Jackson, Marshall, Mason, Ohio, Pleasants, Putnam, Tyler, Wayne, Wetzel, and Wood Counties, W.Va., under a continuing contract or contracts with The Shelly Company and Subsidiaries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 141995 filed April 19, 1976. Applicant: INTERNATIONAL EX-AIR TRANSPORT, INC., P.O. Box 333, Laredo, Tex. 78041. Applicant's representative: Jerry Prestidge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between the San Antonio International Airport, San Antonio, Tex., on the one hand, and, on the other, Laredo, Tex., and the ports of entry on the International Boundary line between the United States and the Republic of Mexico, at or near Laredo, Tex., restricted to shipments having a prior or subsequent movement by air carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Laredo, or Dallas, Tex.

No. MC 141998, filed April 26, 1976. Applicant: NORMAN C. DRENNEN, doing business as DRENNEN TRUCKING, Box 31, Braddyville, Iowa 51631. Applicant's representative: J. Max Harding, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, rock, hot mix and crushed limestone*, between points in Adams, Fremont, Mills, Montgomery, Page, Taylor and Union Counties, Iowa, points in Cass and Sarpy Counties, Nebr., and points in Atchison, Holt and Nowaday Counties, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 142004, filed April 5, 1976. Applicant: JAMES M. BATES, doing business as BATES TRUCKING, P.O. Box 323, Tolono, Ill. 61880. Applicant's representative: Robert W. Dodd, 201 W. Springfield, Suite 206, Champaign, Ill. 61820. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Building materials*, between points in Boone,

Fountain, Hendricks, Marion, Montgomery, Parke, Putnam, Tippecanoe, Vermillion, Vigo, and Warren Counties, Ind., and points in Champaign, Edgar, and Vermillion Counties, Ill., under a continuing contract, or contracts, with Wickes Lumber Company, located in Hillsboro, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 142012, filed April 20, 1976. Applicant: OSBORNE WEST, LIMITED, 1187 El Embarcadero, Long Beach, Calif. 90802. Applicant's representative: J. H. Gulseth, 125 University Avenue, Berkeley, Calif. 94710. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except Classes A and B explosives) in ocean containers, and (2) *empty containers*, between ports of entry located in California, Oregon and Washington, on the one hand, and, on the other, points in the United States, restricted to the transportation of traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 142017, filed April 27, 1976. Applicant: GUARDIAN VAN & STORAGE, INC., 918 N. Rengstorff Avenue, Mountain View, Calif. 94043. Applicant's representative: Thomas B. Aldrich (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods and general commodities* (except commodities in bulk, Classes A and B explosive, commodities, the transportation of which the size and weight require the use of special equipment, and commodities of unusual value), between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano Counties, Calif., restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 142019, filed April 27, 1976. Applicant: FORREST FREEZE TRUCKING, INC., 1498 East Merced Avenue, Merced, Calif. 95340. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th floor, Beverly Hills, Calif. 90210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*; (2) *materials, equipment and supplies* used in the harvesting, cultivating and distribution of agricultural commodities; and (3) *commodities* otherwise exempt under Section 203(b)(6) of the Act when moving in the same vehicle with (1) and (2) above, between points in Fresno, Madera, Merced, Kings, Stanislaus, and Tulare Counties, Calif., on the one hand, and, on the other, ocean ports and dock facilities



located in California, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 142020, filed April 22, 1976. Applicant: M. S. CONTRACT CARRIER, INC., 6009 Summer Ridge Drive, Memphis, Tenn. 38138. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yarn, yarn cones, cloth, underwear and shipping containers*, between the plantsites and warehouse of Union Underwear Company, Inc., located at or near Batesville, Miss., St. Martinville, La., and Fayette, Ala., under a continuing contract or contracts with Union Underwear Company, Inc.

NOTE.—Common and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, or Nashville, Tenn.

#### PASSENGER APPLICATION

No. MC 1515 (Sub-No. 211) (Correction), filed March 12, 1976, published in the FEDERAL REGISTER issue of April 29, 1976, republished as corrected this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers (A) Regular routes: Between Buffalo, N.Y., and the boundary of the United States and Canada, serving the intermediate point of Niagara Falls, N.Y.; From Buffalo, N.Y., over Interstate Highway 190 to the boundary of the United States and Canada and return over the same route, in conjunction with item A applicant proposes to abandon its present authority between Buffalo and Niagara Falls, N.Y., via New York Highway 384 and 324 as contained in Certificate of Public Convenience and Necessity Docket No. MC 1401 Sub 143 (re-numbered MC 1515 Sub 8 not yet re-issued); *passengers and their baggage*, in one-way and round-trip charter operations. (B) Irregular routes: From Niagara Falls, N.Y., to points in the United States (including Alaska, but excluding Hawaii), and return.

NOTE.—The purpose of this republication is to include the abandonment notice which was previously omitted. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

#### BROKER APPLICATIONS

No. MC 12798 (Sub-No. 1), filed April 22, 1976. Applicant: XYZ CORPORATION, 1760 14th Avenue, Boulder, Colo. 80302. Applicant's representative: D. B. James (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Denver, Boulder, Fort Collins, Greeley, Longmont, and Loveland, Colo.,

## NOTICES

to sell or offer to sell the transportation of *Passengers individually or in groups, and their baggage*, in roundtrip tours, by motor, rail, water or air beginning and ending at Denver, Boulder, Fort Collins, Greeley, Longmont, and Loveland, Colo., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boulder, Denver, or Fort Collins, Colo.

No. MC 130380, filed April 15, 1976. Applicant: TRAVELWAYS OF WISCONSIN, INC., 516 Galloway St., Eau Claire, Wis. 54701. Applicant's representative: Jack M. Bearson (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Eau Claire, Wis., to sell or offer to sell the transportation of *Passengers and their baggage*, in sightseeing and pleasure tours, beginning and ending in Eau Claire, Chippewa, Dunn, Barron, Rusk, and Trempealeau Counties, Wis., and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Eau Claire, Wis.

#### FREIGHT FORWARDER APPLICATIONS

No. FE-422 (Sub-No. 2), filed April 20, 1976. Applicant: CONTINENTAL FORWARDERS, INC., 350 Broadway, New York, N.Y. 10013. Applicant's representative: Alan F. Wohlsetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in transportation of (A) *Used household goods and unaccompanied baggage*; and (B) *used automobiles*, between points in the United States including Alaska and Hawaii, restricted in (B) above to the transportation of export and import traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present scope of authority. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. FF-463 (Sub-No. 1), filed April 22, 1976. Applicant: INTERINTRA FORWARDING, INC., 7192 Kalanianaʻole Highway, Suite 230, Honolulu, Hawaii 96825. Applicant's representative: Alan F. Wohlsetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *Used automobiles*, between points in the United States (including Hawaii and Alaska), restricted in (b) above to the transportation of import-export traffic.

NOTE.—The purpose of this application is to add Alaska to applicant's present authority, and to remove the export-import restriction as to used household goods and unaccompanied baggage. If a hearing is deemed

necessary, the applicant requests it be held at Honolulu, Hawaii.

#### FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-FC-12813 (DE-PEN LINE, INC.—PURCHASE (PORTION)—L J P TRUCK LINES, INC., published in the April 29, 1976, issue of the FEDERAL REGISTER on page 18000. Application filed May 10, 1976, for temporary authority under Section 210a(b).

No. MC-FC-12837. Authority sought for purchase by WOODLINE, INC., P.O. Box 1047, Russellville, Arkansas 72801, of the operating rights and property of CARTER TRUCK LINE, INC., P.O. Box 3739, Fort Smith, Arkansas 72901, and for acquisition by MARSHALL N. WOOD, also of Russellville, Arkansas 72801, of control of such rights through the purchase. Applicants' attorneys: R. Connor Wiggins, Jr., 909-100 North Main Bldg., Memphis, TN. 38103 and Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Operating rights and property sought to be transferred: Under a certificate of registration in MC 120407 (Sub-No. 1, 2 and 4) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Arkansas. Vendee is authorized to operate as a *common carrier* in Arkansas. Application has been filed for temporary authority under section 210a(b).

Finance Docket No. 27971 (Correction) (McHUGH BROTHERS HEAVY HAULING, INC.) published in the May 6, 1976, issue of the FEDERAL REGISTER. Prior notice should read as follows: *Bucks County Industrial Development Corporation* instead of *Bucks County Construction Company*.

#### OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must

be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 61614 (Sub-No. 1), filed April 19, 1976. Applicant: TROWBRIDGE STORAGE COMPANY, 1513 Alum Creek Drive, Columbus, Ohio 43209. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) Between points in Illinois on the one hand, and, on the other, points in Pennsylvania (except those in Erie County); (2) between Erie County, Pa., on the one hand, and, on the other, points in Illinois on and south of U.S. Highway 30; (3) between points in Illinois on the one hand, and, on the other, points in West Virginia; (4) between points in Illinois on and south of U.S. Highway 40 on the one hand, and, on the other, points in Michigan on and east of U.S. Highway 23; (5) between points in Michigan on and east of a line beginning at the Ohio-Michigan State line thence north over U.S. Highway 23 to junction Interstate Highway 75, thence north over Interstate Highway 75 to Sault Sainte Marie, Mich., on the one hand, and, on the other, points in Kentucky on and east of Interstate Highway 75; (6) between points in Michigan on, north, and west of a line beginning at the Indiana-Michigan State line, thence over Interstate Highway 94 to junction U.S. Highway 27, thence north over U.S. Highway 27 to junction Michigan Highway 21 to Port Huron, Mich., on the one hand, and, on the other, points in West Virginia (except those in Brooke and Hancock Counties); (7) between points in Michigan south and east of a line beginning at the Indiana-Michigan State line, thence over Interstate Highway 94 to junction U.S. Highway 27, thence north over U.S. Highway 27 to junction Michigan Highway 21 to Port Huron, Mich., on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 50; (8) between points in Michigan on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence over U.S. Highway 219 to junction U.S. Highway 22, thence east over U.S. Highway 22 to junction U.S. Highway 220, thence east over U.S. Highway 220 to junction Interstate Highway

I-80, thence east over Interstate Highway I-80 to junction U.S. Highway 11, thence north over U.S. Highway 11 to the Pennsylvania-New York State line; (9) between points in Pennsylvania on and east of U.S. Highway 15 on the one hand, and, on the other, points in Kentucky on and west of a line beginning at the Ohio-Kentucky State line, thence south over Kentucky Highway 11 to junction U.S. Highway 25-E, thence south over U.S. Highway 25-E to the Kentucky-Virginia State line.

(10) Between points in Pennsylvania (except those in Erie, Crawford, and Mercer Counties) on the one hand, and, on the other, points in Indiana (except those in De Kalb, Noble, and Lagrange Counties); (11) between points in West Virginia on and north of U.S. Highway 50 on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Ohio-Indiana State line, thence west over Indiana Highway 44 to junction Indiana Highway 37, thence south over Indiana Highway 37 to junction Indiana Highway 45, thence south over Indiana Highway 45 to junction Indiana Highway 54, thence west over Indiana Highway 54 to the Indiana-Illinois State line; (12) between points in Hancock and Brooke, Ohio, and Marshall Counties, W. Va., on the one hand, and, on the other, points in Indiana; (13) between points in Delaware, Fairfield, Licking, Madison, Pickaway, and Union Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE.—This application is directly related to a transfer proceeding under section 212 (b) of the act and docketed in MC-FC-76532 wherein Trowbridge Storage Company seeks to acquire Certificate MC 74745 from the Atlas Moving & Storage Company, and seeks to eliminate the gateway of Columbus, Ohio, resulting from joinder of the Atlas authority with presently held authority of Trowbridge in MC 61614. Atlas and Trowbridge are commonly controlled and may perform all of the services proposed in interchange operations between themselves. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 141973, filed April 16, 1976. Applicant: HARNUM TRANSPORT, INC., 867 Woburn St., Wilmington, Mass. 01887. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* requiring special equipment or handling for the transportation thereof, between points in Massachusetts on and west of Massachusetts Highway 12, on the one hand, and, on the other, Pawtucket and Providence, R.I., and points in Connecticut. The purpose of this filing is to seek tacking of transferor's authority and concurrent elimination of the gateway at Springfield, Mass. The request is derived from the first commodity request in certificate No. MC 6801 (Sub-No. 8), issued March 9, 1971. (2) *Machinery, factory equipment and supplies, heavy commodities* requiring rigging, and office furniture

when incidental to the transportation of machinery and factory equipment and supplies, which are *machines and machinery, telephone equipment, electrical equipment, radio equipment, air conditioning equipment, patterns, auto bodies, auto equipment, signs, cooling units, transformers, generators, valves, work benches, reels of wire, blackboards, sound equipment and articles* necessary to the use or installation of such commodities, which are *commodities* requiring special equipment or special handling, between Boston, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

The purpose of this filing is to seek tacking of transferor's authority and concurrent elimination of the gateways at Springfield, Mass., and those points in Massachusetts on and west of Massachusetts Highway 12. The request is derived from the first commodity request in No. MC 6801 (Sub-No. 6), and both grants of authority in No. MC 6801 (Sub-No. 8). (3) *Commodities* requiring special equipment or handling for the transportation thereof, which are *machines and machinery, telephone equipment, electrical equipment, radio equipment, air conditioning equipment, patterns, auto bodies, auto equipment, signs, cooling units, transformers, generators, valves, work benches, reels of wire, blackboards, sound equipment and articles* necessary to the use or installation of such commodities, between Pawtucket and Providence, R.I., and points in Connecticut, on the one hand, and, on the other, points in Connecticut, New Hampshire, Vermont, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. The purpose of this filing is to seek tacking of transferor's authority and concurrent elimination of the gateways at Springfield, Mass., and points within 15 miles of Springfield. The request is derived from the authority in No. MC 6801 (Sub-No. 8).

NOTE.—This is a matter directly related to a pending transfer proceeding in No. MC-FC-76531. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(a) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c) (12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.



## MOTOR CARRIERS OF PROPERTY

No. MC 921 (Deviation No. 6), DEAN TRUCK LINE, INC., P.O. Drawer 631, Corinth, Miss. 38834, filed May 14, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Montgomery, Ala., over Interstate Highway 65 to Nashville, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Montgomery, Ala., over U.S. Highway 80 to Demopolis, Ala., thence over U.S. Highway 43 to Tuscaloosa, Ala., thence over U.S. Highway 82 to junction Alternate U.S. Highway 45 near Mayhew, Miss., thence over Alternate U.S. Highway 45 and U.S. Highway 45 to Henderson, Tenn., thence over Tennessee Highway 100 to Nashville, Tenn., and return over the same route.

No. MC 109324 (Deviation No. 1), GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 54 and Missouri Highway 32 over U.S. Highway 54 to junction Missouri Highway 13 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 54 and Missouri Highway 32 over Missouri Highway 32 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 54, and return over the same route.

No. MC 111231 (Deviation No. 50), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed March 22, 1976. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., N.W., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 167 to junction Interstate Highway 20 near Ruston, La., thence over Interstate Highway 20 (using portions of U.S. Highway 80 where Interstate Highway 20 is incomplete) to junction Interstate Highway 20 Bypass and U.S. Highway 80, near Vicksburg, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 70 to Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 Bypass, and return over the same route.

No. MC 111231 (Deviation No. 51), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed May 11, 1976. Carrier's representative: James Blair, 111 Holcomb St., Springdale, Ark. 72764. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 65 to junction U.S. Highway 278 near Cullman, Ala., thence over U.S. Highway 278 to junction U.S. Highway 78 near Hamilton, Ala., thence over U.S. Highway 78 to junction Mississippi Highway 6 near Tupelo, Miss., thence over Mississippi Highway 6 to junction Interstate Highway 55 near Batesville, Miss., thence over Interstate Highway 55 to junction U.S. Highway 82 near Winona, Miss., thence over U.S. Highway 82 to junction U.S. Highway 49E near Greenwood, Miss., thence over U.S. Highway 49E to junction U.S. Highway 49 near Yazoo City, Miss., thence over U.S. Highway 49 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 78 to Memphis, Tenn., thence over U.S. Highway 61 to junction U.S. Highway 80 and Interstate Highway 20 Bypass near Vicksburg, Miss., thence over U.S. Highway 80/Interstate Highway 20 Bypass to junction U.S. Highway 20 and Interstate Highway 20, thence over U.S. Highway 20 and Interstate Highway 20 to junction U.S. Highway 49 at Jackson, Miss., and return over the same route.

## MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR § 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

## MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Deviation No. 20), BONANZA BUS LINES, INC., 27 Sabin St., P.O. Box 1116, Annex Station, Providence, R.I. 02901, filed May 18, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows:

From junction U.S. Highway 7 and U.S. Highway 44 in Canaan, Conn., over U.S. Highway 44 to Amenia, N.Y., thence over New York Highway 22 to junction Interstate Highway 84, near Brewster, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Canaan, Conn., over U.S. Highway 7 to Danbury, Conn., thence over unnumbered highway to junction U.S. Highway 6, thence over U.S. Highway 6 to Brewster, N.Y., and return over the same route.

## MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a) (6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 56423, filed April 21, 1976. Applicant: INLAND FREIGHT LINES, a Corporation, 186 N. Atchison Street, Orange, Calif. 92666. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Ste. 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate as freight service as follows: Transportation of General commodities, (A) between all points and places in the Los Angeles Basin Territory as described in Note A. (B) Between all points and places in the San Diego Territory as described in Note B. (C) Between the Los Angeles Basin Territory and the San Diego Territory, serving all intermediate points and places on and within 10 miles laterally of Interstate Highways 5 and 15 (U.S. Highway 395). (Except that pursuant to the authority herein granted carrier shall not transport any shipments of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in salesmen's hand sample cases, suitcases, overnight, or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

(2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight

automobiles, automobile chassis, trucks, truck chassis, truck trailer trucks and trailers combined, busses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs. (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.)

NOTE A.—Los Angeles Basin Territory. Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive, northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet, southerly, westerly, and northerly along said corporate boundary to the Atchinson, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE B.—San Diego Territory. The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside or State Highway 67; thence southerly on County Road S17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning; intrastate, interstate, and foreign commerce authority sought.

HEARING Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 56462, filed May 4, 1976. Applicant: DREISBACH EXPORT PACKING CO., INC., doing business as DREISBACH DRAYAGE CO., P.O. Box 7510, Oakland, Calif. 94601. Applicant's representative: Eldon M. Johnson, The Hartford Building, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points and places in the San Francisco Territory (as more particularly described in Note 1 hereto), and points within twenty-five (25) miles thereof. (Except that, pursuant to the authority herein requested, no shipments of the following shall be transported: (A) Used household goods, personal effects, and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails kits, tubs, drums bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fiberboard, or straw matting). (B) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, busses and bus chassis. (C) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, sewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (D) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles. (E) Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks and trailers. (F) Commodities when transported in motor vehicles equipped for mechanical mixing

in transit. (G) Logs. (H) Articles of extraordinary value; and (I) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.)

The San Francisco Territory: Includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); north-easterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13).

Northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said



waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 3279 (Sub-No. 3), filed April 20, 1976. Applicant: BROWN FREIGHT LINE, INC., 122 Tredeco Drive, Nashville, Tenn. 37211. Applicant's representative: A. O. Buck, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nashville, Tenn., and Memphis, Tenn.: From Nashville over Interstate Highway 40, and return over the same route, serving no intermediate points; and (2) between Lewisburg, Tenn., and Memphis, Tenn.: From Lewisburg over U.S. Highway Alternate 31 to its junction with U.S. Highway 64, thence over U.S. Highway 64 to Memphis, and return over the same route, serving no intermediate points. Said authority described above to be used in conjunction with all applicant's existing authority. Service at Memphis, Tenn., and its commercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Nashville and Lewisburg, Tenn., and their commercial zones. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place scheduled for July 22, 1976, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. 37219, at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1-102, Cordell Hull Building, Nashville, Tenn. 37219.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-1372 Filed 5-26-76; 8:45 am]

[Notice No. 57]

#### ASSIGNMENT OF HEARINGS

MAY 24, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancella-

tion of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 71459 (Sub 52), O.N.C. Freight Systems now assigned July 12, 1976 (2 weeks) at Santa Fe, New Mexico and will be held at the Santa Fe Hilton Inn, 100 Sandoval Street on July 12 through July 18, 1976 and at the Quality Inn, 2915 Interstate 40 East on July 19 through 23rd at Amarillo, Texas.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15523 Filed 5-26-76; 8:45 am]

[Twenty-First Revised Exemption No. 10]

#### ATCHISON, TOPEKA AND SANTA FE RAILROAD CO.

##### Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44 ft. 6 in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Atchison, Topeka and Santa Fe Railway Company Reporting Marks: ATSF  
Atlanta and Saint Andrews Bay Railway Company Reporting Marks: ASAB  
Bangor and Aroostook Railroad Company Reporting Marks: BAR  
Bessemer and Lake Erie Railroad Company Reporting Marks: BLE  
Chicago, Rock Island and Pacific Railroad Company Reporting Marks: RI-ROCK  
Chicago, West Pullman & Southern Railroad Company Reporting Marks: CWP  
The Denver and Rio Grande Western Railroad Company Reporting Marks: DRGW  
Detroit and Mackinac Railway Company Reporting Marks: D&M-DM  
Elgin, Joliet and Eastern Railway Company Reporting Marks: EJE  
Illinois Terminal Railroad Company Reporting Marks: ITC  
Louisville, New Albany & Corydon Railroad Company Reporting Marks: LNAC  
Missouri-Kansas-Texas Railroad Company Reporting Marks: MKT

\* Addition.

Missouri Pacific Railroad Company Reporting Marks: CEI-MI-MP-TP  
Southern Railway Company Reporting Marks: CG-NS-SA-SOU  
St. Louis-San Francisco Railway Company Reporting Marks: SLSP

Effective 12:01 a.m., June 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 14, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc. 76-15528 Filed 5-26-76; 8:45 am]

[Revised Exemption No. 125]

#### BALTIMORE AND OHIO RAILROAD CO. Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. narrow-door plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 399, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6 in. or less, and having door openings less than 9-ft. wide, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

\*The Baltimore and Ohio Railroad Company Reporting Marks: BO  
\*The Chesapeake and Ohio Railway Company Reporting Marks: CO  
\*Chicago and North Western Transportation Company Reporting Marks: CGW-CMO-CNW-FDDM-MSTL  
Chicago, Milwaukee, St. Paul and Pacific Railroad Company Reporting Marks: MILW  
\*Soo Line Railroad Company Reporting Marks: SOO  
\*Western Maryland Railway Company Reporting Marks: WM

Effective May 15, 1976.

Expires June 15, 1976.

Issued at Washington, D.C., May 13, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc. 76-15529 Filed 5-26-76; 8:45 am]

\* Additions.

[Docket No. AB-7 (Sub-No. 24), etc.]

#### CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD CO., ET AL.

##### Abandonment Applications; Findings

MAY 25, 1976.

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers on or before June 28, 1976 unless the instructions set forth in the notices are followed.

[Docket No. AB-7 (Sub-No. 24)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN REPUBLIC AND CHAMPION IN MARQUETTE COUNTY, MICHIGAN

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company permitting abandonment of its line of railroad beginning at Milepost 338.41 near Republic and extending in a northerly direction to Milepost 346.40 at Champion, a total distance of approximately 9.08 miles, consisting of 7.99 miles of main track and other track of 1.09 miles, exclusive of the station at Republic which is to remain, all in Marquette County, Michigan. A certificate of abandonment will be issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter

into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-18 (Sub-No. 9)]

CHESAPEAKE AND OHIO RAILWAY COMPANY ABANDONMENT GLEN JEAN BRANCH AT PAX, IN FAYETTE COUNTY, WEST VIRGINIA

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 16, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Chesapeake and Ohio Railway Company permitting abandonment of a portion of its Glen Jean Branch, extending from Valuation Station 237+65 near Pax, West Virginia, to Valuation Station 318+89 at end of line at Pax, West Virginia, a distance of approximately 1.54 miles, located in Fayette County, West Virginia. A certificate of abandonment will be issued to the Chesapeake and Ohio Railway Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into

enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-33 (Sub-No. 10)]

UNION PACIFIC RAILROAD COMPANY ABANDONMENT—OF ITS GREELEY BRANCH—NEAR GILL IN WELD COUNTY, COLORADO

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Union Pacific Railroad Company of a portion of its Greeley Branch extending from railroad Milepost 10.86 near Gill, Colorado, in a northeasterly direction to the end of the line at railroad Milepost 14.17, a distance of approximately 3.31 miles in Weld County, Colorado. A certificate of abandonment will be issued to the Union Pacific Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into



a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-52 (Sub-No. 6)]

THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY ABANDONMENT BETWEEN HEBRON AND KOEHLER IN COLFAX COUNTY, NEW MEXICO

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 19, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by The Atchison, Topeka and Santa Fe Railway Company permitting abandonment of its line of railroad extending from Mile Post 0.00 near Hebron to Mile Post 11.26 at Koehler Junction and from Mile Post 0.00 at Koehler Junction to Mile Post 3.21 near Koehler, a distance of approximately 14.42 miles, in Colfax County, New Mexico. A certificate of abandonment will be issued to The Atchison, Topeka and Santa Fe Railway Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is neces-

sary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB-102 (Sub-No. 2)]

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY ABANDONMENT BETWEEN GEORGETOWN AND AUSTIN, IN WILLIAMSON AND TRAVIS COUNTIES, TEXAS

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 15, 1976, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Missouri-Kansas-Texas Railroad Company permitting abandonment of its line of railroad and operation extending from railroad Mile Post U-923.71 at Georgetown, Texas, in a southerly direction, to railroad Mile Post U-951.5 at Austin, Texas, a distance of 27.8 miles, in Williamson and Travis Counties, Texas. A certificate of abandonment will be issued to the Missouri-Kansas-Texas Railroad Company, based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary

to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15536 Filed 5-26-76; 8:45 am]

[Section 5a Application No. 54; (Amendment No. 5)]

#### HEAVY & SPECIALIZED CARRIERS TARIFF BUREAU Agreement

MAY 18, 1976.

The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Accepted for filing: May 12, 1976, by: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Ave. NW., Washington, D.C. 20005, Attorney-in-Fact.

The Amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 16, 1976. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15533 Filed 5-26-76; 8:45 am]

[Section 5a Application No. 51, (Amendment No. 1)]

#### INDIANA MOTOR RATE AND TARIFF BUREAU, INC. Agreement

MAY 18, 1976.

The Commission is in receipt of a supplemental application, dated October 24,

[Notice No. 256]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 28, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76514, filed May 18, 1976. Transferee: David Patrick Johnson, Corinne R. Johnson, and William Johnson, a partnership, d.b.a. Johnson Trucking Company, Box 516, Pinedale, Wyoming 82941. Transferor: David Patrick Johnson & Corinne R. Johnson, a partnership d.b.a. Johnson Trucking Company, Box 516, Pinedale, Wyoming 82941. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates Nos. MC 29736 Sub-Nos. 3, 7 and 8, issued January 10, 1955, October 28, 1959, and April 28, 1960, as follows: livestock, prepared animal or poultry feed, grain, seeds, fertilizer, lumber, building materials, stock salt and cement, from, to and between specified points in Wyoming, Idaho, Montana, Utah, and Colorado. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b).

No. MC-FC-76555, filed April 29, 1976. Transferee: Genova Express Lines, Inc., 484 Clayton Road, Williamstown, N.J. 08094. Transferor: Triangle Transportation, Inc., 273 Merion Avenue, Haddonfield, N.J. 08033. Applicant's represent-

1975 and filed, as amended, May 10, 1976, in the above-entitled proceeding, for approval of amendments to the agreement therein approved, in lieu of prior application filed September 6, 1973, as amended October 7, 1974.

By: Louis I. Webster, General Manager, Indiana Motor Rate and Tariff Bureau, Inc., I.M.T.A. Building, 2165 South High School Road, Indianapolis, Indiana 46241.

The amendments involve: Revised organization and procedures between and among motor common carrier members, also among Household Goods Carriers, engaged in transportation in interstate, foreign and intrastate commerce, from to, or between points in Indiana and named contiguous points, as well as changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 16, 1976. As provided by the general rules of practice of the Commission, persons other than applicants fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15534 Filed 5-26-76; 8:45 am]

[Exemption No. 110-A]

#### LOUISVILLE AND NASHVILLE RAILROAD CO. AND CONSOLIDATED RAIL CORP. Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 110 issued March 8, 1976, and good cause appearing therefor:

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 110 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, vacated and set aside.

Effective 12:01 a.m., May 21, 1976.

Issued at Washington, D.C., May 14, 1976.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc. 76-15527 Filed 5-26-76; 8:45 am]

[AB 3 (Sub-No. 11)]

#### MISSOURI PACIFIC RAILROAD CO. Abandonment of Lines

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, that applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Calcasieu Parish, La., on or before June 7, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, that notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 14th day of May, 1976.

By the Commission, Commissioner Brown.

ROBERT L. OSWALD,  
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated May 14, 1976, it has been determined that the proposed abandonment by the Missouri Pacific Railroad Company of a line of railroad between Twelfth Street and Pithon Street, in Lake Charles, La., a distance of 1.03 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that diversion of traffic at the levels of recent years would result in only minimal increases in energy consumption, air pollution, and highway traffic. As there are no indications of developmental activities which relate to the rail line, the abandonment is not expected to adversely affect community development. A city ordinance will require restoration of the road surface at grade crossings to the same state as the adjacent roadway.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before June 22, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15530 Filed 5-26-76; 8:45 am]

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ative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 66960, issued December 27, 1973, as follows: ink and ink materials, sweeping compounds, empty cans, burlap bags, Christmas Moss, imitation earth and sawdust, between Philadelphia, Pa., on the one hand, and, on the other New York, N.Y., and points in New Jersey. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 381 and sub thereunder. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76564, filed May 18, 1976. Transferee: Leona C. Stilwell and L. Christie Stilwell, doing business as J. C. Stilwell's Son, Morton Avenue and Railroad, Morton, Pa. 19070. Transferor: Clarence F. Stilwell, (Leona C. Stilwell, Administrative), doing business as J. C. Stilwell's Son, Morton Avenue and Railroad, Morton, Pa. 19070. Applicant's representative: Arthur Levy, Attorney-at-Law, 710 Fidelity Building, Chester, Pa. 19016. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 44156 (Sub-No. 1), issued June 9, 1960, as follows: potted plants and flowers, from Morton, Pa., and points in Pennsylvania within 20 miles of Morton, except Prospect Park and Norwood, Pa., to points in that part of Delaware and New Jersey within 30 miles of the above-specified origin points; and household goods, as defined by the Commission, between Morton, Pa., and points in Pennsylvania within 20 miles of Morton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Delaware, Maryland, Virginia, New Jersey, New York, Connecticut, and the District of Columbia. Transferee presently holds no authority from this Commission. Applicant has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76567, filed May 4, 1976. Transferee: Noel Aviles, 3120 North Ninth Street, Philadelphia, Pa. 19131. Transferor: El Sol De America Express, Inc., 1301 Oak Point Avenue, Bronx, New York 10474. Applicant's representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Marietta, New York 10528. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-136907 issued April 26, 1974, as follows: used household goods, between points in that part of the New York, N.Y. commercial zone, as defined, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(6) of the Interstate Commerce Act; and between Philadelphia, Pa., on the one hand, and, on the other, points in the area described above, restricted to the transportation of traffic having a prior or subsequent movement by water to or from the Commonwealth of Puerto Rico. Transferee presently holds no authority from this Commission.

## NOTICES

sion. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15525 Filed 5-26-76;8:45 am]

[Notice No. 255]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MAY 27, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 16, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76394, By order of May 21, 1976, the motor carrier approved the transfer to J. P. Noonan Transportation, Inc., West Bridgewater, Massachusetts, of certificates No. MC 127610 and MC 127610 (Sub-No. 2) issued January 25, 1966, and April 28, 1967, respectively, to Truck Leasing, Inc., Taunton, Massachusetts, authorizing the transportation of sand, abrasive or foundry, in bulk and abrasive and foundry sand, in bulk, from named points in the States of Rhode Island and Massachusetts, to points in the States of Maine, Vermont, New York, Connecticut, New Hampshire, Massachusetts, and Rhode Island. Dual operations authorized. Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, Massachusetts 02645, representative for applicants.

No. MC-FC-76400, By order of May 21, 1976, the Motor Carrier Board approved the transfer to James K. Glenn, Bert L. Bennett, Jr., and James K. Glenn, Jr., a partnership, doing business as Quality Oil Transport, Winston-Salem, N.C., of the operating rights in certificates No. MC 107276 and MC 107276 (Sub-No. 3) issued January 15, 1959 and July 6, 1962 respectively to Vera E. Bennett, James K. Glenn, J. K. Glenn, Inc., Corinna J. Bennett, Louise G. Glenn, Joe H. Glenn (Wachovia Bank and Trust Company, Trustee) and James K. Glenn (Wachovia Bank and Trust Company, Trustee), a partnership, doing business as Quality Oil Transport, Winston-Salem, N.C., authorizing the transportation of petroleum products, in bulk, from Friendship, N.C. to a described area of Virginia and

aviation fuels, in bulk, from Wilmington, N.C. to Roanoke, Va. Marshall Krage, Suite 805, 666 11th St., N.W., Washington, D.C. 20001, attorney for applicants.

No. MC-FC-76419, By order of May 21, 1976 the Motor Carrier Board approved the transfer to Cardinal Transport, Inc., Joliet, Ill., of the operating rights in Certificate No. MC 127505 (Sub-No. 59) and a portion of the operating rights in Certificate No. MC 127505 (Sub-No. 42) issued July 11, 1975 and July 19, 1972 respectively to Ralph H. Boelk, doing business as R. H. Boelk Truck Lines, Mendota, Ill., authorizing the transportation of aluminum and aluminum products from the facilities of Alumax Mill Products, Inc., located in Grundy County, Ill., to points in Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. Arnold Burke, 180 North La Salle St., Chicago, Ill., 60601 Attorney for applicants.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15526 Filed 5-26-76;8:45 am]

[Notice No. 65]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 21, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

## MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 21TA) filed May 10, 1978. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, knocked down and in sections, building sections and building panels, and metal prefabricated structural components*, from the facilities of American Buildings Company, at or near Atlantic, Iowa, to points in the States of Utah, Washington, California, and Nevada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. David Duskin, Traffic Manager, American Buildings Company, P.O. Box 476, Atlantic, Iowa 50022. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 56244 (Sub-No. 49TA) filed May 6, 1976. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. 2, P.O. Box 98, Route 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 N. Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Boxboard* from Halltown, W. Va., to Atlanta, Rome, and Vidalia, Ga., Greenville, S.C., and Dayton and Knoxville, Tenn.; (2) *Waste paper, boxboard clippings, empty skids and pallets, and paper cones*, from Atlanta, Rome and Vidalia, Ga., Greenville, S.C., and Dayton and Knoxville, Tenn., to Halltown, W. Va. Restriction: Transportation authorized is restricted to shipments originated at and destined to the above origins and destinations for 180 days. Supporting shipper: Halltown Paperboard Company, Halltown, W. Va. 25432. Send protests to: Robert P. Amerine, Dist. Supv., Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 69397 (Sub-No. 20TA), filed May 17, 1976. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, Maryland 21851. Applicant's representative: Wilmer B. Hill, Suite 805, 666 11th Street, N.W., Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from points in Somerset County, Md. to points in Maine, New Hampshire and Vermont, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423. Room B-317, W. C. Hersman, District Supervisor.

No. MC 76177 (Sub-No. 331TA), filed May 11, 1976. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32nd Street, Birmingham, Ala.

35233. Applicant's representative: Harold G. Hernly, 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs* which are designated sensitive by the United States (except Alaska and Hawaii) for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Clifford W. Shite, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 89684 (Sub-No. 93TA) filed May 6, 1976. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 366, 560 South 300 West St., Salt Lake City, Utah 84101. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cut flowers, plants and florist supplies* from Centerville, Utah, to Denver, Colo.; serving all intermediate points in Colorado; via: From Centerville, Utah, to Salt Lake City via U.S. Highway I-15; From Salt Lake City, Utah, to Denver, Colo., via 3 routes: (a) Via U.S. Highway I-15 from Salt Lake City, Utah, to junction with U.S. Highway 50 near Spanish Fork, Utah; thence via U.S. Highways 50-6 (and U.S. Highway I-70 where completed) to Denver, Colo.; (b) via U.S. Highway I-80 from Salt Lake City, Utah, to junction with U.S. Highway 40 at Silver Creek Junction, and thence via U.S. Highway 40 to Denver, Colo.; (c) Via U.S. Highway I-80 from Salt Lake City, Utah, to Laramie, Wyo., thence via U.S. Highway 287 to Denver, Colo., with an alternate route from Loveland, Colo., to Denver, Colo., from Loveland to U.S. Highway 87 via U.S. Highway 34 and thence via U.S. Highway 87 to Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pineae Greenhouses Inc., 675 No. Main, Centerville, Utah 84014 (Glenn S. Gold, Sec.-Treas.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 94201 (Sub-No. 138TA), filed May 14, 1976. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrapping paper, printing paper, and pulpboard*, from the plantsite, warehouse and storage facilities of Union Camp Corporation, located at or near Franklin,

Va., to points in the District of Columbia, points on U.S. Highway 1 between Washington, D.C. and New York, points in New York, and New Jersey within a 35-mile radius of Columbus Circle, N.Y.; and points in Connecticut, Rhode Island, and Massachusetts, for 180 days. Supporting shippers: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 105375 (Sub-No. 61TA), filed May 11, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastics*, in bulk, in pneumatic hopper tank vehicles, from Clinton, Iowa to Oklahoma City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemplex Company, 3100 Golf Rd., Rolling Meadows, Ill. 60008. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 107162 (Sub-No. 45TA), filed May 7, 1976. Applicant: NOBLE GRAMHAM TRANSPORT, INC., Rural Route No. 1, Brimley, Miami 49715. Applicant's representative: John Duncan Varda, 121 S. Pinckney St., Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk from Port of Entry on the International Boundary Line between the United States and Canada at or near Sault Ste. Marie, Mich., to Escanaba, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Canada, Ltd., 43 Third Line, West, Sault Ste. Marie, Ontario, Canada. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Miami 48933.

No. MC 111729 (Sub-No. 653TA), filed May 13, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hensch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Small live animals: Fish, birds, rodents, reptiles, mammals*; in packages or articles not to exceed 125 pounds from one consignor to one consignee on any one day, and restricted to the transportation of shipments having a immediately prior movement by air, (a) from Chicago, Ill., to points in Illinois, Indiana, Michigan, and



Wisconsin. (b) from Omaha, Nebr., to points in Iowa and Nebraska, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Roberts Fish Farms, Inc., 6911 S.W. 99 Avenue, Miami, Fla. 33165. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118202 (Sub-No. 54TA), filed May 7, 1976. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire and Chippewa Falls, Wis., to points in North Carolina, Pennsylvania, New York, Connecticut, and Massachusetts, restricted to shipments originating at the facilities of Packerland Packing Company at the above named origins, for 180 days. Supporting shipper: Packerland Packing Company, Inc., Route 6, Lime Kiln Road, Green Bay, Wis. 54305. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 5501.

No. MC 118243 (Sub-No. 58TA), filed May 6, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 388-State Highway # 131, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703-706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Suspended meat* from the plantsite of Elm Hill Meats, Inc., located at Lexington, Ky., to Grand Rapids, Detroit, Mich., Chicago, and Kankakee, Ill.; Atlanta and Savannah, Ga.; Philadelphia, Pa.; N. Baltimore, Bellefontaine, Piqua, and St. Mary's, Ohio; Boston, Mass.; Miami and Jacksonville, Fla.; Mt. Airy and Baltimore, Md.; Nashville and Memphis, Tenn.; Evansville, Ind.; and Eau Claire, New London, Milwaukee, Green Bay, and Butler, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elm Hill Meats, Inc., Little Road, Lexington, Ky. 40505. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 125306 (Sub-No. 24TA), filed May 11, 1976. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, New York 11580. Applicant's representative: Morris Homig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops dealing primarily in wearing apparel and store fixtures and supplies not for resale, and inter-office communications and documents, between the distribution center of Lane Bryant, Inc., located at New York, N.Y., and its retail outlets located at New Haven and Hartford, Conn., and at Springfield, Mass., under a continuing contract or contracts with Lane Bryant, Inc., for 90 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lane Bryant, Inc., 465 Fifth Avenue, New York, N.Y. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 128030 (Sub-No. 106TA), filed May 10, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Evansville, Ind. and Newport, Ky., to Alsip, Calumet City, Chicago, Geneva, LaGrange, Lockport, Markham, Wheeling, and Waukegan, Ill., for 180 days. Supporting shippers: G. Heilman Brewing Company, Inc. George Dahnke, Traffic Manager, 925 S. Third St., La Crosse, Wis., C & K Distributing Co., Gerald Campagna, President, 2340 S. Springfield, Chicago, Ill. 60623, Service Beer Sales, George Bohentin, President, 16425 Crawford, Markham, Ill. 60426, Sheridan Beverage Company, Samuel E. Terry, President, 4514 Berteau Ave., Chicago, Ill., Midtown Distributors, Reese Kennedy, President, 336 E. Burlington, La Grange, Ill., Skokie Valley Beverage Company, William P. Schirmany, President, 199 Shepard, Wheeling, Ill. 60090, Southwest Beer Distributors, Inc., Ken Karlson, Vice President, 4210, Shirley Lane, Alsip, Ill. 60658. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 133959 (Sub-No. 4TA), filed May 13, 1976. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, doing business ALBAUGH TRUCK LINE, 2005 East Grand Avenue, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in or used by wholesale and retail department stores, store fixtures, and display cases, between the distribution facilities of Ardan Wholesale, Inc., at Des Moines, Iowa, on the one hand, and, on the other, the retail stores of Ardan Wholesale, Inc. at or near Rockford and Peoria, Ill.; Omaha and Lincoln, Nebr.; Wichita and Topeka, Kans.; El Paso, Beaumont, Odessa, and Brownsville, Tex.; Reno and Las Vegas, Nev.; and Modesto, Calif.,

under contract with Ardan Wholesale, Inc., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ardan Wholesale, Inc., 2320 Euclid Avenue, Des Moines, Iowa 50310. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 134387 (Sub-No. 32TA), filed May 4, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers and parts thereof*, from Maricopa County, Ariz., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Continental Can Company, Inc. 155 Bovet Road, San Mateo, Calif. 94402. Send protests to: Walter W. Strakosch, District Supervisor, Room 1321 Federal Building, 300 North Los Angeles, Calif. 90012.

No. MC 134821 (Sub-No. 5TA), filed May 13, 1976. Applicant: DONALD L. DROSTE doing business as DON DROSTE TRUCKING, 1004 West Carroll St., Portage, Wis. 53901. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Capsule slurry*, in bulk, from the plantsite of NCR-Appleton Papers Division located at or near Portage, Wis., to Roaring Springs, Pa., under continuing contract or contracts with NCR-Appleton Papers Division, Portage, Wis., for 180 days. Supporting shipper: NCR-Appleton Papers Division, 2500 West Wisconsin St., Appleton, Wis. 54911. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 135381 (Sub-No. 3TA), filed May 11, 1976. Applicant: DRUM TRANSPORTATION COMPANY, R.D. #1, Montgomery, Pa. 17752. Applicant's representative: J. G. Dail, Jr., 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, posts, pilings, timbers, ties and cross arms, and laminated wooden beams*, between the storage facilities of Southern Wood Piedmont Company, located at or near Montgomery, Pa., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania, restricted to a transportation service to be performed under a continuing contract, or contracts, with Southern Wood Piedmont Company of Spartanburg, S.C. for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern Wood Piedmont Company, P.O.

Box 5447, Spartanburg, S.C. 29301. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135732 (Sub-No. 20TA), filed May 7, 1976. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, N.J. 07207. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, tallow, shortening, vegetable oil shortening, margarine, and cooking oils*, in packages, from the facilities of Swift Edible Oil Co., located at or near Bradley, Ill., to points in New Jersey, Maryland, Pennsylvania, Massachusetts, and the District of Columbia, and the specified points of Manassas, Williamsburg, Richmond, and Newport News, Va.; Dover, Rehoboth Beach, and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester, and Stamford, Conn.; Burlington, Brattleboro, Rutland, and White River Jct., Vt.; Dover, Concord, and Manchester, N.H.; Fairfield, Lewiston, Portland, and Augusta, Maine, and Providence and Cranston, R.I., and the Commercial Zones of the respectively named cities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Edible Oil Company, Division of Swift and Company, 115 West Jackson, Chicago, Ill. 60604. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 135809 (Sub-No. 5TA), filed May 6, 1976. Applicant: B-H TRANSFER CO., P.O. Box 151, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium tripolyphosphate and tetrasodium pyrophosphate*, dry, in bulk, in pneumatic tank vehicles, from Sandersville, Ga., to points in Fulton, DeKalb, Glascock, Jefferson, Twiggs, Wash., and Wilkerson Counties, Ga., and points in Aiken and York Counties, S.C. Restricted to shipments having an immediate prior movement by rail, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oiln Corporation, 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 546, Atlanta, Ga. 30309.

No. MC 136876 (Sub-No. 8TA), filed May 11, 1976. Applicant: PAULIE BRAZIER, doing business as PAULIE BRAZIER COMPANY, 203 Helton Drive, Lawrenceburg, Tenn. 38464. Applicant's representative: B. E. Bryant, 107 North Military Avenue, Lawrenceburg, Tenn. 38464. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Dry fertilizer*, in bulk and bags, from Clarksville, Tenn., to points in Kentucky south and west of a line beginning at junction U.S. Highway 25E and the Kentucky State Line east of Middlesboro, Ky., thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along U.S. Highway 150 through Danville to junction U.S. Highway 68 at or near Perryville, thence along U.S. Highway 68 to Lebanon, thence along Kentucky Highway 84 to Hodgenville, thence along Kentucky Highway 61 to Elizabethtown, thence along U.S. Highway 62 to Leitchfield, thence along Kentucky Highway 259 to junction U.S. Highway 60 at or near Harned, thence along U.S. Highway 60 to Cloverport, thence north along a line from Cloverport to the Ohio River, under a continuing contract with United States Steel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Steel Corporation, USS Agri-Chemicals Division, 233 Peachtree Street, N.E., Atlanta, Ga. 30303. Send protests to: Mr. Joe J. Tate, District Supervisor, Bureau of Operations, ICC, Suite A, 422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138144 (Sub-No. 9TA), filed May 11, 1976. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Robert W. Gleason (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are manufactured or distributed by manufacturers of (1) buildings, either complete, knocked down, or in sections; (2) building sections and panels; (3) component parts, materials and supplies for (1) and (2); (4) parts accessories and equipment used in the installation of (1) (2) & (3), from Milwaukee and West Milwaukee to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: INRYCO, Inc., 4101 W. Burnham St. Milwaukee, Wis. 53215 (Gerald J. Stehlik). Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139495 (Sub-No. 149TA), filed May 13, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquor beverages* (except in bulk) and *advertising materials* and *supplies incidental thereto*, from San Antonio, Tex., to points in Kansas, Missouri, Iowa, and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pearl

Brewing Company, Inc. P.O. Box 1661, San Antonio, Tex. 78296. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 139658 (Sub-No. 10TA), filed May 14, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Rd. N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump trucks from points in Bledsoe, Rhea, Hamilton, Sequatchie, and Roane Counties, Tenn., to points in Alabama and Georgia, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Patterson and Sadler Coal Company Inc. P.O. Box 1366, Montgomery, Ala. 36102. Gothan Smith & Smith Realty Co. 151 Lamar St. Macon, Ga. 31204. Send protests to Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1253 W. Peachtree St. N.W. Room 546, Atlanta, Ga. 30309.

No. MC 139923 (Sub-No. 14TA), filed May 6, 1976. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, 105-S. 8th St., Stroud, Okla. 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baker goods* from the plantsites and storage facilities of or utilized by Tennessee Doughnut Corporation located at or near Nashville, Tenn., including the Commercial Zone of Nashville, Tenn., to Ft. Smith, Little Rock, Mammoth Spring, Texarkana, and Van Buren, Ark.; Chicago, East St. Louis, Peoria, and Springfield, Ill.; Anderson, Dale, Evansville, Ft. Wayne, Indianapolis, Seymour, South Bend, and Vincennes, Ind.; Baton Rouge, Monroe, New Orleans, and Shreveport, La.; Dexter, Joplin, Kansas City, Bridgeport, Poplar Bluff, Scott City, Sikeston, Springfield, and St. Louis, Mo.; Oklahoma City and Tulsa, Okla.; Beaumont, Dallas, Ft. Worth, and Houston, Tex.; Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio; Grand Rapids, Lansing, and Livonia, Mich.; and Denver, Colo., and the Commercial Zones of the respectively named cities, for 180 days. Supporting shipper: Tennessee Doughnut Corporation, 1201 Gallatin Road, Nashville, Tenn. 37206. Send protests to: Joe Green, District Supervisor, ICC, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 139958 (Sub-No. 2TA), filed May 7, 1976. Applicant: R. T. TRUCK SERVICE, INC., Route No. 1, Hardinsburg, Ky. 40143. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-



ing: *General commodities* (except those of Unusual value Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) between Louisville, Ky. and Scottsburg, Ind., serving the intermediate points of Memphis, Underwood, and Vienna, via U.S. Highway 31 and I-65; (2) between Louisville, Ky. and Scottsburg, Ind., via Ind. 62 to its junction with Ind. 56; thence via Ind. 56 to Scottsburg, serving all intermediate points and the off-route point of Paynesville; (3) between Louisville, Ky. and the junction of Ind. 56 and Ind. 3, serving all intermediate points; from Louisville via Ind. 62 to its junction with Ind. 3, thence via Ind. 3 to its junction with Ind. 56, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: There are approximately 18 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 140033 (Sub-No. 12TA), filed May 6, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ice cream*, from McKinney, Tex. to Albuquerque, N. Mex.; Colorado Springs, Colo.; and Denver, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southland Corporation, Cabell Foods Division, 4017 Commerce Street, Dallas, Tex. Send protests to: Opal M. Jones, Trans. Asst. Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 140058 (Sub-No. 12TA), filed May 10, 1976. Applicant: ALAN HAMER doing business as, HAMER HAULAGE, 5006 Montrose Road, Niagara Falls, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N. Y. 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rubble, slag, earth, turf, crushed, cut and uncut rock and stone*, in bulk, in dump vehicles, from ports of entry on the International Boundary line between the United States and Canada on the Niagara River to points in Erie and Niagara Counties, N. Y. Restricted to the transportation of traffic originating at the facilities of Steed & Evans Materials Division at Fonthill, Ontario, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Steed & Evans Materials Division, Box 46, Heidelberg, Ontario, Canada. Send protests to:

George M. Parker, District Supervisor Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street Buffalo, N. Y. 14202.

No. MC 141804 (Sub-No. 8TA), filed May 5, 1976. Applicant: Western EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Empty glass or plastic bottles and/or containers or articles used in the closure thereof, in packages*. From the plantsites of Carr-Lowrey Glass Co., Baltimore, Md.; Wheaton Glass Co., Millville, N.J.; Tech Industries, Inc., Woonsocket, R.I.; and the Sterling Division of Ethyl Corporation, Erie, Pa.; via irregular routes, to North Hollywood, Calif.; and Hayward, Calif., for 180 days. Supporting shipper: Container Service Company, 12323 Sherman Way, North Hollywood, Calif. 91605. Send protests to: Mr. Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142043 TA, filed May 10, 1976. Applicant: JOHN BRADSHAW, doing business as, BRADSHAW and SONS COMPANY, 3914 South Dalton Street, Los Angeles, Calif. 90062. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Toilet preparations* from Gardena, Calif., to Birmingham, Ala., under continuing with Pro-Line Corporation, for 180 days. Supporting shipper: Pro-Line Corporation 447 E. Rosecrans Boulevard, Gardena, Calif. 90247. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 142044 TA, filed May 11, 1976. Applicant: JOSEPH JAMES STEWARD doing business as THIRIFTY DELIVERY SERVICE, 1409 Cass Street, Fort Wayne, Ind. 46808. Applicant's representative: Joseph James Steward (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers* of over irregular routes, transporting: *General Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment in expedited, full exclusive use only between points and places located in Adams, Allen, DeKalb, Huntington, Noble, and Whitley Counties, Ind. and Defiance, Paulding and Van Wert Counties, Ohio, on the one hand, and points and places in Illinois, Kentucky (north of U.S. Highway 62, beginning at and including Paducah, thence east to Lexington, thence to and

including Maysville), Mich., Southern Peninsula (south of U.S. Highway 10, beginning at and including Ludington, thence east to Bay City, thence south and east of state highway 25 to Port Huron, thence south and west of state highway 29 to and including Detroit, thence west of the east border of Michigan between Detroit, Mich., and Toledo, Ohio), and Ohio on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bearings, Inc., 330 W. Jefferson St., Ft. Wayne, Ind.; G. E. Service Shop, 3830 Northrup St., Ft. Wayne, Ind.; Hydro Systems, 13th & Piper Dr., Ft. Wayne, Ind.; BNB Distributors & Follow Assoc., 2570 Commercial Rd., Ft. Wayne, Ind.; Dana Corporation-Spicer Axle Div., 2100 W. State Blvd., P.O. Box 750, Ft. Wayne, Ind. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Rm. 204, Ft. Wayne, Ind. 46802.

No. MC 142046 TA, filed May 10, 1976. Applicant: TELMAR TRANSPORT LIMITED, 8267 Le Creusot, St. Leonard, Quebec, Canada H1P 2A2. Applicant's representative: John F. O'Donnell, P.O. Box 238, 60 Adams Street, Milton, Mass. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* moving in ISO (International Standard Organization) 20' ocean containers (The term ISO Container used in this application means an intermodal container not equipped with running gear for use on the highway), between the port of entry on the International Boundary between the United States and Canada at or near Champlain, N.Y. and Highgate Springs, Vt., New Hampshire; Brattleboro, Vt.; Windham and Meriden, Conn. Restricted to traffic having a prior or subsequent movement by water through a Canadian Port, for 180 days. Supporting shippers: Interantional Silver Company, Meriden, Conn.; Washington Mills Abrasive Co., North Grafton, Mass.; M. S. Walker Inc., Boston, Mass. 02118, Masters and Merrill Inc., Everett, Mass. 02149, Polyvinyl Chemical Industries (Div. Veatrice Foods), Wilmington, Mass.; The Kendall Company, Boston, Mass. 02110, BASF Systems, Inc., Bedford, Mass. 01730, Boise Cascade (Specialty Paperboard Div) W. R. Grace Company—Industrial Chemicals Group European Div), Cambridge, Mass. 02138, BTU Engineering, North Bellerica, Mass. 01862, Cast North American Limited, Montreal, Quebec, Canada H3Z 2R8. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 142047 TA, filed May 11, 1976. Applicant: CHEYENNE TRUCK LEASING, INC., 6500 Jericho Turnpike, P.O. Box 314, Commack, N.Y. 11725. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *Fertilizer, fertilizer materials, fertilizer ingredients, and herbicides, insecticides, and pesticides* when moving in mixed shipments with fertilizers (restricted against the transportation of commodities in bulk), (1) between the plantsite and shipping facilities of Famco, Inc. in Medina, Ohio and the plantsite and shipping facilities of Andersons at Maumee, Ohio on the one hand, and, on the other, points in Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, and South Dakota; (2) between the plantsites and shipping facilities of Plant Products, Inc. at or near Blue Point, New York on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Pennsylvania; Massachusetts, New Jersey, New York, Rhode Island, Virginia, Florida, West Virginia, Ohio, Indiana, and Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Famco Inc., 300 Lake Road, Medina, Ohio, Plant Products Corporation, Kennedy Avenue, Blue Point, N.Y. 11715. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15531 Filed 5-26-76; 8:45 am]

[Notice No. 257]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76587. By application filed May 18, 1976, SAFEGUARD TRANSPORT, INCORPORATED, P.O. Box 312, Fishersville, VA., 22939, seeks temporary authority to lease the operating rights of LAMBERT & BANKS, INCORPORATED, P.O. Box 277, Stuarts Draft VA., 24477, under section 210a(b). The transfer to SAFEGUARD TRANSPORT, INCORPORATED, of the operating rights of LAMBERT & BANKS, INCORPORATED, is presently pending.

#### NOTICES

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15535 Filed 5-26-76; 8:45 am]

[Section 5a Application No. 81; (Amendment No. 2)]

#### NEW YORK MOVERS TARIFF BUREAU, INC.

Agreement

MAY 18, 1976.

The Commission is in receipt of an application of the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed: May 12, 1976 by: Alvin Altman, Brodsky, Llnett and Altman, 1776 Broadway, New York, N.Y. 10019.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811, and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 16, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15532 Filed 5-26-76; 8:45 am]

[Notice No. 128]

#### TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Behken Truck Service, Inc. MC-19945 Sub-49TA	MC-19945 Sub-51	May 19, 1976
Popelka Trucking Co., MC-2636 Sub-12TA	MC-2636 Sub-12	May 17, 1976
Shipley Transfer, Inc., MC-3887 Sub-22TA	MC-3887 Sub-225	Do.
Interstate Dress Carriers, Inc., MC-5037 Sub-7TA	MC-5037 Sub-7	Do.
National Trailer Convoy Inc., MC-10638 Sub-708TA	MC-10638 Sub-713	May 21, 1976
Poole Truck Line, Inc., MC-11562 Sub-29TA	MC-11562 Sub-28	Do.
Davis Transport Co., MC-11645 Sub-17TA	MC-11645 Sub-16	May 18, 1976
Davis Transport Co., MC-11645 Sub-18TA	MC-11645 Sub-16	Do.
Transit Homes, Inc., MC-94350 Sub-34TA	MC-94350 Sub-349	May 20, 1976
Ida-Cal Freight Lines, Inc., MC-118318 Sub-27TA	MC-118318 Sub-28	May 17, 1976
General Trucking Co., Inc., MC-118500 Sub-1TA	MC-118500 Sub-2	Apr. 5, 1976
Stahly Carriage Co., MC-116702 Sub-43TA	MC-116702 Sub-46	May 18, 1976
N.A.B. Trucking Co., Inc., MC-119726 Sub-49TA	MC-119726 Sub-50	Do.
Widing Transportation, Inc., MC-123681 Sub-27TA	MC-123681 Sub-30	May 19, 1976
Shelton Trucking Service, MC-124887 Sub-8TA	MC-124887 Sub-9	May 18, 1976
Ed Racette and Son, Inc., MC-127047 Sub-17TA	MC-127047 Sub-19	Do.
MC-127047 Sub-19	MC-127047 Sub-19	Do.
Tri-Line Expressways, Ltd., MC-124880 Sub-15TA	MC-124880 Sub-20	Apr. 5, 1976
Gordon Fast Freight, Inc., MC-133684 Sub-14TA	MC-133684 Sub-17	May 20, 1976
Midwest Transportation Co., MC-134003 Sub-8TA	MC-134003 Sub-7	May 18, 1976
D.b.a. Kustermann Truck Service, MC-134472 Sub-1TA	MC-134472 Sub-5	Do.
Charter Express, Inc., MC-131753 Sub-18TA	MC-131753 Sub-18	Do.
Highway Dump Haulers, Inc., MC-133107 Sub-1TA	MC-133107 Sub-6	May 17, 1976
Wisapak Transport, Inc., MC-133243 Sub-4TA	MC-133243 Sub-5	Apr. 5, 1976
Lisa Motor Lines, Inc., MC-135861 Sub-1TA	MC-135861 Sub-2	May 17, 1976
Waldorf Transportation Co., Inc., MC-136485 Sub-6TA	MC-136485 Sub-5	Apr. 2, 1976
The Universe Co., Inc., MC-136816 Sub-2TA	MC-136816 Sub-1	Apr. 5, 1976
Milton McCombs, Jr., MC-138552 Sub-1TA	MC-138552 Sub-2	May 21, 1976
Patterson Coastal Transport, Inc., MC-138382 Sub-1TA	MC-138382 Sub-2	Apr. 5, 1976
W. H. Houston, MC-140475 Sub-1TA	MC-140475 Sub-2	May 19, 1976
Valley Moving and Storage Co., MC-110610 Sub-1TA	MC-110610 Sub-2	Apr. 5, 1976
R. & R. Trucking Co., Inc., MC-141137 Sub-3TA	MC-141137 Sub-2	May 19, 1976

R. L. OSWALD,  
Secretary.

[FR Doc.76-15524 Filed 5-26-76; 8:45 am]



# **federal register**

THURSDAY, MAY 27, 1976



PART II:

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Office of Assistant  
Secretary for Community  
Planning and Development

■

### **COMMUNITY DEVELOPMENT BLOCK GRANTS**

Reallocated Funds; Interim Rule

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**Title 24—Housing and Urban Development**  
**CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. R-76-292]

**PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS**

**Reallocated Funds; Interim Rule**

On September 12, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 42347) regulations for the administration of funds available for reallocation out of the appropriation for Fiscal Year 1975 for the community development block grant program under Title I of the Housing and Community Development Act of 1974. They were republished on February 27, 1976 (41 FR 8612), and appear as 24 CFR 570.409.

Section 570.107 of the regulations establishes the general policies and rules governing reallocation of block grant funds, and states that "each fiscal year, HUD will publish the policies to be employed in the reallocation of funds for that year."

The purpose of this revision to § 570.409 is to establish regulations for the reallocation of funds in Fiscal Years 1976 and 1977.

Section 570.409 presently provides for the reallocation of community development block grant funds allocated to metropolitan cities, urban counties, or other units of general local government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring processes. Paragraph (a) of § 570.409 is expanded to state other sources of funds which may become available for reallocation.

Paragraph (b) of § 570.409 is revised to eliminate specific dates by which funds will be reallocated, and to provide instead that funds will be reallocated within six months from the date they become available and sooner whenever possible.

Section 570.409(c) is unchanged.

Former paragraphs (d), (e), and (f) are consolidated under a new paragraph (d) headed *Entitlement funds*. It sets forth the policy that entitlement funds that are available for reallocation will be used primarily to make grants for urgent needs as described in § 570.401(b). The paragraph is substantially shortened to eliminate language that is duplicative of that in § 570.401(b). Reallocated funds available in metropolitan areas will be used for urgent needs, first, in the same metropolitan area, and second, in other metropolitan areas in the same State. Reallocated funds available in nonmetropolitan areas will be used for urgent needs in the same State. Then, if all urgent needs in those respective areas in the same State are met, the funds will be used in the same State in accordance with the provisions for general purpose funds for metropolitan and nonmetropol-

itan areas under § 570.402. Finally, if those priorities are met, the funds may be reallocated to other States for urgent needs.

A new paragraph (e), entitled *General purpose funds for metropolitan and nonmetropolitan areas*, is added to § 570.409. It sets forth the policy that general purpose funds for metropolitan areas will be reallocated for the same purpose as other general purpose funds described in § 570.402(b). If the amount to be reallocated is more than \$50,000, the funds will be left in the same SMSA, and will be made available on a competitive basis to metropolitan cities, urban counties, and units of general local government which are eligible applicants for general purpose funds for metropolitan areas. If the amount to be reallocated does not exceed \$50,000, the funds will be reallocated, first, to any metropolitan area in the same State, and second, to metropolitan areas in other States, and will be added to other general purpose funds available in such areas. The purpose for reallocating amounts not exceeding \$50,000 to other SMSAs for use in conjunction with other discretionary funds is that the benefits to be derived from such minimal amounts do not exceed the administrative costs to both HUD and localities associated with preparing, reviewing and processing both preapplications and applications for the additional funds.

This revision to the regulations is being published as an interim rule for two reasons. First, the changes represent minor revisions and elaboration of the reallocation policy utilized in Fiscal Year 1975. Second, there is a need to proceed promptly with reallocation of funds that are presently becoming available because of the failure of both entitlement and discretionary applicants to apply for available funds. It is to be noted that Section 106(e) of the Housing and Community Development Act of 1974 states that reallocations are to be carried out "with a view of assuring maximum use of all available funds in the period for which such funds were appropriated." In light of this expressed statutory intent, the interest of the Department in making reallocated funds available to eligible applicants at the earliest possible date, and the minimal changes in policy from that employed in the previous fiscal year, this interim rule will be effective upon publication.

Interested persons are invited to participate in the making of the final rule by submitting written comments or views. Comments should be filed with the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before June 28, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of these amendment, a Find-

ing of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, at the address above.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A-107.

These amendment are proposed under the authority of Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383), and sec. 7(d), Department of HUD Act (42 U.S.C., 3535(d)).

In consideration of the foregoing, 24 CFR 570.409 is revised to read as follows:

**§ 570.409 Reallocated funds.**

(a) *General*. This section governs the reallocation of funds as required by the provisions of § 570.107 which become available from any of the following sources:

(1) Any amounts allocated to metropolitan cities, urban counties, or other units of general local government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process;

(2) Any other amounts allocated to metropolitan areas or nonmetropolitan areas which the Secretary determines, on the basis of applications and other evidence available, are not likely to be fully obligated by the Secretary during the fiscal year for which the allocation has been made;

(3) Any amounts available as a result of a Secretarial adjustment of an annual grant under § 570.911;

(4) Any amounts recovered under the provisions of § 570.913;

(5) Any amounts returned to HUD as a result of a termination of, withdrawal from, or failure to complete an approved Community Development Program; or

(6) Any amounts remaining after completion of all approved discretionary block grant activities.

The provisions of this section constitute the policies to be employed in the reallocation of funds in Fiscal Year 1976 and 1977.

(b) *Timing of reallocation*. Any amounts available for reallocation will be reallocated as soon as practicable and in all cases within six months from the date they become available for reallocation.

(c) *Eligible applicants*. States and units of general local government, as defined in § 570.3(v), are eligible to apply for reallocated funds. For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b), (1), (2), and (3).

(d) *Entitlement funds*. Entitlement funds available for reallocation will be used primarily to make grants to eligible applicants with urgent needs, including those with entitlements as well as others with special needs arising from urban

renewal closeout activities. The term "urgent needs" as used in this section means those urgent needs described in § 570.401(b).

(1) *Priorities for reallocation of funds*. (i) *Metropolitan areas*. Funds allocated to metropolitan areas will be reallocated in accordance with the following priorities:

(A) To the same metropolitan area for urgent needs grants;

(B) If reallocated funds are available after meeting the urgent needs in that metropolitan area, to other metropolitan areas in the same State for urgent needs grants;

(C) If reallocated funds are available after meeting the urgent needs in all metropolitan areas in that State, to the same metropolitan area or other metropolitan areas in the same State for use in accordance with the provisions of § 570.402(b)-(g) and the priorities for reallocation described in paragraph (e) (1) (i) of this section; and

(D) If reallocated funds are available after meeting the preceding priorities, to metropolitan areas in other States for urgent needs grants;

(ii) *Nonmetropolitan areas*. Funds allocated to nonmetropolitan areas will be reallocated in accordance with the following priorities:

(A) To the nonmetropolitan area in the same State for urgent needs grants;

(B) If reallocated funds are available after meeting the urgent needs in the nonmetropolitan area in that State, to

the nonmetropolitan area in the same State for use in accordance with the provisions of § 570.402; and

(C) If reallocated funds are available after meeting the preceding priorities, to nonmetropolitan areas in other States for urgent needs grants.

(iii) *Additional considerations*. In determining to which metropolitan area or areas funds shall be reallocated under paragraph (i) (B), and to which State or States funds shall be reallocated under paragraphs (i) (D), and (ii) (C), the Secretary shall give priority consideration to the metropolitan areas or States where the greatest unmet urgent needs exist.

(2) *Application requirements*. Applications for urgent needs grants shall meet the application requirements of § 570.401 (c). All other preapplications and applications shall meet the requirements of § 570.400 (b) (1) and § 570.402.

(e) *General purpose funds for metropolitan and nonmetropolitan areas*. General purpose funds for metropolitan and nonmetropolitan areas available for reallocation will be reallocated for use in accordance with the criteria for selection described in § 570.402(b).

(1) *Priorities for reallocation*.

(i) *Metropolitan areas*.

(A) If the amount to be reallocated is more than \$50,000, the Secretary will reallocate such funds, first, to the same metropolitan area, second, to any other metropolitan area in the same State, and third, to any metropolitan area in

other States, for the purpose of making grants to cities, urban counties, and those eligible applicants described in § 570.402 (a). The Secretary will invite preapplications from eligible applicants in order to provide an opportunity for such applicants to apply for funds reallocated under the preceding sentence.

(B) If the amount to be reallocated does not exceed \$50,000, the Secretary will reallocate such funds, first, to any metropolitan area in the same State, and second, to any metropolitan area in other States, for the purpose of making grants to those eligible applicants described in § 570.402(a).

(ii) *Nonmetropolitan areas*. The Secretary will reallocate funds, first, to the nonmetropolitan area in the same State, and second, to nonmetropolitan areas in other States.

(iii) *Additional Considerations*. In determining to which metropolitan areas or States such funds will be reallocated, the Secretary shall give primary consideration to the demand for such funds as represented by preapplications or applications filed with HUD.

(2) *Application requirements*. Preapplications and full applications shall meet the requirements of §§ 570.400(b) (1) and 570.402.

Effective date: This amendment is effective on May 27, 1976.

DAVID O. MEEKER, JR.,  
 Assistant Secretary for CPD.

[FR Doc 76-15441 Filed 5-26-76; 8:45 am]



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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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# presidential documents

## Title 3—The President

### PROCLAMATION 4441

## Father's Day, 1976

*By the President of the United States of America*

### A Proclamation

On the third Sunday in June, 1976, Americans will observe Father's Day as they have most of this century.

Father's Day, 1976, should be of special significance in our Nation's Bicentennial Year. Through two centuries our American fathers have successfully and heroically defended the liberties of this Nation in war and in peace. American fathers have preserved the precious legacy of liberty and passed it, enhanced, to their children and future generations.

On this special day, at a time when more Americans live in greater freedom than ever before, let us honor our fathers not only for their loving counsel, guidance, protection and support, but also for their courage in assuming the challenges and responsibilities synonymous with fatherhood.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with a joint resolution of the Congress (36 U.S.C. 142a), do hereby request that Sunday, June 20, 1976, be observed as Father's Day, with appropriate public and private expressions of the love and gratitude we bear for our fathers. I call upon the appropriate Government officials to display the flag of the United States on all Government buildings on that day, and urge all citizens to do likewise at their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.

*Gerald R. Ford*

[FR Doc.76-15912 Filed 5-27-76;11:14 am]

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## PROCLAMATION 4442

## Flag Day and National Flag Week, 1976

*By the President of the United States of America*

## A Proclamation

Less than a year after our forebears declared their independence, the Continental Congress chose a symbol of the new Nation they sought to bring into being and of the unity and resolve necessary to make that new Nation a reality. On June 14, 1777, the delegates voted:

"... that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the Union be thirteen stars, white in a blue field representing a new constellation."

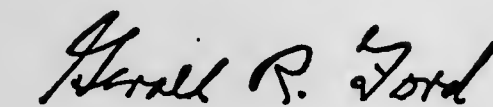
With the addition of thirty-seven stars, our flag continues to symbolize a great and dynamic republic with the same commitment to liberty and justice.

In this Bicentennial Year, all of us will join with our families, friends and neighbors in public celebrations of our Nation's birth. As we approach the 4th of July, it is especially appropriate this year that, on the anniversary of the adoption of our flag, we publicly express our dedication and respect for the flag of our Republic and the principles for which it stands.

To commemorate the adoption of our flag, the Congress designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance (36 U.S.C. 157). The Congress also requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon all citizens of the United States to display the flag of the United States on those days (36 U.S.C. 157a).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning June 13, 1976, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during the week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc. 76-15913 Filed 5-27-76; 11:14 am]



Proclamation 4443

May 27, 1976

**Modification of the Tariff-Rate Quota on Brooms Wholly or in Part of Broom Corn***By the President of the United States of America***A Proclamation**

1. The Tariff Schedules of the United States (TSUS) provide in headnote 3 to subpart A, part 8, schedule 7 as follows: If the President determines that the estimated annual domestic consumption of whiskbrooms of a kind described in items 750.26 to 750.28 TSUS, inclusive, or of other brooms of a kind described in items 750.29 to 750.31, inclusive, has substantially changed since 1965 or since the date of the immediately preceding proclamation under this headnote (if any), the tariff-rate quota provided for in item 750.26 or 750.29, shall be modified by the percentage by which the President determines the estimated annual domestic consumption of the relevant brooms has changed in comparison with their estimated consumption in 1965 or at the time of such immediately preceding proclamation (if any).

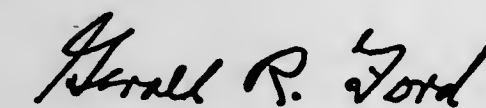
2. On the basis of a report of the United States International Trade Commission submitted in accordance with Executive Order No. 11377, of October 23, 1967, I have determined that the estimated annual domestic consumption of brooms of a kind described in items 750.26 to 750.28 TSUS, inclusive, and of other brooms of a kind described in items 750.29 to 750.31 TSUS, inclusive, has substantially changed since 1965, that no proclamation has been issued previously under said headnote 3, and that the tariff-rate quotas set forth in items 750.26 and 750.29 should be modified, as provided below, to reflect the changes in the estimated annual domestic consumption of such whiskbrooms and other brooms in comparison with the estimated annual consumption in 1965.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including headnote 3 to subpart A, part 8, schedule 7 of the TSUS (79 Stat. 948; 19 U.S.C. 1202) do proclaim that—

(1) Items 750.26 and 750.29 of subpart A, part 8, schedule 7 of the TSUS, are modified by deleting the quantities 115,000 and 205,000 from the respective article descriptions, and substituting in lieu thereof 91,885 and 161,540, respectively.

(2) The modifications of subpart A, part 8, schedule 7 of the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 27, 1976.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundredth.



[FR Doc.76-15914 Filed 5-27-76;11:15 am]

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 9—Animals and Animal Products CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### PART 73—SCABIES IN CATTLE

#### Area Quarantined

This amendment quarantines a portion of Fresno County in California because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, in paragraph (d) relating to the State of California a new paragraph (8) relating to Fresno County is added to read:

#### § 73.1a Notice of quarantine.

(d) \* \* \*

(8) That portion of Fresno County bounded by a line beginning at the junction of State Highway 145 and Interstate Highway 5; thence, following Interstate 5 in a northwesterly direction to the Oakland Road extension; thence, following Oakland Road in an easterly direction to the California aqueduct; thence, following the California aqueduct in a southeasterly direction to State Highway 145; thence, following State Highway 145 in a southwesterly direction to its junction with Interstate Highway 5.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective May 20, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 20th day of May, 1976.

R. P. JONES,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 76-15357 Filed 5-27-76; 8:45 am]

### PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

#### Ports of Export; Newburgh, New York, Added as Airport

• The purpose of this amendment is to add Newburgh, New York, to the list of airport ports of export for certain animals. •

**Statement of considerations.** This amendment adds Newburgh, New York, to the list of designated airports in § 91.3(a) (1) (i) of Part 91, Title 9, Code of Federal Regulations.

The airport inspection facilities at Newburgh, New York, have been inspected by the Animal and Plant Health Inspection Service and were found to comply with the standards for approved export inspection facilities contained in § 91.3(c) of Part 91, Title 9, Code of Federal Regulations.

Accordingly, in § 91.3, paragraph (a) (1) (i) is amended to read:

#### § 91.3 Ports of export.

(a) \* \* \*

(1) **Airports.** (i) Chicago, Illinois; Harrisburg, Pennsylvania; Helena, Montana; Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; New Iberia, Louisiana; Brownsville and Houston, Texas; San Francisco, California; Moses Lake, Washington; and Newburgh, New York.

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 18, 34 Stat. 1263, as amended; 81 Stat. 584, 588, 592; secs. 3 and 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618); 49 U.S.C. 1509(d); 37 FR 28464, 28477; 38 FR 19141.)

**Effective date.** The foregoing amendment shall become effective May 25, 1976.

The amendment relieves certain restrictions by permitting the exportation of livestock through an additional port of export, and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to

the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of May 1976.

R. P. JONES,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 76-15359 Filed 5-27-76; 8:45 am]

### PART 113—STANDARD REQUIREMENTS Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

• **Purpose:** To change the Standard Requirements for Tuberculin PPD Bovis, Intradermic. •

**Statement of Considerations:** The Cattle Diseases Staff of Veterinary Services has prepared and distributed to members of the biologics industry an invitation to bid on a quantity of Tuberculin PPD Bovis, Intradermic to be prepared in accordance with a standard protocol and tested in accordance with prescribed requirements. These procedures are at variance with the Standard Requirements for this product in § 113.203. Most differences are minor, but one requirement for purity is now considered unnecessary by the technicians responsible for evaluating the product.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), Part 113, Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by deleting the purity test in § 113.203 (a) (2) and by making the following changes in test procedure:

The number of test animals in each sensitized group is increased from six to 10 in paragraph 113.203(c) (1). This change gives added validity to the test.

The words "used for tuberculin testing" is substituted in paragraph 113.203 (c) (3) for "considered sensitized" to reduce the change of variable results by stating the exact time the sensitized animals can be used.

The prescribed point to inject the material being tested is changed to permit staggered sites as being more realistic and useful in paragraph 113.203(c) (4) (i). For the same reasons, the size of needle to be used is changed in paragraph 113.203(c) (4) (iii).

The words "anterior to posterior" are inserted in paragraph 113.203(c) (5) for completeness of directions. The word "inconclusive" is substituted for the word "questionable" in paragraph 113.203(c) (10) and 113.203(c) (11) for accuracy.

All words in the heading for section 113.203 are to be capitalized.

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§ 113.203 (9 CFR 113.203) is amended by revising the introductory portion of paragraph (a) and deleting paragraphs (a) (1) and (2); by revising paragraphs (c) (1), (c) (3), (c) (4) (i) and (iii), (c) (5), (c) (10) and (c) (11) to read:

**§ 113.203 Tuberculin—PPD Bovis, Intradermic.**

(a) *Purity test.* Each serial shall be tested for viable bacteria and fungi as prescribed in § 113.26.

(c) \* \* \*

(1) *Test animals.* White female guinea pigs from one source, which weigh 500 to 700 grams at the beginning of the test, and which have not been used in a previous test, shall be used in the specificity test. Twenty-three guinea pigs (10 sensitized with *M. bovis*, 10 sensitized with *M. avium* and three unsensitized) shall be required for each serial being tested, and 20 guinea pigs (10 sensitized with *M. bovis* and 10 sensitized with *M. avium*) shall be required for the Reference PPD Tuberculin. Allowance should be made for deaths during the sensitization period.

(3) Thirty-five days post-injection, the guinea pigs shall be used for tuberculin testing.

(4) \* \* \*

(i) Select four sites on each guinea pig for injection of PPD tuberculin. Two sites shall be on each side of the midline and spaced a sufficient distance from each other to avoid overlapping of skin reactions. \* \* \*

(iii) Inject one dose of each dilution at the assigned site using a tuberculin syringe.

(5) *Measurement of skin reactions.* Measure the area of erythema produced at each site on each guinea pig 24 hours following injection of PPD tuberculin. Measurements in millimeters shall be made anterior to posterior across the greatest diameter and perpendicular to the first measurement. Calculate the area of erythema in square millimeters at each site by multiplying the two measurements. \* \* \*

(10) *Interpretation of specificity index.* When a bioassay is valid and reactions are not observed in unsensitized guinea pigs, the following interpretation of the specificity index will be used for classifying each serial of PPD tuberculin:

Specificity Index	Classification
400 mm <sup>2</sup> or greater.....	Satisfactory.
Between 360 mm <sup>2</sup> and 440 mm <sup>2</sup> .....	Inconclusive.
Less than 360 mm <sup>2</sup> .....	Unsatisfactory.

(11) *Second stage test.* If a serial is classified as inconclusive, it can be declared unsatisfactory or undergo a second stage test. The second stage shall be conducted in a manner identical to the first stage, except that unsensitized guinea pig controls are not necessary. The results are evaluated by combining the results obtained on all guinea pigs tested in stages one and two. Calculate the average response on the 20 *M. bovis* sensitized animals and on the 20 *M. avium* sensitized animals and determine

the specificity index. An inconclusive serial is satisfactory after the second stage test, if its specificity index is 400 square millimeters or more, and unsatisfactory if its specificity index is less than 400 square millimeters.

(21 U.S.C. 151 and 154; 37 F.R. 28464, 28477; 38 F.R. 19141)

These amendments provide changes in the Standard Requirements to be met by producers of Tuberculin PD Bovis, Intradermic to be used in the National Tuberculosis Eradication Program. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective May 25, 1976.

Done at Washington, D.C., this 21st day of May, 1976.

R. P. JONES,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc.76-15358 Filed 5-27-76; 8:45 am]

**CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE**

**PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION**

**Standards for Combination Cured Pieces of Meat and Non-Meat Protein Products**

• *Purpose:* The purpose of this document is to set forth in the Federal inspection regulations, on an interim basis, standards for products made from traditional cured pieces of meat to which have been added non-meat protein-containing products. \*

The Department intends to publish a proposed rulemaking document which if adopted would provide definitions and standards of identity or composition and labeling requirements for "Combination Meat Products."

In recent years, the use of non-meat protein products such as soy products, milk products, etc., in meat food products has reached significant proportions. Consumers have accepted these products not only for economic reasons, but also because technology has afforded products that are appealing to the taste. Technology, though in its infancy, has now developed to the stage where it is possible to produce combination meat and non-meat protein products from traditional pieces of meat; e.g., fresh hams, beef rounds, etc. Preliminary information indicates these products will gain consumer acceptance.

In view of the mounting concern over the world's food supply, the need to better utilize existing sources of protein, and the economic incentives to replace meat

with less costly protein sources, the Department believes it is in the best interest of the consumer to provide standards for the marketing of these new products.

It is of vital importance that the products used to extend the meat be in themselves of high nutritive content so as not to substantially lessen the nutritive characteristics of such products compared to similar products not containing such non-meat extenders. Therefore, for the purposes of this interim rule, minimum nutritive requirements are being set for non-meat foods which are used as extenders in meat products. On the basis of information now available to the Department, it is placing upon the finished product a minimum protein content of 17 percent. The non-meat protein-containing products used must contain, on a per gram of protein basis, vitamins and minerals as specified in the interim regulation. Also the protein quality, including amino acids added, of the non-meat protein products must be at least 80 percent that of casein, or have an essential amino acid content (excluding tryptophan) of not less than 28 percent of the total protein. Furthermore, since the non-meat protein-containing products are added via aqueous slurries, it is being required that the combination products have moisture/protein ratios consistent with the traditional cooked, cured products.

Since these combinations are similar in appearance to the traditional products, it is also necessary that they be descriptively labeled so that the user or purchaser can identify the combination products in the market place. Many consumers would want to know the ingredient content because of dietary preference, economic reasons or allergenic considerations. It is essential that a clear, understandable labeling system be established that can effectively relate the unique characteristics of these products.

Therefore, the Department is hereby amending the regulations on an interim basis to require that such products be labeled as "Combinations \_\_\_\_\_ Product." The blank must be filled by the name of the traditional cured product—i.e., ham, corned beef, etc. Also, immediately following the standard name must be a statement declaring the minimum percentage by weight of the meat ingredient; e.g., "65 percent Ham," "80 percent Corned Beef," etc.

The regulation is being issued as an interim rule so that information may be collected to determine if the product shall continue to be marketed and if so whether additional or modified restrictions should be placed on the labeling or nutritional criteria set forth. This rule will remain in effect pending completion of the proposed rulemaking on "Combination Meat Products" unless rescinded prior thereto.

Therefore, Part 319 of the Federal Meat Inspection Regulations (9 CFR Part 319) is amended by adding to the table of contents the following:

**Subpart V—Combination Meat and Non-Meat Protein Products**

Sec.

§ 19.900 Combination Cured Meats;

And by adding a new subpart to read as follows:

**Subpart V—Combination Meat and Non-Meat Protein Products**

**§ 319.900 Combination cured meat cuts.**

(a) (1) "Combination \_\_\_\_\_ Products" "are cured pieces of meat such as hams, pork loins, corned beef rounds, etc., which have been extended with non-meat protein products such as, but not limited to, isolated soy protein, wheat protein concentrate, yeast, non-fat dry milk, and dried whey. The blank in the product name shall be filled in as prescribed in paragraph (b). These products must be cooked and may be sectioned and formed.

(2) The non-meat protein products used must contain nutrients per gram of protein within the range prescribed below, except that levels of naturally occurring nutrients above the prescribed levels will be acceptable.

Nutrient	Amount
Vitamin A (I.U.).....	13 to 20.
Thiamine (milligrams).....	0.20 to 0.03.
Riboflavin (milligrams).....	0.01 to 0.02.
Niacin (milligrams).....	0.30 to 0.45.
Pantothenic acid (milligrams).....	0.04 to 0.06.
Vitamin B <sub>6</sub> (milligrams).....	0.02 to 0.03.
Vitamin B <sub>12</sub> (micrograms).....	0.10 to 0.15.
Iron (milligrams).....	0.15 to 0.25.
Magnesium (milligrams).....	1.15 to 1.75.
Zinc (milligrams).....	0.50 to 0.75.
Copper (micrograms).....	24 to 38.
Potassium (milligrams).....	17 to 25.

The non-meat protein products must also have a biological quality of protein (including amino acids added) of not less than PER 2.0 (80 percent of casein) or an essential amino acid content (excluding tryptophan) of no less than 28 percent of total protein.

(3) The finished product must have a moisture/protein ratio of 4:1 or less.

(4) The finished product must contain at least 17 percent protein.

(b) The standard name of the product shall be "Combination \_\_\_\_\_ Product." The blank shall be filled in with the name of the meat; e.g., Ham. Immediately following the standard name of the product, in the same size and style of lettering, shall be a statement declaring the minimum percentage by weight of the meat ingredient; e.g., 60 percent Ham. This percentage is determined by dividing the weight of the fresh, boned and trimmed meat ingredient by the total weight of the finished product. If the products are sectioned and formed, information indicating this fact must also be included as a qualifying statement to the product name.

(c) In preparing product defined in this section, the establishment operator shall:

(1) Apply for label approval listing equipment and processing procedure.

(2) Develop a quality assurance system to control finished product compliance for total protein, moisture/protein ratio, and yield of product.

(3) Obtain approval of the quality assurance system from the Department prior to starting operations.<sup>1</sup>

(d) The Department will conduct sampling, analytical, and inspection procedures to confirm accuracy of establishment results and assure product compliance. (

(Secs. 7(c), 21; 34 Stat. 1262, 1264, as amended; 21 U.S.C. 607(c), 621; 37 FR 28464, 28477.)

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or public rulemaking proceedings on these amendments are impractical and unnecessary, and that good cause is found for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment should become effective promptly in order to collect data in connection with the marketing, content, and labeling of combination cured meat and non-meat products, and to better utilize existing sources of protein.

This amendment shall become effective May 28, 1976.

Done at Washington, D.C., on May 25, 1976.

HARRY C. MUSSMAN,  
Acting Administrator, Animal and  
Plant Health Inspection Service.  
[FR Doc.76-15645 Filed 5-27-76; 8:45 am]

**Title 5—Administrative Personnel**  
**CHAPTER I—CIVIL SERVICE COMMISSION**

**PART 213—EXCEPTED SERVICE**

**Department of Health, Education, and Welfare**

Section 213.3316 is amended to show that one position of Deputy Assistant Secretary (Policy Communication) is excepted under Schedule C.

Effective on May 28, 1976, § 213.3316 (r) (9) is added as set out below:

**§ 213.3316 Department of Health, Education, and Welfare**

(r) *Office of the Assistant Secretary for Education.* \* \* \*

(9) Deputy Assistant Secretary (Policy Communications).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.  
[FR Doc.76-15430 Filed 5-27-76; 8:45 am]

**PART 213—EXCEPTED SERVICE**

**Small Business Administration**

Section 213.3332 is amended to show that one position of Confidential Assist-

<sup>1</sup>Such approval may be requested from the Systems Development and Sanitation Staff, Technical Services, Meat and Poultry Inspection Program, 14th and Independence Avenue SW., Washington, D.C. 20250.

ant to the Assistant Administrator for Management Assistance is excepted under Schedule C.

Effective on May 28, 1976, § 213.3332 (v) is added as set out below:

**§ 213.3332 Small Business Administration.**

(v) One Confidential Assistant to the Assistant Administrator for Management Assistance.

(5 U.S.C. 3301, 3302; EO 10577 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,  
JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc.76-15349 Filed 5-27-76; 8:45 am]

**Title 7—Agriculture**

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Lemon Regulation 41]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 30-June 5, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

**§ 910.341 Lemon Regulation 41.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports



the demand for lemons is easing as this week progresses due to the upcoming holiday weekend and recent cool weather in many major markets. Average f.o.b. price was \$6.29 per carton the week ended May 22, 1976, compared to \$6.42 per carton the previous week. Track and rolling supplies at 191 cars were up 16 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 25, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 30, 1976 through June 5, 1976, is hereby fixed at 275,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning

as when used in the said amended marketing agreement and order. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 26, 1976.

CHARLES R. BRADER,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[FR Doc.76-15910 Filed 5-27-76; 11:11 am]

#### PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

##### Rules and Regulations

This amendment of the rules and regulations under Marketing Order 930 deletes reference to Hartford, Michigan, as the Board office, and the date March 1 of each fiscal year as the deadline for producers to submit information to the Board in order to be eligible to divert cherries.

Notice was published in the FEDERAL REGISTER issued April 22, 1976 (41 FR 16818), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 930.101-930.161), currently in effect pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice invited interested persons to submit written data, views, or arguments with respect to the proposal not later than May 7, 1976. No such material was submitted.

The aforesaid amendment to the rules and regulations was unanimously recommended by the Cherry Administrative Board, established under said order as the agency to administer the terms and provisions thereof.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making the effective date hereof June 21, 1976, in that: (1) The acquiring and handling of cherries in the early producing areas may begin on or about June 21, 1976, and this amend-

ment should be applicable, insofar as practicable, to all such cherries; (2) notice was given of the proposed amendment through publicity in the production area and publication in the April 22, 1976, issue of the FEDERAL REGISTER; and (3) compliance with this amendment will not require of handlers any preparation that cannot be completed by the effective time hereof.

*Order.* The amendment is as follows:  
1. Section 930.101 Diversion application is revised to read as follows:

##### § 930.101 Diversion application.

(a) In order for a producer's application for diversion to be eligible for consideration by the Cherry Administrative Board for the forthcoming fiscal year, the producer shall submit to or have on file with the Board the following information:

(1) Name and address of the applicant.

(2) District or districts in which applicant's orchard sites are located.

(3) Age of trees, number of rows of trees, number of trees in each row, number of rows in each block and a diagram of each block referencing the compass points.

(4) (i) Total of applicant's acreage devoted to cherry production with a subtotal for each definable block included in this total.

(ii) Such information submitted as above shall not be considered as application for diversion.

(b) Each producer who elects to divert cherries into an outlet as the Board, with the approval of the Secretary may designate as specified in § 930.56, shall prior to such diversion, submit to the Cherry Administrative Board at its office, or such other location as may be specified by the Board, on forms provided by the Board, an application to divert cherries as required by § 930.56 (a) (1). Such application shall be filed with the Board not later than July 1 of the current fiscal year: *Provided*, That, such application for growers who will harvest cherries prior to July 1 of any fiscal year, shall be filed on such earlier date as may be specified by the Board or if not so specified, prior to harvest of such cherries.

2. Section 930.106 Pack report is revised to read as follows:

##### § 930.106 Pack report.

Each handler, in accordance with § 930.62, shall submit to the Cherry Administrative Board at its office, or such other location as may be specified by the Board, within 30 days after date of pack completion, a written report of the total amount of cherries received for processing, showing separately the amount of cherries that were first handled.

Dated: May 24, 1976, to become effective June 21, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Veg-  
etable Division, Agricultural  
Marketing Service.

[FR Doc.76-15617 Filed 5-27-76; 8:45 am]

#### PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

##### Handling Regulation

This regulation requires potatoes grown in designated counties of Virginia and North Carolina to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 104 and Marketing Order No. 953, both as amended (7 CFR Part 953), regulating the handling of potatoes grown in the production area, was published in the April 29, 1976, FEDERAL REGISTER (41 FR 17922). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through May 14, 1976, to file written data, views or arguments pertaining to that proposal. None was filed.

The notice was based upon recommendations of the Southeastern Potato Committee, established pursuant to said marketing agreement and order. The recommendations are consistent with the marketing policy the committee unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

The grade and size requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable size from being distributed to fresh market outlets. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards

are met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed are so exempted because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are also exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act by setting the minimum standards of quality and maturity and the grading and inspection requirements which the Secretary has found should be maintained for orderly marketing.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by June 5, 1976.

The regulation is as follows:

##### § 953.316 Handling regulation.

During the period June 5 through July 31, 1976, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has

been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided*, That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further Provided*, That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540-51.1566 of this title), including the tolerances set forth therein. The term "other processing"



has the same meaning as the term appearing in the act as amended February 15, 1972 (Public Law 92-233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: May 24, 1976, to become effective June 5, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-16611 Filed 5-27-76; 8:45 am]

#### Title 17—Commodity and Securities Exchanges

##### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5706, 34-12435, 35-19526]

#### STANDARDS FOR DISCLOSURE Oil and Gas Reserve

The Commission today adopted amendments to Forms S-1 (17 CFR 239.11) and S-7 (17 CFR 239.26) under the Securities Act of 1933 ("Securities Act") and amendments to Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 ("Exchange Act") to require disclosure relating to oil and gas reserves and to provide definitions and classifications of the term "reserves." The Commission also authorized the publication of an amendment to Guide 2 under the Exchange Act to make the guide applicable to reserve estimates disclosed under Form 10-K and an amendment to Guide 2 under the Exchange Act and Guide 28 under the Securities Act to clarify the existing disclosure requirements relating to market prices of oil and gas.<sup>1</sup> All of these amendments were

<sup>1</sup> The amendments adopted in this release are not intended to meet the responsibilities the Commission may have under the Energy Policy and Conservation Act of 1975.

<sup>2</sup> The Guides are not rules of the Commission nor are they published as bearing the Commission's official approval; they represent policies and practices followed by the Commission's Division of Corporation Finance in administering the disclosure requirements of the federal securities laws.

published for public comment in Release No. 33-5588 (May 30, 1975) (40 FR 25230) and are adopted substantially as proposed. It should be noted that these requirements do not apply to filings by limited partnerships, or joint ventures that conduct, operate, manage or report upon oil and gas drilling or income programs.

#### BACKGROUND AND GENERAL DESCRIPTION

On May 30, 1975, the Commission published essentially identical proposed amendments to Forms S-1 and S-7 under the Securities Act and to Forms 10 and 10-K under the Exchange Act to make explicit the disclosure requirements developed by the Commission's staff in its review of the filings of enterprises with oil and gas production and reserves, and to require such disclosure on an annual basis in a report on Form 10-K (Release No. 33-5588). To facilitate an understanding of and compliance with these disclosure requirements, the proposed amendments included definitions and classifications of the term "reserves." Certain technical and clarifying amendments to Guide 2 under the Exchange Act and Guide 28 under the Securities Act were also published in Release No. 33-5588, including an amendment to make Guide 2 applicable to Form 10-K.

#### ADOPTION OF AMENDMENTS

The Commission has considered the approximately sixty letters of comment received on these proposals and has concluded to adopt the amendments to Forms S-1, S-7, 10 and 10-K substantially as proposed and to authorize the publication of the amendments to Guides 28 and 2 as proposed. The Commission is of the opinion that the required disclosure of estimates of oil and gas reserves will provide information of material importance to investors. Although no issues have been raised by the commentators that warrant major changes in the proposals, several modifications in the requirements should be noted. In this regard, the Commission believes that none of these modifications are of sufficient magnitude to necessitate a reproposal pursuant to the Administrative Procedure Act.

A. Filings with other federal, state or foreign agencies. The proposals contained a requirement to disclose reserve estimates filed with other federal, state, or foreign agencies and to explain any differences between such estimates and those included in the Commission filing. The release specifically invited comments on the need for a de minimis limitation on this requirement and on the appropriateness of the requirement as related to filings with foreign jurisdictions. In light of the comments received, the Commission is of the opinion that the requirement, as applied to the numerous reserve filings with state agencies, would impose a burden without a corresponding benefit to investors. Accordingly, the reference to state filings has been deleted.

The Commission also believes that it is appropriate to provide de minimis

limitations on this requirement as applied to filings with foreign jurisdictions. Accordingly, two five percent tests related to the significance of the registrant's estimates of foreign reserves and to the size of the difference in estimates have been included in a new instruction to the requirement (Instruction 7). Another new instruction provides for situations where a foreign government restricts disclosure of estimates of reserves located within the foreign country involved (Instruction 3). It should be noted, however, that all reserve filings with federal agencies must be disclosed and all differences in these reserve estimates must be explained.<sup>2</sup>

B. Additional Definitions and Instructions. A number of commentators urged clarification of certain of the proposed requirements. Accordingly, the Commission has provided definitions or guidance with respect to the meaning of net production (Instruction 4), gross and net wells and acres (Instruction 5) and undeveloped acreage (Instruction 8). Additional guidance has also been provided with respect to the application of the requirements to estimates of foreign reserves (Instruction 3) and with respect to the requirement for disclosure of "present activities" (Instruction 9).

#### OPERATION OF AMENDMENTS

The Commission has considered the impact which the foregoing amendments would have upon competition and has concluded that the preparation and disclosure to the public, including registrants' competitors, of the required information relating to estimates of oil and gas reserves will not significantly burden competition. In any event, the Commission has determined that any possible resulting burden will be far outweighed by, and is necessary and appropriate to achieve, the benefits to investors referred to above.

The amendments to Forms S-1, S-7, and 10 are effective as of June 30, 1976 with respect to registration statements filed on or after that date and the amendments to Form 10-K are effective for annual reports for fiscal years ending on or after December 25, 1976. The staff will apply the amendment to Guide 2 that make it applicable to Form 10-K in accordance with the effective date of the amendments to Form 10-K noted above, and the other amendments to Guides 28 and 2 upon publication in the FEDERAL REGISTER.

The Commission hereby adopts amendments to Forms S-1 and S-7 and authorizes for publication an amendment to Guide 28 pursuant to Sections 6, 7, 10 and 19(a) of the Securities Act. The Commission adopts amendments to Forms 10 and 10-K and authorizes for publication the amendments to Guide 2 pursuant to Sections 12, 13, 15(d) and

<sup>2</sup> Explanations of differences in natural gas estimates filed with the Commission and other agencies are required under Release No. 33-5504 (June 14, 1974).

23(a) of the Exchange Act. The text of the amendments is attached hereto.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 12, 1976.

#### PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. Form S-1 is amended to read as follows:

NOTE.—Except as noted under the headings below, identical amendments are also adopted for Forms S-7, 10 and 10-K, but are not repeated to avoid unnecessary duplication.

#### § 239.11 Form S-1, registration statement under the Securities Act of 1933.

##### Item 10. Description of Property.

(a) . . . .

NOTE.—See paragraph (b) for disclosure requirements relating to oil and gas reserves.

(b) Where oil and gas operations are material to the registrant's business operations or financial position, disclose the following under appropriate captions:

NOTE.—This Item 10(b) shall not apply to filings by limited partnerships, or joint ventures that conduct, operate, manage, or report upon oil and gas drilling or income programs which acquire properties either for drilling and production, or for production of oil, gas, or geothermal steam or water.

(1) Estimates as of a reasonable current date of proved developed and proved undeveloped future net recoverable oil and gas by appropriate geographic area(s), such as by continent or by country, except that United States reserves shall be shown separately. (See Instruction 3 with respect to estimates of foreign reserves.)

(2) Net oil and gas production for oil in barrels and gas in MCF for each of the last five years, by areas no larger than the geographic areas used for estimated reserves in Item 10(b)(1) above. (See Instruction 4.)

(3) As of a reasonably current date, the total gross and net productive wells, expressed separately for oil and for gas, and the total gross and net producing acres. For purposes of this requirement, one or more completions in the same bore hole shall be counted as one well. A footnote shall disclose the number of wells with multiple completions. (See Instruction 5.)

(4) The availability of oil and gas from the present reserve or contract supply for at least one year from the "as of" date of the reserve estimate provided in Item 10(b)(1) above. (See Instruction 6.)

(5) Any oil or gas reserve estimates filed with or included in reports to any other federal, or foreign governmental, authority or agency within the twelve months prior to filing (or a statement that there were none), together with the name of the authority or agency and an explanation of the reasons for differ-

ences, if any, between such estimates and the estimates included in the registration statement. (See Instruction 7 with respect to filings with foreign authorities or agencies.)

(6) As of a reasonably current date, the amounts of undeveloped acreage, both leases and concessions, if any, expressed in both gross and net acres by state, country, or other appropriate geographic area, together with an indication of acreage concentrations, and, where material, the minimum remaining terms of leases and concessions. (See Instruction 8.)

(7) Present activities, such as the number of wells in process of drilling, waterfloods in process of installation, pressure maintenance operations, and any other related operations of material importance. (See Instruction 9.)

INSTRUCTIONS. 1. The required information shall be furnished in tabular form wherever applicable.

2. Estimates of future recoverable oil and gas shall be limited to proved developed and proved undeveloped future net recoverable reserves. For purposes of this instruction, "proved reserves" are defined to be those quantities of crude oil, natural gas, and natural gas liquids which, upon analysis of geologic and engineering data, appear with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Proved reserves are limited to those quantities of oil and gas which can be expected, with little doubt, to be recoverable commercially at current prices and costs, under existing regulatory practices and with existing conventional equipment and operating methods. Depending upon their status of development, such proved reserves shall be subdivided into the following classifications:

(a) Proved Developed Reserves. These are proved reserves which can be expected to be recovered through existing wells with existing equipment and operating methods. This classification shall include:

(i) Proved Developed Producing Reserves. These are proved developed reserves which are expected to be produced from existing completion interval(s) now open for production in existing wells; and

(ii) Proved Developed Non-Producing Reserves. These are proved developed reserves which exist behind the casing of existing wells, or at minor depths below the present bottom of such wells, which are expected to be produced through these wells in the predictable future, where the cost of making such oil and gas available for production should be relatively small compared to the cost of a new well.

Additional oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery should be included as "Proved Developed Reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

(b) Proved Undeveloped Reserves. These are proved reserves which are expected to be recovered from new wells on undrilled acreage, or from existing wells where a relatively major expenditure is required for recompletion. Reserves on undrilled acreage shall be limited to those drilling units offsetting productive units, which are reasonably certain of production when drilled. Proved reserves for other undrilled units can

be claimed only where it can be demonstrated with certainty that there is continuity of production from the existing productive formation.

Under no circumstances should estimates for proved undeveloped reserves be attributable to any acreage for which an application of fluid injection or other improved recovery technique is contemplated, unless such techniques have been proved effective by actual tests in the area and in the same reservoir. If warranted, however, a narrative discussion can be provided to point out those areas where future drilling or other operations may develop oil and gas production which at the time of filing is considered too uncertain to be expressed as numerical estimates for proved reserves.

3. (a) Consideration should be given to the effect on ownership of reserves of any takeover or nationalization by foreign governments of properties owned by the registrant, including any possible change of a property interest into a long-term supply, purchase, or similar arrangement.

(b) The amounts of oil and gas subject to purchase under long-term supply, purchase, or similar agreements with foreign governments or authorities should be disclosed separately under Item 10(b)(1) when such agreements cover all or part of the registrant's reserves under a previous equity interest, or when the registrant has invested monies in foreign prospects, or has some special arrangement.

(c) When any foreign government restricts the disclosure of estimated reserves for properties under their governmental authority, or amounts under long-term supply, purchase, or similar agreements to be disclosed pursuant to Instruction 3(b), the registrant need not disclose such estimates or amounts but should identify the country and state that the reported reserve estimates or amounts do not include figures for the named country.

4. (a) Generally, "net" production should include only that production which is owned by the registrant and produced to that party's interest. Such "net" production shall refer to production that is "net after royalty." However, in special situations (e.g., foreign production) "net before royalty" production figures may be provided if more practical and/or useful. If "net before royalty" production figures are furnished, the change from the common usage of "net" production should be noted.

(b) Production of oil, gas, condensate, and natural gas liquids should be reported separately. In addition, any part of the natural gas liquids production obtained through or from processing plant ownership, rather than through leasehold ownership, should be reported separately, where material.

(c) The amounts of oil and gas purchased under long-term supply, purchase, or similar agreements with foreign governments or authorities should be disclosed separately under Item 10(b)(2) when such purchases represent the registrant's production, or partial production, under a previous equity interest, or when the registrant has invested monies in foreign prospects or has some special arrangement.

(d) Any gas used to enhance production shall not be disclosed as produced until such time as it is sold.

5. Definition of gross and net for wells and acres.

(a) A gross well is a well in which an interest is owned. The number of gross wells is the total number of wells in which an interest is owned.

(b) A net well is deemed to exist when the sum of fractional ownership interests in gross wells equals one. The number of net

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wells is the sum of the fractional interests owned in gross wells expressed as whole numbers and fractions thereof.

(c) A gross acre is an acre in which an interest is owned. The number of gross acres is the total number of acres in which an interest is owned.

(d) A net acre is deemed to exist when the sum of the fractional ownership interests in gross acres equals one. The number of net acres is the sum of the fractional interests owned in gross acres, expressed as whole numbers and fractions thereof.

NOTE.—For those unusual situations where gross and net data cannot be supplied, any alternative disclosure furnished should set forth adequately the registrant's position with respect to productive wells and producing acres.

6. The term "availability" is defined to be an estimate of that quantity of oil and gas which can be produced from current proved developed reserves using presently installed equipment under existing economic and operating conditions in a given future time period, such as a day, a month, or a year. Such estimate shall be based on past performance, and shall represent an estimate of the amount of oil and gas that can be produced for a future time period from existing proved developed reserves under normal operations with current prices and costs. Such estimates of available oil and gas should be stated for a minimum of one year, but for no more than five years.

NOTE.—See paragraph (b) of Guide 28 under the Act for the definition of "availability" which is to be used with respect to gas supplies of companies engaged in the gathering, transmission, or distribution of natural gas.

7. The requirements in Item 10(b)(5) relating to estimates filed with a foreign governmental authority or agency shall not apply if:

(a) The total foreign reserve estimate included in the Commission filing does not exceed 5 percent of the total reserve estimate; or

(b) The difference between the foreign reserve estimate included in the Commission filing and the reserve estimate filed with the governmental authority or agency does not exceed 5 percent.

NOTE.—1. A statement that the foreign reserve estimate or the difference, whichever is applicable, does not exceed 5 percent shall also be included. 2. See Instruction 3 when foreign governments restrict disclosure of estimated reserves.

8. For purposes of Item 10(b)(6), the term "undeveloped acreage" is considered to be those lease acres not now held by production. The term should not be confused with that acreage for which proved undeveloped reserves can be estimated.

9. (a) Present activities required to be disclosed pursuant to Item 10(b)(7) should be provided for an "as of" date as close to the date of filing as reasonably possible.

(b) The disclosure for wells in the process of being drilled should include only those wells actually being drilled at the "as of" date explained in Instruction 9(a), and should be expressed in terms of both gross and net wells.

(c) The disclosure should not include wells planned but not commenced, unless there are factors involved which make such information material.

2. Form S-7 is amended to read as follows:

§ 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

#### Item 5. Business.

(a) . . . . .

NOTE.—See paragraph (f) for disclosure requirements relating to oil and gas reserves.

(f) [The same paragraph as adopted under Form S-1 is adopted here, except that the appropriate subparagraphs in new Item 5(f) replace the references to Item 10(b) contained in the Note to paragraph (b), subparagraph (b)(2) and (b)(4), and Instruction 3(b), 4(c), 7, 8 and 9(a).]

(g) [No change from existing paragraph (f).]

#### PART 249—FORMS, SECURITIES AND EXCHANGE ACT OF 1934

3. Form 10 is amended to read as follows:

§ 249.210 Form 10, general form for registration of securities pursuant to section 12(b) or (g) of the Securities Exchange Act of 1934.

#### Item 3. Properties.

(a) . . . . .

NOTE.—See paragraph (b) for disclosure requirements relating to oil and gas reserves.

(b) [The same paragraph as adopted under Form S-1 is adopted here, except that (A) the appropriate subparagraphs in new Item 3(b) replace the references to Item 10(b) contained in the Note to paragraph (b), subparagraphs (b)(2) and (b)(4), and Instructions 3(b), 4(c), 7, 8, and 9(a), and (B) the Note to Instruction 6 refers to Guide 2 under the Exchange Act.]

4. Form 10-K is amended to read as follows:

§ 249.310 Form 10-K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

#### Item 3 Properties.

(a) . . . . .

(b) [The same paragraph as adopted under Form S-1 is adopted here, except that (A) paragraph (b)(5) refers to "report" rather than "registration statement", (B) subparagraphs (b)(3) and (b)(6) begin with "as of end of the year being reported on", (C) Instruction 9(a) states that present activities should be provided "as of the end of the year being reported on", (D) the appropriate subparagraphs in new Item 3(b) replace the references to Item 10(b) contained in the Note to paragraph (b), subparagraphs (b)(2) and (b)(4), and Instructions 3(b), 4(c), 7, 8, and 9(a), and (E) the Note to Instruction 6 refers to Guide 2 under the Exchange Act.]

Guide 2 of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the

Securities Exchange Act of 1934 is amended to read as follows:

2. Disclosure of Extractive Reserves and Natural Gas Supplies.

(a) Items 1(b) and 3 of Form 10 and Item 3(b) of Form 10-K require that companies engaged in extractive operations include, where appropriate, the quantitative amount of their estimated reserves. If appropriate, the current average market value price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown, but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas, or tons of ore.

(b) Guide 28 of the Guides for Preparation and Filing of Registration Statements Under the Securities Act of 1933 is amended to read as follows:

28. Disclosure of Extractive Reserves and Natural Gas Supplies.

(a) Instruction 2 to Item 10 of Form S-1 and Item 5(a) of Form S-7 require that registrants engaged in extractive operations include in their prospectus, where appropriate, the quantitative amount of their estimated reserves. If appropriate, the current average market price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown, but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas, or tons of ore.

(b) . . . . .

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 205, 209, 48 Stat. 906, 908; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 6, 78 Stat. 565-568; 569, 570-574; sec. 1, 79 Stat. 1051; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; 15 U.S.C. 77f, 77g, 77j, 77s(a), 78f, 78m, 78o(d), 78w(a).)

[FR Doc.76-15559 Filed 5-27-76;8:45 am]

#### Title 19—Customs Duties CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-152]

#### PART 159—LIQUIDATION OF DUTIES Countervailing Duties—Cheese, Other Than Jarlsberg, From Norway

Notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production or exportation of cheese, other than Jarlsberg, from Norway.

On November 26, 1975, a "Notice of Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (40 FR 54843). The notice stated that on the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination was made that bounties or grants are

being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of cheese from Norway. Measures preliminarily determined to constitute bounties or grants included a consumer subsidy, a basic support subsidy, and a freight rate subsidy made by the Government of Norway to the dairy farmers. Two other programs were determined preliminarily not to constitute bounties or grants.

The notice further stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing on or before June 28, 1976.

After consideration of all information received, it is hereby determined that bounties or grants are paid or bestowed, directly or indirectly, on exports of cheese, other than Jarlsberg, from Norway within the meaning of section 303 of the Act. The bounties or grants are in the form of a consumer subsidy, a basic support subsidy and a freight subsidy which are paid by the Government of Norway to the dairy farmers which have the effect of subsidizing exports as well as domestic dairy products. The regional support program and the agricultural development fund are determined not to be bounties or grants.

The bounties or grants noted also apply to Jarlsberg type cheese. However, on May 12, 1976, the Secretary was notified by the Government of Norway that it was adjusting prices so as to eliminate said bounties or grants. Prices and government supports paid on Jarlsberg will be reviewed periodically to ensure continued elimination of the bounties or grants.

Accordingly, notice is hereby given that cheese, other than Jarlsberg, imported directly or indirectly from Norway, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective on or after May 28, 1976 and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable cheese, other than Jarlsberg, imported directly or indirectly from Norway, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in amounts to be ascertained.

The liquidation of all entries for consumption or withdrawal from warehouse for consumption of such dutiable cheese, other than Jarlsberg, from Norway, which benefit from these bounties or grants and are subject to this order, shall be suspended pending declarations of the net amounts of the bounties or grants paid.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers cheese, other than Jarlsberg, from Norway in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption of each product then subject to the payment of countervailing duties.

It is also determined that no bounties or grants are paid or bestowed, directly or indirectly, on exports of Jarlsberg cheese from Norway within the meaning of section 303 of the Act. In view of the recent decision by the Government of Norway to increase prices on exports of Jarlsberg cheese to the United States by July 1, 1976, the bounties or grants which were determined preliminarily to exist have been eliminated. Should bounties or grants be reinstituted on exports of Jarlsberg cheese from Norway, the Treasury Department will reopen its investigation as to the existence of bounties or grants under section 303 of the Act.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country," the name "Norway." The column headed "Commodity" is amended by inserting the word "Cheese, other than Jarlsberg." The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action."

(Section 303 of the Act, (R.S. 251, sections 303, as amended, 824; 48 Stat. 887, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, as amended, 1624).)

VERNON D. ACREE,  
Commissioner of Customs.

Approved: May 21, 1976.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc.76-15631 Filed 5-27-76;8:45 am]

[T.D. 76-153]

#### PART 159—LIQUIDATION OF DUTIES Waiver of Countervailing Duties—Cheese, Other Than Jarlsberg, From Norway

Determination under section 303(d), Tariff Act of 1930, as amended, to waive countervailing duties.

In T.D. 76-152, published concurrently with this determination, it has been determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of cheese, other than Jarlsberg, from Norway.

Section 303(d) of the Tariff Act of 1930, as added by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), au-

thorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the 4-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed with respect to any article or merchandise;

(2) There is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultations with interested agencies, I have concluded that steps have been taken to reduce substantially the adverse effects, or potential adverse effects, of the bounty or grant. Primarily, bounties or grants have been eliminated on Jarlsberg, which accounts for 93% of Norwegian cheese imported into the U.S. In addition, the temporary waiver is conditioned on the absence of aggressive marketing of cheese other than Jarlsberg which would increase these exports substantially from historic levels.

After consulting with appropriate agencies, including the Department of State, the Office of Special Representative for Trade Negotiations, and the Department of Agriculture, I have further concluded (1) that there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) that the imposition of countervailing duties on cheese, other than Jarlsberg, from Norway would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in T.D. 76-152 on cheese, other than Jarlsberg, from Norway.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of the Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.



On or after the date of publication in the *FEDERAL REGISTER* of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on cheese, other than Jarlsberg, imported directly or indirectly from Norway in accordance with T.D. 75-152 published concurrently with this determination.

The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Norway under the commodity heading "Cheese, other than Jarlsberg", the number of this Treasury Decision in the column heading "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, sec. 308, as amended, 624; 46 Stat. 987, 759, 83 Stat. 2461, 2062; 19 U.S.C. 66, 1303, as amended, 1624)

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

MAY 21, 1976.

[FR Doc. 76-15632 Filed 5-27-76; 8:45 am]

#### Title 21—Food and Drugs

#### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0206]

#### PART 6—ENVIRONMENTAL IMPACT CONSIDERATIONS

##### Revocation of Impact Determination Regulation

The Food and Drug Administration is amending § 6.1 (21 CFR 6.1) by revoking paragraph (a) (9), which gives the Food and Drug Administration's interpretation of the legal effect of agency action when determination is made of an adverse environmental impact pursuant to the National Environmental Policy Act of 1969 (NEPA). Section 6.1(a) (3) was published in the *FEDERAL REGISTER* of April 14, 1975 (40 FR 16662). This revocation is effective May 24, 1976.

On October 31, 1975, the Environmental Defense Fund, Inc., brought suit in the United States District Court for the District of Columbia seeking to invalidate § 6.1(a) (3) on the ground that the regulation is contrary to NEPA (*Environmental Defense Fund, Inc. v. Mathews*, No. 75-1811 (D.D.C., March 26, 1976)). On March 26, 1976, the Honorable John H. Pratt, United States District Judge, issued a memorandum opinion and entered an order declaring the regulation to be contrary to and in violation of NEPA and requiring that the regulation be withdrawn.

Section 6.1(a) (3) was based on the agency's interpretation of the Supreme Court ruling that Congress did not intend NEPA to repeal by implication any other Federal statute (*United States v. SCRAP*, 412 U.S. 659, 694 (1973)). In

addition, the Commissioner of Food and Drugs pointed out in the preamble to the regulation that no court had held that NEPA amends other Federal statutes to permit an agency to take action not authorized by its governing statute.

Judge Pratt's decision, however, represents a specific judicial ruling regarding the broad authority of the Food and Drug Administration under NEPA to act or to withhold action on the basis of a determination of an adverse environmental impact. The Court's decision holds that NEPA does not supersede the agency's other statutory duties nor require substantive agency decisions to favor environmental protection over other relevant factors, but does provide the agency with supplementary authority to base substantive decisions on all environmental considerations, including those not expressly identified in agency's basic statutory authority. The Commissioner has concluded that the Court's decision is consistent with the agency's statutory obligations and should not be appealed.

Therefore, pursuant to the order of the Honorable John H. Pratt, United States District Judge, entered March 26, 1976, in *Environmental Defense Fund, Inc. v. Mathews*, *supra*, the Commissioner is hereby amending § 6.1 Applicability by revoking paragraph (a) (3).

Effective date: This amendment is effective May 24, 1976.

Dated: May 24, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 76-15582 Filed 5-27-76; 8:45 am]

[Docket No. 76P-0163]

#### PART 27—CANNED FRUITS AND FRUIT JUICES

##### Canned Pineapple Juice Standards of Identity and Quality

The Food and Drug Administration (FDA) is revising standards of identity and quality for canned pineapple juice. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 27, 1976 and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply; objections by June 28, 1976.

Specifically, FDA is amending §§ 27.54 and 27.55 (21 CFR 27.54 and 27.55) to (1) permit the use of concentrated pineapple juice in the preparation of the canned juice; (2) permit the use of liquid sweetener when concentrated juice is used in the preparation of the canned juice; (3) require the name "pineapple juice from concentrate" when the canned juice is prepared from concentrate; (4) permit the use of any safe and suitable dry nutritive carbohydrate sweetener rather than only sugar; (5) require the label declaration of all optional ingredients; and (6) establish, in the quality standard, a minimum pine-

apple juice soluble solids requirement of 13.5° Brix for the product made from concentrate.

The Commissioner of Foods and Drugs issued a proposal in the *FEDERAL REGISTER* of March 27, 1975 (40 FR 13617) to amend the standards of identity and quality for canned pineapple juice. The proposal was made in response to a petition from the Pineapple Growers Association of Hawaii; the association's proposed revision of §§ 27.54 and 27.55(a) (1) was published in the preamble of the proposal. The Commissioner also invited comments on the merits of providing for the optional use of liquid sweeteners in the preparation of pineapple juice when it is made from concentrate.

Four comments were received in response to the proposal. The comments came from the petitioner, a manufacturer of fruit juice products, an industry association of sweetener manufacturers, and a consumers association. One comment supported the proposal in its entirety. The remaining comments supported some of the provisions, opposed others, and suggested modifications for still others. No opposition was expressed to the provisions that would permit the use of concentrate and the use of dry sweeteners in addition to sugar.

One comment specifically supported the proposal to set the minimum requirement for pineapple juice soluble solids in juice prepared from concentrate at the 13.5° Brix level, but another comment opposed this level as too high and proposed a minimum of 12.0° to 12.5°. The comment in opposition asserted that taste studies of pineapple juice from concentrate indicated that a Brix level of 12.0° to 12.5° produced a product with the "most pleasant mouth feel" for the greatest number of potential consumers. Products having a higher Brix level were regarded as "too syrupy" by consumers in the studies, and products with lower Brix levels were described as "weak" or "watery." According to the comment, consumer acceptance would be lower for pineapple juice with a high Brix level when the juice is sold through commercial vending operations, refreshment stands, or via other circumstances when the consumer buys the juice to quench thirst. The comment claimed that the Brix level of 13.5° would increase the cost of the pineapple juice solids in a can of pineapple juice by 12.5 percent more than the 12.0° Brix level and by 8½ percent more than the 12.5° Brix level, without increasing consumer acceptance. The comment also criticized the 13.5° level as creating too great a disparity between concentrate and single strength juice, which is required to have a minimum Brix level of 10.5°. The comment argued that "most parties would agree that the Brix level to which a fruit concentrate is reconstituted should be that which most nearly approximates the Brix level in which the juice is found in its natural state." The comment pointed out that the minimum Brix requirement for orange juice from concentrate is 11.8°, while the minimum Brix

for canned orange juice is 10.5°. It asserted that the spread between the Brix of the orange juice products is only 1.3°, whereas for the pineapple juice products the spread is 3.0° Brix.

The Commissioner has no comparison studies on consumer acceptance of pineapple juice at various Brix levels or studies on the cost of manufacturing the products. Therefore, he cannot agree or disagree with the comment. However, a comment submitted by the petitioner, which is on file with the Hearing Clerk, Food and Drug Administration, indicates that the monthly Brix averages for single strength pineapple juice produced in Hawaii are 13.5° or higher, and that Hawaii is the source of all single strength pineapple juice consumed in the United States. The Commissioner is of the opinion that the pineapple juice soluble solids requirement for pineapple juice from concentrate should not be less than the soluble solids normally found in single strength pineapple juice sold in the United States. In addition, the 13.5° Brix level was adopted unanimously by the Codex Committee on Juices and Drinks as the minimum pineapple juice soluble solids requirement in the draft of the Codex Alimentarius Standard for pineapple juice at Step 8 (the next-to-last step before the standard is submitted to member countries for acceptance). The Commissioner finds it inappropriate to establish a lower Brix level in order to increase consumer acceptance of juices sold, as such, in commercial vending operations or in other outlets that dispense the product to quench thirst, even assuming that pineapple juice with a 13.5° Brix level would not meet with consumer acceptance in these circumstances. The Commissioner also concludes that the disparity between the minimum Brix level for single strength juice and juice from concentrate is justifiable because of the uncontrollable fluctuations in the Brix level of the natural juice.

Lastly, the Commissioner does not agree that the spread between the solids requirements of the two orange juice products mentioned in the comment is less than that proposed for the two pineapple juice products. The canned orange juice standard requires the finished product to have a minimum Brix of 10.0°. In this case, solids derived from both added sweeteners and the orange juice count toward meeting the Brix requirement. On the other hand, only the orange juice soluble solids may be counted toward meeting the 11.8 percent minimum requirement set out in the orange juice from concentrate standard. Since the orange juice soluble solids used for canned orange juice may be as low as 8.0 percent, as required by Chapter 601 of the Florida Citrus Code, the difference in solids between the two orange juice products could be as much as 3.8° as compared to the 3.0° Brix spread between the two pineapple juice products. The Commissioner concludes that the 13.5° Brix proposed as the soluble pineapple juice solids content for pineapple juice from concentrate is reasonable and is in the interest of consumers.

2. One comment suggested that the name of the person responsible for naming the pineapple variety referred to in § 27.54(a), "L. Merrill," should be included in the botanical name of the fruit to be consistent with the most recent draft standard for pineapple juice developed by the Codex Alimentarius Commission.

The Commissioner agrees with the suggestion and is adding the words "L. Merrill" to the botanical name of the pineapple in § 27.54(a).

3. Three comments supported the use of liquid sweetener in the process of reconstituting concentrated pineapple juice. One of the comments suggested, however, that it be emphasized that liquid sweetener made by the addition of water may be used only when the pineapple juice has been prepared from concentrate that has been diluted with water. Another comment supported the use of sweeteners added as liquid or solid, provided the Brix of the finished juice meets the requirement for density exclusive of any added sweetener.

Accordingly, the Commissioner is providing in § 27.54(a) for the use of liquid sweeteners, but only to sweeten pineapple juice prepared from concentrate.

4. Two of the comments discussed the provision for the optional use of vitamin C. One of the comments suggested that the vitamin C provision should be updated to reflect the serving size that is generally recognized and accepted for pineapple juice, namely, 8 fluid ounces. It also suggested that the amount of vitamin C permitted should be expressed in terms of 100 percent of the U.S. RDA (Recommended Daily Allowance) so that the standard is readily adaptable to possible changes in the U.S. RDA for vitamin C. The other comment agreed with the proposal to add vitamin C to pineapple juice up to a level that would allow 4 fluid ounces of pineapple juice to contain the approximate "human requirement" for vitamin C.

The Commissioner issued in the *FEDERAL REGISTER* of June 14, 1974 (39 FR 20895) a proposal to establish a nutritional quality guideline for breakfast beverage products. The guideline proposed 10 milligrams per fluid ounce as the fortification level for vitamin C. The Commissioner is of the opinion that the vitamin C level in canned pineapple juice should be consistent with whatever level is adopted in the final nutritional quality guideline regulation. Therefore, he concludes that the vitamin C provision set forth in the current canned pineapple juice standard should not be revised until such time as the nutritional quality guideline for breakfast beverage products regulation is issued.

5. One comment opposed the use of dimethylpolysiloxane (methyl silicone) as a defoaming agent in canned pineapple juice until such time as it can be shown that the substance is not metabolized or that it is nontoxic to higher animals or humans. The comment asserted that "it is our understanding that the extent to which methyl silicone is metabolized in humans has not been determined and that chronic toxicity

tests have only been performed on rodents." The comment recognized that the existing standard of identity provides for the use of the silicone product as a defoaming agent, but it urged that the standard be revised to eliminate this use until further data are available.

The Commissioner concludes that the suggested revision is not a proper course of action. The safety of dimethylpolysiloxane has already been considered in § 121.1099 (21 CFR 121.1099), promulgated in accordance with section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), and § 121.6 (21 CFR 121.6). No data were submitted indicating that dimethylpolysiloxane cannot be safely used in food under the conditions set out in § 121.1099. If such data are available, they should be submitted with a petition to have the food additive status of the substance changed.

6. One comment, while supporting use of "Pineapple Juice from Concentrate" as the name of the product, asserted that "a minimum type size should be specified and it should be made explicit that the words 'from Concentrate' are to appear in the same size type as the words 'Pineapple Juice'."

The Commissioner concludes that compliance with the current requirements of 21 CFR Part 1 will ensure that the name of the food will be declared prominently and conspicuously on the label and in a manner such that it can be readily discerned that the pineapple juice has been prepared from concentrate.

7. One comment stated that the words "Sweetener added" should be included on the "main label" and should be printed in the same size used for the name "Pineapple Juice." In addition, it asserted that consumers must be made aware of the nature of the sweetener used. It suggested that the specific name of the sweetener used should be declared in the list of ingredients, except that if sucrose is used the term "sugar added" may be declared.

The Commissioner concludes that the regulation already includes requirements that will adequately inform consumers in regard to the presence of sweeteners in the food. The words "Sweetener added" are part of the statement of identity of the food and, as such, are subject to the same requirements for prominence and conspicuousness required under 21 CFR Part 1 as are the words "Pineapple Juice from Concentrate." This will serve to alert the consumer that the product has been sweetened. Furthermore, the specific name of the sweetener used must appear in the ingredient statement in accordance with other requirements of 21 CFR Part 1.

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in 21 CFR 6.1(d) (4) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this final regulation. The Commissioner has also considered the inflation impact of this final regulation

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and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare. A copy of the FDA inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919, as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 27 is amended as follows:

1. By revising § 27.54 to read as follows:

§ 27.54 Canned pineapple juice; identity; label statement of optional ingredients.

(a) Canned pineapple juice is the juice, intended for direct consumption, obtained by mechanical process, which may include centrifuging but not filtering, from the flesh or parts thereof, with or without core material, of sound, ripe pineapple (*Ananas comosus* L. Merrill). The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining essential composition and quality factors of the juice. Canned pineapple juice contains finely divided insoluble solids, but it does not contain pieces of shell, seeds, or other coarse or hard substances. It may be sweetened with any suitable dry nutritive carbohydrate sweetener. However, if the pineapple juice is prepared from concentrate, such sweeteners, in liquid form, also may be used. It may contain added vitamin C in a quantity such that the total vitamin C in each 4 fluid ounces of the finished food amounts to not less than 30 milligrams and not more than 60 milligrams. In the canning of pineapple juice, dimethylpolysiloxane complying with the requirements of § 121.1099 of this chapter may be employed as a defoaming agent in an amount not greater than 10 parts per million by weight of the finished food. Before or after sealing in the container, canned pineapple juice is so processed by heat as to prevent spoilage.

(b) The name of the food is "Pineapple Juice" if the juice from which it is prepared has not been concentrated and/or diluted with water. The name of the food is "Pineapple Juice from Concentrate" if the finished juice has been made from pineapple juice concentrate as specified in paragraph (a) of this section. If a nutritive sweetener is added, the label shall bear the statement "Sweetener added." If no sweetener is added, the word "Unsweetened" may immediately precede or follow the words "Pineapple Juice" or "Pineapple Juice from Concentrate."

(c) Each of the optional ingredients shall be declared on the label as required

by the applicable sections of Part 1 of this chapter.

2. By revising paragraph (a)(1) of § 27.55 to read as follows:

§ 27.55 Canned pineapple juice; quality; label statement of substandard quality.

(a) \* \* \*

(1) The soluble solids content of pineapple juice (exclusive of added sugars) without added water shall not be less than 10.5° Brix as determined by refractometer at 20° C uncorrected for acidity and read as Brix on International Sucrose Scales. Where the juice has been obtained using concentrated juice with addition of water, the soluble pineapple juice solids content (exclusive of added sugars) shall be not less than 13.5° Brix, uncorrected for acidity and read as Brix on the International Sucrose Scales.

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 28, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

**Effective date.** Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin July 27, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 (21 U.S.C. 341, 371(e)).)

Dated: May 24, 1976.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc. 76-15583 Filed 5-27-76; 8:45 am]

#### Title 24—Housing and Urban Development CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### SUBCHAPTER A—INTRODUCTION

[Docket No. R-76-392]

#### PART 310—BYLAWS OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

##### Appendix

GNMA employs a variety of methods to sell the large volume of mortgages that it purchases: in some cases, the mortgages are sold using various auction techniques in which the sales price is determined on the basis of competitive offers; in other instances, the sales price is set administratively or negotiated. Regardless of the technique used, it is in the public interest to adopt a formal procedure for (1) establishing a minimum price to be received by the Association in any proposed sale of mortgages with remaining principal outstanding in excess of some threshold amount, and (2) approving the type and timing of such a sale.

The Government National Mortgage Association, therefore, is amending its By-Laws to establish a three member Mortgage Disposition Board. The President of GNMA will serve as Chairman of the Board. The Secretary of the Department of Housing and Urban Development will appoint the two remaining members. The Mortgage Disposition Board will determine the maximum in original principal amount of mortgages that can be the subject of a sale by the Association without Board approval and may also consider such other matters as may be brought before it by the Chairman. In any proposed sale of mortgages in excess of that amount, the type and timing of the sale and the minimum sales price to be received by the Association must be approved by the unanimous vote of the Board or the Secretary of Housing and Urban Development.

It is the general policy of the Department of Housing and Urban Development to allow time for interested parties to take part in the rulemaking process. This amendment, however, is entirely administrative and pertains only to internal procedures. The rulemaking process, therefore, is waived and this amendment will become effective upon publication.

Accordingly, Article 2 of the Appendix of Part 310 is amended by inserting "section 2.01 general policy," before the first paragraph thereof, and by adding a new Sec. 2.0 as follows:

Sec. 2.02. Mortgage Disposition Board. There is established a Mortgage Disposition Board which shall consist of three members. The President of the Association shall serve as Chairman of the Board. The Secretary of Housing and Urban Development shall appoint the two remaining members of the

Board, who shall serve at the pleasure of the Secretary. The Board, from time to time, shall establish the maximum in original principal amount of mortgages that can be the subject of a sale by the Association without Board approval and may also consider such other matters as may be brought before it by the Chairman. With respect to any sale exceeding such maximum, the Board, in a meeting called by the Chairman at which at least two members are present, shall establish the minimum price to be received by the Association and approve the type and timing of the sale. If unanimous approval is not provided by the Board, the proposed sale must be approved by the Secretary.

(Sec. 308, National Housing Act, 12 U.S.C. 1723)

Issued at Washington, D.C., May 24, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

CARLA A. HILLS,  
Secretary, U.S. Department of  
Housing and Urban Development.

[FR Doc. 76-15593 Filed 5-27-76; 8:45 am]

#### Title 27—Alcohol, Tobacco Products and Firearms

#### CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

##### SUBCHAPTER M—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-26]

#### PART 240—WINE

##### Records and Tax Determination for Metric Containers

• The Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate, is prescribing regulations concerning the bottling and tax determination of wine in order to conform these regulations to the new metric standards of fill for wine. •

##### BACKGROUND

Treasury Decision ATF-12, effective January 1, 1975, authorized bottlers of wine to use the metric system of measure for bottling and labeling of wine. This Treasury decision established seven standards of fill ranging in size from 100 milliliters to 3 liters, and imposed these fill standards upon foreign bottled wine for the first time. Use of the metric standards of fill became optional on January 1, 1975. Bottlers have four years to convert to the metric system and beginning January 1, 1979, all wine, either domestic or foreign, must be bottled in the standard metric sizes.

Although metric standards of fill were prescribed for bottling and labeling of wine, Treasury Decision ATF-12 did not make conforming amendments to regulations governing the production, tax payment, case marking, or recordkeeping requirements for wine. Present regulations in 27 CFR Part 240, Wine, require that records related to such operations be maintained in gallon quantities. This

has necessitated conversion of the finished bottled output of wine from liters to gallons for recordkeeping and tax purposes. One result of this conversion is a slight overpayment of the wine tax due to rounding of figures. Therefore, the Bureau is prescribing uniform requirements for case markings, new methods of recordkeeping to conform to metric bottling, and a more equitable tax determination procedure for wine in metric containers.

##### CONTAINER MARKING REQUIREMENTS

At the present time, some cases of wine are being packed with bottles filled according to the new metric standards of fill. Under current regulations, these metric cases must be marked with either the number and size of bottles within the case, or the total content expressed in wine gallons. This quantity, expressed to the nearest one-tenth gallon, does not accurately reflect the contents of metric cases since rounding makes the liter-to-gallon conversion imprecise and this results in less than completely accurate tax determination for these cases. For this reason the Bureau is amending § 240.562 to require that cases containing metric bottles be marked with their content in liters and that the gallonage not be marked on such cases. The provision that cases may alternatively be marked with the number and size of bottles therein is continued.

In addition to the change in required marks for metric cases, § 240.562 is amended to recognize that other containers (e.g., casks, kegs, tanks, etc.) used to remove wine from bond may be marked in liters if they are filled according to metric measure. These containers may also continue to be filled according to U.S. measure, in which case their content must be marked in gallons.

A second change to our case marking provisions is the addition of an optional "REPLACES" statement to the Government side of a metric case to indicate the former bottle size replaced by the metric bottles within the case. For example, a case of 750 milliliter (25.4 fl. oz.) bottles could be marked "REPLACES FIFTH" to indicate the comparable U.S. bottle size if the proprietor desired to do this. This provision is intended to enable wholesalers and retailers who deal with full wine cases to determine the approximate bottle size even if they are unfamiliar with the metric system. The "REPLACES" statement will be optional, rather than required, information permitted on the Government side of a case.

##### RECORDKEEPING AND TAXPAYMENT

As noted above, cases and other containers filled and labeled according to the metric system of measure will be marked with their content in liters rather than in gallons.

Current regulations at §§ 240.567 and 240.597 require that the content of cases and other containers be marked in gallons and tenths of gallons, and that this amount be used to compute taxable removals of wine. However, metric cases of wine do not convert to even tenths of a

gallon; for example, a case of 12 750-milliliter bottles contains 2.37753 wine gallons which, when rounded, becomes 2.4 wine gallons. The result is an overstatement of the contents for recordkeeping purposes. Accordingly, taxable removals of wine would be overstated and winery proprietors would pay slightly more wine excise tax than required by 26 U.S.C. 5041. The Bureau is, therefore, prescribing two methods of maintaining basic records and determining the quantity of wine removed subject to tax.

The first option permits proprietors to maintain their basic records for bottled wine in liters. On a daily basis, liters of wine removed subject to tax are totaled and converted to gallons by using a gallon per liter conversion factor. This quantity, rounded to the nearest one-tenth gallon, is then added together with any taxable removals of containers filled and labeled in wine gallons to arrive at the daily taxable removals in each tax class. This same procedure may also be utilized for arriving at daily totals for other transactions involving metric wine containers when a proprietor maintains basic winery records in liters.

The second procedure permits proprietors to maintain their basic records for bottled wine in gallons accurate to 5 decimal places. A new section, § 240.907, prescribes equivalent gallonage for standard metric cases. At the end of each day, the proprietor will total the gallons of wine removed subject to tax and reduce this quantity to gallons accurate to one decimal place. This same procedure may also be utilized for arriving at daily totals for other transactions involving metric wine containers when a proprietor maintains basic winery records in gallons.

New §§ 240.906 through 240.907 outline the above procedures for recordkeeping and taxpayer payment. Section 240.906 gives each winery proprietor the option of maintaining basic and commercial records in liters or in gallons (including Forms 2621, Record of Bottled Wine; 2056, Record of Still Wine; 2057, Record of Effervescent Wine; 2058, Special Natural Wine Production Record; 2059, Record of Distilling Material or Vinegar Stock; and any other prescribed records maintained at the winery). Forms which must be submitted to regional directors, including tax returns, inventories, transaction forms and monthly reports, will continue to be prepared showing quantities in gallons since it would be extremely difficult for each regional office to compile and audit these forms if some were submitted in gallons and some in liters. Section 240.912 is being amended to permit the execution of Form 2621, Record of Bottled Wine, using either liters or gallons rather than in gallons as now required.

Sections 240.597, Tax on wine, and 240.920, Record of taxpaid removals from bond, are being amended to reflect the modified methods of determining taxes upon metric containers removed from bond as described in the paragraphs above.

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## DEFINITION OF THE LITER

Part 240 will make several references to a liter with respect to case markings, bottled wine, and recordkeeping. Therefore, a new section, 240.33a, adds "liter" or "litre" to the list of defined terms. The liter will be defined as a metric unit of capacity equal to 1000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1000 milliliters (ml).

## REGULATORY CHANGES

In view of the foregoing, 27 CFR Part 240 is amended as follows:

Paragraph 1. A new section, 240.33a, is added immediately following § 240.33, and provides the definition of a liter or litre. Section 240.33a reads as follows:

## § 240.33a Liter or litre.

"Liter" or "litre" shall mean a metric unit of capacity equal to 1000 cubic centimeters of alcoholic beverage, and equivalent to 33.814 U.S. fluid ounces. A liter is subdivided into 1000 milliliters (ml).

Par. 2. Section 240.562 is completely revised, and the requirement to mark each container with the net contents in wine gallons is changed to require that containers filled according to metric measure be marked with the net contents in liters instead. As revised, § 240.562 reads as follows:

## § 240.562 Marks.

(a) *Required marks.* Each cask, keg, tank, tank truck, railroad tank car, case, or other approved container used to remove wine from bond shall be marked in a plain and durable manner with the following information:

(1) The serial number or alternate marks in lieu of a serial number as provided in § 240.561. If recased in the tax-paid room, the marks authorized in § 240.561 shall be applied in lieu of the serial number.

(2) The name (or trade name) of the proprietor, the registry number, and location (by State, or by city or town and State) of the wine cellar.

(3) The kind (class and type) and the alcohol content of the wine. The kind of wine shall be stated in accordance with 27 CFR Part 4. The formula number shall be marked on bulk containers of special natural wine.

(4) The contents of the container in wine gallons or, for containers filled according to metric measure, the contents in liters. If wine is removed in cases, the cases may be marked to show the number and size of bottles in each case in lieu of the net contents of the case.

(5) Except for cases, the date of removal or shipment.

(b) *Application of marks.* Required marks may be cut, printed, or otherwise legibly and durably marked upon the container, or placed on a label or tag securely attached to the container.

(c) *Location of marks.* (1) *General.* Required marks shall be placed upon the head of the package or on the side of the case, or on the prescribed route board attached to the tank truck, tank

car, tank ship, barge, or deep tank of a vessel, where they may be readily examined by alcohol, tobacco and firearms officers.

(2) *Exception for serial numbers.* The serial number, or the alternate marks in lieu of a serial number, may be placed on a side other than a Government side as described in § 240.564, when such other side bears no marks in conflict with such serial number or alternate marks.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381, 1387, 1407 (26 U.S.C. 5368, 5388, 5662).)

Par. 3. Section 240.564 is amended by adding a new paragraph which allows a proprietor to place a "REPLACES" statement on the Government side of a case of metric bottles, and by dividing the section into lettered paragraphs. As amended, § 240.564 reads as follows:

## § 240.564 Other marks.

(a) *General restrictions.* The head of the package, or the side of the case, bearing the prescribed marks shall be known as the "Government head", and "government side," respectively, and shall contain no other marks except those authorized or required by Federal law or regulations.

(b) *Exceptions.* The name and address of the consignee, brand name, bottle label, and other related data, including identifying marks such as lot numbers, which do not conflict with or detract from the prescribed marks, may be shown on the Government head or side of the container.

(c) *Metric cases.* For cases containing bottles filled and labeled according to the metric system of measure, the term "REPLACES" followed by an appropriate designation of the bottle size replaced (i.e., "REPLACES FIFTH", "REPLACES QUART", etc.) may be shown on the Government side of the case.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381 (26 U.S.C. 5368).)

Par. 4. Section 240.567 is revised to delete the requirement that metric packages and demijohns be marked with the net contents in wine gallons. As revised, § 240.567 reads as follows:

## § 240.567 Fractional parts of a gallon.

(a) *Bulk conveyances.* The wine gallon content of tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, shall be marked on the container in whole gallons. Fractions of a gallon shall be converted to the nearest whole gallon, five-tenths gallon being converted to the next full gallon.

(b) *Non-metric packages and demijohns.* The wine gallon content of casks, barrels, kegs, cases, or demijohns, which are filled and labeled according to the U.S. system of measures, shall be marked on the container in gallons and tenths of a gallon. Fractions of less than one-tenth gallon shall be converted to the nearest one-tenth gallon, five-hundredths gallon being converted to the next full one-tenth gallon.

(c) *Bottles.* Contents of bottles shall be stated on the bottle labels in the manner prescribed by 27 CFR Part 4.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1331, as amended, 1381 (26 U.S.C. 5041, 5368).)

Par. 5. Section 240.597 is amended by adding a provision requiring that the tax on wine in metric containers be determined on the total gallonage removed as prescribed in §§ 240.906-240.907 rather than on the gallonage marked on each container. As amended, § 240.597 reads as follows:

## § 240.597 Tax on wine.

Section 5041 of Title 26 United States Code, imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid:

(a) For containers filled according to U.S. measure, on the quantity of wine required to be marked on the containers as provided in §§ 240.562 and 240.567, or when cases are marked to show the number and size of bottles in each case, on the quantity of wine that would have been required to be marked on each such case had such cases been so marked;

(b) In case of pipeline removals, on the quantity of wine determined as provided in § 240.800; or

(c) for containers (including cases) filled according to metric measure, on the quantity of wine in U.S. wine gallons determined as provided in §§ 240.906 and 240.907.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1331, as amended (26 U.S.C. 5041).)

Par. 6. A new section, 240.906, is added which prescribes procedures for maintaining basic records for containers filled according to metric measure, and for converting liters to wine gallons for the purpose of completing required records, reports and tax returns. Section 240.906 reads as follows:

## § 240.906 Records and reports under the metric system.

(a) *Recordkeeping option.* Proprietors of wineries may maintain their basic records and commercial papers in wine gallons or in liters. Required reports, tax returns, and transaction records submitted to the regional director. Forms 275, 702, 702-C, 703, 2050, 2052, 2629, and 2630 must be executed using gallons. Forms 2056, 2057, 2058, 2059 and 2621 may be executed using either gallons or liters.

(b) *Records maintained in gallons.* When basic records and commercial papers are maintained in gallons, the gallonage of metric containers which has been determined by using the conversion factors prescribed in § 240.907 must reflect 5 decimal places. When gallons are totaled for entry onto prescribed records or reports or for determining the quantity of wine removed subject to tax each day, gallonage will be rounded to

one decimal place, five-hundredths or more being increased to the next full one-tenth gallon.

(c) *Records maintained in liters.* When basic records and commercial papers are maintained in liters, conversion to wine gallons for entry onto prescribed records or reports or for determining the quantity of wine removed subject to tax each day, will be accomplished on a daily basis. The total liters of wine will be multiplied by the conversion factor prescribed in § 240.907 and rounded to one decimal place, five-hundredths or more being increased to the next full one-tenth gallon. The resultant quantity will be added to any quantity of wine in containers of U.S. measure to attain the total gallonage in each applicable category.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381 (26 U.S.C. 5367).)

Par. 7. A new section, 240.907, is added which prescribes gallons per case and gallons per liter conversion factors to be used for determining the gallonage of metric containers of wine. Section 240.907 reads as follows:

## § 240.907 Gallonage equivalents for metric wine containers.

The gallonage equivalent of wine bottled or packed in containers filled and labeled according to metric measure shall be determined using the following conversion factors:

(a) *Per case.* Gallonage equivalents may be determined using the following conversion factors for cases of metric bottles:

Bottles per case	Net content each bottle	Gallon equivalent
60	100 ml.	1.58502
48	125 ml.	2.37119
24	250 ml.	2.37753
12	500 ml.	2.37753
12	1 liter.	3.17004
6	1.5 liter.	2.37753
4	3 liter.	3.17004

(b) *Per liter.* Gallonage equivalents may be determined by multiplying total liters by a conversion factor of 0.26417 gallons per liter.

Par. 8. Section 240.912 is amended by changing the reference on Form 2621 from "gallons" to "quantity" to allow the execution of this form in liters. As amended, § 240.912 reads as follows:

## § 240.912 Form 2621, record of bottled wine.

Each proprietor who bottles wine or receives bottled wine, in bond, shall keep Form 2621, record of bottled wine, showing the quantity of wine bottled, the quantity of bottled wine received in bond, and the quantity of bottled wine removed each day.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381 (26 U.S.C. 5367).)

Par. 9. Section 240.920 is amended to permit winery proprietors to record taxable removals of wine in metric containers in liters or in gallons, and to summarize such removals daily in gallons

using the procedure outlined in § 240.906. As amended, § 240.920 reads as follows:

## § 240.920 Record of taxpaid removals from bond.

Proprietors of bonded wine cellars removing wine from bond for consumption or sale on determination of tax shall keep a separate record of wine so removed and make entries therein at the time of removal either to the taxpaid room or for direct shipment. The record shall show the date of removal, the name and address of the person to whom shipped, the kind (class and type) and quantity of wine, alcohol content (taxable grade), and serial numbers of containers other than cases. For wine removed in metric containers, gallonage shall be determined on a daily basis using the procedure outlined in §§ 240.906-240.907. If the wine is not sold for resale or shipped for sale, the name and address of the person to whom sold or shipped may be omitted from the record. On sales of one case or demijohn the name and address of the consignee need not be shown. Where the proprietor keeps copies of invoices or other commercial records covering shipments as provided above, and they are kept in chronological order available for inspection and in such manner that the required information may be readily ascertained therefrom by alcohol, tobacco and firearms officers, the separate record may show the total quantity shipped each day in lieu of the details of each shipment.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1381 (26 U.S.C. 5367).)

Because the amendment made by this Treasury decision corrects an inequity in the determination of tax, is both liberalizing and clarifying in nature, and operates to the benefit of regulated taxpayers, it is found that it is unnecessary to issue this Treasury decision with the notice and public procedure thereon under 5 U.S.C. 553(b).

This Treasury decision shall become effective on July 1, 1976. This Treasury decision issued under the authority contained in 26 U.S.C. 7805 (68 A Stat. 917).

Signed: April 22, 1976.

REX D. DAVIS,  
Director.

Approved: May 24, 1976.

DAVID R. MACDONALD,  
Assistant Secretary  
of the Treasury.

[FR Doc.76-15696 Filed 5-27-76; 8:45 am]

## Title 29—Labor

## SUBTITLE A—OFFICE OF THE SECRETARY

## PART 11—VOCATIONAL REHABILITATION FOR MIGRANT AGRICULTURAL WORKERS

## Deletion of Part

Notice is hereby given that the Department of Labor is deleting from Title 29 of the Code of Federal Regulations Part 11—Vocational rehabilitation for migrant agricultural workers.

Part 11—Vocational rehabilitation for migrant agricultural workers was issued to define the term "migratory agricultural worker" as required of the Secretary of Labor by the Vocational Rehabilitation Amendments of 1967, Pub. L. 90-99; 29 U.S.C. 31, 35, 42b.

Sec. 500(a) of Pub. L. 93-112, 87 Stat. 390 (1973), however, repealed the Vocational Rehabilitation Amendments of 1967. The regulations at Part 11, therefore, are no longer effective and are hereby deleted.

Since this document is merely deleting ineffective regulations, the deletions will take effect immediately on May 28, 1976.

Signed at Washington, D.C. this 20th day of May 1976.

WILLIAM H. KOLBERG,  
Assistant Secretary for  
Employment and Training.

[FR Doc.76-15496 Filed 5-27-76; 8:45 am]

## PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

## Indian Employment and Training Programs Changes of Titles and Nomenclature

Notice is hereby given that the Department of Labor, Employment and Training Administration, is amending 29 CFR Part 97, Subpart B—Indian Manpower Programs, to change the names of titles and nomenclature as required by Secretary's Order 14-75 (40 FR 54485). In addition, 29 CFR 97.132(d) is being amended to delete the reference to the Lummi, Menominee and Oklahoma Indians as examples of non-Federally recognized tribes. The Department has learned that these tribes are, in fact, Federally recognized tribes.

Since the amendments being made are not substantive, proposed rule-making is not required by the Administrative Procedures Act. Therefore, the regulation amendments made by this document shall become effective thirty days after the publication of this document in the FEDERAL REGISTER.

Accordingly, the following changes are made to 29 CFR Subpart B:

1. The title of the subpart is changed to read:

Subpart B—Indian Employment and Training Program

2. Throughout the subpart, the title "Division of Indian Manpower Programs" is changed to "Division of Indian and Native American Programs".

3. Throughout the subpart, the acronym "MA" is changed to "ETA".

§ 97.102 [Amended]

4. In § 97.102 *Scope and purpose of this subpart*, paragraph (a), the phrase "Indian Manpower Programs" is changed to "Indian Employment and Training Programs".

5. In § 97.103 *Definitions*, the definition of Division of Indian Manpower Programs (DIMP) is changed to read:



## § 97.103 Definitions.

"Division of Indian and Native American Programs (DINAP)". The Department of Labor, Employment and Training Administration division which is in charge of Indian and Native American programs.

## § 97.114 [Amended]

6. In § 97.114 *Content and description of grant application*, paragraph (b) (2) (vi) (T), the word "manpower" is changed to "employment and training".

## § 97.117 [Amended]

7. In § 97.117 *Standards for reviewing grant application*, paragraph (b) (15), the phrase "manpower and manpower-related" is changed to "employment and training".

## § 97.118 [Amended]

8. In § 97.118 *Application approval; grant agreement*, paragraph (a), the title "Director of Indian Manpower Programs" is changed to "Director of Indian and Native American Programs".

9. In § 97.118 *Application approval; grant agreement*, paragraph (b), the title "Director of Indian Programs" is changed to "Director of Indian and Native American Programs".

## § 97.132 [Amended]

10. In § 97.132 *Eligibility for participation in a title III, section 302, program*, paragraph (d), the phrases "the Lumis in Washington, the Menominees in Wisconsin" and "the Oklahoma Indians" are deleted.

## § 97.155 [Amended]

11. In § 97.155 *Audit and evaluation*, paragraph (c), the title "Manpower Administration" is changed to "Employment and Training Administration".

12. In § 97.155 *Audit and evaluation*, paragraph (e) (1), the title "Assistant Secretary for Manpower" is changed to "Assistant Secretary for Employment and Training".

*Authority:* Sec. 702(a) of the Comprehensive Employment and Training Act, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 89 Stat. 1845), S.O. 14-75 (40 FR 54485).

Signed at Washington, D.C. this 20th day of May, 1976.

WILLIAM H. KOLBERG,  
Assistant Secretary for  
Employment and Training.

[FR Doc. 76-1497 Filed 5-27-76; 8:45 am]

## CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

## PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

## Approval of Kentucky State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970

(29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the *FEDERAL REGISTER* of the approval of the Kentucky Plan and the adoption of Subpart Q of Part 1952 containing the decision and describing the plan (38 FR 20322). On March 16, 1976, Kentucky submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the Kentucky Safety and Health Poster for private and public employees which is to be posted at all covered workplaces in the State.

2. *Description of the poster.* The Kentucky Safety and Health Poster for private and public (State and local government) employees contains, among other things, provisions notifying employees of their obligations and protection under the Kentucky Occupational Safety and Health legislation (KRS Chapter 338); their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State law (public employees are covered only by State law); and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Kentucky 40601.

4. *Public participation.* Under § 1953.2(c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Kentucky Safety and Health Poster incorporates all of the provisions required under 29 CFR 1952.10(a) (5) and 29 CFR 1903.2(a) (3) (39 FR 38036). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the Kentucky Safety and Health Poster described above is approved under Part 1953. This decision incorporates the re-

quirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a) (2), posting of the Kentucky poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c) (1) of the Act. Further, Subpart Q of 29 CFR Part 1952 is hereby amended to reflect completion of a developmental step by adding a new § 1952.234, as follows:

## § 1952.234 Completed developmental step.

In accordance with the requirements of § 1952.10 the Kentucky Safety and Health Poster for private and public employees was approved by the Assistant Secretary on May 20, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 20th day of May 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc. 76-15668 Filed 5-27-76; 8:45 am]

## PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

## Approval of South Carolina Plan Supplement

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the *FEDERAL REGISTER* (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. On October 10, 1975, South Carolina submitted a supplement to the plan involving implementation of its commitment to develop the basis for an on-going affirmative action plan. The supplement was evaluated by the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) in conjunction with regional Civil Service Commission officials, and revised and re-submitted on February 6, 1976. Under this evaluation the revised version was accepted as meeting at this time the State's commitment and forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) for his determination as to whether it should be approved as meeting this commitment. The supplement is described below.

2. *Description of the supplement.* Affirmative Action Plan. The South Carolina Department of Labor has developed an Affirmative Action Plan outlining its policy of equal employment opportunity and establishing practice and procedures

for the recruiting and hiring of minority and women employees, to assure its commitment to an on-going program that provides equal employment opportunity to all persons on the basis of individual merit.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor 3600 Forest Drive, Columbia, South Carolina 29206.

4. *Public Participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the South Carolina plan supplement described above is consistent at this time with commitments, previously made available for public comment, contained in the approved plan, State of South Carolina personnel policies, and the overall goals of the State's occupational safety and health program. Accordingly, it is found that further public comment and notice is unnecessary.

5. *Decision.* After consideration, the South Carolina plan change outlined herein is approved under Part 1953. In addition 29 CFR 1952.104 is hereby amended to reflect completion of a developmental step.

## § 1952.104 Completed developmental step.

(k) The State plan has been amended to include an Affirmative Action Plan in which the State outlines its policy of equal employment opportunity.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 19th day of May 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc. 76-15667 Filed 5-27-76; 8:45 am]

Title 32—National Defense  
CHAPTER VI—DEPARTMENT OF THE NAVY

## PART 700—UNITED STATES NAVY REGULATIONS

## Correction

In FR Doc. 74-4193, appearing at 39 FR 7135, February 25, 1974, the last two paragraphs of 32 CFR § 700.712, and the heading and first two paragraphs of 32 CFR § 700.713, and the heading and first

two paragraphs of 32 CFR § 700.713, were inadvertently omitted. 32 CFR §§ 700.712 and 700.713 are therefore corrected as follows:

Section 700.712 (c) and (d) are redesignated as § 700.713 (c) and (d) and new § 700.712 (c) and (d) are added as set forth below. The section heading for § 700.713 and paragraphs (a) and (b) are added to the newly redesignated § 700.713 (c) and (d) as set forth below.

## § 700.712 Relations with organizations and military personnel embarked for passage.

(c) The foregoing provisions of this part also apply to the Commanding Officer, Military Department, of an in-service ship of the Military Sealift Command, who is authorized to exercise the powers conferred thereby, subject to the paramount authority of the master.

(d) When an organized unit is embarked for transportation only in a ship of the Navy, the officer in command of such organized unit shall retain the authority which he possessed over such unit prior to embarkation, including the power to order special or summary courts-martial upon enlisted persons under his command; but nothing in this paragraph shall be construed as impairing the paramount authority of the commanding officer of the ship over all persons embarked therein.

## § 700.713 Person found under incriminating circumstances.

(a) The commanding officer shall keep under restraint or surveillance, as necessary, any person not in the armed services of the United States who is found under incriminating or irregular circumstances within the command, and shall immediately initiate an investigation.

(b) Should an investigation indicate that such person is not a fugitive from justice or has not committed or attempted to commit an offense, he shall be released at the earliest opportunity, except:

(1) If not a citizen of the United States, and the place of release is under the jurisdiction of the United States, the nearest federal immigration authorities shall be notified as to the time and place of release sufficiently in advance to permit them to take such steps as they deem appropriate.

(2) Such persons shall not be released in territory not under the jurisdiction of the United States without first obtaining the consent of the proper foreign authorities, except where the investigation shows that he entered the command from territory of the foreign state, or that he is a citizen or subject of that state.

Dated: May 21, 1976.

LARRY G. PARKS,  
JAGC, U.S. Navy Assistant  
Judge Advocate General (Civil Law).  
[FR Doc. 76-15636 Filed 5-27-76; 8:45 am]

## Title 35—Panama Canal

## CHAPTER I—CANAL ZONE REGULATIONS

## Revision of Navigation Regulations

This document revises a variety of regulations concerning vessels navigating on Canal Zone waters. A detailed statement of the nature of the changes made in each particular part is given in the preambles applicable to each part.

## PART 103—GENERAL PROVISIONS GOVERNING VESSELS

## EQUIPMENT REQUIREMENTS, SAFETY PRECAUTIONS &amp; RECORDKEEPING

These rule changes require that all vessels meet prescribed standards for pilot ladders and holists, that all vessels have safety nets rigged beneath gangways, that certain vessels have data concerning their maneuvering characteristics posted, and that vessels with variable pitch propellers have propeller pitch indicators. Vessels equipped with acceptable automatic equipment for recording engine orders are relieved from the requirement of keeping bell books. Vessels engaged in welding or similar hot-work must obtain authorization before doing such work and must adhere to certain safety precautions.

35 CFR Part 103 is amended as follows:

1. Section 103.10 is amended by changing the section heading and by adding new paragraphs (c) through (e) as follows:

## § 103.10 Vessels required to be equipped with certain indicators.

(c) All vessels in excess of 150 feet in length which are equipped with variable pitch propellers shall have properly operating pitch indicators in the wheelhouse so located and illuminated as to be readily visible to a pilot.

(d) All vessels with beams in excess of 80 feet which are equipped with variable pitch propellers shall have properly operating pitch indicators in the wheelhouse and on each bridge wing so located and illuminated as to be readily visible to a pilot.

(e) Any vessel which fails to meet the requirements of this section may be denied transit. If the Canal authorities decide that the vessel can be handled without undue danger to equipment or to personnel, notwithstanding her failure to comply with other requirements of this section, the vessel may be allowed to transit after the Master thereof, in the presence of the pilot, signs an undertaking for the vessel, her owners, operators or any other persons having any interest in her, and for himself, releasing the Panama Canal Company from and indemnifying it against any loss, damage or liability incurred by the Panama Canal Company under, or in respect to:

(1) Sections 291 through 297 of Title 2 of the Canal Zone Code, 76A Stat. 23-25.

(2) Panama Canal Company or Canal Zone Government property; and

(3) Panama Canal Company or Canal Zone Government employees under the Federal Employees' Compensation Act, 5







damages, indemnification, or compensation benefits.

35 CFR Part 117 is amended by changing the heading of section 117.1 and by revising paragraph (d) (1) to read as follows:

§ 117.1 Investigation of marine accidents.

(d) . . . . .

(1) Any accident, involving death or resulting in personal injury that requires admission of a person to a hospital as a bed patient, in which the Supervising Inspector or his designee has reason to believe that personnel or equipment of the Panama Canal Company or the Canal Zone Government were then aboard or were being used to assist the vessel involved in the accident or were situated (aboard another vessel, ashore or otherwise) so as to have been a factor in the accident.

#### PART 123—RADIO COMMUNICATION

##### RADIOTELEPHONE EQUIPMENT AND ADVANCE INFORMATION REQUIRED FOR CERTAIN APPROACHING VESSELS

These rule changes add a requirement that, after April 1, 1978, vessels of certain sizes and types be equipped with radiotelephones capable of operating on certain channels in the 156-162 MHz frequency band. Further, they require that additional information be sent by vessels approaching the Canal regarding petroleum, liquefied gas and noxious chemical cargoes.

35 CFR Part 123 is amended as follows:

1. Section 123.3 is revised to read as follows:

§ 123.3 Radiotelephones required.

(a) Except for vessels operated by the Panama Canal Company or another agency of the United States, the following vessels shall comply with the requirements of this section after April 1, 1978:

- (1) Every power-driven vessel of 300 gross tons or over;
- (2) Every power-driven vessel of 100 gross tons or over, carrying one or more passengers for hire; and
- (3) Every commercial towing vessel of 26 feet in length or over.

(b) A vessel of a type described in paragraph (a) of this section shall, after April 1, 1978, be equipped with a radiotelephone which can be operated from the navigation bridge and which can be used to communicate on the following channels in the 156-162 MHz frequency band:

- (1) Channel 12, 156.600 MHz;
- (2) Channel 13, 156.650 MHz; and
- (3) Channel 16, 156.800 MHz.

(c) A vessel of a type described in paragraph (a) of this section, which has notified the Canal authorities that it is ready to transit or otherwise navigate in Canal Zone waters and requires a Pan-

ama Canal pilot, shall, until a pilot boards the vessel, maintain a continuous watch on Channel 12. Channel 12 will be used for notification to vessels of their transit times and for advisory harbor control communication in Limon Bay.

(d) A vessel of a type described in paragraph (a) of this section shall maintain a continuous watch on Channel 13 when underway in Canal Zone waters without a Panama Canal pilot aboard, and shall use Channel 13 only for ship-to-ship or ship-to-coast navigational communications. When such vessels have a Panama Canal pilot aboard, Channel 13 may be used only by the pilot or at his direction for navigational communications.

(e) The signal stations on Flamenco Island and in Cristobal may be called on Channels 12 and 16. Channel 16 may also be used by all vessels for ship-to-coast communications with steamship agents or other commercial businesses.

2. Section 123.4 is amended as follows:

§ 123.4 Advance information required by radio from vessels approaching the Canal.

(a) Vessels approaching the Panama Canal shall communicate by radio to the Port Captain through the Balboa Radio Station (call letters NBA), not less than 48 hours in advance of arrival in the Canal Zone (or earlier if radio communication is practicable at an earlier time), the information required by this section unless this information has been previously communicated to the Canal authorities by other means. Symbols of the phonetic alphabet shall be used to identify each item and the word "NEGAT" shall be used after the items that can be answered "no", "none" or "not applicable". The following items of information shall be provided:

GOLF . . . . . If the vessel is carrying petroleum products, liquefied gas or toxic, corrosive, inflammable or explosive chemicals in quantities of more than five long tons, state the type, grade and quantity of each such cargo including the scientific and trade name of each chemical. If the vessel is a tanker or bulk liquid carrier and any empty cargo space is not certified gas free, state the type and grade of cargo last carried in each empty space including the scientific and trade name of each chemical.

**Effective Date.** These amendments become effective on June 1, 1976.

(2 C.F.R. § 1331, 76A Stat. 49; 35 CFR 3.1(a) (1))

Dated: May 24, 1976.

MARTIN R. HOFFMAN,  
Secretary of the Army.

[FR Doc.76-15658 Filed 5-27-76; 8:45 am]

#### Title 41—Public Contracts and Property Management

##### CHAPTER 8—VETERANS ADMINISTRATION

##### PART 8-19—TRANSPORTATION

##### Contract Delivery Terms

##### INVOICING OF TRANSPORTATION CHARGES

On page 15877 of the FEDERAL REGISTER of April 15, 1976, there was published a notice of proposed regulatory development to amend Part 8-19, Title 41, Code of Federal Regulations, to liberalize the documentation necessary to support the invoicing of transportation charges; incorporate certain regulations into a new section; and reference the location of certain shipping instructions.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

**Effective date.** These regulations are effective May 28, 1976.

Approved: May 24, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,  
Deputy Administrator.

1. In § 8-19.302, paragraph (b) is revised to read as follows:

§ 8-19.302 F.o.b. origin.

(b) The vendor will be instructed to forward the merchandise by parcel post utilizing VA Form 07-3017a as an address label and postage. He/she will also be instructed to have Postal Service Form 3817 receipted by the sending post office and returned to the contracting officer as evidence that shipment was mailed. Orders issued on VA Form 07-2138, Order for Supplies or Services, will direct the vendor's attention to Shipping Instruction No. 2 on the reverse of the form.

2. Section 8-19.305 is renumbered § 8-19.350, the title is changed and paragraph (b) (2) is revised to read as follows:

§ 8-19.350 F.o.b. origin, transportation prepaid, with transportation charges to be included on the invoice.

(b) Orders issued on VA Form 07-2138 will direct the vendor's attention to Shipping Instructions No. 1 on the reverse of the form. When VA Form 07-2138 is not used, the vendor will be instructed as follows:

(2) Add transportation charges as a separate item on your invoice. Insurance charges will not be paid unless the order specifically requires that the shipment be insured. If shipment is made by other

than parcel post, the invoice must bear the following certification: "The invoiced transportation charges have been paid and evidence of such payment will be furnished upon the Government's request."

[FR Doc.76-15657 Filed 5-27-76; 8:45 am]

#### Title 43—Public Lands: Interior

##### CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

##### SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2394]

##### PART 3500—LEASING OF MINERALS OTHER THAN OIL AND GAS; GENERAL

##### PART 3520—PREFERENCE RIGHT AND COMPETITIVE LEASES

##### Coal Leases; Diligent Development and Continuous Operations

On page 60070 of the FEDERAL REGISTER of December 31, 1975, there were published a notice and text of a proposed amendment to Chapter II, Subchapter C, Parts 3500 and 3520 of Title 43, Code of Federal Regulations. The purpose of these proposed regulations was to provide definitions of terms relating to coal leases. Interested persons were granted an opportunity until February 15, 1976, which period was extended until March 15, 1976, in page 9353 of the FEDERAL REGISTER of March 4, 1976, to submit comments, suggestions, or objections to the proposed regulations. Comments from approximately 40 different sources were received and given consideration as part of the rulemaking process. Some changes have been made in the proposed regulations as a result of the comments.

The preamble to the proposed regulations of December 31 set out in detail the purpose of this amendment of the regulations. The preamble to these final regulations discusses comments and specific provisions.

A number of comments were general in nature. A number of commenters questioned the extension of these proposed regulations to existing leases. The Mineral Leasing Act of 1920 requires diligent development and continuous operation on all leases issued pursuant to its authority and does not allow the exclusion of existing leases. Existing lessees are given sufficient time to adjust to the requirements in the new regulations.

Questions were raised as to the legality of provisions in the proposed regulations that establish production levels as a requirement for maintaining a Federal coal lease. It is believed that the establishment of a rate of production appropriate to the size of the leased reserves and a time within which that rate must be achieved, as is done in the proposed regulations, is the best standard for judging whether or not the diligent development and continuous operation standards of the Mineral Leasing Act of 1920 have been met.

One comment was directed at what was conceived as failure of the proposed regulations to make it clear at which point diligent development ends and con-

tinuous operations begin. Under the regulations the requirement of diligent development ceases when there has been production in the amount and within the time period specified in the definition of "diligent development." Thereafter, continuous operation is required on leases which do not contain an advance royalty requirement. On other leases, the advance royalty requirement is imposed in lieu of continuous operation and begins with the sixth year.

A governmental agency expressed the opinion that the proposed regulations failed to provide a method for consultation with the appropriate State agencies having jurisdiction over non-Federal leases in a Logical Mining Unit (LMU) of mixed lands. There are already procedures for coordination with State and private groups.

A number of comments were received concerning the definition of a "Logical Mining Unit" as set out in paragraph (d) of § 3500.0-5.

One commenter was concerned that the definition appeared to require the inclusion of non-Federal coal resources in an LMU without the consent of the operator. The regulations have been revised so that the establishment of an LMU including more than one lease may not be required by the Mining Supervisor. It may be established only with the consent of the lessees and owners or operators controlling non-Federal coal resources within the LMU.

Another commenter recommended that the definition of LMU should not consider a single lease as an LMU but should only consider the entire area of operation as an LMU. The definition does provide for a single lease to be considered as an LMU, but it also provides for the inclusion of several leases, both Federal and non-Federal, in an LMU.

Several commenters pointed out that an LMU can be changed with the approval of the Mining Supervisor or authorized officer alone and felt that it would be better if the lessee participated in any such changes. As stated above, the regulations have been revised so that the Mining Supervisor may not require the establishment of an LMU including more than one lease. Similarly, they have been revised so that he may not change the boundaries of an LMU without the consent of the lessee(s).

Another comment suggested that it should be made clear in the definition of LMU that the federal coal leaseholds in an LMU need not be contiguous. The proposed regulations allow for intervening land ownership in the formation of an LMU and no change is required.

Two comments suggested that the Environmental Protection Agency should have a role in the establishment and modification of an LMU. This responsibility is vested in the Department of the Interior, but the Department of the Interior will, in carrying out its responsibility, give full and careful consideration to the environmental impacts.

Paragraph (e) of § 3500.0-5 which contains the definition of Logical Mining Unit was also the subject of a number of

comments. Several commenters pointed out that the definition did not include a description of the method used to determine recoverable reserves and who makes that determination. There was also a comment that suggested that the Bureau of Land Management should participate in this decision. They felt that the proposed regulation should contain the methodology to be used and the administrative and reporting procedures should be spelled out. The reserves will be determined by the Mining Supervisor under procedures used by the Geological Survey and this is provided for in the proposed regulations.

One commenter was concerned about the failure of the proposed regulations to include a procedure for resolving differences between the lessee and the Mining Supervisor as to a redetermination of reserves and felt that the proposed regulations should so provide. We feel that real differences would be rare and that they could be handled on an individual basis by the area mining supervisor at the time of the approval of a mining plan. Furthermore, there are appeal procedures in the regulations if differences are not resolved, 30 CFR 290.

One commenter felt that deep underground coal should not be included in the estimated recoverable reserves. We believe that the proposed regulations provide for the consideration, with respect to each lease and LMU, of whether deep coal should or should not be included in the estimated recoverable reserves.

One commenter felt that the Bureau of Land Management should have approval authority over any adjustment made by the area mining supervisor in the estimated recoverable reserves. The Geological Survey has the responsibility for making such determinations and the Bureau of Land Management need have no participation.

The definition of diligent development contained in paragraph (f) of § 3500.0-5 drew a large number of comments, most of which were critical of the rigid requirement that the diligent development be completed in a ten-year period and questioned what constituted diligent development. Consideration of these comments led to a change in the proposed rules that allows one extension of not more than five years for diligent development if the lessee can show that an extension is necessary because of (1) the need to develop advanced technology, (2) the magnitude of the mining operation; or (3) a contract or its equivalent which calls for the sale or use of the first one-fourth of the coal by the end of the extension of the ten-year period.

A number of commenters wanted the inclusion of additional extensions of the time for achieving diligent development, with one commenter wanting any good faith activity that is undertaken as part of the development of the coal reserves constituting diligent development. The final regulation gives sufficient flexibility to grant additional time in those cases where it is justified and makes it clear what actions constitute diligent development.

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It should be understood that, while the Department has provided a definition of diligent development for the future, it reserves the right to sue for cancellation of existing leases where lessees have not made a reasonable effort heretofore to develop the coal resources.

The definition of continuous operation contained in paragraph (g) of § 3500.0-5 of the proposed regulations was the subject of several comments. One of the principal concerns was the 1 percent requirement for continuous operation and the confusion over how it is coordinated with the advance royalty requirement. For this reason we added two new provisions to the regulations appearing as 43 CFR 3503.3-2(b)(1) and 43 CFR 3520.2-5.

The two new sections explain that section 7 of the Mineral Leasing Act of 1920, 30 U.S.C. 207, authorizes the Secretary to require either continuous operation or advance royalties. The regulations announce a policy of requiring advance royalty in lieu of continuous operation in all leases issued or readjusted hereafter. The definition of continuous operation will therefore be immaterial as to those leases until such time as the advance royalty obligation ceases. The advance royalty requirement is a strong economic inducement to produce the reserves in a lease within 40 years. It is not, however, a legal requirement to produce.

Several commenters confused the 40-year schedule used in connection with the computation of advance royalty with the longer schedule for continuous operation. As explained above, continuous operation and advance royalties will not be required of a lessee at the same time and, for all leases issued or readjusted hereafter, advance royalties will be required until the lessee has paid royalties, in the form of either advance royalties or production royalties, for all the reserves within the lease. Thereafter he will be required to meet the continuous operation requirement of producing one percent of the reserves annually.

We received several comments on the proposed revision of § 3522.2-1, which governs the readjustment of leases. The first comment suggested that the section provide a procedure to be used when an objection is raised to the proposed readjusted lease terms. We anticipate that most differences will be resolved by negotiation and those which are not can be settled through the appeals procedures in 43 CFR 3000.4.

The second comment on this section stated that the proposed regulations should provide a schedule for the payment of advance royalties. The proposed regulations provide that the payment of advance royalties will be computed on a schedule so that royalties will be paid on reserves in a lease within 40 years. This requirement has been clarified in our revision of 43 CFR 3503.3-2(b)(1).

Another comment on § 3522.2-1 was a reiteration of the complaint that a 40-year period for exhaustion of estimated recoverable reserves in a coal lease is too short. As stated earlier, the 40 years is

the basis for computing the advance royalty and not a required period within which the estimated recoverable reserves of a coal lease must be exhausted.

Another comment made with reference to § 3522.2-1 was that advanced royalties should be creditable against future production royalties paid in advance of the 40-year schedule against subsequent advance royalties.

Some comments on advance royalties suggested changing the 40-year period used for computing the advance royalty requirement and several suggested different ways of computing the advanced royalty as well as applying the advance royalty to other payments required pursuant to the proposed regulations. We considered their suggestions and decided not to change the advance royalty requirement as proposed.

We received one comment on § 3523.2-1 which governs lease cancellations. The comment questioned the legality of stating the conditions that the Secretary will not consider in making his determination whether to cancel a lease. We believe the Secretary has the discretion to establish standards such as these for lease cancellation. The standard described in § 3523.2-1 clarifies those conditions that would not be considered when a lessee applies for an extension to avoid lease cancellation.

It is hereby certified that the economic and inflationary impacts of the proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Therefore, under the authority granted under section 32 of the Mineral Leasing Act, 30 U.S.C. 189, 43 CFR Parts 3500, 3503, 3520, 3522 and 3523 are hereby amended, effective June 1, 1976, as follows:

1. 43 CFR 3500.0-5 is amended by the addition of the following new paragraphs (d), (e), (f), and (g):

§ 3500.0-5 Definitions.

(d) *Logical Mining Unit (LMU)*. A Logical Mining Unit or LMU is an area of coal land that can be developed and mined in an efficient, economical and orderly manner with due regard to the conservation of coal reserves and other resources. An LMU may consist of one or more Federal leaseholds, and may include intervening or adjacent non-Federal lands, but all lands in an LMU must be under the effective control of a single operator and capable of being developed and operated as a unified mine. Every Federal lease will automatically be considered by itself an LMU as of the effective date of the lease or (the effective date of these regulations), whichever is later. Any other LMU will become effective only upon its approval by the Mining Supervisor where it is requested by the lessee(s). The boundaries of an LMU may later be changed upon application by the lessee(s) and with the approval of the Mining Supervisor and after consultation with the authorized officer.

(e) *Logical Mining Unit (LMU) Reserves*. LMU Reserves are defined as be-

ing equal to the sum of (1) estimated recoverable reserves under Federal lease in the LMU, and (2) estimated non-Federal recoverable reserves in the LMU which will be mined prior to the extraction of all estimated Federal reserves in the LMU. The LMU reserves associated with a Federal lease are the estimated LMU reserves as of the effective date of the approval of the LMU, of which that lease is a part, except that the estimate of LMU reserves under both (1) and (2) above may be adjusted by the Mining Supervisor whenever he approves a modification of the LMU boundaries or whenever significant new information becomes available about the amount of such reserves, including the time at which a mining plan is approved.

(f) *Diligent Development*. Diligent Development of a Federal lease means the timely preparation for and initiation of production of coal from the LMU of which the lease is a part so that one fortieth of the LMU reserves associated with that lease are extracted within a period of ten years (or such longer period as may be prescribed under paragraphs (1) or (2) below) from (the effective date of these regulations) or from the date of the lease, whichever is later.

(1) Upon application by the lessee, the period by the end of which diligent development must have been achieved, shall be increased by an amount of time equal to the period during which diligent development is, in the opinion of the Secretary, significantly impaired by (i) a strike, the elements, or casualties not attributable to the lessee, (ii) an administrative delay in the Department which is not caused by the lessee's action, or (iii) extraordinary circumstances not attributable to the lessee and not foreseeable by a reasonably prudent operator. In the determination of whether any of the conditions listed in (i)-(iii) above occurred and whether one or more of those conditions did in fact significantly impair diligent development, the Secretary's finding shall be final. The Secretary shall, however, not find to be an extraordinary circumstance under (iii) any condition arising out of normally foreseeable business risks such as: fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales.

(2) Upon application by the lessee, the Secretary may grant one extension, not exceeding five years, of the ten-year period within which diligent development must be achieved. An extension to the satisfaction of the Secretary that may be granted when the lessee shows diligent development cannot be achieved within the ten-year period because of (i) time needed to complete development of advanced technology, e.g., in-situ, gasification or liquefaction processes; (ii) the large magnitude of the project (ordinarily large magnitude means a mine in which the production in the first year after the end of the extended

period for diligent development is expected to be at least two million tons if an underground mining operation or five million tons if a surface mining operation; or (iii) a contract or its equivalent which is a firm commitment for the sale or use of the first one-fortieth of the LMU reserves after the ten-year period. Irrespective of the reason for granting an extension, the lessee must produce the first one-fortieth of the LMU reserves before the end of the extension.

(3) At the time when the Secretary grants any extension of time for achieving diligent development under subparagraphs (1) or (2) of this paragraph, he shall notify the lessee of the revised date by which diligent development must be achieved.

(g) *Continuous Operation*. Continuous operation means the extraction, processing, and marketing of coal in the annual average amount of one percent or more of the LMU reserves; the annual average amount shall be computed on a three year basis, and the three year period for which the average shall be computed shall consist of the year in question and the two preceding years.

2. 43 CFR 3503.3-2(b)(1) is amended to read as follows:

§ 3503.3-2 General statement royalties.

(b) . . .

(1) In accordance with the Secretary's determination in 43 CFR 3520.2-5, each lease issued or readjusted after (the effective date of these regulations) shall contain a requirement for an annual advance royalty based on a minimum number of tons of coal; the minimum number of tons shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from the date of issuance of the lease or (the effective date of these regulations), whichever is later. Advance royalties shall begin (i) for each lease issued after (the effective date of these regulations) with the sixth year after issuance of the lease and (ii) for each lease issued prior to (the effective date of these regulations) with the first year following the next readjustment of terms or with the sixth year after (the effective date of these regulations), whichever is later.

The requirement for advance royalties shall cease when royalties have been paid for all the leased reserves.

3. 43 CFR Subpart 3520 is amended by adding the following:

§ 3520.2-5 Coal: diligent development and continuous operation.

Section 7 of the Mineral Leasing Act (30 U.S.C. § 207) provides that each coal lease shall require:

(a) Diligent development; and  
(b) Either continuous operation or an annual advance royalty on a minimum number of tons. The Secretary has determined that the public interest will be subserved by the requirement of an annual advance royalty in lieu of continuous operation. The requirement for advance royalties is described in 43 CFR

3503.3-2(b)(1). After the requirement for advance royalties has ceased, the lease shall be subject to the requirement of continuous operation. All leases which do not provide for advance royalties shall be subject to the condition of continuous operation beginning with the first year after diligent development is achieved and ending with the next year in which the terms of the leases are readjusted.

4. 43 CFR 3522.2-1 is amended to read as follows:

§ 3522.2-1 Terms and conditions.

(a) *General*. The terms and conditions of coal, potassium, and phosphate leases are subject to readjustment at the end of each 20-year period succeeding the effective date of the lease unless otherwise provided by law at the time of the expiration of such periods. Before the expiration of each 20-year period, whenever feasible, the lessee will be notified of the proposed readjustment of terms or notified that no readjustment is to be made. Within 30 days after receipt of the notice, unless the lessee files his objection to the proposed readjusted terms, or the lessee files a relinquishment of the lease, he will be deemed to have agreed to such readjusted terms.

(b) *Coal*. All coal leases will be readjusted, if necessary, at the end of the next scheduled adjustment of terms and conditions under paragraph (a) above by the addition of provisions consistent with 43 CFR 3503.3-2(b)(1) so that they require advance royalties. The percentages of reserves on which the advance royalty for the years following the readjustment of terms will be based will be the same percentages as those appropriate for a lease dated (the effective date of these regulations). Lessees will be allowed to credit against the advance royalties due under that schedule any production royalties paid in lease years prior to the readjustment of terms, which production royalties are in excess of advance royalties that would have been due had advance royalties been in effect from June 1, 1976.

§ 3523.2-1 [Amended]

5. 43 CFR 3523.2-1(b)(1) is amended by the insertion of "(1)" after the word "Coal" and by adding the following paragraphs (b) (ii) and (iii):

(ii) Any coal lease on which the lessee does not meet diligent development and either continuous operation or advance royalty requirements will be subject to cancellation in whole or in part. In deciding whether to cancel a lease under this paragraph (b) (ii), the Secretary will not consider adverse circumstances which arise out of normally foreseeable business risks, such as fluctuations in prices, sales, or costs, including foreseeable costs of compliance with requirements for environmental protection; commonly experienced delays in delivery of supplies or equipment; or inability to obtain sufficient sales. The requirements as to notice included in paragraph (b) (i) are applicable to cancellations under this paragraph also.

(iii) Should a lease be canceled or relinquished for any reason, all rentals and royalties, including advance royalties already paid or due, will be forfeited to the United States.

Effective: June 1, 1976.

Approved: May 25, 1976.

KENT FRIZZELL,

Secretary of the Interior.

[FR Doc. 76-15690 Filed 5-27-76; 8:45 am]

#### Title 47—Telecommunication

##### CHAPTER I—FEDERAL

##### COMMUNICATIONS COMMISSION

[Docket No. 20566, RM-2479]

#### PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations (Albany, Eugene, and Grants Pass, Oregon)

By the Chief, Broadcast Bureau: 1. The Commission herein considers its Notice of Proposed Rule Making<sup>1</sup> in the above-captioned proceeding issued in response to a "Petition for Rule Making" filed with the Commission by MATTCO, Inc., licensee of AM station KBDF, Eugene, Oregon. The petition proposed the reassignment of unoccupied and unapplied for Channel 260 from Grants Pass, Oregon, to Eugene and the substitution of Channel 262 at Grants Pass in lieu of the deletion. Comments opposing the proposed assignment were filed by Pacific Northwest Broadcasting Corporation ("Pacific"), licensee of stations KPNW and KPNW-FM, Eugene. Comments and a counterproposal to assign Channel 260 to Albany, Oregon, instead of Eugene were filed by Linn-Benton Broadcasters, Inc. ("LBB"), licensee of daytime-only AM station KRKT, Albany. In its comments, LBB asserted that such an assignment at Albany would be more consistent with the Commission's FM channel assignment priorities than would the proposed assignment at Eugene. LBB placed special emphasis on the importance of a Channel 260 assignment in providing a second local FM service and easing what it said was a serious competitive disadvantage in the Albany market.

2. In its reply comments, MATTCO indicated agreement with the earlier comments of LBB that the community of Albany was entitled to a second FM channel. It submitted an alternative suggestion under which Channel 264 could be reassigned from Bend, Oregon, to Albany, thus preserving Channel 260 for Eugene while satisfying Albany's need. Noting the submission of new arguments and evidence at the reply comments

<sup>1</sup> 40 FR 33686, August 11, 1975.

<sup>2</sup> LBB asserts that a "serious competitive disadvantage" exists since its 250 watt daytime-only AM facility (operating on Canadian clear channel 990 kHz) must compete with a co-owned 1 kilowatt unlimited time-station and a class C FM station, both of which are located in Albany.



stage, LBB submitted a "Petition for Acceptance of Additional Pleadings," asserting that certain of the information provided by MATTCO was misleading. In light of the nature of our disposition of this proceeding, we will deny LBB's request that additional pleadings be accepted.

3. On March 5, 1976, a "Motion of MATTCO, Inc. to Withdraw Comments and Reply Comments" was filed with the Commission in which MATTCO, citing what it said were "material changes in the economic and investment factors affecting MATTCO's FM plans," indicated that it no longer wished to pursue its rulemaking proposal. Since with MATTCO's withdrawal, there is no longer any expression of continuing interest in the assignment of Channel 260 to Eugene, the petition to assign Channel 260 to that community will be denied. Next, we direct our attention to LBB's counterproposal.

4. Albany (pop. 18,181<sup>1</sup>), the county seat of Linn County (pop. 71,914), is located 70 miles south of Portland, Oregon, and 42 miles north of Eugene. LBB says Albany has experienced a 41% increase in population from 1960 to 1970. Albany presently receives local aural service from two AM stations (one of which is the petitioner's daytime-only facility) and one FM station (KHPE, Channel 300, Albany, licensed to Albany Radio Corporation, the licensee of the other AM station). Two newspapers, one a daily, the other a weekly, are published in the community. Albany's economy is based primarily on agricultural production and manufacturing.

5. We believe the record adequately demonstrates the public interest benefits to be derived by assigning Channel 260 to Albany. First, the assignment conforms with the Commission's FM channel assignment priorities in that it would provide a second local FM station to Albany, a community located outside of an urbanized area.<sup>2</sup> Secondly, the information supplied by LBB clearly suggests that Albany is of sufficient size in terms of population to warrant the assignment of an additional broadcast facility.<sup>3</sup> Further, the assignment to Albany and the operation of the station on that channel

would provide an additional outlet for local expression and discussion of community needs and concerns.

6. Inasmuch as Channel 262 will be substituted for the presently unoccupied and unapplied for Channel 260 at Grants Pass (which we are reassigning to Albany), the potential for future service at Grants Pass will be preserved.

7. Three Oregon communities, Madras, Florence, and Veneta, are located in the area of preclusion created by the assignment of Channel 260 to Albany, however, a staff engineering analysis indicates that alternative FM channels are available for assignment to each. The assignment of Channel 262 to Grants Pass will result in preclusion over large, sparsely populated land areas, however, the communities located in the preclusion areas either have an FM assignment or receive FM service from nearby communities.

8. The transmitter site for any station operating on Channel 260 at Albany must be located at least 2.5 miles south of Albany in order to avoid short-spacing to KJIB, Channel 258, and KQFA, Channel 262, both of which operate from a common transmitter site in Portland.

9. Canadian concurrence in the assignment to Albany, which is located less than 250 miles from the U.S.-Canadian border, has been obtained.

10. Accordingly, *It is ordered*, That effective July 1, 1976, the FM Table Assignments (§ 73.202 (b) of the Commission's rules and regulations) IS AMENDED with respect to the following enumerated communities:

City:	Channel No.
Albany, Ore.	260, 300
Grants Pass, Ore.	262

11. *It is further ordered*, That the "Petition for Rule Making" submitted by MATTCO, Inc. IS DENIED.

12. *It is further ordered*, That the counterproposal submitted by Linn-Benton Broadcasters, Inc. IS GRANTED.

13. Authority for the actions herein is found in sections 4(d), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and in § 0.281 of the Commission's rules.

14. *It is further ordered*, That this proceeding IS TERMINATED.

Adopted: May 18, 1976.

Released: May 24, 1976.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 156, 303, 307)

FEDERAL COMMUNICATIONS  
COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 76-15664 Filed 5-27-76; 8:45 am]

#### Title 50—Wildlife and Fisheries

### CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

#### SUBCHAPTER C—MARINE MAMMALS

### PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

On December 5, 1975, the Director promulgated amendments to regulations governing the issuance of general permits to allow the taking of marine mammals incidental to commercial fishing operations (40 FR 56899-56907); pursuant to the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361-1407 (the Act). Under those regulations a general permit was issued for Category 2, Encircling Gear, Yellowfin Tuna Seining, to the American Tunaboat Association, on December 20, 1975. The permit was to be valid for the period January 1, 1976 through December 31, 1976. Subsequent to the issuance of the general permit, 135 certificates of inclusion were issued to persons in charge of and actually conducting fishing operations on vessels engaged in commercial fishing operations under this general permit.

On May 11, 1976, Federal District Court Judge Charles R. Richey in the cases of *Committee For Humane Legislation Inc. v. Elliot L. Richardson et al.* (C.A. No. 74-1465, U.S. District Court for the District of Columbia) and *Fund for Animals, et al. v. Elliot L. Richardson et al.* (C.A. No. 75-0227, U.S. District Court for the District of Columbia) ordered, among other things, "that the current regulations, general permit, and certificates of inclusion authorizing the taking of marine mammals incidental to commercial fishing activities be, and the same hereby are, declared void as contrary to the Marine Mammal Protection Act of 1972." The effective date of the Order was stayed until May 31, 1976. The purpose of this notice is (a) to inform the appropriate general permit and certificate holders of the status of their general permit and certificates of inclusion as of May 31, 1976 and (b) to amend the regulations in part 216 to conform to the Court's order and the plan submitted to

<sup>1</sup> Defendants to these actions are: Elliot L. Richardson, Secretary, Department of Commerce, Robert M. White, Administrator, National Oceanic and Atmospheric Administration, Robert W. Schoning, Director, National Marine Fisheries Service. Defendant-Intervenor are: American Tunaboat Association, Tuna Research Foundation, Fishermen's Union of America, Pacific and Caribbean area, Local 33, Fishermen and Allied Workers' Union, I.L.W.U. and United Cannery and Industrial Workers of the Pacific.

the Court by the federal defendants which sets forth methods for supervising compliance with the Court's Order.

General permits (and certificates of inclusion) for gear categories: Towed or Dragged gear, § 216.24(d)(1); Encircling Gear, Seining other than Yellowfin Tuna, § 216.24(d)(3); Stationary gear, § 216.24(d)(4); and Other gear, § 216.24(d)(5) are not affected by the Court's Order nor are permits for research or public display. Consequently such permits remain valid.

By this publication the American Tunaboat Association is hereby notified that effective 0001 hours May 31, 1976, the general permit issued to it on December 20, 1975 for the gear category Encircling Gear, Yellowfin Tuna Purse Seining is void. Although all holders of certificates of inclusion under this general permit are not parties to the above law suits, their rights are derived from the general permit; therefore, all certificates of inclusion under this general permit are void as of 0001 hours May 31, 1976.

In accordance with the Court's Order the following provisions of part 216 are void as of 0001 hours May 31, 1976: §§ 216.24(b)(1)(ii), 216.24(c)(6)(i)(B), 216.24(c)(6)(ii)(B), 216.24(d)(2) and 216.24(f).

As a result of the Court finding that § 216.24(d)(2) and the general permit

and certificates of inclusion issued thereunder are void, in accordance with section 102 of the Act and § 216.11 of this part 216, it is unlawful for any person, vessel or conveyance subject to the jurisdiction of the United States and fishing for yellowfin tuna to set on porpoise with a purse seine.

It is requested that all daily log sheets required by 50 CFR 216.24(d)(2)(i)(B) (iii) outstanding as of May 20, 1976, be mailed or delivered to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731 on May 31, 1976, or as soon thereafter as practicable.

National Marine Fisheries Service scientific observers and gear technicians on board purse seine vessels at sea on May 31, 1976, may be returned immediately to the port of departure, any U.S. port, or any of the following ports: Mazatlan, Mexico; Acapulco, Mexico; Puntarenas, Costa Rica; Balboa, Canal Zone at no cost to the Federal government; or may be returned at the end of the voyage, at the pleasure of the vessel captain.

All gear research which involves taking porpoise in the course of commercial fishing will terminate effective May 31, 1976.

In light of the Court's holding, yellowfin tuna caught in association with marine mammals after May 30, 1976, may

not be imported into the United States. Section 216.24(e)(3)(v) is amended to reflect this change. It should be noted, however, that yellowfin tuna not caught in association with marine mammals may continue to be imported under the provisions of paragraph (e).

The conditions under which other species of fish may be imported are NOT affected by this amendment.

The amendments to part 216 are effective May 31, 1976.

Dated: May 26, 1976.

ROBERT W. SCHONING,  
Director, National  
Marine Fisheries Service.

#### § 216.24 [Amended]

1. Accordingly, 50 CFR Chapter II, Part 216 is amended by revoking paragraphs (b)(1)(ii), (c)(6)(i)(B), (c)(6)(ii)(B), (d)(2) and (f). The numerical designations of the provisions revoked are reserved.

2. In addition § 216.24(e)(3)(v) is amended by deleting the period from the sentence ending with ("1974") and adding in lieu thereof: " ", or (3) if the yellowfin tuna was caught subsequent to October 20, 1974, and prior to May 31, 1976, that the yellowfin tuna was caught in conformance with the regulations pertaining to purse seining in effect for that period of time."

[FR Doc. 76-15734 Filed 5-27-76; 8:45 am]



# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ 27 CFR Part 201 ]

[ Notice No. 297 ]

### DISTILLED SPIRITS

#### Operational Loss Allowance

The Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate, is considering amendment of 27 CFR Part 201, Distilled Spirits Plants, to provide a separate operational loss allowance for the production of cordials, liqueurs, cocktails and similar compounds. The proposed amendments are intended to more nearly provide for the actual losses sustained during the processing and bottling of these products.

#### BACKGROUND

At the time distilled spirits are removed from the bonded premises of a distilled spirits plant and released to the proprietor for processing and bottling, the tax liability is determined by a gauge of the bulk spirits. In order to collect tax commensurate with the contents of the finished product, the Excise Tax Technical Changes Act of 1958 added a provision (26 U.S.C. 5008(c)) for the credit of tax on normal operating losses occurring after payment or determination of tax and before the completion of bottling, casing, or other packaging. A schedule of limitations on allowable losses was provided in order to facilitate the maintenance of protection against the possibility of excess (fraudulent) credit without imposing an expensive custodial type of supervision over rectifying and bottling operations. The schedule of maximum allowable losses was based on historical losses as reported by plant proprietors and recognizes the fact that the percentage of losses, generally, is greater for small operations than for larger ones. The schedule was designed to allow the total net losses of most of the plants in each size bracket and a large proportion of the losses of all plants. Provisions were made in the law for the Secretary to make increases in the schedule, within limits, when found consistent with protection of the revenue and justifiable on the basis of actual losses, and for decreases, if found necessary, for revenue protection.

Bottlers of cordials, liqueurs, cocktails and similar compounds have requested that a higher loss allowance be provided for these products to more nearly pro-

vide for actual losses. They feel that these products deserve special consideration in this regard since normal operating losses experienced during processing and bottling are higher than for other products; and, as a result they tend to suffer heavier non-refundable losses than do bottlers of other products. The reasons most often given for the higher losses in cordial, liqueur and cocktail operations are as follows:

(1) *Processing.* The manufacture of cordials, etc. requires vigorous mixing, heavy filtration, standing time, and often includes percolation and distillation processes, all of which result in losses of spirits not experienced in the processing of other products such as vodka, bourbon, blended whiskey, and brandy.

(2) *Viscosity.* Cordials, liqueurs, cocktails and similar compounds are much more viscous than other products which do not contain the sugar and blending and flavoring materials which are normally added to the cordial and liqueur-type products. Residue losses in tanks, lines and bottling equipment are greater for these more viscous, sticky type products. Filtration losses are also higher as numerous filter changes are required to prevent flavor or color carryover from these products which cannot be washed out of filters by flushing with water.

(3) *Batch Size.* Batch sizes for cordials and liqueurs are much smaller than for other spirits. The operation is typically low volume per item with a large variety of products as opposed to a whiskey or vodka operation where individual product volume is large and product variety minimal. Due to the limited volume in individual products, it is not feasible to make long runs of any one product and this results in additional losses from multiple filter changes and equipment washout and draining.

In response to industry requests, the Bureau conducted a study of operating losses during fiscal 1973 at distilled spirits bottling plants. The study substantiated claims that losses sustained during the production of cordials, liqueurs, cocktails and similar compounds are higher than for other "straight" products; and, as a result bottlers of these products are much more likely to exceed the maximum loss allowable. Therefore, the Bureau now proposes to amend the regulations to provide a separate loss allowance for cordials, liqueurs, cocktails and similar compounds, which is intended to allow the total net losses on these products for most proprietors and a large proportion of the losses on these products for all proprietors. The proposed loss allow-

ance is based on the losses experienced in the production of cordials, liqueurs, cocktails and similar compounds by the proprietors surveyed for fiscal 1973. The existing overall loss allowance schedule will remain unchanged; and the separate loss schedule for cordials, liqueurs, cocktails and similar compounds will be provided as an option for those proprietors who find it beneficial to use it. Any bottler who desires to take advantage of the separate allowance will be required to maintain the records necessary to prepare a statement of losses for cordials, liqueurs, cocktails and similar compounds, which will be attached to each claim for refund or credit. During on-site audits, ATF inspectors will verify these statements of loss.

#### PUBLIC PARTICIPATION

Interested persons who wish to participate in the making of the proposed rule are invited to submit written comments or suggestions, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (Attn: Chief, Regulations and Procedures Division) within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any interested person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director within the 30 day period.

The proposed regulations are to be issued under the authority contained in section 26 U.S.C. 7805.

#### PROPOSED REGULATIONS

On the basis of the foregoing, it is proposed that Part 201 of Chapter I of Title 27 of the Code of Federal Regulations be amended as follows:

1. Section 201.45 is amended by changing the reference to § 201.485 in paragraph (d)(2) to § 201.485a. As amended, § 201.45 reads as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

• • • • •

(2) In the case of loss by reason of authorized rectifying, packaging, bottling,

or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485a;

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

2. Section 201.485 is amended by deleting the loss allowance schedule. As amended, § 201.485 reads as follows:

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis; the proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature. Losses of spirits under this section (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth in section 201.485a. Accidental losses of less than 10 proof gallons in respect of any one accident, occurring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations, are includable in losses under this section subject to the same limitations. Accidental losses of 10 proof gallons or more in respect of any one accident if claimed under the provisions of § 201.45(c), shall not be included as operating losses under this section.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

3. A new section, § 201.485a, providing the maximum allowable loss schedules, is added immediately following § 201.485. As added § 201.485a reads as follows:

§ 201.485a Maximum allowable losses.

(a) *General.* The proprietor has the option of computing and claiming operating losses collectively for all spirits, using the general schedule of maximum allowable losses provided in paragraph (b)(1) of this section; or, computing and claiming operating losses separately for cordials, liqueurs, cocktails and similar compounds, using the optional schedule of maximum allowable losses provided for those products in paragraph (b)(2) of this section and the general schedule (paragraph (b)(1) of this section) for all other products. Maximum allowable losses shall be computed in the same manner for all claims (tentative and final) during a fiscal year; and if a proprietor finds it necessary to change schedules during the year, he will be required to amend all claims previously filed.

(b) *Maximum loss schedules.* (1) *General schedule.* The following maximum allowable losses apply to all products not claimed under paragraph (b)(2) of this section:

If total completions during the fiscal year in proof gallons are—	The maximum allowable loss in proof gallons is—
Not over 24,000....	2 pct of completions.
Over 24,000 but not over 120,000....	480 proof gallons plus 1 pct of excess over 24,000.
Over 120,000 but not over 600,000....	1,440 proof gallons plus 0.6 pct of excess over 120,000.
Over 600,000 but not over 2,400,000....	4,320 proof gallons plus 0.3 pct of excess over 600,000.
Over 2,400,000....	9,720 proof gallons plus 0.2 pct of excess over 2,400,000.

(2) Cordials, liqueurs, cocktails and similar compounds. The following may be used to compute a separate allowance for cordials, liqueurs, cocktails, mixed drinks, and specialties (including flavored rums, flavored whiskeys, flavored gins, flavored vodkas, and flavored brandies):

If completions during the fiscal year in proof gallons are—	The maximum allowable loss in proof gallons is—
Not over 24,000....	2 percent of completions.
Over 24,000 but not over 600,000....	480 proof gallons plus 1.5 percent of completions over 24,000.
Over 600,000....	9,120 proof gallons plus 1 percent of excess over 600,000.

(Sec. 201 Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

4. Section 201.486 is amended to include instructions concerning ineligible ingredients when a proprietor is computing allowable loss under both loss allowance schedules. As amended, § 201.486 reads as follows:

§ 201.486 Ineligible ingredients.

(a) *General.* When alcoholic ingredients (such as spirits and wines and alcoholic flavoring and blending materials) other than spirits withdrawn from bond by the proprietor of the bottling premises on payment or determination of tax for removal to his premises for rectification or bottling, are used by him in the manufacture of spirits products, the loss otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of such other alcoholic ingredients used, to the total proof gallons of all alcoholic ingredients used in the finished products.

(b) *Spirit claim.* Where the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)) and the loss allowance schedule for cordials, liqueurs, cocktails and similar compounds (§ 201.485a(b)(2)), the allowable loss provided under each schedule shall be reduced by the ratio of proof gallons of ineligible ingredients to total proof gallons in each category.

(c) *Closed system.* When ineligible spirits (spirits not withdrawn directly from bond on payment or determination of tax by the proprietor of bottling

premises) are used in the manufacture of gin and vodka in a closed system, as provided in § 201.487, the loss from the closed system otherwise allowable shall be reduced in a ratio equal to the ratio of the total proof gallons of the ineligible spirits entered into the closed system, to the total proof gallons of all spirits entered into such system.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

5. Section 201.488 is amended to include instructions concerning tentative allowances when a proprietor is computing allowable loss under both loss allowance schedules. As amended, § 201.488 reads as follows:

§ 201.488 Tentative allowances.

The proprietor may at any time during a fiscal year make claim for tentative allowance of his operating losses, as described in §§ 201.485 and 201.487, from the beginning of the fiscal year through the close of any calendar month thereof, except June. In order to determine the maximum tentative allowable operating loss through the end of any month (within the limitations of § 201.485a), (a) the total completions from the beginning of the fiscal year to the end of such month shall be projected at that rate for the full year, (b) the loss which would be allowable for the fiscal year on the basis of the projected completions shall be computed, and (c) such loss shall then be reduced by a quantity attributable to the fractional part of the fiscal year remaining. Where the proprietor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)) and the loss allowance schedule for cordials, liqueurs, cocktails and similar compounds (§ 201.485a(b)(2)), the maximum tentative allowable operating loss shall be determined separately for each of the two categories in the manner described above. No claim for tentative allowance shall include any amount previously claimed. Each claim for tentative allowance filed, as provided in this section, shall be plainly marked, "Tentative Claim." Any proprietor who has filed a tentative claim for allowance of loss for any part of a fiscal year is required to file a final claim for that fiscal year or the portion of that fiscal year that he was qualified to operate the plant.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

6. Section 201.491 is amended to include instructions concerning supporting data when a proprietor is computing allowable loss under both loss allowance schedules. As amended, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

Any claim filed under § 201.45(d) shall be accompanied and supported by Form 2611 to cover the computation of the losses described in §§ 201.485 and 201.487, as applicable. Page 2 of Form 2611 shall also be required where the proprie-

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tor is computing the allowable loss under both the general loss allowance schedule (§ 201.485a(b)(1)) and the loss allowance schedule for cordials, liqueurs, cocktails and similar compounds (§ 201.485a(b)(2)). The final claim for operational losses, as described in §§ 201.485 and 201.487, shall be filed within 6 months from the close of the fiscal year. Any claim filed under § 201.45(c) to cover losses described in § 201.484, shall be filed within 6 months from the date of the loss.

(Sec. 201, Pub. L. 85-559, 72 Stat. 1323, as amended (26 U.S.C. 5008))

Signed: May 11, 1976.

REX D. DAVIS,  
Director.

Approved: May 24, 1976.

DAVID R. MACDONALD,  
Assistant Secretary of the  
Treasury.

[FR Doc.76-15717 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF DEFENSE

### Corps of Engineers

#### [33 CFR Part 207]

#### NAVIGATION REGULATIONS

##### Notice of Proposed Rulemaking

Notice is hereby given that pursuant to Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to revise 33 CFR 207.590 which regulates the use, administration and navigation of the Black Rock Canal and Lock, Buffalo, New York. The proposed revisions reflect current operating procedures for the lock with regard to a change in radio equipment for ship-shore communication and lockage of pleasure craft.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of The Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before June 28, 1976.

§ 207.590 is amended to read as follows:

§ 207.590 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.

(1) Radio Control of vessel movement in Black Rock Canal

(1) . . . .

(3) The Black Rock Lock radio communication equipment operates on VHF(FM) frequencies as follows: VHF—156.8 Mcs—Channel 16—Safety and Calling, VHF—156.7 Mcs—Channel 14—Working; VHF—156.6 Mcs—Channel 12—Working. A listening watch is maintained on VHF Channel 16.

(4) . . . .

(D) Vessels desiring to enter the Black Rock Canal from either the Buffalo

Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone approximately 15 minutes before the estimated time of arrival at Buffalo Harbor Traffic Lighted Bell Buoy 1 located at latitude N. 42°50.1' and longitude W. 78°55.4'. Information to be furnished the Black Rock Lock Operator should include the name of the vessel, position, destination, length, draft (forward and aft) and the type of cargo. A second call shall be made to the lock when the vessel is abreast of the Buffalo Harbor Light on the southerly end of the detached West Breakwater. Information furnished the vessel by the Lock Operator will assure the vessel operator of the proper time to enter the Black Rock Canal with a view to safety and minimum delay.

(1) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone to 876-5454 immediately before departing a dock and again when abreast of the North Breakwater South End Light on the southerly end of the North Breakwater.

(11) In any radio communication from a vessel to the Black Rock Lock, the VHF(FM) frequencies will be utilized.

(m) Black Rock Lock: All vessels and boats desiring to use the lock shall signal by two long and two short whistle blasts.

(1) . . . .

(2) . . . .

(3) Commercial vessels will receive preference in passage through the locks. Small vessels such as row, sail, and motor boats, bent on pleasure only, will be passed through the lock in company with commercial vessels when small vessels can be safely accommodated or in the absence of commercial vessels may be passed through the lock individually or together in one lockage on the hour if northbound, and on the half hour if southbound. However, commercial vessels will receive preference which could delay the passage of pleasure craft. Pleasure craft will not be permitted to pass through the lock with vessels carrying inflammable cargo. Vessels and other large boats when in the lock shall fasten one head line and one spring line to the snubbing posts on the lock walls, and the lines shall not be cast off until the signal is given by the lockmaster for the boats to leave the lock.

Dated: May 17, 1976.

MARVIN W. REES,  
Colonel, Corps of Engineers,  
Executive Director of Civil Works.

[FR Doc.76-15573 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### [50 CFR Part 32]

#### HUNTING

##### Proposed Opening of Big Stone National Wildlife Refuge

Notice is hereby given that it is proposed that 50 CFR Part 32 be amended

by the addition of the Big Stone National Wildlife Refuge, Ortonville, Minnesota, to the lists of refuge areas open for the hunting of (migratory game birds, upland game, and/or big game), which are published at 50 CFR § 32.21 and § 32.31.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at D.M. 242.1.1, the Director may open refuge areas to public hunting upon a determination that it would be in accordance with provisions of all laws applicable to the area, would be compatible with the principles of sound wildlife management and would otherwise be in the public interest. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation. It is the purpose of this proposed rulemaking to allow the hunting of upland game, and big game on the Big Stone National Wildlife Refuge, which is presently prohibited.

Furthermore, pursuant to the requirements of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)), an environmental assessment has been prepared on this proposal which will help determine whether this rulemaking constitutes a major Federal action significantly affecting the human environment. A copy of this assessment is available at the address below.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 by June 30, 1976.

Accordingly, it is proposed to amend § 32.21 and § 32.31 in Title 50 of the Code of Federal Regulations by the addition of

#### MINNESOTA

Big Stone National Wildlife Refuge

LYNN A. GREENWALT,  
Director, U.S. Fish and  
Wildlife Service.

MAY 25, 1976.

[FR Doc.76-15586 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [7 CFR Part 911]

#### HANDLING OF LIMES GROWN IN FLORIDA

Proposed Rulemaking With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1976-77 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of \$150,000, a rate of assessment of \$0.175 per bushel of limes, and the carryover as a reserve of unexpended funds to sup-

port the activities of the Lime Administrative Committee for the 1976-77 fiscal year under Marketing Order No. 911.

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1976, through March 31, 1977, will amount to \$150,000;

(2) That there be fixed, at \$0.175 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order; and

(3) That unexpended assessment funds in the amount of approximately \$76,199, which are in excess of expenses incurred during the fiscal year ended March 31, 1976, shall be carried over as a reserve in accordance with § 911.42 and § 911.204 of said amended marketing agreement and order.

All persons who desire to submit written data, views or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than June 12, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 24, 1976.

CHARLES R. BRADER,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-15619 Filed 5-27-76; 8:45 am]

#### [7 CFR Part 1030]

[Docket No. AO-361-A17]

#### MILK IN THE CHICAGO REGIONAL MARKETING AREA

##### Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Quality Inn, 4916 East Broadway, Madison, Wisconsin, beginning at 9:00 a.m., on June 15, 1976, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure govern-

ing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

#### PROPOSED BY FARMERS UNION MILK MARKETING COOPERATIVE

##### PROPOSAL NO. 1

Revise paragraph (b) of § 1030.7 as follows:

#### § 1030.7 Pool plant.

(a) . . . .

(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b)(1) and (2) of this section is not less than the percentages specified in paragraph (b)(4) of this section subject to paragraph (b)(5), (6), (7), and (8) of this section of the volume of Grade A milk received from dairy farmers and handlers described in § 1030.9(c), including producer milk diverted under § 1030.13. Such receipts shall be reduced by the disposition of packaged fluid milk products described in paragraph (b)(3) of this section.

(1) Shipped or transshipped as fluid milk products to and physically unloaded into:

(i) Pool plant pursuant to paragraph (a) of this section;

(ii) Plants of producer-handlers;

(iii) Partially regulated distributing plants and assigned to Class I;

(iv) Distributing plants fully regulated under an other Federal order; and

(v) Any additional plant not specified above but defined in § 1030.8 that subsequently received a Class I classification.

(4) Such percentage shall be not less than 30 for September, 35 for each of the months October and November, 25 for December, and 20 for all other months except that a plant that was a pool plant pursuant to this paragraph during each of the months August through March shall be a pool plant for each of the following months of April through July, subject to the following conditions:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area;

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April-July) requesting the plant be designated a nonpool plant for such months and any subsequent month through July, provided it does not otherwise qualify as a pool plant;

(11) For supply plants located outside the marketing area of this order, such performance requirements shall include physical receipt of one load at a pool plant described under paragraph (a) of this section each month; and

(iv) Any plant that was a supply plant under this order shall be a pool plant under this order during the following month regardless of the volume of shipments made to other order distributing plants.

#### Proposed by:

Associated Milk Producers, Inc.  
Consolidated Badger Cooperative  
Alto Cooperative Creamery  
Golden Guernsey Dairy Coop.  
Hampshire Milk Producers Assn.  
Independent Milk Producers Coop.  
Lake-to-Lake Dairy Coop.  
Manitowoc Milk Producers Coop.  
Milwaukee Coop Milk Producers  
Mid-West Dairymen's Company  
Outagamie Producers Coop.  
Wisconsin Dairies Coop.  
Woodstock Progressive Milk Producers Assn.  
Hiawatha Valley Dairies Coop.

##### PROPOSAL NO. 2

Amend § 1030.7 as follows:

#### § 1030.7 Pool plant.

(a) A distributing plant from which there is disposed of during the month not less than the percentages set forth in paragraph (a)(2) and (3) of this section of the receipts specified in paragraph (a)(1) of this section: *Provided*, That any plant that qualified as a distributing plant under this order in each of the immediately preceding 3 months may remain qualified during the current month, unless the operator of such plant requests nonpool plant status for such month. Two or more distributing plants of a handler shall be considered a unit for the purpose of paragraph (a)(3) of this section in any month if the handler operating such plants has filed a written request with the market administrator prior to such month requesting that they be considered a unit.

(1) . . . .

(2) . . . .

(3) Not less than 45 percent in each of the months of September, October, November, and December and 35 percent in each of the months of January, February, March and August, and 30 percent in all other months of such receipts is disposed of in the form of packaged fluid milk products and packaged fluid cream products, except filled milk, either as route disposition or moved to other plants. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which the quantity of fluid milk products (except other source milk and filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b)(1) and (2) of this section is not less than the percentages specified in paragraph (b)(4) of this section subject to paragraph (b)(5), (6), and (7) of this section of the volume of



## PROPOSED RULES

Grade A milk received from dairy farmers and handlers described in § 1030.9(c), including producer milk diverted under § 1030.13. Such receipts shall be reduced by the disposition of packaged fluid milk products described in paragraph (b) (3) of this section.

(1) . . . . .  
(iv) Distributing plants fully regulated under an other Federal order, provided that the total quantity so transferred to pool distributing plants under this order exceeds in the case of each other order the total quantity so transferred to other order distributing plants.

(2) . . . . .  
(3) The receipts of Grade A milk required to be included pursuant to this paragraph shall be reduced by the amount of packaged fluid milk products and packaged fluid cream products (except filled milk) that are disposed of from such plants as route disposition or moved to a nonpool plant from which they are disposed of as route disposition outside the marketing area.

(4) Such percentage shall be not less than 30 for September, 35 for each of the months of October and November, and 25 for December and 20 for all other months: *Provided*, That in the event a disaster prohibits the plant from meeting the specified performance requirements during any month, such plant, upon verification by the market administrator, will remain qualified pursuant to this paragraph. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

(7) . . . . .

(iii) Each plant in a unit would not be required to ship or transship milk to plants specified in subparagraph (b) (1) of this section unless a requirement is effectuated per subparagraph (b) (6) of this section.

## PROPOSAL NO. 3

Add a new § 1030.11, Dairy farmer for other market, as follows:

§ 1030.11 Dairy farmer for other market.

"Dairy farmer for other market" means any dairy farmer described in this section. For the purposes of this section, the acts of any person who is an affiliate of, controls, or is controlled by, a handler described in § 1030.9 shall be considered as having been performed by such handler.

(a) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during any of the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year of an other order that provided for a seasonal incentive payment plan whereby funds pre-

viously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year: *Provided*, That any handler may for each of his plants that are pool plants under this order during the months of January through July count as producer milk the production of any 3 such dairy farmers described in paragraph (a) of this section if such dairy farmer's production otherwise meets the provisions of § 1030.13.

(b) A producer under the order will be deemed to meet the definition of this paragraph during any month in which any production of such farm is disassociated with pool plants regulated under this order and is subsequently sold as Class I by a handler in an unregulated marketing area. Any dairy farmer who becomes a dairy farmer for other markets pursuant to this paragraph shall not achieve producer status under this order until the following August.

## PROPOSAL NO. 4

Amend § 1030.52, Plant location adjustments for handlers, by adding a new subparagraph (6) under paragraph (a) as follows:

§ 1030.52 Plant location adjustments for handlers.

(a) . . . . .  
(6) Adjustment to prices pursuant to this section shall not result in a price less than the Class III price for the month.

## PROPOSAL NO. 5

Amend § 1030.75(a) to read:

§ 1030.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1030.61 for producer milk received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1030.52(a), except that the adjusted uniform price shall not be less than the Class III price.

## PROPOSAL BY THE NATIONAL FARMER'S ORGANIZATION

## PROPOSAL NO. 6

§ 1030.7 [Amended]

Amend § 1030.7(b) by replacing the following language in the first paragraph of (b):

"(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b) (1) and (2) of this section—"

with the following phrase:

"(b) A supply plant from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped during the month in accordance with paragraph (b) (1) and (2) of this section and diverted during the month pursuant to § 1030.9(h) and § 1030.13(e) —"

## PROPOSAL NO. 7

§ 1030.7 [Amended]

Amend § 1030.7(b) (1) (iii) by replacing the following phrase:

"—in the marketing area from such plants pursuant to § 1030.42(d) (2) (ii) (a) and (c)."

with the following:

"—from such plants; in the case of each such plant pro rata to receipts of packaged fluid milk products at such partially regulated distributing plant from pool plants, and pro rata to receipts of bulk fluid milk products at such partially regulated distributing plant from pool plants."

## PROPOSAL NO. 8

§ 1030.7 [Amended]

Add a paragraph (iv) after § 1030.7 (b) (1) (iii), as follows:

"(iv) Distributing plants fully regulated under another Federal order, excluding those shipments or transshipments for which classification is assigned pursuant to § 1030.42(b) (3)."

## PROPOSAL NO. 9

§ 1030.7 [Amended]

Amend § 1030.7(b) (4) by adding two new paragraphs, (iii) and (iv), as follows:

"(iii) For supply plants located outside the marketing area of Order 30, such performance requirements shall include delivery each month to a pool plant described under paragraph (a) of this section of at least one tank load of Grade A fluid milk products (not less than 45,000 pounds);

(iv) Any plant that was a pool supply plant under Order 30 during the preceding month shall be a pool plant for the current month regardless of the volume of shipments made to pool distributing plants under other orders."

## PROPOSAL NO. 10

§ 1030.7 [Amended]

Amend § 1030.7(b) (6) by deleting the following language:

"—except that the percentages specified in paragraph (b) (7) (iii) of this section shall not exceed 50 percent of those specified in paragraph (b) (4) of this section."

## PROPOSAL NO. 11

§ 1030.7 [Amended]

Amend § 1030.7(b) (7) by deleting the subparagraph (iii) therein, in its entirety.

Renumber the present § 1030.7(b) (7) (vi), as § 1030.7(b) (7) (iii).

## PROPOSAL NO. 12

§ 1030.9 [Amended]

Amend § 1030.9(h) by:

Replacing the phrase in the first paragraph "any person who is a handler operating a pool distributing plant—" with the phrase "any person who is a handler operating a pool plant—"

Replacing the phrase in subparagraph (2) "handler's pool distributing plant to another pool distributing plant—" with the phrase "handler's pool plant to a pool distributing plant—"

## PROPOSAL NO. 13

§ 1030.9 [Amended]

Replace the language in the first paragraph of the present § 1030.13(e) and in subparagraph (1) under said paragraph (e) with the following:

"(e) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant or to a distributing pool plant subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at the plant to which diverted, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.7, milk so diverted shall be considered as received in the pool plant from which diverted.

The location price adjustments pursuant to § 1030.75 shall be based on the zone location of the plant to which diverted where such milk is physically received, except that in the case of milk diverted from a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) With respect to diversions to a nonpool plant, the milk of a producer that has been physically received at a pool plant during the month for at least one day's production may be otherwise diverted without limit during the month; except that no diversion limit shall apply during the months of April through July if the milk of the producer was physically received for at least one day's production during any of the preceding months of August-December and such producer subsequently maintained producer status without interruption extending through one calendar month.

With respect to diversion to a pool distributing plant, the milk of the producer involved must be physically received for one day's production during the month at the plant from which diverted."

## PROPOSAL NO. 14

§ 1030.75 [Amended]

Amend § 1030.75 by replacing the language in the present paragraph (a) with the following:

"(a) The uniform price pursuant to § 1030.61 for producer milk received

## PROPOSED RULES

at a plant shall be adjusted according to the location of the plant at the rate set forth in § 1030.52(a), except that such adjusted uniform price at any location shall not be less than the Class III price."

## PROPOSAL NO. 15

§ 1030.7 [Amended]

If the final decision on this docket is not to be made effective on or before July 15, 1976, amend § 1030.7(b) (7) (ii) by providing additional language in subparagraph (ii) to the effect that the latest date for giving such notice during the year 1976 will not be earlier than 15 days after the effective date of the decision in this docket.

## PROPOSED BY LAKESHORE FEDERATED DAIRY COOPERATIVE

## PROPOSAL NO. 16

§§ 1030.7, 1030.13, 1030.42 [Amended]

Amend §§ 1030.7, 1030.13, and 1030.42 to provide that shipments made directly from supply plant producer's farms to pool distributing plants count for qualification of the supply plant where such producer's milk is associated.

## PROPOSAL NO. 17

Amend § 1030.7(b) (6) as follows:

§ 1030.7 Pool plant.

(b) . . . . .

(6) The percentages specified in paragraph (b) (4) and/or in paragraph (b) (7) (iii) of this section applicable during August-March or the ratios specified in § 1030.13(e) (1) shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments except that the percentages specified in paragraph (b) (7) (iii) of this section shall not exceed 50 percent of those specified in paragraph (b) (4) of this section. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to paragraph (b) (4) or (7) (iii) of this section would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

The ratio of diversions to nonpool plants to receipts specified in § 1030.13 (e) (1) during the month may be increased or decreased at the same percentage rate specified for pool supply plants as a result of this subparagraph.

PROPOSED BY THE SOUTHLAND CORPORATION  
PROPOSAL NO. 18

(a) Add a definition of "Associated Fluid Milk Product" as follows: "Associated fluid milk product" means a fluid cream product, cottage cheese, yogurt and eggnog.

(b) Add in § 1030.5 after the words "fluid milk product," the words "or an associated fluid milk product made from Grade A milk."

(c) Add in § 1030.7(a) (2) after the words "fluid milk products," the words "and associated fluid milk products."

(d) Change the period at the end of the first sentence in § 1030.7(a) (2) to a colon and add the following: "*Provided*, That for a plant located in the marketing area, such qualification shall be the lesser of 5 percent of a daily average of 1,000 pounds."

(e) Change the period at the end of the second sentence in § 1030.7(a) to a colon and add the following: "*Provided*, That in the event of a natural disaster or work stoppage beyond the control of the operator that results in the discontinuance of operation of one or more of the plants in the unit, the remaining plant(s) shall remain a pool plant(s) for a maximum of 12 months if the operator provides evidence satisfactory to the market administrator within 3 months of the intent to resume operations and if the operations resume within 12 months. Failure to meet either of these requirements will discontinue the automatic pool status."

## PROPOSED BY THE TRADE ASSOCIATION OF PROPRIETARY PLANTS, INC.

## PROPOSAL NO. 19

Amend § 1030.73(a) (1) to read as follows:

§ 1030.73 Payments to producers and to cooperative associations.

(a) . . . . .

(1) On or before the third day after the end of each month, to each producer who has not discontinued shipping milk to such handler before the end of the month, for producer milk received during the first 15 days of the month at a rate per hundredweight not less than the lowest class price under the order for milk of 3.5 percent butterfat for the preceding month, less proper deductions authorized in writing by such producer which may be retained by the handler until the payment required by § 1030.73 (a) (2) to the extent the retained authorized deduction does not exceed one-half of the total authorized monthly deductions of such producer; and

## PROPOSAL NO. 20

Amend § 1030.13(e) (1) to read as follows:

§ 1030.13 Producer milk.

(e) . . . . .

(1) Milk of a producer diverted for the account of the operator of a pool plant,



or handler described in § 1030.9(b), that does not exceed twice the quantity of such producer's milk received in the pool plant from which it was diverted during each of the months of September, October, and November, and during each of the months of December through August does not exceed four times such quantity received. No diversion limit shall apply during the months of April through August for a producer who delivered to a pool plant any time during the prior September-March period and subsequently maintained producer status without interruption of more than 30 consecutive days;

## PROPOSAL NO. 21

Amend § 1030.30(a) to read as follows:

## § 1030.30 Reports of receipts and utilization.

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

PROPOSED BY DEAN FOODS COMPANY

## PROPOSAL NO. 22

Amend the order to allow handler maximum shrinkage allowance in Class III with verification by the market administrator of total Class II and Class III utilization and total receipts and the balance will be Class I utilization.

## PROPOSAL NO. 23

Amend the order that yogurt be classified on a use to produce basis rather than on a sales basis.

## PROPOSAL NO. 24

Amend the order that Class II items received and disposed of in the same package need not be accounted for by the receiving handler and will be considered as a pass thru product.

PROPOSED BY BIRDSEYE DAIRY; CRYSTAL FOUNTAIN DAIRY; HANSEN DAIRY; LAMERS DAIRY, INC.; OBERWEIS DAIRY; STORER DAIRY; AND UTSCHIG DAIRY

## PROPOSAL NO. 25

Amend § 1030.50(a) to read:

## § 1030.50 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus \$0.40.

PROPOSED BY OBERWEIS DAIRY

## PROPOSAL NO. 26

## § 1030.52 [Amended]

Amend § 1030.52 to reflect an increase in zoning allowance from the present 2 cents per hundredweight to 3 cents per hundredweight with mileage conditions remaining as presently in effect.

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

## PROPOSAL NO. 27

Make such changes as may be necessary to make the entire marketing agree-

ment and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Robert G. Thomas, Room 800, 72 West Adams Street, Chicago, Illinois 60603, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on: May 25, 1976.

WILLIAM T. MANLEY,  
Deputy Administrator,  
Program Operations.

[FR Doc.76-15741 Filed 5-27-76;8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

## [29 CFR Part 1910]

[Docket No. H-039]

## OCCUPATIONAL EXPOSURE TO SULFUR DIOXIDE

## Notice of Proposed Rulemaking: Corrections

On Monday, November 24, 1975, a notice of proposed rulemaking regarding an

## REQUIREMENTS FOR RESPIRATOR USAGE

Concentration of sulfur dioxide	Permissible respirator protection
Less than or equal to 10 ppm-----	Chemical cartridge respirator for acid-gases with quarter or half facepiece.
Less than or equal to 50 ppm-----	Chemical cartridge respirator for acid-gases with full facepiece, hood or helmet.
Less than or equal to 100 ppm-----	Supplied-air respirator with full facepiece, hood, or helmet.
	Gas mask with chin-style canister for acid gases.
	Gas mask with front or back-mounted canister for acid gases.
	Self-contained breathing apparatus with a full facepiece.
Less than or equal to 400 ppm-----	Type C supplied-air respirator with full facepiece operated in pressure-demand or other positive pressure mode or with a full facepiece, helmet or hood operated in continuous flow mode.
	Self-contained breathing apparatus with a full facepiece operated in pressure-demand or other positive pressure mode.
	A combination respirator which includes a type C supplied-air respirator operated in the pressure demand or other positive pressure or continuous-flow mode and an auxiliary self-contained breathing apparatus operated in the pressure-demand or other positive pressure mode.
Greater than 400 ppm or entry and escape into unknown concentrations.	Gas mask with sulfur dioxide canister or acid-gas.
	Any escape self-contained breathing apparatus.
Escape -----	

6. On page 54531, second column, proposed § 1910.1030(k)(2)(ii) is corrected to read: " . . . for at least two years."

Since some of the above corrections are significant, interested persons are invited to comment on the corrections to the proposed standard on or before June 28, 1976. Written data, views, and arguments concerning corrections to the proposal must be submitted in quadruplicate to the Docket Officer, Docket No. H-039,

occupational safety and health standard for exposure to sulfur dioxide was published in the FEDERAL REGISTER (40 FR 54520, FR Doc. 75-31379). The following corrections should be made to this notice:

1. On page 54520, second column, the parenthetical sentence at the end of the first full, unnumbered paragraph is corrected to read as follows: "(See reference section of this Notice for listing of sources.)"

2. On page 54522, first column, first paragraph, the sixth line is corrected to read as follows: "workers. According to the Lee and Frau-"

3. On page 54522, second column, the third line of the second full paragraph is corrected by adding the word "above" immediately after the word "author".

4. On page 54528, first column, the following corrections are made:

(a) in reference (5), "Cincinnati, (1957)" is corrected to read "Chicago (1946)";

(b) in reference (6), "Cincinnati, 1958" is corrected to read "Cincinnati (1957)";

(c) in reference (7), "Cincinnati, 1958" is corrected to read "Atlantic City (1958)";

(d) in reference (8), the year should be changed from "1968" to "1966".

5. On Page 54530, the respirator table is corrected to read as follows:

Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (Telephone 202/523-3076). Written submissions must clearly identify the provision of the proposal addressed and the position taken with respect to each such provision. The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record of this proceeding.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911).

Signed at Washington, D.C. this 21st day of May 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc.76-15699 Filed 5-27-76;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 600]

[FRL-540-1]

## FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy Regulations and Test Procedures for 1977 and Later Model Automobiles

## Correction

In FR Doc. 76-14856 appearing on page 21002 in the FEDERAL REGISTER of Friday, May 21, 1976 Appendix IV on page 21019 is being republished. Appendix IV should appear as set forth below:

IV-1  
GENERAL LABEL  
WITH RANGE



Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:



Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped

10 MILES PER GALLON FOR CITY DRIVING  
16 MILES PER GALLON FOR HIGHWAY DRIVING  
AND  
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.



IV-3  
GENERAL LABEL  
CALIFORNIA

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, California emission control system.

10 MILES PER GALLON FOR CITY DRIVING  
16 MILES PER GALLON FOR HIGHWAY DRIVING  
AND  
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING



As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

IV-2  
GENERAL LABEL  
WITHOUT RANGE

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:

Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped

10 MILES PER GALLON FOR CITY DRIVING  
16 MILES PER GALLON FOR HIGHWAY DRIVING  
AND  
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING



As of the date this vehicle was built (or imported), a range of combined city and highway fuel economy for Class A vehicles was not available.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

FEDERAL REGISTER, VOL. 41, NO. 105—FRIDAY, MAY 28, 1976

IV-4  
SPECIFIC LABEL  
WITH RANGE

Based on the results of tests conducted or certified by the U.S. ENVIRONMENTAL PROTECTION AGENCY, the typical gas mileage of this car is estimated to be:



Vehicle: Ajax, 8 cylinder, 300 cubic inch displacement, 2 barrel carburetor, automatic transmission, catalyst equipped, 4,000 pounds test weight, 3.02 axle ratio.

10 MILES PER GALLON FOR CITY DRIVING  
16 MILES PER GALLON FOR HIGHWAY DRIVING  
AND  
14 MILES PER GALLON FOR COMBINED CITY AND HIGHWAY DRIVING

THESE FUEL ECONOMY NUMBERS ARE FROM TESTS OF THIS VEHICLE CONFIGURATION AND MAY NOT BE IN THE EPA/FEA BUYER'S GUIDE.

As of October 15, 1976, the combined city and highway fuel economy for other Class A vehicles ranged from 8 to 20 miles per gallon. The range on this label is based upon average fuel economy results, and does not reflect the range of tests of specific vehicle configurations.

Based on \$.65 per gallon, 10,000 miles driven per year, and an average combined fuel economy of 14 miles per gallon, the estimated annual fuel cost for this vehicle is \$464.

These estimates are based on tests of vehicles equipped with frequently purchased optional equipment.

Reminder: The actual fuel economy of this car will vary depending on the type of driving you do, your driving habits, how well you maintain your car, optional equipment installed and used, and road and weather conditions.

To compare the fuel economy of this car with other 1977 cars, and to learn how the tests were conducted, ask your dealer for a free copy of the EPA/FEA 1977 Gas Mileage Guide for New Car Buyers.

FEDERAL COMMUNICATIONS  
COMMISSION

[Docket No. 20403]

[47 CFR Part 73]

AUTOMATIC TRANSMISSION SYSTEMS AT  
AM, FM AND TELEVISION BROADCAST  
STATIONSOrder Extending Time for Filing Comments  
and Reply Comments

By the Chief, Broadcast Bureau: 1. On April 8, 1976, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding (41 F.R. 15711). The dates for filing comments and reply comments are presently June 11 and July 12, 1976, respectively.

2. On May 6, 1976, counsel for the National Association of Broadcasters (NAB) requested that the time for filing comments and reply comments be extended to and including August 11 and September 13, 1976, respectively. Counsel states that the instant proceeding contains public questions which are applicable to the entire broadcasting industry so NAB has appointed a special engineering subcommittee to study and advise it on these matters. Counsel adds that the Notice of Proposed Rule Making contains issues which need to be discussed at the June meetings of the NAB Board of Directors and its Engineering Advisory Committee. He further states that the evaluation and guidance of

these committees will be extremely helpful in preparation of comments in this proceeding.

3. We are of the opinion that the requested additional time is warranted and would serve the public interest. Accordingly, *It is ordered*, That the dates for filing comments and reply comments are extended to and including August 11 and September 13, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: May 20, 1976.

Released: May 24, 1976.

FEDERAL COMMUNICATIONS  
COMMISSION.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc.76-15663 Filed 5-27-76;8:45 am]

## FEDERAL TRADE COMMISSION

[16 CFR Part 3]

RULES GOVERNING DISCOVERY AND COM-  
PULSORY PROCESS IN ADJUDICATIVE  
PROCEEDINGS

## Proposed Rule Changes

The Federal Trade Commission previously published for comment (40 FR 15239) a proposed general revision of its rules governing discovery and compulsory process in adjudicative proceedings, modeled on the Federal Rules of Civil Procedure. On the basis of the comment received, a number of problems with the proposal became apparent. These problems related both to differences in structure and authority between the Commission and the federal courts which could not be fully accommodated to the proposed rules, and to concerns that adoption of the rules would not yield the desired results. While it had been the Commission's intention that the proposal facilitate and expedite discovery, much of the comment received tended to suggest the opposite result.

Accordingly, the Commission now proposes a less sweeping amendment of its discovery rules, designed to broaden somewhat the scope of permissible discovery, allow discovery from classes of persons to be authorized on a single application, and explicitly define the rules for use of depositions and other collateral matters.

The new proposal is also designed to continue past Commission practice of assuring firm control by administrative law judges of the pace and scope of adjudicative proceedings.

The proposed rules are promulgated under the authority granted by the Federal Trade Commission Act, (15 U.S.C. § 41 et seq.).

Written comments on the proposed rules will be received by the Commission on or before June 28, 1976. Comments should be filed in duplicate and addressed to the Secretary, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, N.W., Washington, D.C. 20580.



Comments from the Commission's administrative law judges, operating bureaus, and regional offices will be received in the same manner as comments from members of the public.

All such comments filed with the Commission, including those received from the Commission's staff, will be available for public inspection during normal business hours at the Division of Legal and Public Records, Room 130, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street, N.W., Washington, D.C.

The proposed changes are set forth below.

It is proposed to amend 16 CFR Part 3 as follows:

**Subpart D—Discovery; Compulsory Process**

1. A new section designated § 3.32 is adopted and §§ 3.33, 3.34, 3.35, 3.36(b), 3.37(b) and 3.38(b) are revised as set forth below.

**§ 3.32 Stipulations regarding discovery procedures.**

Unless the Administrative Law Judge orders otherwise, the parties may by written stipulation (1) provide that depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery; provided that no such stipulation shall vary the procedures set out in § 3.36 or 3.37.

**§ 3.33 Depositions.**

(a) *When justified.* At any time during the course of a proceeding, whether or not issue has been joined, the Administrative Law Judge may authorize the taking of a deposition or depositions of a named person or of a person or class of persons described with reasonable particularity. Such authorization may be granted upon a satisfactory showing that it is necessary for the discovery of any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, whether it relates to the allegations of the complaint or to the defense of any respondent, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of any discoverable matter, whether or not the information sought will be admissible at the hearing, if that information appears reasonably calculated to lead to the discovery of admissible evidence. Where authorization is sought as to a class of persons, a showing shall also be made that the depositions of members of such class may reasonably be expected to yield testimony or material of the same general category and that dealing with these persons as a class is thus appropriate. Where a person sought to be deposed is not a party to the proceeding or an officer or agent of a party, a further showing shall be made that the information sought cannot reasonably be obtained by other means. Such authoriza-

tion may also be granted to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence would not otherwise be available for presentation at the hearing. Insofar as consistent with considerations of fairness and the requirements of due process and the rules in this part, a deposition should not be authorized when it appears that it will result in undue burden to any other party or any person or in undue delay of the proceeding. Depositions may be taken, orally or upon written questions and cross-questions, before any person having power to administer oaths who may be designated by the party seeking the deposition, provided that such person shall have no interest in the outcome of the proceeding. If such authorization is granted, the party seeking the deposition shall serve upon each person whose deposition is sought and each party to the proceeding reasonable notice in writing of the time and place at which it will be taken, and the name and address of each person to be examined, if known, and if the name is not known, a description sufficient to identify him or her and the particular class to which he belongs. If the party seeking the deposition will simultaneously seek the production of documents or other material by the deponent, the notice shall also include a description thereof.

(b) *Form of application.* Any party desiring to take a deposition or depositions shall make application in writing to the Administrative Law Judge making the showing required by paragraph (a) of this section and including, if necessary, application or motion for subpoenas under § 3.34, 3.36, or 3.37, as appropriate.

(c) *Notice to corporation or other organizations.* A party may in his notice and in a subpoena name as the deponent a public or private corporation or a partnership or association or governmental agency and describe with reasonable particularity the matters on which examination is requested. In that event, the organization so named shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which he will testify. A subpoena shall advise a non-party organization of its duty to make such a designation. The persons so designated shall testify as to matters known or reasonably available to the organization. This subsection does not preclude taking a deposition by any other procedure authorized in these rules.

(d) *Motion for protective order.* After notice is served of the taking of a deposition, upon motion timely made by any party or by the person to be deposed and for good cause shown, the Administrative Law Judge may order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written questions, or that certain matters shall not be inquired into, or that

the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that trade secrets or names of customers need not be disclosed; or the Administrative Law Judge may make any other order which justice requires to protect the party or deponent from annoyance, embarrassment, or oppression, or to prevent the unnecessary disclosure or publication of information which will cause substantial harm to the competitive position of the person from whom the information is obtained or is contrary to the public interest and beyond the requirements of justice in the particular proceeding.

(e) *Motion for order compelling deponent to appear at deposition and testify.* If a deponent who is a party or an officer or managing agent of a party fails to appear at the time and place noticed for his deposition, or if any deponent, having appeared, declines to answer a question propounded or submitted to him, the party seeking discovery may by motion and upon reasonable notice to other parties apply to the Administrative Law Judge for an order compelling such appearance or such answer. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before applying for an order. If the Administrative Law Judge denies the motion in whole or in part, he may make such protective order as he would have been empowered to make on a motion under paragraph (d) of this section.

(f) *Taking of deposition.* Each deponent shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate), shall be reduced to writing and certified by the officer before whom the deposition was taken. Thereafter, the officer shall forward the deposition and one (1) copy thereof to the party at whose instance the deposition was taken, and shall forward one (1) copy thereof to the representative of each other party who was present or represented at the taking of the deposition.

(g) *Correction of deposition.* A deposition may be corrected in the manner provided by § 3.44(b). Any such deposition shall, in addition to the other required procedures, be read to or by the deponent and subscribed by him. Further to and not in lieu of the procedure for formal correction of the record, the deponent may enter in the record at the time of signing a list of objections to the transcription of his remarks.

(h) (1) *Use of depositions in hearings.* At the hearing on the complaint or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying,

may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof in accordance with any of the following provisions:

(i) Any deposition may be used for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(ii) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated to testify on behalf of a public or private corporation, partnership or association which is a party, or an official or employee of the Commission, may be used by an adverse party for any purpose.

(iii) A deposition may be used by any party for any purpose if the Administrative Law Judge finds: (A) that the deponent is dead; or (B) that the deponent is out of the United States or is located at such a distance that his attendance would be impractical, unless it appears that the absence of the deponent was procured by the party offering the deposition; or (C) that the deponent is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (D) that the party offering the deposition has been unable to procure the attendance of the deponent by subpoena; or (E) that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(iv) If only part of a deposition is offered in evidence by a party, and adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

(2) *Objections to admissibility.* Subject to the provisions of paragraph (h) (3) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(3) *Effect of errors and irregularities in depositions.* (1) As to notice. All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(ii) As to disqualification of officer. Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(iii) As to taking of deposition.

(A) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(B) Errors and irregularities occurring at the oral examination in the

manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless reasonable objection thereto is made at the taking of the deposition.

(C) Objections to the form of written questions are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other questions and within 5 days after service of the last questions authorized.

(iv) As to Completion and Return of Deposition. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, endorsed, or otherwise dealt with by the officer are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been ascertained.

**§ 3.34 Subpoenas.**

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at an adjudicative hearing shall be made to the Administrative Law Judge. If for the purpose of discovery, such subpoena shall be issued upon the same showing of necessity required for depositions under § 3.33(a). If for testimony at an adjudicative hearing, such subpoena shall be issued upon a showing of the general relevancy of the expected testimony.

(b) *Subpoenas duces tecum.* (1) Application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specified documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at an adjudicative hearing shall be made in writing to the Administrative Law Judge, and shall specify as exactly as possible the material to be produced, showing that the material sought is reasonable in scope and, if for the purpose of discovery, falls within the limits of permissible discovery prescribed for the taking of a deposition in § 3.33(a), or, if for an adjudicative hearing, is generally relevant.

(2) Subpoenas duces tecum may be used by any party for purposes of discovery or for obtaining documents, papers, books, or other physical exhibits for use in evidence, or for both purposes. When used for discovery purposes, a subpoena may require a person to produce and permit the inspection and copying of nonprivileged documents, papers, books, or other physical exhibits which constitute or contain evidence within the limits of permissible discovery under § 3.33(a) and which are in the possession, custody, or control of such person.

(c) *Subpoenas in blank.* Subpoenas ad testificandum and duces tecum for the purpose of discovery may be issued by the Administrative Law Judge in appro-

priate numbers, signed and sealed but otherwise in blank, upon application of a party, for service upon members of a class of persons described with reasonable particularity, upon the same showing of necessity and appropriateness of treatment as a class required for depositions under § 3.33(a). Each such subpoena shall be filled in by the party obtaining it, before service.

(d) *Motion to quash subpoena.* Any motion to limit or quash a subpoena shall be filed within ten (10) days after service thereof, or within such other time as the Administrative Law Judge may allow.

**§ 3.35 Rulings on applications for compulsory process.**

Applications for authorization to take depositions pursuant to the provisions of § 3.33, and applications for the issuance of subpoenas pursuant to the provisions of § 3.34 (other than as provided in §§ 3.36 and 3.37) may be made ex parte, and, if so made, such applications and rulings thereon shall remain ex parte unless otherwise ordered by the Administrative Law Judge or the Commission. Such applications, and motions under § 3.33 (d) and (e) and § 3.34(d), shall be ruled upon by the Administrative Law Judge or, in the event the Administrative Law Judge is not available, by the Chief Administrative Law Judge or such other Administrative Law Judge as the Chief Administrative Law Judge may designate.

**§ 3.36 Form of and rulings on applications for subpoenas for records of the Commission and for appearance of Commission employees.**

(b) *Content.* The motion shall make the same showing required to obtain a subpoena under § 3.34, including specifically a showing that the information or material sought cannot reasonably be obtained by other means, and, if subpoenas-in-blank are sought for a class of such officials or employees, the showing required by § 3.34(c).

**§ 3.37 Applications for appearance of other government employees.**

(b) *Content and disposition.* The motion shall make the same showing required by § 3.36(b) for subpoenas directed to the Federal Trade Commission or its officials or employees, and shall be ruled upon in the same fashion as provided by § 3.36(c) for such motions.

**§ 3.38 Consequences of failure to comply with orders.**

(b) Any such action may be taken by written or oral order issued in the course of the proceeding or by inclusion in an initial decision of the Administrative Law Judge or an order or opinion of the Commission. It shall be the duty of parties to seek and Administrative Law Judges to grant such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, doc-

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uments, or other evidence. If in the Administrative Law Judge's opinion such relief would not be sufficient, he shall so certify to the Commission and request of the Commission that court enforcement of the subpoena or order be sought.

**Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals; Summary Decisions**

2. Section 3.21(b) is revised to conform to the proposed changes in Subpart D.

**§ 3.21 Prehearing conferences.**

(b) *Subpoenas.* Prehearing conferences may be convened for the purpose of accepting returns on subpoenas duces tecum issued pursuant to the provisions of § 3.34 (b) or (c).

By direction of the Commission dated May 18, 1976.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 76-15767 Filed 5-27-76; 8:45 am]

**SECURITIES AND EXCHANGE COMMISSION**

**[ 17 CFR Parts 201, 240 ]**

[Release Nos. 33-5711, 34-12472, 35-19541, 39-435, IC-9297, 1A-517; File No. 87-633]

**INCORPORATION BY REFERENCE**

**Proposed Amendment of Rules of Practice and Revocation of Related Rule Classifying Basic Documents**

The Securities and Exchange Commission today invited public comments on amendments to its rules allowing incorporation by reference in current documents of documents previously filed.

Since 1934, the year the Securities and Exchange Commission came into being, literally millions of documents have been filed with it under the various federal acts it administers.<sup>1</sup> The Commission has kept the originals of all documents filed with it. The Commission however can no longer do so. The cost of storage outweighs the usefulness to the Commission and to the public of many if not most of these records.

Under Rule 24 of the Rules of Practice, 17 CFR 201.24, to the extent authorized by the other rules or regulations<sup>2</sup> or forms of the Commission, a person filing a document with the Commission may incorporate by reference in a current filing documents on file with the Commission less than 10 years and documents design-

<sup>1</sup> The Federal Records Center as of 1975 held almost 40,000 cubic feet of Commission records.

<sup>2</sup> These rules include Rules 411, 412 and 447 under the Securities Act, 17 CFR 230.411, 230.412 and 230.447; Rules 12b-24 and 12b-34 under the Securities Exchange Act, 17 CFR 240.12b-24 and 240.12b-34; Rule 22(b) under the Public Utility Holding Company Act of 1935, 17 CFR 250.22(b); Rules 7a-28 and 7a-29 under the Trust Indenture Act of 1939, 17 CFR 260.7a-28 and 260.7a-29; and Rules 8b-23, 8b-24 and 8b-32 under the Investment Company Act of 1940, 17 CFR 270.8b-23, 270.8b-24, and 270.8b-32.

ated as "basic documents." Basic documents as defined in the Rule may be incorporated in a current filing no matter when filed. Moreover, Rule 12b-34 under the Securities Exchange Act classifies as basic documents certain categories of documents.

The Commission's original purpose was to adopt rules permitting incorporation by reference to make it possible for companies to reduce repetition in their filings. It appears that, unless changed, references to previous documents raise the question whether any documents may be disposed of.

The proposed rule essentially makes three changes in the present Rule:

1. No document can be incorporated by reference more than three years after it was filed unless it is a basic document, as newly defined in paragraph b. The reason for the three-year period is that records are generally kept in the Commission's headquarters for about three years before they are sent to the Federal Records Center.

2. A person may designate as a basic document one which he has filed with the Commission not more than 10 years before the date of designation and which he reasonably expects to incorporate in a later filing. But in order to do so, he must send a copy to the Commission with the application that it be regarded as a basic document. This will enable members of the public to have ready access to basic documents which will separately be kept at the Commission's headquarters but will not prevent the Commission from discarding them when they are more than 20 years old.

3. No document may be incorporated by reference which itself incorporates another document by reference.

Classification of documents as basic documents prior to the adoption of a new rule will be rescinded and be of no effect.

All other Commission rules relating to incorporation by reference will be subject to the limitations in proposed Rule 24 of the Rules of Practice. In addition, it is proposed that Rule 12b-34 under the Securities Exchange Act, 17 CFR 240.12b-34, will be rescinded.

Rule 24 of the Rules of Practice is proposed to be amended to read as follows:

**§ 201.24 Incorporation by reference.**

(a) *Generally.* Where rules, regulations or instructions to forms of the Commission permit incorporation by reference, a document may be so incorporated only by reference to a specific document and to a prior filing in which it was physically filed. Reference may not be made to another file which incorporates the document by reference or to any document which incorporates another document by reference. No document on file with the Commission for a period of more than three years as of the date of filing may be incorporated by reference unless it is a basic document as defined and to the extent set out in paragraph (b) of this Rule.

(b) *Basic documents.* A person may designate as a basic document a docu-

ment he has filed with the Commission no more than 10 years prior to the date of designation and which he reasonably expects to incorporate by reference in a filing. A copy of such document must be sent to the Commission with an application that it be regarded as a basic document. The application must specify the file in which the document is physically filed. Copies of basic documents will be retained in a separate file by the Commission.

(1) No basic document, however, may be incorporated by reference in a current filing if filed more than 20 years prior to a current filing.

(c) *Related Rules, Regulations or Forms.* Rules, regulations or forms of the Commission permitting incorporation by reference shall be governed by the provisions of this Rule.

All interested persons are invited to submit their views and comments on the proposal in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 21, 1976. All such communications should be filed in triplicate and should refer to File No. 87-633 and will be available for public inspection.

(Sec. 19, 48 Stat. 85, sec. 23, 48 Stat. 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 655 (15 U.S.C. 77a, 78w, 79c, 77ass, 80a-37, 80b-11).)

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 21, 1976.

[FR Doc. 76-15558 Filed 5-27-76; 8:45 am]

**[ 17 CFR Parts 239, 249, 274 ]**

[Release 33-5710, 34-12462, IC-9295]

**INVESTMENT COMPANY FORMS**

**Withdrawal of Proposal**

Notice is hereby given that the Securities and Exchange Commission hereby withdraws its proposal to amend Forms N-8B-1, N-8B-3, N-8B-4, N-5, and N-1Q (17 CFR 274.11, 17 CFR 274.13, 17 CFR 274.14, 17 CFR 274.5, 239.24, 17 CFR 274.106, 249.331) under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.) which would have required registered investment companies to disclose with greater specificity their policies on involvement in the affairs of their portfolio companies.

A notice of the proposal was released for public comment on December 1, 1971.<sup>1</sup> Thirteen letters of comment were received on the proposal. The majority of comments received were critical of the proposed form amendments stressing that, as a rule, investment companies do not form general policies with respect to involvement in portfolio companies which could be meaningfully articulated in form responses. After reevaluating the comments received and in light of a re-

<sup>1</sup> Securities Act Release No. 5214, Securities Exchange Act Release No. 9403, Investment Company Act Release No. 6863 (December 1, 1971), 36 FR 25434 (December 31, 1971).

view of the reporting and disclosure requirements for investment companies currently in progress, it is deemed appropriate to withdraw this proposal at this time.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 20, 1976.

[FR Doc. 76-15556 Filed 5-27-76; 8:45 am]

**[ 17 CFR Parts 274 and 239 ]**

[Release 33-5709 and IC-9294]

**INVESTMENT COMPANY FORMS**

**Withdrawal of Proposal**

Notice is hereby given that the Securities and Exchange Commission hereby withdraws its proposal to revise the instructions to items relating to investment policies in Forms N-8B-1 and N-5 (17 CFR 274.11, 17 CFR 239.24, and 274.5) for registration statements of management investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.) ("Act"). The proposed revisions would

have amended the Instructions to Items 4 and 5 of Form N-8B-1 and Items 2 and 3 of Form N-5 so as to make them consistent with a Commission interpretation of the terms "fundamental" as used in Sections 8(b) and 13(a)(3) of the Act (15 U.S.C. 80a-8(b) and 80a-13(a)(3)).

A notice of the proposal was released for public comment on December 20, 1968.<sup>1</sup> The Commission's files show no record of any comments having been received. Since the entire area of investment company reporting and disclosure requirements, including the point covered by the proposed revisions, is currently under study, it is deemed appropriate at this time to withdraw this proposal.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 20, 1976.

[FR Doc. 76-15557 Filed 5-27-76; 8:45 am]

<sup>1</sup> Investment Company Act Release No. 5565, Securities Act Release No. 4939 (December 20, 1968) 34 FR 1180 (January 24, 1969).

**[ 17 CFR Parts 249, 274 ]**

[Release 34-12467, IC-9296]

**INVESTMENT COMPANY FORMS**

**Withdrawal of Proposal**

Notice is hereby given that the Securities and Exchange Commission has withdrawn the proposed amendments to Forms N-1Q, N-1R, and X-17a-9 (17 CFR 274.106, 249.331, 17 CFR 274.101, 249.330, 17 CFR 249.917) published for comment in Investment Company Act Release No. 6349 (February 16, 1971), 36 FR 4070 (March 3, 1971).<sup>1</sup>

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 20, 1976

[FR Doc. 76-15649 Filed 5-27-76; 8:45 am]

<sup>1</sup> It should be noted that the proposed amendment to Form N-1R was subsequently implemented in Investment Company Act Release No. 6620 (July 15, 1971), 36 FR 15430 (August 14, 1971). The Commission may in the future consider amendments to Forms N-1Q and X-17a-9 similar to those proposed in Investment Company Act Release No. 6349 but believes that the current proposal should be withdrawn in view of the time which has elapsed since its issuance.



# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

#### PORTLAND HYDRAULIC CEMENT, OTHER THAN WHITE NON-STAINING CEMENT, FROM MEXICO

##### Antidumping: Withholding of Appraisalment Notice

On October 16, 1975, information was received in proper form from Southwestern Portland Cement Company of El Paso, Texas, alleging that portland hydraulic cement, other than white non-staining cement, from Mexico, was being sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. However, the evidence on record, as set forth in the proceeding notice, was such that the Secretary of the Treasury concluded that substantial doubt existed as to whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c) of the Act (19 U.S.C. 160(c)(2)).

On December 18, 1975, the United States International Trade Commission notified the Secretary of the Treasury that, on the basis of its inquiry it did not determine that there was no reasonable indication that an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of the subject merchandise from Mexico. Accordingly, the Customs investigation in this proceeding was not terminated.

##### TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of portland hydraulic cement, other than white non-staining cement, from Mexico is less, or is likely to be less, than the fair value, and thereby the foreign market value (section 205 of the Act; 19 U.S.C. 164) of such or similar merchandise.

##### STATEMENT OF REASONS

The reasons and bases for the above tentative determination are as follows:

a. *Scope of the Investigation.* It appears that approximately 95 percent of imports of the subject merchandise was manufactured by three plants in Mexico during the representative period. They were Cementos Anahuac, Mexico, D.F., Cementos de Chihuahua, S.A., Ciudad Juarez, Chihuahua, and Cementos Mexicanos de Monterrey, S.A., Monterrey, Nuevo Leon. Therefore, the investigation was limited to these three manufacturers.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162) was used since all export sales appear to be made to non-related distributors or commercial consumers in the United States. Home market price, as defined in section 153.3, Customs Regulations (19 CFR 153.3) was used since such or similar merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase Price.* For the purpose of this tentative determination of sales at less than fair value, adjustments have been made on the following bases. In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports of portland hydraulic cement, other than white non-staining cement, from Mexico during the period July 1 through December 31, 1975, for two manufacturers. For Cementos Mexicanos, the period of investigation was January 1-December 31, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act. With respect to merchandise by Cementos Anahuac, the purchase price has been calculated on the basis of the C.I.F. price, Tampa, Florida, with deductions for inland freight, ocean freight and insurance. With respect to merchandise sold by Cementos de Chihuahua, the purchase price has been calculated on the basis of delivered, f.o.b. El Paso, Texas price with deductions for U.S. brokerage charges, inland freight, consumption entry bond, and Texas state use tax, as applicable. With respect to merchandise sold by Cementos Mexicanos de Monterrey, the purchase price has been calculated on the basis of the C.I.F., Texas border price with deductions for prompt payment discounts, U.S.

brokerage charges, transportation permit and insurance, and inland freight. Additions tentatively have been made to all prices, as applicable, for a 5 percent Mexican production tax not collected on exports, and an 11 percent rebate of indirect taxes on exports.

d. *Home Market Price.* The home market price for Cementos Anahuac has been calculated on the basis of the packed, weighted average price to Mexican distributors. For Cementos de Chihuahua and Cementos Mexicanos, the home market price has been calculated on the basis of f.o.b. plant price.

Adjustments have been made to the home market price for Cementos Anahuac for packing, rail freight, maritime freight, and terminal and plant handling costs. No adjustments have been made to the home market price of Cementos de Chihuahua. An adjustment for prompt payment discounts has been made to the home market price of Cementos Mexicanos.

Counsel for Cementos Anahuac has claimed additional adjustments for fixed operating costs of the plant and terminal, for depreciation costs on the plant and terminal, and for trade association fees. These expenses do not bear a direct relation to the sales under consideration and no adjustment has been allowed for these expenses. Additionally, counsel for Cementos Anahuac has claimed adjustments for advertising, sales promotion, and marketing and sales expenses. These expenses may be allowed if sufficient documentation is submitted to indicate that these expenses are directly related to the sales under consideration, within the meaning of § 153.8, Customs Regulations (19 CFR 153.8).

e. *Result of Fair Value Comparison.* Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the home market price of such or similar merchandise with respect to Cementos Anahuac del Golfo, S.A. Comparisons were made on approximately 90 percent of sales of the subject merchandise by this plant during the period of investigation. Margins were tentatively found ranging from 9 percent to 19 percent on the sales compared.

Accordingly, Customs officers are being directed to withhold appraisalment of portland hydraulic cement, other than white non-staining cement, from Mexico, in accordance with section 153.48(a), Customs Regulations (19 CFR 153.48(a)).

One hundred percent of sales by Cementos Mexicanos, S.A., and Cementos de Chihuahua to the U.S. in the period under consideration was examined and these two companies are excluded from

## NOTICES

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this withholding of appraisalment. The home market price of the former was considerably lower than the purchase price in every instance (these sales were made prior to April, 1975) and in the few sales in which margins were determined to exist in respect of the latter, such margins were deemed to be de minimis in relation to the total volume of sales.

In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office on or before June 7, 1976. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views likewise should be addressed to the Commissioner in time to be received in his office on or before June 28, 1976.

This notice of withholding of appraisalment and the statement of reasons therefor are published pursuant to sections 153.34(b) Customs Regulations (19 CFR 153.34(b)). This notice of withholding of appraisalment shall become effective May 28, 1976 and shall cease to be effective at the expiration of 6 months from that date, unless previously revoked.

DAVID R. MACDONALD,  
Assistant Secretary of the Treasury.  
MAY 21, 1976.

[FR Doc.76-15575 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF DEFENSE

### Department of the Air Force ESTABLISHMENT OF MILITARY OPERATING AREA, NEW YORK

#### Availability of Draft Environmental Statement; Public Hearing

MAY 24, 1976.

An informal Public Hearing will be held for the purpose of soliciting comments from the public regarding the proposed establishment of a Military Operating Area (MOA) designated "FALCON" over an area of Upstate New York as described in the Draft Environmental Statement. The hearing will be held on Wednesday, June 16, 1976 at 10 a.m. at the Army Reserve Training Center, 90 North Main Avenue, Albany, New York. The presiding officer will be Capt. Ronald Schumann, Staff Judge Advocate, Headquarters 21st Air Division, Hancock Field, New York 13225, Telephone (315) 458-9427.

The proposed MOA, based on recommendations of the National Transportation Safety Board, is to provide air traffic controlled, assigned airspace in which to conduct low level interceptor training. It would cover a 3,500 square mile area and encompass the airspace between al-

titudes of 6,000 and 18,000 feet above sea level. The same general airspace has been used by the Air Force as an uncontrolled airspace for interceptor training for the past 17 years. Other Air Force flying activities conducted over Upstate New York are addressed in the statement.

The following procedures will apply during the Public Hearing. Individual speakers will be limited to five minutes and group spokesmen, ten minutes. There will be no relinquishment of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations, will be accepted. The closing date for including written communications in the hearing record is June 23, 1976. Submit written communications to the presiding officer.

Copies of the Draft Environmental Statement can be obtained at no cost by writing to the Office of Information, Headquarters 21st Air Division, Hancock Field, New York 13225. Supply is limited. Copies are available locally for public reference at the following locations:

Albany Public Library, Harman's Bleeker Building, 17 Dove Street, Albany, New York 12210.  
Binghamton Public Library, 78 Exchange Street, Binghamton, NY 13901.  
Caldwell-Lake George Public Library, Lake George, NY 12845.  
Guernsey Memorial Library, 3 Court Street, Norwich, NY 13815.  
Plattsburgh Public Library, 15 Oak Street, Box 570, Plattsburgh, NY 12901.  
Potsdam Public Library, Civic Center, Potsdam, NY 13676.  
Rochester Public Library, 115 South Avenue, Rochester, NY 14604.  
Jervis Public Library, 613 North Washington Street, Rome, NY 13440.  
Saranac Lake Free Library, 100 Main Street, Saranac Lake, NY 12983.  
Schenectady County Public Library, Liberty and Clinton Streets, Schenectady, NY 12305.  
Syracuse Public Library, 335 Montgomery Street, Syracuse, NY 13202.  
State University of New York, College of Environmental Science and Forestry, F. Franklin Moon Library, Syracuse, NY 13201.  
Utica Public Library, 303 Genesee Street, Utica, NY 13501.  
Roswell P. Flower Memorial Library, 229 Washington Street, Watertown, NY 13601.

For further information, contact the Environmental Planning Division, Directorate of Engineering & Services, (202) 695-1422.

JAMES L. ELMER,  
Major, USAF, Executive,  
Directorate of Administration.

[FR Doc.76-15735 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### UNITED STATES V. MID-AMERICA DAIRYMEN, INC.

##### Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that a proposed consent judgment (the "Judgment") and a competitive impact statement have been

filed with the United States District Court for the Western District of Missouri in the above-referenced litigation (Civil Action No. 73 CV 681-W-1). The Judgment becomes final when approved by the Court.

Comments regarding the Judgment are invited from members of the public. Comments must be mailed on or before July 27, 1976 and shall be addressed to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. It is requested that a copy of any comment also be sent to Wayne H. Hoecker, Esquire, Gage & Tucker, 1102 Grand Avenue, Kansas City, Missouri 64106, counsel for Mid-Am. Comments must be legible, preferably typewritten, and should not contain any material unsuitable for black and white reproduction. All comments and the Government's responses thereto will be published in the FEDERAL REGISTER and filed with the Court, as provided by the Antitrust Procedures and Penalties Act.

The Court has ordered that any person may also request a hearing or participation in proceedings before the Court on any aspect of the Judgment. Any such request must be filed with the Clerk, United States District Court, Western District of Missouri, 811 Grand Avenue, Kansas City, Missouri 64106, on or before July 27, 1976. Such motion shall state the reasons for the request, shall identify any documentary evidence the movant may wish to present at a hearing, shall identify and summarize the testimony of any witness the movant may wish to call at a hearing and shall state whether the movant supports or opposes entry of the Judgment. If the movant opposes entry of the Judgment, he shall designate the particular provisions of the Judgment upon which the objection is based.

Dated: May 28, 1976.

THOMAS E. KAUPER,  
Assistant Attorney General,  
Antitrust Division.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v. Mid-America Dairymen, Inc., Defendant. Civil Action No. 73 CV 681-W-1.

##### STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

(2) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

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For the plaintiff: Thomas E. Kauper, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, Jill Nickerson, Gerald A. Connell, Attorneys, Department of Justice, Daniel I. Booker, Eliot Norman, Michael Miller, Larry Gangna, Attorneys, Department of Justice, Antitrust Division, Department of Justice, Washington, D.C. 20530.

For the defendant: Gage & Tucker and Wayne H. Hoecker.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v. Mid-America Dairymen, Inc., Defendant. Civil Action No. 73 CV 601-W-1.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on December 27, 1973, and defendant, Mid-America Dairymen, Inc., having appeared by its attorneys and having filed its Answer, by their respective attorneys, having consented to the entry of this Final Judgment, prior to the taking of any testimony, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by either party as to any issue of fact or law herein:

Now, therefore, prior to the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows: I. This Court has jurisdiction over the subject matter of this action, and of the parties hereto. The Complaint states claims upon which relief may be granted under Sections 1 and 2 of the Act of Congress of July 2, 1890, as amended (15 U.S.C. §§ 1 and 2), commonly known as the Sherman Act.

II. As used in this Final Judgment:

(A) "Ascertainable quantity" means a percentage of the normal requirements of milk processed in an identified plant or the milk production of an identified producer or group of producers;

(B) "Base" means an allocation by defendant, expressed in pounds of milk per delivery period, possessed by a member under a Class I Base Plan;

(C) "Class I Base Plan" means a procedure or plan for the distribution of marketing proceeds to defendant's members, or a group thereof, whereby each such member is assigned or otherwise acquires a stated Base that entitles the member to receive a higher return for quantities of milk produced and marketed through defendant within the Base than for quantities in excess of the Base;

(D) "Competitor of defendant" means a person selling or offering to sell milk or other dairy products, including, but not limited to, an individual producer, a group of producers, a cooperative or a proprietary firm;

(E) "Federal milk marketing order" means the regulations, rules of practice and procedures issued by the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. § 601 et seq.), regulating the handling of milk;

(F) "Member" means a producer who has a membership and marketing agreement with defendant and whose milk production is marketed by defendant;

(G) "Milk" means raw Grade A milk produced by cows;

(H) "Milk hauler" means a person, not an employee of defendant, who owns or operates a truck and transports milk;

(I) "Milk Sales Agreement" means a contract between defendant and a person operating a fluid milk processing and packaging plant wherein the buyer agrees to purchase from defendant a specified or ascertainable quantity of milk;

(J) "Person" means any corporation, partnership, association, individual, cooperative, or other business or legal entity;

(K) "Plant" means the land, buildings, facilities and equipment constituting a single operating unit or establishment in which milk is or has been received, transferred, reloaded, processed, or manufactured;

(L) "Producer" means any person engaged in the production of milk.

III. The provisions of this Final Judgment shall apply to defendant and to each of its directors, officers, agents, employees, subsidiaries, successors, assigns and their subsidiaries, and to all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV. Defendant is hereby enjoined and restrained from:

(A) Using threats or coercion to induce any producer to execute or refrain from terminating a membership and marketing agreement with defendant or to deliver milk to defendant;

(B) Asserting or threatening to assert any claim or cause of action against a member or former member based upon the actual or proposed termination by such member or former member, individually or jointly with other producers, of a membership and marketing agreement with defendant after written notice within the time specified in the membership and marketing agreement;

(C) Qualifying milk for participation in federal milk marketing order pools with a purpose of suppressing the uniform price paid to producers participating in a federal milk marketing order pool in order to force, coerce or induce such producers who are not members of defendant to join defendant or to cease selling milk in competition with defendant;

(D) Entering into or enforcing any contract or agreement with another cooperative or association of producers to qualify milk for participation in federal milk marketing order pools with a purpose of suppressing the uniform price paid to producers participating in a federal milk marketing order pool in order to force, coerce or induce such producers who are not members of defendant to join defendant or such other cooperative or association or to cease selling milk in competition with defendant or such other cooperative or association;

(E) Maintaining or entering into any agreement with another person, except an employee or milk hauler performing services for defendant, that restrict in any way:

(1) The solicitation by such other person of any member of defendant to terminate its membership and marketing agreement with defendant;

(2) The solicitation by defendant of any producer to become a member of defendant;

(3) The territory in which defendant or such other person seeks to obtain supplies of milk;

(F) Requiring as part of a Class I Base Plan that a member or former member who transfers Base not compete in the sale of milk unless such requirement is limited to competition with the transferee of Base and to a period not exceeding two (2) years following the transfer of Base.

V. (A) Defendant is hereby ordered for one (1) year from the entry of this Final Judgment to allow any member to terminate

its membership and marketing agreement at any time by giving defendant at least thirty (30) days written notice.

(B) Defendant is hereby enjoined and restrained, after one year from the entry of this Final Judgment, from entering into or enforcing any membership and marketing agreement with any member unless such agreement can be terminated upon written notice by the member at least thirty (30) days prior to such agreement's anniversary date.

(C) If, following the expiration of the time period provided in Paragraph V(A), the anniversary date of a membership and marketing agreement becomes the date prior to which thirty (30) days written notice for the termination of such agreement must be given, defendant is hereby ordered within ninety (90) days of the date the change in procedure becomes effective to notify each member who is a party to such an agreement of the anniversary date thereof; this Paragraph V(C) of this Final Judgment shall expire after five years from the entry thereof.

(D) If, following the expiration of the time period provided in Paragraph V(A), the anniversary date of a membership and marketing agreement becomes the date prior to which thirty (30) days written notice for the termination of such agreement must be given, defendant is hereby ordered for five (5) years from the entry of this Final Judgment to:

(1) Allow a producer upon entering into a membership and marketing agreement with defendant or upon executing a new membership and marketing agreement with defendant at the proper time for termination of an existing agreement to select any anniversary date desired by the producer notwithstanding the date upon which the membership and marketing agreement is executed. Defendant shall only be required to allow a producer to select an anniversary date once under this Paragraph V(D)(1);

(2) Allow a producer, following a proper notice of termination of a membership and marketing agreement, to extend the membership and marketing agreement to any date, within one (1) year, selected by the withdrawing producer, and market on a non-discriminatory basis the milk production of such producer; provided, however, defendant shall not be required to grant such an extension if defendant has terminated the membership and marketing agreement for reasons of defendant's inability or difficulty in performing its marketing duties under the membership and marketing agreement.

VI. Defendant is hereby enjoined and restrained from:

(A) Entering into or enforcing any contract or agreement with any milk hauler that requires the milk hauler to transport milk exclusively for defendant or its members;

(B) Requiring as a condition for the approval of an assignment of a hauling contract or other conveyance of the business of a milk hauler that any milk hauler not transport milk in competition with any other milk hauler or with defendant.

VII. Defendant is hereby enjoined and restrained from:

(A) Entering into or enforcing any Milk Sales Agreement containing a term in excess of one (1) year;

(B) Entering into or enforcing any Milk Sales Agreement unless the buyer had the opportunity to agree to purchase from defendant under such Agreement any lesser specified or ascertainable quantity of milk than was offered for sale by defendant; provided, however, defendant may require the buyer to receive milk in truckload quantities;

(C) Entering into or enforcing any Milk Sales Agreement unless such Agreement provides that in the event defendant, during the term of such Agreement, increases the price of milk or changes the formula or procedure for ascertaining the price of milk sold under such Agreement resulting in an increase in the price, the buyer may discharge such Agreement on or after the effective date of the price increase by giving written notice to defendant at any time within twenty (20) days after the announcement of such price increase or five (5) days prior to the effective date of such price increase, whichever is later;

(D) Discriminating or threatening to discriminate against any buyer of milk on account of its actual or proposed purchase of milk from a competitor of defendant;

Provided, however, nothing in this Paragraph VII shall be construed to limit or affect the application of the antitrust laws to Milk Sales Agreements.

VIII. (A) Within two (2) years of the entry of this final judgment, defendant is hereby ordered to sell to any qualified buyer the assets presently located at its plants in Aurora, Missouri, Ottawa, Kansas, and Bethany, Missouri, described in Exhibit A attached hereto. For purposes of this Paragraph, a "qualified buyer" shall be any person who seeks to purchase as a unit the assets at any of the aforementioned plants and who intends after such purchase to operate a receiving or transfer station for milk or a milk manufacturing plant.

(B) The sale of any of the plants described in this Paragraph VIII shall require the prior approval of plaintiff. In the event plaintiff objects to the proposed sale, the sale shall not be consummated until a showing that the buyer meets the requirements of this Paragraph VIII has been made to this Court.

(C) Until divestiture is completed, defendant will maintain in good condition and repair the assets located at each of the plants in Aurora, Missouri, Ottawa, Kansas, and Bethany, Missouri, and replace any asset removed from any of the plants following the entry of this Final Judgment with comparable assets prior to the closing of any sale.

(D) Beginning ninety (90) days after the entry of this Final Judgment and continuing every six (6) months until all the assets described in this Paragraph VIII are divested, defendant shall furnish a written report to plaintiff describing the steps taken to accomplish divestiture, the assets sold and remaining to be divested, the assets removed from any of the plants, and the terms and conditions of any offers for the purchase of such assets.

IX. (A) For five (5) years from the entry of this Final Judgment, defendant shall give notice to plaintiff at least thirty (30) days prior to the closing date of any transaction for the purchase, consolidation, acquisition of control, or lease (except for the renewal of an existing lease) of any plant, and such notice shall fully describe the present and projected operation of the plant to be acquired and the terms and conditions of the proposed transaction.

(B) For five (5) years from the entry of this Final Judgment, defendant is enjoined and restrained from purchasing, consolidating with, acquiring control of, or leasing (except for the renewal of an existing lease) any plant where the effect of such transaction may be substantially to lessen competition, or to tend to create a monopoly.

(C) For one (1) year following the purchase, consolidation, acquisition of control, or lease (except for the renewal of an existing lease) of any plant, defendant is hereby ordered to continue to receive the milk of

any competitor of defendant who is delivering milk to such plant on or within sixty (60) days prior to such transaction and who desires to continue such delivery; provided, however, defendant may require such competitor to execute a marketing agreement terminable by the competitor upon at least thirty (30) days written notice at any time.

X. Defendant is hereby enjoined and restrained, for a period of nine (9) years from the entry of this Final Judgment, from participating in any cooperative, association of producers or organization of cooperatives whose business activities include acquiring an option to purchase milk received at a milk manufacturing plant not regulated by a federal milk marketing order, or to purchase milk from any producer or group of producers shipping milk to such a plant, unless such cooperative, association of producers or organization of cooperatives meets the following conditions:

(A) That any person operating a milk manufacturing plant not regulated by a federal milk marketing order may enter into a contract, on a non-discriminatory basis, to grant an option to purchase milk to establish or maintain a reserve supply of milk if—

(1) The milk received at the manufacturing plant meets similar standards of quality and quantity as are prescribed for other quantities of milk subject to such a purchase option; and

(2) Said person is in competition for the procurement of raw milk with a person that has a contract to supply milk to said cooperative, association of producers or organization of cooperatives;

(B) That there shall be no discrimination against any person that receives milk from a competitor of defendant;

(C) That any person shall be permitted to dispose of any milk subject to the purchase option if the purchase option is not exercised at least twenty-four (24) hours prior to the time the milk is picked up from the farm to whomsoever, wherever and upon whatever terms and conditions it chooses, and the cooperative, association of producers or organization of cooperatives shall not discriminate against any person that resells milk subject to a purchase option not exercised;

(D) That any cooperative or association of producers whose business activities are within the provisions of section 1 of the Capper-Volstead Act, 7 U.S.C. § 291, or section 6 of the Clayton Act, 7 U.S.C. § 17, may participate in said cooperative, association of producers or organization of cooperatives on an equivalent and non-discriminatory basis;

(E) That any participating cooperative shall be permitted to resell milk obtained through said cooperative, association of producers or organization of cooperatives to whomsoever, wherever and on whatever terms and conditions it chooses;

(F) That no contract or agreement entered into with said cooperative, association of producers or organization of cooperatives may exceed a term of one (1) year;

(G) That said cooperative, association of producers or organization of cooperatives shall obtain the option for the purpose of establishing and maintaining a reserve supply of milk to fulfill the requirements of participating cooperatives and for that purpose exclusively;

(H) That the persons receiving orders from participating cooperatives and directing the shipment of milk upon which a purchase option has been exercised shall be independent of and shall not be employed by any participating person; and all reports of shipments of milk will not be made until the completion of the month, and shall be made at the same time to all participating persons;

Provided, however, the terms of this Paragraph X shall not be applicable to any marketing agreement with the Secretary of Agriculture entered into under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. § 601 et seq.).

XI. Defendant is enjoined and restrained from joining, contributing anything of value to, or participating in, any organization or association which directly or indirectly engages in or enforces any act which defendant is prohibited by this Final Judgment from engaging in, or enforcing, or which is contrary to or inconsistent with any provision of this Final Judgment.

XII. (A) Defendant is enjoined and restrained from adopting, adhering to, enforcing, or claiming any rights under any by-law, rule or regulation which is contrary to or inconsistent with any of the provisions of this Final Judgment.

(B) Defendant is ordered to file with plaintiff annually for a period of ten (10) years, on or before June 30, a report setting forth the steps taken by its board of directors to advise its officers, directors, employees, members and all appropriate committees of its and their obligations under this Final Judgment.

XIII. (A) Defendant is ordered to mail or otherwise furnish within ninety (90) days after the entry of this Final Judgment a copy thereof (excluding Exhibit A) to each of its members and employees, to each milk hauler transporting milk for defendant, and to each person purchasing milk from or selling milk to defendant or any organization for which defendant acts as marketing agent, and within one hundred fifty (150) days from the aforesaid date of entry to file with the Clerk of this Court an affidavit setting forth the fact and manner of compliance with Paragraph XIII.

(B) Defendant is further ordered and directed to publish, in a publication circulated to all its members, a copy of this Final Judgment once each year for four (4) years on or about the anniversary date of entry of this Final Judgment, and to furnish a copy of this Final Judgment (except that Exhibit A need not be furnished unless specifically requested) to any person upon request.

XIV. For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted (1) access, during the office hours of defendant, to all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or in the control of defendant relating to any of the matters contained in this Final Judgment, and (2) subject to the reasonable convenience of defendant without restraint or interference from defendant, to interview officers, or employees of defendant, each of whom may have counsel present, regarding any such matters;

(B) Defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing to the Department of Justice with respect to matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Paragraph XIV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of plaintiff, except in the course of

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legal proceedings to which the United States of America is party, or for the purpose of determining or securing compliance with this Final Judgment or as otherwise required by law.

XV. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for further orders and direction as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XVI. This Court finds that the entry of this Final Judgment is in the public interest.

#### Aurora assets

[Real estate leases, C. E. Moore & Sons, lessor, expire Mar. 31, 1973]

Asset control No.	Equip-ment No.	Description
410111	3046	Grade A transfer station.
410111	20298	Down and windows on rec shed.
410601	3247	Dial scale 1,000 by 1 lb.
410601	3948	Welder S" 8BW-3935.
410601	3949	Jet cleaner.
410601	3950	Plastic cream cooler.
410601	3952	Milk cooler Mojonnier SMC.
410601	3953	Vacuum pump, NASU 220 v.
410601	3954	Vacuum Therm, Delaval.
410601	3955	Controller, Taylor.
410601	3956	6-air valve cluster, 2 55 sanitary.
410601	18461	Inset electrocution unit (2).
410601	18740	Inset electrocution unit.
410601	18950	Silo tank.
410601	19107	Light fixtures, fluorescent.
410601	19127	Oil system.
410601	19274	Starters for pump and agitator silo.
410601	19275	Circuit for outside lighting.
410601	19276	Balance lighting circuits on panels.
410601	19287	Oil tank installation.
410601	20123	Inset electrocution unit, A G-100.
410601	20124	Do.
410601	20351	Barrel loading and unloading dock.
410604	3938	Tank S" 3125 6000G.
410604	3939	Milk storage tank, 7000G.
410604	3960	Do.
410604	3961	Milk storage tank SMC.
410604	3962	Conveyor system SMC.
410604	3963	Dump tank weigh can and blender.
410604	3964	Dial house housing and printer.
410604	3965	Revolving tank.
410604	3966	Can washer S" 4950, Rice & Adams.
410604	3967	Transport tank washer, Gilton.
410604	3968	Auto clean clean system S" 177.
410604	3969	Comp cooler SMC.
410604	3970	SS centrifugal pump S" 3-4961.
410604	3971	SS centrifugal pump SMC.
410604	3972	SS centrifugal pump S" 5922.
410604	3973	SS centrifugal pump 220 V.
410604	3974	Pressure unit S" 28DA066 GM.
410604	3975	Air intake filter.
410604	18362	Truck ramp.
410604	22108	Air blower motor model No. P-240.
410604	22104	2" Taylor magnetic flowmeter and transmitter.
410604	22105	SP-MDL-W-810 flow totalizer, flow meters.
410608	4065	Evaporator S" TR22-16.
410608	4067	Crucible whey heater.
410608	4068	Tank 5,000 lb.
410608	4072	Condensate pump, 220-440 V.
410608	4074	Tank S" 32219 1000G.
410608	18360	New whey project.
410608	18674	Cooling tower.
410608	19277	Pilot for starters for evaporator.
410608	21391	Evaporator condenser.
410616	21804	Holding tank.
410623	4055	Whey chute, Mueller.
410623	4059	Drier, American.
410623	4060	Drier, American No. 531.
410623	4061	Drum hood stack base drum pan.
410623	4062	Hood stack and drum pan.
410623	4063	Portable conveyor.
410623	4069	Agitator.
410623	4070	Do.
410623	4071	Air valve S" 162A52.
410623	4073	Separator 302 A H S" 3701764.
410623	4084	Whey separator 302 A H S" 3702857.
410623	4085	Whey separator S" 3702858.
410623	7235	Flare saver.
410623	7236	Separator, Delaval MRPX-214.
410624	4020	Cheese vat, 22,000 lb.
410624	4021	Do.
410624	4022	Do.
410624	4023	Do.
410624	4024	Cheese vat, 22,000 lb. S" CH5BR-10216.
410624	4025	Curd table S" CHTB-10016, 22,000 lb.

#### NOTICES

##### Aurora assets—Continued

Asset control No.	Equip-ment No.	Description
410624	4026	Curd table S" CHTB-10116, 22,000 lb.
410624	4027	Curd table S" CHTB-10216, 22,000 lb.
410624	4028	Curd table S" CHTB-10316, 22,000 lb.
410624	4029	Curd table S" 84538, 22,000 lb.
410624	4030	Agitator, 22,000 lb.
410624	4031	Do.
410624	4032	Do.
410624	4033	Do.
410624	4034	Agitator S" CH25-10116, 22,000 lb.
410624	4039	Agitator S" 265823.
410624	4042	Synco gear motor, 220-440V.
410624	4043	Rotary pump S" 6R2718.
410624	4044	Rotary pump S" 6R3133.
410624	4064	Clarifier S-3525950.
410624	4075	Milk Preheater, 40,000 lb.
410624	4076	Clarifier 28A S" 3681661.
410624	4077	Clarifier 292A.
410624	4078	Stainless crescent plate.
410624	4079	Balance tank.
410624	4080	Liquid level control assembly 80G.
410624	4081	Trotting valve.
410624	4082	Air operator valve.
410624	4083	ICM tank 50G.
410624	4087	Do.
410624	4089	Tank 2000 G.
410624	4090	Marstar culture freezer S" 578222.
410624	4091	Sanitary piping.
410624	4092	Agitators S" 37010790.
410624	4094	Agitators S" 37010600.
410624	4095	Agitators S" 37010610.
410624	4096	Agitators S" 37010620.
410624	4097	Vac tank and carts.
410624	4098	Lid press.
410624	4100	Hand tank.
410624	4101	Do.
410624	4103	20,000 G Tank S" 110102, silo.
410624	4104	Knives and blades.
410624	4105	C. B. processor S" 2278.
410624	4106	Do.
410624	4107	Tank 5000 G C/B S" 43250.
410624	4108	Pasteurizer 200 G Ammann.
410624	4109	Pasteurizer 200 G Sterline.
410624	4110	Multi-process tank 200 G.
410624	4111	HTSF controls S 852RV168.
410624	4112	S. S. P/O diversion valve.
410624	4113	Tens controller S" 192RV123, Taylor.
410624	4114	Separator parts washer and rinsers.
410624	4115	Floor crane ruger.
410624	4116	Centrifugal sanitary pump.
410624	4117	Rotary pump S" 6R2703.
410624	4118	Centrifugal pump, 200 V. 60 cycle.
410624	4119	Centrifugal pump, 200 V. S" 8-5947.
410624	4120	Variable drive pump, 2 hp.
410624	4121	Crescent pasteurizer SC3136, 2,000 lb.
410624	4122	Float tank S" 6490 20G.
410624	4123	Nested molding tube, 2,000 lb.
410624	4124	Strainer tank, Mueller.
410624	4125	APA air sanitary value 2.
410624	4126	Wash vats.
410624	4127	Centrifugal pump S" 8-23548.
410624	4128	Vat unloading blade.
410624	4130	Electric scale unit.
410624	4131	Hot water makers.
410624	4132	New starter room.
410624	19270	Inset electrocution unit A G-860.
410624	19271	Inset electrocution unit A G-260.
410624	19273	Install control and remote st. and pilot.
410624	19280	Install process piping CIP linesmaker.
410624	19333	12,600 gal cream tank, agitator, speedrdr.
410624	19754	Freight on transfer of tank.
410624	20249	Ampeco pump.
410624	20276	Pasteurizer STHT "SBS-150-47-148.
410624	22128	12 H H carts.
410624	22129	18 SS probes.
410624	22130	Heat exchanger CB super 2005B53-1588C.
410625	4008	Boiler No. 250 S" 34049.
410625	4009	Boiler No. 250 S" 35021.
410625	4010	Two comb gas and oil burners.
410625	4011	Do.
410625	4012	Draft fan.
410625	4013	Breaching for boilers.
410625	4014	Deaerator SMC.
410625	4017	Boiler controls.
410625	4019	Boiler pump.
410625	18940	Tank 20,000 G.
410625	20354	Ultradyne pump, model CTB-4L.
410625	20355	Ultradyne pump, model CTB-6L.
410626	21315	Condenser, evaporative type, size 120X3.
410626	3975	Ammonia compressor S" 20938.
410626	3977	Condenser SMC.
410626	3979	King Zero ice builder S" 43322.
410626	3980	Water softener Zeolite.
410626	3981	Air filter king.
410626	3982	Weathermaker carrier horz.
410626	3983	Do.
410626	3984	6" roof ventilator, Armo.
410626	3985	Air handling unit.
410626	3986	Super air fan.
410626	3987	Air handling unit, Bush.

##### Aurora assets—Continued

Asset control No.	Equip-ment No.	Description
410626	3988	Exhauster W motor, Gallagher.
410626	3989	Air fan SMC.
410626	3990	Grid heater SMC.
410626	3993	Refrigeration piping.
410626	18673	Refrigeration conversion.
410627	3994	Power wiring SMC.
410627	3995	Transformers, Aton-Luce.
410629	4005	Laundette cook.
410629	4006	Extractor.
410630	3996	SS lab work table W sink, Mueller.
410630	3997	SS lab work table SMC.
410630	3999	Moisture tester SMC.
410630	4001	Sterilizer autoclave, clinic lab.
410630	4002	Precision scientific water bath.
410630	4003	Oven.
410630	4004	Water bath.
420105	19108	30,000-gal silo tank.

#### OTTAWA ASSETS

Equipment No.	Description
OEHL0 4848---	Land, brick and metal building.
745760L-----	Philco refrigerator.
740436631----	Air compressor tank. Overhead fan.
	Eaton Cordley water cooler.
	Shaefer freezer.
51313-----	Prick 8 by 8 compressor.
6841B-----	Prick 4 by 4 compressor.
M9347-----	Kewanee boiler size 3R7FGO.
R35331-----	Prick condensing tower, size 15003.
	220 volt arc welder
	Cutting torch and tanks.
4AC7P-----	Water pump.
	Do.
AV302950-----	Fire extinguisher 10 lb.
BG2186-----	Do.
AV305355-----	Do.
AV313856-----	Do.
AV303359-----	Do.
	5,000 gal Mojonnier vat.
	2 motorized tank wash heads.
20AB4-----	Thelco model 2 incubator.
5829-----	Centrifuge.
125-----	Bottle shaker.
M536-----	SS water bath.
	Frigidaire refrigerator.
S2250-----	Autoclave.
1769-----	Loose reduction incubator.
	Test bottle washer.
UB3017-----	Microscope and light.
724043-----	Cincinnati time recorder
	time clock model 1270.
3465-----	20,000 gal CP silo.
3895-----	30,000 gal CP silo.
8-20637-----	No. 8 CP 10 hp "A" unloading pump.
678-07-----	Chem-O-Feeder.
8-5446-----	No. 8 CP 10 hp pump.
2Y246922A-----	Reliance 7 1/2 hp water pump.
	8' by 5' by 12" deep water tank
075JR125-1792..	1/2 Round Wash Vat 4 ft. Long
76JR1251268----	15 gal. SS Tank
2Y252089A4-----	Carrier Steam Heater
	Old Starter Tank Used for Salt
	32" Wall Exhaust Fan
	Carrier Steam Heater
	Old Starter Tank Used for Salt
	32" Wall Exhaust Fan
	(3) Dunham-Bush Coolers
	18" Wall Fan
	2 Comp. Wash Vat
	40 gal. Vac Tank, Boiler Room
	(5) Barrel Fill Hoops
	(6) Presslids Holes for Probes
	Small Steam Heater
	CP Pump—Reliance 3hp—3050 RPM
	GE Motor—3 hp
	Dayton Motor—1 hp
	Sta-Rite Water Pump, A.O. Smith Motor
	CP Pump and 1/2 motor
20710-----	SS cheese cooler.
	5 Lumenier level controls.
2303-----	4,000 gal CP vat.
271N9990-----	7 1/2 hp Cherry-Burrell milk pump.

#### NOTICES

Equipment No.	Description
6-7248-----	CP 7 1/2 hp milk pump.
6-1069-----	CP 5 hp milk pump.
	25 gal SS wash vat.
	2 compartment wash vat.
680703F00429---	100 gal hot water heater.
086290738733---	Do.
BNS931-----	Ice O Matic ice machine.
BNS499-----	Do.

#### BETHANY ASSETS

Description: Land, concrete block factory building attached metal warehouse and garage.

Equipment No.	Description
	CP Pump—1 hp
	Wash Tank—Bulk Room
	Carrier Ceiling Heaters
	CP Pump—3 hp Gear Reduction
	CP Pump—10 hp
	CP Pasteurizer Hot Water Tank
	CP Pump—7.5 hp
	CP Vac Heat
	CP Pump—5 hp
	CP Pump—5 hp
	Water Cooler
	20 ft. Cheese Press Table
	12 gal. Heater
	3 pos. Curved Roller Track
	L. C. Thomas Pump 11/1 hp
	Platform Scales
	Black Lounge Brake Room
	CP Pump Size RS2
	G and H Pump Model ABR Serial No. 689-6360
	Specialty Brass Co. Pump No. 1020683
	Separator Model MM 9004—No. 1610702
	Separator Model MM 9004—No. 1611925
	Barrel Lift for Lift Truck
	Dayton Hot Water Heater, 30 gal.
	Kansas City Pneumatic 10 hp Air Compressor and Tank
	80 gal. Upright Air Tank
	G and H Pump Model PBR—No. 614P-1342 (3 hp)
	CP Pump—No. 4-73, 314 H.P.
	5 hp Compressor—No Tank
	30" Fan—Boiler Room Wall
	Akroil Acid Dispenser
	Torsion Balance (Style DB-5) (No. 46390)
	Air Sediment Gun
	Precision Scientific Sample Mixer
	Shrink Pak Sealer
	Frame Steam Heater
	Meyer-Blanke 5 gal. Hot Water Tank
	4 can Master-Bilt Cooler
	11ft. SS Table Double Sink and Water Bath
	10 ft. SS Table
	5 ft. SS Table
	4 1/2 ft. SS Table
	Punham-Bush Cooler—3 hp
	2 Stools
	Pump CP on Vac Heat (No. 11951), 1.5 H.P. Motor
	Pump Vac on Vac Heat (No. 68-672), 1.5 H.P. Motor
	(2) King Unit Fly Blowers
	(2) Conveyor Doors
	(2) 1/2 hp Fans
	Carrier Steam Heater
	8' by 5' by 12" deep water tank
	1/2 Round Wash Vat 4 ft. Long
	15 gal. SS Tank
	Carrier Steam Heater
	Old Starter Tank Used for Salt
	32" Wall Exhaust Fan
	(3) Dunham-Bush Coolers
	18" Wall Fan
	2 Comp. Wash Vat
	40 gal. Vac Tank, Boiler Room
	(5) Barrel Fill Hoops
	(6) Presslids Holes for Probes
	Small Steam Heater
	CP Pump—Reliance 3hp—3050 RPM
	GE Motor—3 hp
	Dayton Motor—1 hp
	Sta-Rite Water Pump, A.O. Smith Motor
	CP Pump and 1/2 motor

Equipment No.	Description
	Tri-Clover Pump—no motor
	Newman Motor—5 hp
	Westinghouse Motor for CIP Washer
	Dayton Motor—3 1/2 hp
	Baldor Motor—1 1/2 hp
	Aurora Turbine Pump R-57BF
	Marathon Motor 1.2 hp
	(3) Sanitary Pumps
	Waukesha 5 hp Motor—Belt Drive
	Waukesha Size 2
	Delco Motor—5 hp
	CP Pump less SS Head—7 1/2 hp
	Delaval Vac Pump
	Speedaire Air Compressor, Dayton Motor, 2 H.P.
	Miller Arc Welder
	Blackhawk 10 ton Jack
	(2) Blackhawk Safety Stands
	Purex type



Asset control	Equip-ment No.	Description
410501	20589	Door cover.
410501	20591	Pump.
410501	20593	Space heater.
410501	20595	Milk tester.
410501	20596	Gasoline pump.
410501	20597	Air pump gun.
410501	20598	Brake bleeder.
410501	20599	4-wheel trailer.
410501	20600	Voltmeter tester.
410501	20601	Pullman vacuum cleaner.
410501	20602	Hydraulic jack.
410501	20603	Dashow cheese press.
410501	20604	15-bd cart.
410501	20605	Udder can washer.
410501	20606	Steam unit heater.
410501	20607	Do.
410501	20608	Vacuum tank.
410501	20609	Vacuum pump.
410501	20610	Udder B.D. metal shear.
410501	20611	Nash vacuum pump and accessories.
410501	20612	Artic. cl. mod B-212EVAP CLR 1000CCM.
410501	20613	Drain table and equipment.
410501	20614	Jerome 80 SZ, 8 pet milk test bottle.
410501	20615	Do.
410501	20616	MWEXO-DYNE SEP and adp pump and valve light.
410501	20617	GP-25 water bath.
410501	20618	Tollado portable dial scale.
410501	20619	Basic conveyor.
410501	20620	Dairy Cool, 400-gal tank, serial No. VM-542.
410501	20621	Model GP 25, water bath.
410501	20622	11 1/2 lb fire extinguishers—2 10-lb fire extinguishers.
410501	20623	12-lb boiler.
410501	20624	2-1000 7N Macco milk spl. refrigerator rack dpr.
410501	20625	Mo-Jonnie 500 G processors, serial No. 2067.
410501	20626	Mo-Jonnie 500 G processor, serial No. 2067.
410501	20627	Mo-Jonnie 500 G processor, serial No. 2067.
410501	20628	Mo-Jonnie 500 G processor, serial No. 2067.
410501	20629	40 1/2 state electric tabletop water heater.
410501	20630	250 gal. John Wood bulk tank, serial No. 1020.
410501	20631	Model No. 10, liftomatic hand truck.
410501	20632	Do.
410501	20633	Control panel.
410501	20634	Refrigerator HHO62.
410501	20635	Refrigerator HHO62.
410501	20636	Refrigerator HHO62.
410501	20637	Refrigerator HHO62.
410501	20638	Refrigerator HHO62.
410501	20639	Refrigerator HHO62.
410501	20640	Refrigerator HHO62.
410501	20641	Refrigerator HHO62.
410501	20642	Refrigerator HHO62.
410501	20643	Refrigerator HHO62.
410501	20644	Refrigerator HHO62.
410501	20645	Refrigerator HHO62.
410501	20646	Refrigerator HHO62.
410501	20647	Refrigerator HHO62.
410501	20648	Refrigerator HHO62.
410501	20649	Refrigerator HHO62.
410501	20650	Refrigerator HHO62.
410501	20651	Refrigerator HHO62.
410501	20652	Refrigerator HHO62.
410501	20653	Refrigerator HHO62.
410501	20654	Refrigerator HHO62.
410501	20655	Refrigerator HHO62.
410501	20656	Refrigerator HHO62.
410501	20657	Refrigerator HHO62.
410501	20658	Refrigerator HHO62.
410501	20659	Refrigerator HHO62.
410501	20660	Refrigerator HHO62.
410501	20661	Refrigerator HHO62.
410501	20662	Refrigerator HHO62.
410501	20663	Refrigerator HHO62.
410501	20664	Refrigerator HHO62.
410501	20665	Refrigerator HHO62.
410501	20666	Refrigerator HHO62.
410501	20667	Refrigerator HHO62.
410501	20668	Refrigerator HHO62.
410501	20669	Refrigerator HHO62.
410501	20670	Refrigerator HHO62.
410501	20671	Refrigerator HHO62.
410501	20672	Refrigerator HHO62.
410501	20673	Refrigerator HHO62.
410501	20674	Refrigerator HHO62.
410501	20675	Refrigerator HHO62.
410501	20676	Refrigerator HHO62.
410501	20677	Refrigerator HHO62.
410501	20678	Refrigerator HHO62.
410501	20679	Refrigerator HHO62.
410501	20680	Refrigerator HHO62.
410501	20681	Refrigerator HHO62.
410501	20682	Refrigerator HHO62.
410501	20683	Refrigerator HHO62.
410501	20684	Refrigerator HHO62.
410501	20685	Refrigerator HHO62.
410501	20686	Refrigerator HHO62.
410501	20687	Refrigerator HHO62.
410501	20688	Refrigerator HHO62.
410501	20689	Refrigerator HHO62.
410501	20690	Refrigerator HHO62.
410501	20691	Refrigerator HHO62.
410501	20692	Refrigerator HHO62.
410501	20693	Refrigerator HHO62.
410501	20694	Refrigerator HHO62.
410501	20695	Refrigerator HHO62.
410501	20696	Refrigerator HHO62.
410501	20697	Refrigerator HHO62.
410501	20698	Refrigerator HHO62.
410501	20699	Refrigerator HHO62.
410501	20700	Refrigerator HHO62.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

United States of America, Plaintiff, v.  
Mid-America Dairymen, Inc., Defendant.  
Civil Action No. 73 CV 681-W-1.

COMPETITIVE IMPACT STATEMENT

This Competitive Impact Statement relates to the proposed consent judgment submitted for entry in this civil antitrust proceeding and is filed by the United States pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

I. THE NATURE AND PURPOSE OF THE PROCEEDING

Mid-America Dairymen, Inc. ("Mid-Am"), is a cooperative whose members are individual dairy farmers. In this lawsuit, filed December 27, 1973, the United States charges that Mid-Am violated section 2 of the Sherman Act, 15 U.S.C. § 2, by attempting to monopolize the procurement and sale of raw Grade A milk in portions of the territory where it has sold Grade A milk produced by its members. The principal areas affected are Missouri and Iowa and parts of Kansas, Nebraska and Minnesota. The Complaint

does not allege that Mid-Am monopolized the procurement and sale of milk in any market.

The United States also claims in this proceeding that Mid-Am agreed with milk haulers to restrain trade in the transportation of Grade A milk and with other cooperatives to restrain competition for the membership of dairy farmers. We contend that these agreements violated section 1 of the Sherman Act, 15 U.S.C. § 1, and were part of Mid-Am's attempt to achieve monopoly power in violation of section 2.

The Complaint seeks injunctive relief designed to eliminate any continuing anticompetitive effects of Mid-Am's alleged unlawful conduct and to prevent any recurrence of an attempt to monopolize or of unlawful agreements in restraint of trade. The principal purpose of this lawsuit is to preserve in the areas where Mid-Am operates the conditions necessary to insure that raw Grade A milk is sold at the lowest price consistent with federal regulation of milk prices.

II. THE PRACTICES AND EVENTS THAT GIVE RISE TO THE ALLEGED VIOLATIONS OF THE ANTITRUST LAWS

The proposed consent judgment (the "Judgment") is based upon the state of the facts in this case at the time (February 1976) settlement discussions began.<sup>1</sup> The Government had identified a number of practices that it believes support the attempt to monopolize claim against Mid-Am. But it had also discovered that some of the practices relied upon in filing the Complaint had no significant anticompetitive effect, while others were abandoned or repudiated by Mid-Am either before or after the Complaint was filed in December 1973.

A. BACKGROUND

1. *The Production and Marketing of Milk.* Raw milk is designated either Grade A or manufacturing grade.<sup>2</sup> Grade A milk satisfies more stringent sanitation requirements and, consequently, is more expensive to produce. Only Grade A milk may be used for bottled products, such as pasteurized and homogenized whole milk, skim milk, cream and buttermilk. Both Grade A and manufacturing grade milk may be used (with a few exceptions not important here) in the manufacture of all other dairy products—for example, cheese, nonfat dry milk, butter. When used in manufactured products Grade A milk and manufacturing grade milk are interchangeable.

The price of Grade A milk, but not of manufacturing grade milk, is regulated in the area where Mid-Am sells milk by marketing orders issued by the United States Department of Agriculture ("USDA").<sup>3</sup> Each federal milk marketing order requires that any buyer regulated by the order pay one price for Grade A milk it uses in manufactured products (the "Class II price") and another, higher price for Grade A milk it

<sup>1</sup> Discovery was scheduled to close in mid-March 1976. Pretrial Order No. 3, entered December 18, 1975.

<sup>2</sup> In some locations manufacturing grade milk is referred to as Grade B, Grade C or "ungraded" milk.

<sup>3</sup> The authority for marketing orders is the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. § 601 et seq.

uses in bottled products (the "Class I price"). Because Grade A milk is fungible with manufacturing grade milk when used in manufactured products and because the seller of manufactured products must compete with sellers whose products are made from manufacturing grade milk, the Class II price approximates the market price for manufacturing grade milk. The higher Class I price reflects in part the greater cost of producing Grade A milk; the USDA seeks to establish this price at a level high enough to assure that farmers maintain an adequate supply of milk to fulfill the bottled milk demand in the regulated market.

One result of maintaining an adequate supply of milk to meet the bottling needs of federal milk marketing order areas has been that some amount of milk qualified under marketing orders goes into manufactured products during most of the year. There are several reasons for this. Cows normally produce substantially more milk in the Spring and early Summer than in the Fall and Winter. Demand for fluid milk, on the other hand, peaks in the Fall, tapers off in the Spring and is lowest in the Summer. Thus, in order for a market to have an adequate supply of milk to meet its needs at the Class I price in the Fall, there is necessarily production of milk in excess of the market's Class I requirements in the Spring. Similarly, cows produce milk fairly evenly on each of the seven days of a week, while consumer demand varies, peaking on Friday and Saturday. Partly because of this variation in consumer demand, many bottlers receive milk only four or five days a week. Thus many Grade A dairy farmers may produce "surplus" milk on any given day.

In all important marketing order areas where Mid-Am sells Grade A milk, the amount of surplus milk is substantial. On an annual basis, from thirty to fifty percent of the milk in these areas goes into manufactured (Class II) products. There is no month of the year in those areas when more than eighty percent of the regulated milk goes into bottled (Class I) products.<sup>4</sup>

The farmers who sell milk to buyers regulated by a federal milk marketing order receive neither the Class II price nor the Class I price for their milk. Rather, all farmers whose milk is qualified<sup>5</sup> on a particular order receive the same "uniform" price, whether or not the particular farmers Grade A milk was actually used in bottled products or in manufactured products. The uniform price is calculated monthly on the basis of the Class I and Class II prices and the percentage of milk in the market that was used in bottled products. To illustrate, assume that 60 percent of all the milk sold in a market is used in Class I products, that the Class I price is \$5 and that the Class II price is \$4. Each farmer will receive a uniform price per hundredweight (\$4.60) equal to 60 percent of the Class I price (\$3.00) plus 40 percent of the Class II price (\$1.60). Any action that lowers the percentage of milk in a market that goes into Class I products will by definition result in a lower uniform price to all farmers.

<sup>4</sup> U.S. Department of Agriculture, Federal Milk Order Market Statistics—1974, 44-45 (1975).

<sup>5</sup> In rough terms, a farmer's milk is qualified on a federal milk marketing order if it is received with some regularity at a milk processing (bottling or manufacturing) plant that is regulated by the order.

When a farmer belongs to a cooperative such as Mid-Am, the uniform price is paid to the cooperative. The cooperative may, in turn, remit an amount different than the uniform price to its members. If a farmer doesn't belong to a cooperative, he receives the uniform price directly from the buyer of his milk.

The prices established by federal milk marketing orders are generally considered to be minimum prices. Sellers of raw milk, particularly cooperatives, frequently try to charge prices in excess of the federal order prices. Any difference between an order price and an actual price is called a premium. Because, as explained above, Grade A milk going into manufactured products is usually sold at the competitively established price for manufacturing grade milk, premiums on Class II milk are rare. Premiums on milk used in bottled (Class I) products are, however, more common. Federal milk marketing orders do not regulate the charging or collection of premiums or the way that premiums are distributed to farmers.

2. *Mid-America Dairymen, Inc.* Mid-Am is a cooperative operating under the antitrust exemption afforded by the Capper-Volstead Act, 7 U.S.C. § 291.<sup>6</sup> It procures and sells milk chiefly in Minnesota, Iowa, Nebraska, Kansas, Missouri and Texas. Its major metropolitan marketing areas are St. Louis, Kansas City, Omaha, Des Moines and Minneapolis-St. Paul. Mid-Am accounts for about 25 percent of the total milk in all areas where it has since its formation sold milk and for about 55 percent of the milk sold in what the Government contends is its principal marketing area.<sup>7</sup> In particular metropolitan regions regulated by federal marketing orders Mid-Am has a notably high share of sales: St. Louis-Ozarks, about 90 percent; Kansas City, about 80 percent; and Nebraska-Western Iowa, about 75 percent.

Mergers among local and regional cooperatives in July 1968, when Mid-Am was originally formed, and in April 1970 gave Mid-Am its present market shares. These mergers gave Mid-Am, at its peak, about 20,600 Grade A and manufacturing grade members. In early 1975, Mid-Am had about 14,500 members, 9,900 of whom were Grade A producers. Total milk production by members of Mid-Am has not declined proportionately, but Mid-Am's share of sales in most areas in 1975 was 5-10 percent lower than at the peak.

Mid-Am operates cheese and butter and nonfat dry milk plants throughout its marketing area. The largest of these are in Mid-Am's northern region. Nearly all produced by members of Mid-Am goes into these plants. Mid-Am also operates one bottling plant, the Home Town Dairies, located in Cedar Rapids, Iowa.

3. *The Allegations in the Complaint.* The Complaint charges that during the period 1968-1973 Mid-Am carried out its attempted monopolization of milk procurement and marketing by various means and methods including, among others:

<sup>6</sup> For the purpose of this Impact Statement, we assume the price is competitively determined. On occasion, federal price support programs in effect provide a floor under the manufacturing grade milk price.

<sup>7</sup> The Capper-Volstead Act is reproduced in Appendix A.

<sup>8</sup> This principal marketing area includes all of Missouri and Iowa, Eastern Kansas, Central and Eastern Nebraska and Minnesota around and south of Minneapolis-St. Paul. Approximately 85 percent of the Grade A milk produced by Mid-Am's members is sold in this area.

(A) Unreasonably restricting the ability of its members to withdraw from Mid-Am and market milk in competition with it;

(B) Agreeing with other cooperatives to flood local milk markets with milk not needed for bottling purposes in order to depress the uniform price received by dairy farmers who were not Mid-Am members;

(C) Agreeing with other cooperatives and other sellers of milk to restrict shipments of milk into Mid-Am's marketing areas;

(D) Requiring as a condition of the sale of milk that processors purchase all or substantially all of their needs for milk from Mid-Am;

(E) Inducing processors to purchase their full requirements of milk from Mid-Am by requiring processors to pay a higher price for milk if they also purchase milk from another seller;

(F) Acquiring the business and assets of processors that purchased milk from competitors of Mid-Am; and,

(G) Agreeing with milk haulers in violation of section 1 of the Sherman Act to restrain unreasonably the right of independent milk haulers to transport the milk of competitors of Mid-Am.

The Government subsequently limited these allegations to the procurement and sale of Grade A milk.<sup>8</sup>

B. Mid-Am's ALLEGED UNLAWFUL CONDUCT

1. *Direct Restraints on Producer Mobility.* The Government challenges several Mid-Am policies and practices as direct restraints on the ability of members to get out of Mid-Am or of other farmers to market milk in competition with Mid-Am.

During 1968-1973 Mid-Am used staggered termination dates in its membership and marketing agreements with Grade A dairy farmers.<sup>9</sup> These agreements provided for termination of membership only upon written notice at some specified time before or after the anniversary of the date the producer became a Mid-Am member. Because producers joined Mid-Am on different anniversary dates, this policy made it impossible for a group of producers, without breaching their membership contracts, to leave at the same time and enter into competition with Mid-Am.

Anniversary date termination provisions are common among dairy cooperatives and are not unreasonably restrictive per se. However, the Government claims that Mid-Am followed this practice for the express purpose of preventing the development of rump cooperatives, and that the practice was effective on a number of occasions to prevent farmers from leaving Mid-Am.

The United States would have argued as well that the anniversary date termination provisions in certain membership contracts unreasonably restricted producer exit, even apart from the staggering effect. Under these contracts, termination could occur only by written notice within ten days after the anniversary date. Ten days is an unusually short period in cooperative contracts. The Government contends that it bears no relation to legitimate business purpose of the cooperative.

In mid-1974, after the Complaint was filed, Mid-Am amended its bylaws to suspend the anniversary date termination provision in contracts and to permit membership termination at any time upon thirty days notice.

<sup>9</sup> Plaintiff's Answers to Defendant's Interrogatories (Set II), No. 34, filed October 24, 1975.

<sup>10</sup> Staggered termination dates were not used, however, in Mid-Am's Northern Division (Minnesota, Wisconsin, and part of the Dakotas) and in parts of Nebraska.

This amendment appears to end contractual restraints on departure by producers, but Mid-Am may at any time repeal the amendment so that the pre-1974 termination provisions again become effective.

A further direct restraint on producer mobility was Mid-Am's alleged policy of refusing to honor even properly given termination notices when such notices were part of an effort by a group of producers to leave Mid-Am. Mid-Am insisted, whether or not a particular termination notice was timely, that each producer in a group continue to market under his membership agreement or face unspecified legal claims.

Certain agreements with other cooperatives were also challenged as unduly restraining competition from non-Mid-Am producers.

During 1970 Mid-Am, pursuant to an agreement with another cooperative, Associated Milk Producers, Inc. ("AMPI"), qualified milk produced by its Nebraska members on the Oklahoma Metropolitan federal milk marketing order. The Government claims that the purpose of this was action to suppress the uniform price paid to producers qualified on that order and force independent producers shipping to a Carnation Company bottling plant in Tulsa to join AMPI. The Nebraska milk was not needed by bottlers in Oklahoma, nor did it represent an essential reserve supply of milk for that market. The effect of qualifying the Nebraska milk was to drive down the uniform price paid to the Carnation farmers, while AMPI allegedly kept the return to its own producers in Oklahoma high by using revenues from sales of milk in other market areas.

By making milk available to one buyer on the market at no premium, these independent producers threatened the premium charged by AMPI to its customers in Oklahoma. The Government argues that Mid-Am assisted AMPI in this "flooding" or "pressure pooling" because it was concerned that the absence of a premium in Oklahoma would prevent Mid-Am from charging a premium in its neighboring markets.

It is also alleged that Mid-Am approved the use of milk controlled by the standby pool<sup>10</sup> to flood the Oklahoma and Nashville federal milk marketing orders in aid of the efforts of AMPI and Dairymen, Inc., respectively, to eliminate other producers as competitors.

In addition, the United States alleges that on one occasion Mid-Am threatened to flood the Wichita federal milk marketing order if a group of Mid-Am producers left the cooperative to begin shipping their milk to a handler regulated on the Wichita order. In this instance none of the producers left Mid-Am. The United States has no evidence that Mid-Am in fact flooded any federal milk marketing order in which it was the dominant cooperative.

Other alleged intercooperative agreements prohibited or limited solicitation of Mid-Am members by other cooperatives, and vice versa. The Government contends that these agreements unreasonably restricted the marketing options of dairy farmers by substantially limiting the opportunity to transfer to or to obtain information about competing associations. The non-solicitation accords also tended to preserve or stabilize the market share of the participating cooperatives, thereby furthering Mid-Am's alleged attempt to monopolize in areas where it already had achieved a dominant share of milk sales.

A final direct restraint on producer mobility was the non-compete covenant in base plans. During the years covered by the

<sup>11</sup> See part II.B.5. *Infra*.

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Complaint. Mid-Am operated Class I base plans for its members in parts of Kansas and Texas. Under these plans each member was initially allocated at no cost to him a "base" equal to a specified number of pounds of milk per delivery period. Mid-Am paid the member a substantially higher price for milk deliveries within the base amount than for quantities in excess of the base. Base was transferable to persons subject to the base plan. However, a member desiring to withdraw from Mid-Am and transfer his base was required in effect to forfeit all or part of his investment<sup>12</sup> in base unless he agreed for five years not to compete with Mid-Am in the sale of Grade A milk. This non-compete covenant, we contend, was overly broad in scope and duration.

2. *Restraints Operating on Haulers.* Most dairy farmers do not produce sufficient quantities of milk to make it economically feasible to transport the milk themselves from the farm to the buyer. Mid-Am members usually rely on independent milk haulers to perform this service. Haulers typically own their trucks and other equipment, although they may lease the pick up tanks mounted on their trucks from Mid-Am.

Prior to 1972 Mid-Am's hauling contracts and pick up tank lease agreements in some areas required prior Mid-Am approval of any hauling performed for producers who were not Mid-Am members. The Government claims that Mid-Am followed a practice of refusing to consent to the hauling of non-member milk.

On one occasion, Mid-Am refused to permit the assignment by a hauler of his hauling contract unless he agreed for five years not to haul milk for any competitor of Mid-Am in the county and adjoining counties where the hauler was located. The alleged specific purpose of this insistence on a non-compete agreement was to keep the hauler from transporting milk in that area for a particular competitor of Mid-Am.

3. *Restraints Operating on Processors and Competitors.* The Complaint charges that Mid-Am required as a condition of sale that buyers purchase all or substantially all of their milk from it, and that Mid-Am required partial supply customers to pay a higher price for milk than full supply customers. Plaintiff's discovery does not fully support these allegations.

This much, the Government contends, is true: Representatives of Mid-Am or predecessors on several occasions stated to buyers in its principal marketing area that it would not sell milk to a processor who purchased a portion of his needs for milk from another source. Its board of directors also approved a full service supply program that contemplated differential pricing to full and partial supply customers. Prior to 1972, Mid-Am, or its predecessors, had written full supply agreements with a few of the bottlers in certain markets (Omaha and Minneapolis-St. Paul); and in 1972 Mid-Am insisted upon written supply agreements with all of its bottling customers in Minneapolis-St. Paul. Finally, although there are few contracts, Mid-Am has in fact supplied a majority of the bottlers to whom it sells with all or substantially all of their purchases of Grade A milk.

Other facts, however, indicate that Mid-Am never actually charged higher prices to

<sup>12</sup> A member could obtain base after the initial allotment either by purchase from other members or by producing milk at the lower excess price for a specified number of years. Thus, the producer's investment was the amount paid for purchased base or the amount of the loss from producing excess milk over the period necessary to qualify for additional base.

partial supply customers. The full service supply program was never implemented. Nor did Mid-Am refuse to sell milk to those buyers who purchased from others. Mid-Am has not required, and does not have, written contracts with most of its customers outside Minneapolis-St. Paul. The contracts Mid-Am has had since 1972 have a one year term and permit the buyer at the time the contract is executed to designate the amount to be taken under the contract. Many buyers who have contracts designate 95 percent of their needs, but other contract buyers in the same markets designate less, even far less.

In Minneapolis-St. Paul, where Mid-Am required a written contract from its customers, the effect of the contracts in foreclosing customers to competitors is open to question. Some cooperative and proprietary bottlers<sup>13</sup> in that locality do not buy from Mid-Am. Some buyers who have contracts also purchase large amounts of milk from other sellers. Since it began to require written contracts, Mid-Am's share of sales in the Twin Cities federal order has fallen from about 50 percent to about 40 percent. Mid-Am maintains that it insisted upon written contracts in the Twin Cities because it can only efficiently operate its large cheese plants in that region if it knows how much of its members' milk will be required in fluid uses.

4. *Acquisitions of Processing Plants.* The Government charges that on several occasions Mid-Am acquired — by cooperative merger or by purchase — milk processing plants in order to eliminate potential competitors that threatened the ability to charge premiums for milk used in bottling.

In 1969 Mid-Am acquired two proprietary cheese plants in Southwest Missouri, the Standard Milk Company and the Major Cheese Company. Both plants received Grade A milk and were the only proprietary manufacturing plants regulated by the St. Louis-Ozarks federal marketing order. Mid-Am was concerned, the Government contends, that the owners of these plants might themselves try to market to bottlers the Grade A milk received at the plants or that the plants could be the nucleus for the development of a competing association of producers.<sup>14</sup>

In 1971 Mid-Am purchased the assets of Home Town Dairies, Inc., a bottling plant in Cedar Rapids, Iowa. Home Town received most of its milk supply from Mid-Am, but about 25 percent of its milk came from dairy farmers who were not members of any cooperative. These farmers charged only the minimum order price for their milk. Since Home Town was receiving milk without a premium, Mid-Am was unable to charge other bottlers in Eastern Iowa a premium.

Also, because these farmers did not contribute to the operating and marketing expenses of a large cooperative, their net return after deducting for hauling and other expenses was greater than the net proceeds received by Mid-Am members whose milk was sold to Home Town. Consequently, Mid-Am had to transfer proceeds from sales in other, more profitable marketing areas to supple-

<sup>13</sup> "Proprietary" is used here to refer to a milk plant that is not owned or operated by a cooperative.

<sup>14</sup> A local cheese plant owned by a non-dominant cooperative or by a proprietary firm lends security to farmers who wish to form a new association of producers by: (1) providing an outlet for the members' milk until the association has enough members economically to service a bottler; or (2) assuring the association during the week-ends and spring months of an outlet for milk of its members not needed by bottling customers.

ment the pay prices of its members in the Home Town procurement area.

The Government contends that Mid-Am bought Home Town to eliminate these problems. After the acquisition, Mid-Am required the independent producers to join defendant or stop shipping milk to the plant. About 75 percent of the producers joined Mid-Am; the rest joined other cooperatives. Mid-Am no longer had to subsidize the pay price to its members in Eastern Iowa. However, it was not able as a result of the acquisition to charge substantial consistent premiums to Eastern Iowa buyers.

The Government also claims that Mid-Am acquired a number of plants in the Kansas City area to forestall potential competition from manufacturing grade producers who were shipping to the plants. A possible motive for such acquisitions is that if Mid-Am charged premiums in Kansas City, the returns to Grade A farmers would be so high as to induce manufacturing grade producers to convert to Grade A production, compete with Mid-Am and erode the premium.

5. *The Standby Pool—Agreements with Other Cooperatives and Processors to Restrict the Shipment of Milk into Mid-Am's Marketing Areas.* Perhaps the most important source of potential competition throughout Mid-Am principal marketing area is the large supply of surplus Grade A milk in Minnesota and Wisconsin, the leading dairy states. This milk is not qualified on any federal milk marketing order. In all the areas where Mid-Am sells milk, this northern milk could meet short term needs of bottlers. Such short term needs may arise, for example, when the producers who usually service a market fail to produce enough milk to meet the demands of bottlers. This northern milk might also serve as a transitional supply to a buyer who wants to change his milk supplier but whose new supplier does not yet have enough locally produced milk to meet the buyer's needs. In Mid-Am's principal marketing area, there is a third competitive threat from this milk. The main Mid-Am markets are close enough to this large northern supply that it can serve not only as a short term or transitional supply, but also as a regular or consistently reliable supply to bottlers.

The Government claims that the standby pool was designed to eliminate this potential competition.

Mid-Am was an early promoter and founding member of the Associated Dairymen, Inc. ("ADI"), standby pool and its successor, the Associated Reserve Standby Pool Cooperative ("ARSPC"). Mid-Am withdrew from participation in the standby pool in early 1974.

Roughly speaking, the standby pool operated as follows: A number of cooperatives (of which Mid-Am was one) paid money into a fund maintained by the standby pool organization (ADI or ARSPC). This organization obtained from plants receiving Grade A milk or from the producers shipping milk to these plants an option to purchase the milk. The option, in effect, prevented the plants or producers from selling the milk to anyone else. In consideration for the option, the organization made payments to the plants or producers out of the fund established by the cooperatives.

At its height, the standby pool obtained effective control over the Grade A milk received by as many as 24 cheese plants, including substantially all of the plants with enough milk to fill a long haul tank truck on a daily basis. These plants accounted for over 90 percent of the unregulated Grade A milk available for reshipment to Midwestern and Southern markets. Standby pool payments to plants or producers ranged between \$200,000 and \$300,000 per month.

The Government contends that the standby pool unreasonably restrained the shipment of competing supplies of milk into Mid-Am's marketing areas. Two characteristics of the standby pool were particularly restrictive.

First, the standby pool absolutely prevented direct sales to Mid-Am's bottling customers by the northern plants and producers. The standby pool could have accomplished the purpose of providing a mechanism for contributing cooperatives to get emergency supplies of surplus milk during periods of shortage in local markets without precluding direct sales of northern milk to buyers in the Midwest and South.

Second, Mid-Am was the only cooperative in Missouri, Iowa, Nebraska, and Minnesota that had access to standby pool milk. Thus, any time milk moved into these areas from a standby pool plant, it was only at Mid-Am's sufferance and at Mid-Am's price.

These and other restraints neutralized the threat to Mid-Am of northern milk. This was not enough by itself to give Mid-Am the power to charge substantial premiums. But for Mid-Am it was a prerequisite to that power. Moreover, since, as has been noted, the northern milk could serve as a regular supply to many Mid-Am markets, the standby pool not only fostered premiums, but also protected the uniform price paid under federal orders in these markets. If the northern milk had been qualified on any of Mid-Am's federal order markets, the uniform price under the orders would have fallen. Mid-Am calculated, for example, that absent the standby pool the uniform price in Minneapolis-St. Paul would have been seven cents per hundredweight less than it was during Fall 1969.

#### III. DESCRIPTION OF THE JUDGMENT AND ITS COMPETITIVE EFFECT

The Judgment seeks two ends. First, to the extent Mid-Am's past conduct resulted in less than competitive market conditions, the Judgment is remedial. Its aim is to cure continuing anticompetitive effects of the alleged unlawful conduct. Second, the Judgment removes tools necessary to any future attempts to monopolize. The specific tools denied Mid-Am by the Judgment are in the main those that the Government contends were used by it in the past. In this respect, the relief is limited by the evidence the Government might have presented at trial.

##### A. THE PROVISIONS OF THE PROPOSED JUDGMENT

In describing the conduct that gives rise to the allegations against Mid-Am and again here in describing the provisions of the Judgment, we have organized the case against Mid-Am into certain general categories. These categories should ease the tasks of understanding the Judgment and of relating particular alleged unlawful conduct to the Judgment provisions dealing with that conduct. But a word of caution is in order.

The categories do not signify hard and fast distinctions. All the alleged conduct can be viewed as restraints on producer mobility. For example, threats to buyers of discriminatory treatment if they buy milk from another source restrains producer mobility by making it difficult for competing farmers or farmers who would otherwise leave Mid-Am to find customers. Similarly, the standby pool and acquisitions are subpecies of restraints operating on processors and competitors. The various forms of challenged conduct occurred simultaneously and, we contend, shared the common end of achieving the power to control prices and keep rivals out of markets. The various forms of relief also will operate simultaneously. They over-

lap somewhat and together determine the effect of the Judgment.

1. *Paragraphs IV & V—Direct Restraints on Producer Mobility.* It is essential to the maintenance of competitive conditions in milk marketing that the members of a cooperative be able to leave the cooperative and effectively market milk in competition with it. Paragraphs IV and V of the Judgment require remedial action to overcome the effects of past restrictions on members and forbid perpetually the forms of conduct that the Government contends were aimed directly at farmers who sought to compete against Mid-Am.

a. *Paragraph V* contains the principal remedial provisions relating to producer mobility.

For the first year after entry of the Judgment, Mid-Am is ordered to permit producers to leave Mid-Am on thirty days notice at any time. Paragraph V(A). This provision eliminates any significant contractual restraint on producers. It continues a policy followed by Mid-Am since mid-1974.

In the second and succeeding years after entry of the Judgment, Mid-Am may enforce one year membership contracts. If it does so, it must permit termination by the producer upon written notice thirty or more days before the anniversary date of the agreement. Paragraph V(B). Mid-Am has many contracts that (but for the bylaw provision for termination at any time on thirty days notice) permit termination upon notice given ten days after the anniversary date, effective two months after the anniversary date. The termination provisions of these contracts will no longer be enforceable, both because the termination period is only ten days and because the effective term of the contracts (fourteen months) is longer than one year.

Paragraph V(B) is a recognition that a one year term in membership contracts in the milk industry is not in itself unreasonable and may promote efficiencies in the operation of a cooperative. Many cooperatives—large and small—use one year membership contracts.

If after one year from entry of the Judgment Mid-Am begins to use one year membership contracts, Paragraphs V(C) and (D) provide procedures sufficient to insure that members of Mid-Am who become subject to one year contracts not only can leave individually, but also can organize and accomplish simultaneous departure in groups.

Paragraph V(C) puts an affirmative obligation on Mid-Am to notify any member who becomes subject to a one year contract of his anniversary date. This should guarantee that every member knows or has a record of the proper date for termination of his contract. This provision meets the problem that many farmers may be unaware of the anniversary date of their contracts as a result of the use since 1974 of thirty day contracts.

Paragraph V(D) provides two devices for effective group departure by members in the event Mid-Am uses a one-year contract within five years of entry of the Judgment. The first device is a requirement that any new or existing producers be allowed to choose any date as an anniversary date, regardless of the date on which the membership contract is executed. Although this option may be exercised by any member, the principal beneficiaries of this provision will be groups of Mid-Am producers who have no present intention to terminate their marketing agreements with Mid-Am but who have an existing common interest that might at a future time make it desirable for them to leave Mid-Am as a group. Examples of such groups are farmers whose herds are of a particular breed (Jersey or Guernsey, for instance), farmers who share historical ties to a cooperative that merges with Mid-Am, or farmers who are on the same hauling

route or whose milk is delivered to a particular processor. If all the farmers in such a group select the same anniversary date, they will be able any time in the future (even after five years from entry of the Judgment) to leave Mid-Am as a group.

The second device in Paragraph V(D) for group departure is a requirement that Mid-Am permit a terminating farmer to pick any date within one year after the contractual termination date as the date on which he will actually stop marketing milk through Mid-Am. To illustrate: if a farmer's anniversary date is April 30, 1979, he may give notice to Mid-Am anytime before April 1, 1979, that he intends to stop marketing through Mid-Am on a specified date between April 30, 1979, and April 30, 1980. Until the time he actually stops marketing with Mid-Am, Mid-Am is required to market the terminating producer's milk on the same basis as it markets milk of non-terminating members. A group of farmers with different anniversary dates can, therefore, arrange to leave Mid-Am at the same time by jointly or separately giving notice of the same termination date.

The proviso to Paragraph V(D)(2) deals with a narrow circumstance that arises when Mid-Am decides for reasons of excessive costs not to continue marketing milk produced in a particular geographic area. This will typically occur when a few members are isolated from other members and are associated with a federal order market (for example, Chicago, Louisville or Paducah) to which Mid-Am sells negligible amounts of milk. In this situation Mid-Am, rather than the producer, may wish to terminate the marketing agreement, and the producer could not compel Mid-Am to continue marketing his milk beyond the anniversary date of the contract.

Note that Paragraphs V(C) and (D) will only operate if Mid-Am abandons its present termination practice in the next five years. Whatever termination procedure is in effect, Mid-Am's membership contracts will not impede members in organizing new marketing groups or in deciding individually to market milk through another cooperative or directly to a handler.

b. *Paragraph IV* forbids particular conduct that has the direct effect of limiting producer mobility. Any action to stop free movement of producers would not likely occur without violation of at least one of the provisions in Paragraph IV.

IV(A) prohibits threats or coercion, in whatever form, to induce a producer to begin to market or continue to market his milk through Mid-Am.

IV(B) precludes any threat or assertion of a claim against a member based on his termination of a membership contract in the proper manner. For example, Mid-Am would violate the Judgment if it told a farmer that his decision to join with others to leave Mid-Am could be the basis of any liability to Mid-Am under the antitrust laws or any other state or federal law. This assumes the farmer gives notice of termination in the manner specified in his marketing agreement. This provision is not intended to deal with assertion of claims that are not based upon the contract termination or as to which termination is only an incidental fact. Threats to assert such claims, if made discriminatorily (that is, only to producers who have given notice of termination), would violate paragraph IV(A).

IV(C) and (D) forbid flooding or pressure pooling, either by Mid-Am alone or in agreement with other cooperatives.

IV(E) forbids certain agreements with others—most pointedly, with other cooperatives—that limit competition for the patronage of dairy farmers. Mid-Am may not

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agree with another cooperative to allocate territories in which each will seek members or to limit efforts to persuade producers to leave Mid-Am and join the other cooperative.

IV(F) is a narrow provision applicable now only to a small number of Mid-Am members located in Southeast Kansas who participate in a base plan administered by Mid-Am. Under this plan, the "base" allotted to each producer can be transferred among the participants in the plan. Paragraph IV(F) forbids any action by Mid-Am in connection with a base plan that would have the effect of requiring that a farmer who sells base stay out of production in any market in which the buyer of base is not a competitor or that the buyer of base is a competitor of the farmer, for more than two years.

Paragraph VI—*Restraints Operating on Haulers*. Paragraph VI(A) bars any contractual requirement that a hauler transport milk exclusively for Mid-Am. This abrogates provisions in certain older hauling contracts and bulk tank leases that preclude or that require Mid-Am's approval of hauling for a non-member.

Paragraph VI(B) forbids any action by Mid-Am that has the effect of requiring a milk hauler who sells his hauling business to stay out of the hauling business in any area for any period of time.

Paragraph VII—*Restraints Operating on Processors and Competitors*. Paragraph VII deals with two general forms of conduct that may limit the discretion of a buyer to purchase milk from others and foreclose markets to competitors of Mid-Am. First is actual or threatened differential treatment of any buyer who purchases or intends to purchase milk from another seller. A practice by Mid-Am of refusing to sell milk, of charging a different price for milk, or of delivering milk on an unfavorable basis to a buyer who purchases a portion of his needs for milk from another supplier may cause buyers to forego purchases from alternative suppliers. Second is entering into supply agreements that may unreasonably foreclose access by competitors to buyers of milk.

Actual or threatened discriminatory treatment on account of purchases from other suppliers is forbidden in Paragraph VII(D). Sales of milk to partial supply customers on less favorable terms and conditions than are offered to full supply customers are prohibited by this provision. Even if Mid-Am has no full supply customers in a market, it would violate this provision if any act or threat of discrimination against a buyer occurs in response to a buyer's plans to increase the amount of his purchases from other sellers.

It is not the intent of Paragraph VII(D) to require Mid-Am to sell milk to all comers. However, Mid-Am may not make purchase of any minimum amount of milk a prerequisite to the extension of discriminatorily favorable terms or conditions of sale. Assume, for example, that Mid-Am is able under the Robinson-Patman Act, 15 U.S.C. § 13, to sell milk at one price to customers who execute a written supply agreement and at a higher price to sellers who buy milk without a written supply agreement. This judgment is not violated as long as the option to purchase milk under a supply agreement is available to both the full supply customer and the partial supply customer. The provision is also satisfied if Mid-Am refuses to sell milk except under written contract, yet permits buyers of any amount of milk to execute a contract. Supply agreements are the subject of the

Mid-Am may require that milk be received in truckload quantities. Paragraph VII(B).

remainder of Paragraph VII. Subparagraph (A) forbids supply agreements of more than one year duration. Subparagraph (B) requires that any buyer be allowed to specify the amount of milk he will be committed to take under a supply agreement.<sup>18</sup> Subparagraph (C) requires that Mid-Am permit any buyer without penalty to get out a supply agreement if Mid-Am increases the price of milk during the term of the agreement.

These three mandated features of supply contracts have been used by Mid-Am in its Milk Sales Agreements since at least 1974. There were no markets where Mid-Am supply agreements with these features substantially foreclosed sales by competitors. There is some evidence, in fact, that buyers freely and without reprisals by Mid-Am refused to execute such agreements; that certain processors under contract took milk from other sources; and that Mid-Am increased prices during the term of contracts, thus rendering the effective duration of the contract even less than one year.

We recognize that supply agreements meeting the conditions of Paragraph VII (A), (B), and (C) might in some circumstances have the effect of substantially lessening competition or otherwise supporting an attempt to monopolize. If Mid-Am secured supply contracts representing a substantial portion of the purchases in any market, for example, such contracts might frustrate the efforts of a competitor to make sales into the market. This judgment will not bar future enforcement action by the Antitrust Division against Mid-Am if it develops that such agreements come to have an illegal anticompetitive effect. The proviso to Paragraph VII is intended to bar any defense in a future enforcement action that these contracts are specifically authorized by and immune from attack because of the Judgment.

Paragraph VIII—*Divestiture of Plants*. Paragraph VIII requires Mid-Am to sell three of its plants within two years of entry of the Judgment. The buyer must purchase any one of the plants as a unit and must intend to operate the plant after the purchase either for manufacturing milk or as a receiving or transfer station. Any sale of a plant must receive the prior approval of the Antitrust Division or of the Court, upon a showing that the buyer is "qualified." Mid-Am must periodically report the status of its divestiture efforts. Because some of the equipment in the plants will deteriorate as fast when the plants are not in use as they would if removed and used elsewhere, Mid-Am may remove equipment from the plants prior to sale. Any such equipment must be replaced prior to consummation of a sale of any plant.

The plants to be divested are not alike. The Aurora plant is a currently operating cheese manufacturing plant regulated by the St. Louis-Ozarks federal milk marketing order. It was acquired from the Standard Milk Company, a proprietary firm, in 1969. The Ottawa plant is a receiving station regulated by the Kansas City federal milk marketing order. Ottawa has no milk manufacturing equipment, but only the silo tanks and plumbing necessary to operate a receiving station. The Bethany plant is closed but contains certain equipment necessary to make cheese curd.

Divestiture of these particular plants provides appropriate relief not specifically requested in the Complaint. Mid-Am member milk has been qualified and sold in a total of twenty federal order markets, and in ten or eleven principal federal order markets. However, the St. Louis-Ozarks and Kansas City federal milk marketing orders account

Mid-Am may specify a maximum amount that it will commit itself to supply under contract. Paragraph VII(B).

for more than a third of the Mid-Am's sales of Grade A milk. These are the two federal order markets in which Mid-Am has had the highest percentage share of the total milk associated with the market. The milk sheds of these two federal order markets are also the areas with the fewest number of alternative (i.e. non-Mid-Am) outlets for surplus milk. In other areas where Mid-Am is the dominant cooperative, there are numerous outlets for surplus milk. There are also some alternative outlets in the St. Louis and Kansas City areas. But the Government contends that Mid-Am's acquisitions of cheese plants in these two markets were made with the specific intent to eliminate and did eliminate important outlets for surplus milk and that these acquisitions contributed significantly to Mid-Am's continued maintenance of an 80 percent plus share of the sales in these federal order markets.

Although any person may be a qualified buyer, the Government believes that the most likely purchaser of any of these plants would be a cooperative, that desires to enter or expand its operations in the milk producing areas serving the St. Louis-Ozarks and Kansas City federal order markets. The ownership of a cheese plant would have two advantages to any group of producers that wished to compete with Mid-Am in these markets. First, by operating such a plant, the producers have an assured outlet for their surplus milk. Second, as a cooperative seeks to enter a market and develop milk supplies by signing new members it needs sales outlets to dispose of its members' milk. One way to provide a sales outlet is for the cooperative to operate a manufacturing plant. The cooperative may then take on new members (up to the capacity of the cheese plant) while it develops outlets with bottlers.

Paragraph IX—*Future Acquisitions*. This paragraph provides preventive relief against anticompetitive acquisitions by Mid-Am.

Subparagraph (B) requires that Mid-Am not make any plant acquisition in the next five years that would violate the standards of section 7 of the Clayton Act, that is, when the acquisition may substantially lessen competition or tend to create a monopoly. It applies whether the plant is acquired through purchase or through merger with another cooperative.

Subparagraph (A) requires Mid-Am in the five years after entry of the Judgment to give the United States thirty days notice of any plant acquisition. The notice must fully describe the proposed acquisition. Also, Paragraph XIV requires Mid-Am to supply the United States with any other information the Division may request concerning an acquisition. The five year period provided in IX (A) and (B) is sufficient to prevent the use of acquisitions to frustrate the effective operation of the other provisions of this Judgment.

Subparagraph (C) applies perpetually. It orders Mid-Am for one year after any plant acquisition to continue to receive milk at that plant from persons who supplied milk to the plant before the acquisition. The persons previously supplying the plant may be individual farmers, cooperative organizations, proprietary plants or any other entity that has milk for sale and that sold milk to the plant within sixty days of the acquisition. Mid-Am may require any such supplier to execute a marketing agreement, but any such agreement must be terminable by the supplier at any time on thirty days written notice. This provision strikes a balance between assuring that no supplier is forced into membership in Mid-Am by a threat that Mid-Am would otherwise refuse to take his milk and permitting Mid-Am some notice

that a supplier of an acquired plant intends to sell its milk elsewhere.

After one year from the consummation of any acquisition, Mid-Am may refuse to accept non-member milk at an acquired plant. The one year, post-acquisition grace period for previous suppliers will be adequate to permit the suppliers to identify alternative outlets for their milk and to choose freely whether to continue deliveries to that plant or to switch outlets. When a cooperative that operates a plant is acquired, all the members of the cooperative will be able on thirty days notice to begin deliveries to a different cooperative or to a proprietary processor directly. Moreover, during that year, a marketing agreement with Mid-Am will not impair the efforts of any cooperative to induce previous suppliers to ship to it rather than to Mid-Am.

Paragraph X—*The Standby Pool*. In the main, the relief ordered in *United States v. AMPI*, 394 F. Supp. 29 (W.D. Mo. 1975), in connection with the operation of a standby pool determined the form of relief here. The differences in language between Paragraph X of the Judgment and Paragraph X of the AMPI decree do not reflect any different conditions for participation by the dependent in a standby pool program. Since Mid-Am competes in numerous areas with AMPI and might be disadvantaged if it were excluded from a standby pool in which AMPI participated, the term of standby pool relief in this Judgment is shortened to nine years, a period approximating the expiration of the standby pool relief in the AMPI case.

Paragraph X permits participation by Mid-Am in a standby pool that can serve as a mechanism for making milk of the surplus producing regions of Minnesota and Wisconsin available to cooperatives in markets where not enough local milk is produced to supply the needs of the market. But the Judgment eliminates restrictive elements that allegedly made the standby pool an important prop in the maintenance of market power by Mid-Am.

A standby pool in which Mid-Am may participate must allow participation by any cooperative [subparagraph X(D)] and by any qualified plant that competes in the procurement of milk with a participating plant [subparagraph X(A) and (B)]. A participating plant must be free to dispose of milk unless an order for the milk is placed at least 24 hours before the milk is received at the plant [subparagraph X(C)]. Cooperatives may not allocate territories in which standby pool milk may be sold or in any other way restrict resale of standby pool milk by a participating cooperative [subparagraph X(E)]. No contract related to a standby pool may be more than one year in duration [subparagraph X(F)], and the persons who administer the standby pool must be independent of any specific participant in the standby pool [subparagraph X(H)]. Even if all these conditions are satisfied, a standby pool arrangement will violate the Judgment if it does anything other than insure a reserve supply of milk to meet requirements of the participating cooperatives [subparagraph X(G)].

Paragraph X does not apply to any standby pool established pursuant to a marketing agreement with the Secretary of Agriculture under the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. § 601 et seq.

7. *Remaining Provisions of the Judgment*.

Paragraph I states that the Court has subject matter jurisdiction and jurisdiction over the parties in this case.

Paragraph II sets forth definitions of terms used in the Judgment. Words or phrases not

defined were considered to be sufficiently definite intrinsically not to require elaboration.

Paragraph III identifies the persons subject to the Judgment and includes any successor of Mid-Am and any person who has knowledge of the Judgment and who acts in concert with Mid-Am to violate the Judgment.

Paragraph XI forbids participation by Mid-Am in any way in any organization that engages in acts Mid-Am is prohibited by the Judgment from doing.

Paragraph XII provides that Mid-Am may not avoid the requirements of this Judgment by claiming that any bylaw, any private or public regulation or any other rule of law excuses compliance with the Judgment. This paragraph also compels an annual report for ten years after entry of the Judgment on the steps taken by Mid-Am to advise its responsible officials and all members and employees of their obligations under the Judgment.

Paragraph XIII requires Mid-Am within ninety days after entry of the Judgment to provide a copy of the Judgment to all its members and to all milk haulers and processors with whom it does business. In the second through fifth years after entry of the Judgment, Mid-Am must publish the Judgment in a publication that is circulated to all its members.

Paragraph XIV gives the Antitrust Division access to any documents or data necessary to monitor or to enforce compliance with the Judgment. The Antitrust Division may also require that Mid-Am prepare any written reports that may be requested to determine or to secure compliance with the Judgment.

Paragraph XV preserves the jurisdiction of the Court for purposes of allowing the parties to apply to the Court for enforcement, construction or modification of the Judgment.

Paragraph XVI is a finding by the Court—prerequisite to entry of any antitrust consent judgment<sup>19</sup>—that entry of the Judgment is in the public interest.

#### B. THE ANTICIPATED COMPETITIVE EFFECT OF THE JUDGMENT

The United States expects that after entry of the Judgment Mid-Am members will have effective opportunities to choose to market milk through other existing cooperatives, to form new cooperatives or to market milk directly to handlers. Non-members will not be forced to join or to market milk through Mid-Am. Other cooperatives will have access to buyers, and buyers will be free to search out alternate sources of supply. And, Mid-Am will not be able to support barriers to access to surplus supplies of milk in Minnesota and Wisconsin.

Some of these specific effects may be more important than others. Free mobility of producers in local, Mid-Am dominated markets, for example, goes a long way by itself to assuring that milk in such markets is sold at competitive prices. Since farmers rather than the cooperative own the productive resources (cows, pasture, barns, milking equipment and so on), each farmer—absent artificial barriers—can act as an independent seller in competition with the cooperative. Indeed, when a dominant cooperative charges premiums for milk, the individual farmer and small groups of farmers have a strong incentive to leave the cooperative. If the individual or group sells directly to a bottler at a lower premium than the dominant cooperative, it can still receive a higher net return than if it had remained in the dominant cooperative.<sup>20</sup>

<sup>19</sup> Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e).

<sup>20</sup> This will occur for two reasons. First, premiums are usually collected only on milk

Apart from the unique aspects of a cooperative that its members are its potential competitors and that it does not control the level of production, cooperative monopoly can be analyzed much like any industrial monopoly. Mid-Am faces potential competition from a number of sources other than its own members. To achieve and maintain a monopoly, it must be able to exclude these other competitors. Like an industrial firm, it can do this by maintaining full supply arrangements with all or nearly all buyers in a market; by acquiring the competitor; by agreeing with the competitor to allocate markets; or by engaging in predatory practices designed to drive the competitor out of the market or to force the competitor to merge with it.

The adversaries of Mid-Am on this second front include other existing cooperatives, farmers in the market who are not members of any cooperative, owners of plants that receive milk from independent farmers and others.

If there were only a few farmers, or if the volume of milk produced was no more than the amount of milk demanded for bottled use, or if milk was too expensive to transport, a cooperative that had or that wanted a local or regional monopoly would be in a strong position to exclude its competitors. In the area where Mid-Am operates, there are a multitude of dairy farmers, they produce far more milk than is demanded for fluid use, and milk can be shipped economically throughout the area. Thus, competition manifests itself in numerous and ever changing ways. To maintain or achieve a monopoly, Mid-Am not only must control its own members, it must have in its arsenal the weapons necessary to suppress competition from these other sources.

Against this background the Judgment will promote—to the extent consistent with federal regulation of dairying—competitive determination of prices in the interest of consumers and free access by competitors to markets where Mid-Am operates.

As to present market conditions, the evidence adduced by the Government through discovery is not conclusive that past unlawful conduct by Mid-Am left it a legacy of monopoly power. In negotiating relief to cure persisting effects of past conduct, the United States, keeping in mind the above described aspects of cooperative monopoly, considered not only market shares, but also whether and in what way Mid-Am had power to control prices or to exclude competitors.

used for Class I purposes, but the dominant cooperative will have many members who produced milk that went to Class II purposes. The dominant cooperative has to distribute any income from Class I premiums to all Grade A members, regardless of the use of an individual member's milk. This would substantially dilute the return from premiums received by individual farmers. If the farmer can make sales direct to a bottler and collect even a lower premium than is charged by the dominant cooperative, his return from premiums may still be more than the diluted return received by the members of the dominant cooperative. The same will be true if the individual farmer belongs to a group of producers, so long as that group has a higher percentage of its milk going into Class I products than has the dominant cooperative. Second, the individual farmer or the small group of farmers may be able to realize a higher return from premium prices than the dominant cooperative because it would not have to bear the higher administrative costs incurred by many large cooperatives.

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The Government also took into account evidence that since mid-1974 members have been free to leave Mid-Am, individually or with others, at any time on thirty days notice; that Mid-Am had been unable to secure milk supply agreements with many processors; that certain Mid-Am customers, well before this lawsuit was filed, did purchase a portion of their milk requirements from others without reprisal from Mid-Am; that there were several alternative surplus outlets for milk even in areas where Mid-Am is strongest; and that Mid-Am withdrew from the standby pool in early 1974.

Two continuing effects of Mid-Am's alleged unlawful conduct seem to be important.

First, because of practices allegedly designed unreasonably to restrict the ability of members to leave Mid-Am certain members may never have had an opportunity, free of concern about retaliation from Mid-Am, to choose to get out of Mid-Am. Preservation for one year of thirty day membership contracts and contingent procedures for group departure in the event one year contracts are again used to remove any contractual barriers to freedom of choice of a farmer to stay in or to leave the cooperative. Other provisions help to assure that the contractual freedom to leave Mid-Am translates into real freedom. Mid-Am may not use threats or coercion to keep any member [Paragraph IV (A)]; it may not threaten legal action against any terminating farmer because of termination [Paragraph IV(B)]; it can't agree with another cooperative that the cooperative won't seek to persuade Mid-Am members to leave the cooperative [Paragraph IV(E)]; it can't prevent haulers from agreeing to haul the farmer's milk after he leaves Mid-Am [Paragraph VI(A)].

Second, if producers get out of Mid-Am, or if any existing cooperative or other milk seller tries to sell in a Mid-Am market, they may be unable to make sales. The Government's concern is that Mid-Am's alleged threats of discriminatory treatment of partial supply customers continue to have a chilling effect on the decision of processors to buy from other sources. Also, acquisitions of plants in certain areas may have eliminated surplus outlets needed by independent producers and small cooperatives or by processors who buy milk from them.

The ban on discrimination against a partial supply buyer [Paragraph VII(D)] is the chief remedy for the presumed lingering fear of Mid-Am among processors. The concern about surplus outlets is only significant in the Kansas City and St. Louis-Ozarks markets, where, although there are some non-Mid-Am surplus outlets, the number of such outlets is considerably less than in most Mid-Am areas. The divestiture ordered by Paragraph VIII is intended to make available to anyone else who desires to market milk in those two markets surplus outlets that had been acquired by Mid-Am.

Again, these principal provisions are supported by other relief. The form of supply contract permitted to Mid-Am requires that the buyer be able to choose the amount of milk to be taken under contract. Paragraph VII(B). Moreover, the term of supply contracts is a maximum of one year. Paragraph VII(A). It is anticipated that Mid-Am will find it necessary to change its price several times during the year, so that—through operation of Paragraph VII(C)—the effective duration of any supply agreement will be less than one year. Mid-Am will not be able to exclude competitors from a market by flooding [Paragraph IV (C) and (D)], by acquiring buyers or surplus outlets [Paragraph IX], or by entering into restrictive agreements that foreclose access by competitors to northern supplies of milk (Paragraph X).

This relief gets to all unlawful conduct Mid-Am allegedly used in its past attempt to monopolize.

The Government believes that, just as all provisions of the Judgment contribute to eliminating the continuing effects of past conduct, they all contribute to prevention of any future acquisition of monopoly power. The same provisions that guarantee freedom of choice for past captive producers insure that Mid-Am will not in the future be able to hold members except by technical, service or managerial superiority.

Similarly, by eliminating important weapons for defeating entry by other sellers of milk, the Judgment protects numerous rivals that would be attracted if Mid-Am in the future sought to charge any price higher than the competitive price.

#### IV. ALTERNATIVE PROPOSALS ACTUALLY CONSIDERED

The principal alternative to the Judgment is, of course, going to trial. Given the evidence adduced in discovery, the anticipated effectiveness of the Judgment, and the risks inherent in seeking further relief at trial, the Government believes entry of the Judgment is decidedly in the public interest. The sure and immediate application of the relief supplied in the Judgment is strongly to be preferred to the possibly weaker and certainly more distant relief continued litigation may bring.

In its Complaint initiating this lawsuit, the United States sought to enjoin and restrain Mid-Am from:

- (1) Enforcing membership agreements that unreasonably restrain the right of dairy farmers to withdraw from Mid-Am and market milk in competition with Mid-Am;
- (2) Refusing to allow any dairy farmer, pursuant to the terms of his membership agreement, to withdraw from membership in Mid-Am;
- (3) Requiring that processors purchase all or substantially all of their milk supply from Mid-Am;
- (4) Charging any processor a higher price for milk when the processor fails to purchase his full milk supply from Mid-Am;
- (5) Purchasing or acquiring control of any processors that have purchased milk from independent producers for the purpose or with the effect of eliminating the processor as a customer of dairy farmers who are not members of Mid-Am;
- (6) Importing milk into marketing areas for the purpose of depressing the prices that farmers who are not members of Mid-Am receive for their milk;
- (7) Requiring that any Mid-Am member forfeit the value of his production base under any Class I base plan when the farmer terminates his membership in Mid-Am pursuant to his membership agreement and markets milk in competition with Mid-Am; and
- (8) Requiring any milk hauler to transport milk exclusively for Mid-Am or for farmers approved by Mid-Am.

With one exception, relief as to each prayer in the Complaint, consistent with the facts adduced in discovery, is contained in the Judgment. But the Judgment does not contain every form of relief that might have been encompassed by each prayer. Nevertheless, as explained in part III above, the Judgment is sufficient to cure the ill effects of Mid-Am's past practices and reinstate competitive conditions to the business of milk marketing in Mid-Am's area of operation.

Elimination of the base forfeiture requirement (number (7), above) was considered unnecessary primarily because discovery indicated that this requirement did not prevent Mid-Am's member-producers from terminating their membership agreements, leav-

ing the cooperative and marketing their milk competitively. Mid-Am eliminated its Texas base plan by vote of the participating farmers. Less than two percent of Mid-Am's members are presently participating in a base plan.

Based upon its limited pre-filing investigation, the prayer for relief in the complaint and the settlement then under discussion in *United States v. AMPI* 394 F. Supp. 29 (W.D. Mo. 1975), the United States, at Mid-Am's request, proposed a consent decree in February 1974. That proposal, containing several forms of relief not found in the Judgment, was rejected by Mid-Am.

In January 1976, after extensive discovery and trial preparation, the Government's trial staff sent Mid-Am a second proposed consent decree. This second proposal was not solicited by Mid-Am. It was prepared with a view toward negotiation over a final form of relief. Thus, it differed in several respects from the Judgment now submitted to the Court. It would have required perpetual retention of thirty day membership contracts, rather than mandatory one year retention with four additional years of contingent membership termination provisions. It would have forbidden Mid-Am to require that any buyer enter into a written supply contract. It would have required prior notice of acquisitions for ten years, rather than five. It would have required Mid-Am to take non-member milk in its plants for five years, rather than require divestiture of particular plants.

The reasons for abandoning the earlier forms of relief differ. Some provisions were not supported by proof in the case, seemed unreasonably inflexible, or were replaced by more effective relief. A major reason for the differences between the proposal and the Judgment is, of course, that the Judgment was negotiated, not dictated. However, the Government did not compromise its purpose to obtain relief sufficient to cure the effects and remove the threat of Mid-Am's attempt to monopolize. Several forms of judgment could have done this job. We are of the view that the Judgment is one such form that will accomplish the objectives of this litigation.

Dissolution of Mid-Am was rejected as unnecessary to restore competition to milk marketing in Mid-Am's territory. The Complaint did not seek dissolution nor did the United States ever propose dissolution to Mid-Am. A judgment that permits processors to purchase any amount of milk at the best available price and service, that frees producers to sell milk in whatever manner brings the greatest return, and that compels Mid-Am to engage solely in legitimate, non-predatory activities will insure a climate of competitive milk marketing and reform defendant into a viable, voluntary cooperative, without incurring the unavoidable economic costs of dissolution.

#### V. EFFECT OF THE JUDGMENT ON REMEDIES AVAILABLE TO THIRD PARTIES

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal district court to recover three times his actual damages as well as costs and reasonable attorney's fees. Under section 5(a) of that Act, 15 U.S.C. § 16(a), a consent judgment is not *prima facie* evidence of illegality. Thus, the Judgment will have no effect on the determination of Mid-Am's liability in lawsuits against it by third parties.

Mid-Am is presently defending allegations of antitrust violations in two private cases consolidated in the Midwest Milk Monopolization Litigation, J.P.M.L. Doc. No. 83,

now pending in the Western District of Missouri. Other antitrust litigation against Mid-Am has been settled. Discovery in these cases, a number of which are grounded at least in part on facts and events that served as a basis for the Government's suit, was largely completed at or shortly after the time the Complaint here was filed. The Government's case, which postdated its private counterparts by two and a half years, almost certainly could not be tried before trial in the private cases is concluded. Therefore, continued litigation of the case, even to a favorable judgment, will not provide these parties with the advantage of a *prima facie* showing of illegal conduct.

#### VI. PROCEDURES FOR MODIFICATION AND ENFORCEMENT OF THE JUDGMENT

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), any person who believes that the Judgment should not be entered in the form proposed may within the sixty-day period specified by the Act submit written comments to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Such comments and the Government's responses thereto will be filed with the Court and published in the *FEDERAL REGISTER*. All comments will be considered under procedures established by the Department of Justice, 40 Fed. Reg. No. 158 (August 14, 1975). The United States remains free to withdraw its consent to the Judgment at any time prior to entry if it should determine as a result of comments or otherwise that some modification of the Judgment is necessary.

After entry of the Judgment, it may be modified by the Court upon motion of the parties. Any private person not a party to this litigation who believes the Judgment should be modified after entry may suggest such modification by writing to the Chief, Judgments and Judgment Enforcement Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. After entry, the Judgment may be enforced by the Court *sua sponte*, or upon motion of the United States.

#### VII. DETERMINATIVE DOCUMENTS

In respect of the standby pool, the consent judgment in *United States v. AMPI*, 394 F. Supp. 29 (W.D. Mo. 1975), was determinative of the form of relief contained in the Judgment. There were no other documents that the Government considered to be determinative in formulating the Judgment.

Dated: May 28, 1976.

DANIEL I. BOOKER,  
ELIOT NORMAN,  
MICHAEL M. MILNER,  
LARRY S. GANGNES,  
Attorneys, United States  
Department of Justice.

#### APPENDIX A

##### CAPPER-VOLSTEAD ACT

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however*, That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

Sec. 2. That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be *prima facie* evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof.

[FR Doc. 76-15483 Filed 5-27-76; 8:45 am]

#### UNITED STATES V. ARA SERVICES, INC., ET AL., CIVIL NO. 18756

##### Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of Georgia in Civil Action No. 18756, *United States of America v. ARA Services, Inc., et al.* The complaint in this case alleged that Sands and Company, Incorporated and ARA Services, Inc., companies which sell vended products in the Atlanta, Georgia metropolitan area, engaged in a conspiracy with other vending companies and a trade association made up of these companies to fix the prices of merchandise sold through vending machines in that area. The proposed consent judgment enjoins continuation or renewal of the conspiracy either with other vending companies or through a trade association. Defendants are further required to notify their officers and pertinent employees of the terms of the judgment for the next 10 years. Public comment is invited on or before July 30, 1976. Such comments and responses thereto will be published in the *FEDERAL REGISTER* and filed with the Court. Comments should be directed to Donald A. Kinkaid, Chief, Atlanta Field Office, Antitrust Division, United States Department of Justice, Suite 420, 1776 Peachtree Street, N.W., Atlanta, Georgia 30309.

Dated: May 20, 1976.

CHARLES F. B. McALEER,  
Assistant Chief, Judgments  
and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA, ATLANTA  
DIVISION

United States of America, plaintiff, v. ARA Services, Inc.; and Sands and Company, Incorporated, defendants. (Civil No. 18756; filed: May 20, 1976.)

#### STIPULATION

It is stipulated, by and between the undersigned parties and their attorneys, that:

(1) A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party, or upon the Court's own motion, at any time after compliance with requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. 516], and without further notice to any party or other proceedings.

(2) The plaintiff may withdraw its consent hereto at any time before entry of the proposed Final Judgment by serving notice thereof upon the Defendants and by filing that notice with the Court.

(3) In the event plaintiff withdraws its consent hereto, this Stipulation shall be of no effect whatever in this or any other proceeding and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceedings.

Dated: May 20, 1976.

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## NOTICES

For the plaintiff, Thomas E. Kauper, Assistant Attorney General; Badda J. Rashid, Charles F. B. McLeer, Barry J. Kaplan, Donald A. Kinkaid, J. Albert Kroemer, and Jack C. Williamson, Attorneys, Antitrust Division, U.S. Dept. of Justice, 1776 Peachtree St., N.W., Suite 420, Atlanta, Georgia 30309. Tele: (404) 526-3820.

For the defendants: John Train, Counsel for Sands and Company, Incorporated, and John T. Loughlin, Counsel for ARA Services, Inc.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

United States of America, plaintiff, v. ARA Services, Inc.; and Sands and Company, Incorporated, defendants. (Civil No. 18756; filed: May 20, 1976.)

## FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on August 8, 1973, and Plaintiff and the Defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without admission by any party with respect to any such issue, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without adjudication of any issue of fact or law herein and upon the consent of the parties hereto, it is hereby, Ordered, adjudged and decreed as follows:

I. This Court has jurisdiction over the subject matter herein and the parties hereto. The Complaint states a claim against the Defendants upon which relief may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," as amended, as the Sherman Act. (15 U.S.C. Section 1.)

II. As used in this Final Judgment: (A) "Atlanta area" means the Counties of Fulton, De Kalb, Cobb, Douglas and Gwinnett in the State of Georgia;

(B) "Vending Machine" means any machine or device in the Atlanta area which, when appropriate coins are inserted therein, automatically dispenses merchandise;

(C) "Operator" means any person owning vending machines which are in operation in locations other than the operator's place of business;

(D) "Person" means any individual, partnership, firm, association, corporation, or other business or legal entity;

(E) "Control" means at least a fifty percent ownership interest in the controlled person by the controlling person; and

(F) "Defendants" shall mean Sands and Company, Incorporated and ARA Services, Inc. and each of them.

III. The provisions of this Final Judgment applicable to any Defendant shall also apply to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Each Defendant is enjoined and restrained from directly or indirectly:

(A) Entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan or program with any other operator to fix, determine, maintain, stabilize or adhere to the prices of merchandise sold through vending machines to any third person; and

(B) Discussing, advocating, suggesting, urging, inducing, threatening, coercing, intimidating, or compelling the adoption of uniform or specific prices of

merchandise sold through vending machines by any other operator.

V. Each Defendant is enjoined and restrained from organizing, joining, furthering, supporting, or participating in any activities of a trade association with knowledge that the purpose, conduct or activities of the same are inconsistent with the prohibitions contained in Section IV of this Final Judgment.

VI. (A) Each Defendant is ordered and directed to furnish within ninety (90) days after the date of the entry of this Final Judgment a copy thereof to each of its officers and directors, and to each of its agents and employees having sales and/or pricing responsibility for merchandise sold through vending machines.

(B) Each Defendant is ordered and directed to furnish for a period of ten (10) years after the date of the entry of this Final Judgment, a copy thereof upon each successor to those officers, directors, agents and employees described in Subsection (A) of this Section VI, within thirty (30) days after each such successor is employed by or becomes associated with the Defendant.

(C) Each Defendant is ordered and directed to file with this Court and serve upon the Plaintiff within one hundred and twenty (120) days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Subsection (A) of this Section VI.

VII. For a period of ten (10) years from the date of entry of this Final Judgment each Defendant is ordered to file with the Plaintiff, on each anniversary date of this Final Judgment, a report setting forth the steps it has taken during the prior year to advise the appropriate officers, directors, agents and employees having sales and/or pricing responsibilities for merchandise sold through vending machines, of its and their obligation under this Final Judgment.

VIII. The injunctions contained in Section IV of this Final Judgment shall not apply to relations between the Defendant and a parent or subsidiary of, or corporation under common control with, the Defendant.

IX. For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any Defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(A) Access, during office hours of such Defendant, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the Defendant relating to any matters contained in this Final Judgment; and

(B) Subject to the reasonable convenience of the Defendant, and without restraint or interference from it, to interview officers, directors, employees or agents of the Defendant who may have counsel present, regarding any such matters.

For the purpose of determining or securing compliance with this Final Judgment, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, each Defendant shall submit such reports in writing with respect to matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means permitted in this Section IX shall be divulged by any representative of the Department of Justice to any person, other than a duly authorized representative of the Executive Branch of Plaintiff, except in the course of legal proceedings in which the United States is a party, or for the purpose of secur-

ing compliance with this Final Judgment or as otherwise required by law.

X. Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of or carrying out of this Final Judgment or for the modification of any of the provisions herein and for the enforcement of compliance therewith and the punishment of the violation of any of the provisions contained herein.

XI. Entry of this Final Judgment is in the public interest.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA

United States of America, plaintiff, v. ARA Services, Inc.; and Sands and Company, Incorporated, defendants. (Civil No. 18756; filed: May 20, 1976.)

## PROPOSED CONSENT DECREE: COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)-(b)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and Purpose of the Proceedings.* This action alleged that seven companies and a trade association engaged in a conspiracy to fix prices of hot and cold drinks sold through vending machines in the Atlanta, Georgia metropolitan area ["Atlanta"]. Sands and Company, Inc. ["Sands"] and ARA Services, Inc. ["ARA"] were two of the companies named as defendants. The complaint sought an injunction against continuation or renewal of the conspiracy and against engaging in any other conspiracy with similar purpose or effect.

On August 8, 1973, the Department of Justice filed a civil antitrust suit alleging that the defendants, from at least as early as 1970, had engaged in a conspiracy to raise the price of hot and cold drinks sold through vending machines in Atlanta. The Government would have contended at trial that the officers of Sands and ARA engaged in discussions and meetings with officers of other vending companies for the purpose of increasing the price of hot and cold drinks sold through vending machines, and that an agreement was reached among the participants to raise the price from 10 to 15 cents.

*Description of the proposed judgment.* On September 23, 1974, the Court entered a Consent Judgment against the trade association and five of the seven defendant companies. This proposed Consent Judgment contains virtually the same injunctive provisions. It prohibits Sands and ARA from entering into any agreements or engaging in any discussions with any other vending company or companies to affect or manipulate the price of any merchandise sold through vending machines in the Atlanta area. These same prohibitions apply with respect to participating in activities of any trade association which have as their purpose the affecting or manipulating of prices of merchandise sold through such vending machines.

In order to assure compliance with the Consent Judgment, Sands and ARA, upon written request of the plaintiff, must each allow attorneys of the plaintiff to inspect its business records and interview its employees. Also upon written request, both companies must submit written reports respecting matters contained in the Judgment. Furthermore, the proposed Consent Judgment requires that for ten (10) years the defendants furnish copies of the Judgment to all of their employees who are responsible for

the sale of merchandise through vending machines in the Atlanta area. For each of these ten years, each of the defendants is required to report to the Antitrust Division of the Department of Justice the steps it has taken to effect this notification of its employees.

III. *Remedies Available to Potential Private Plaintiffs.* Any potential private plaintiff who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered. However, this Judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

IV. *Alternative Relief Proposals Actually Considered by the United States.* The relief provided for in the proposed Consent Judgment is essentially that sought in the Complaint. At the outset of negotiations for a consent judgment, the Government insisted that any relief should apply nationwide rather than only in the Atlanta area. This demand was in line with an Antitrust Division policy, in effect since the decision in "United States v. Ward Baking Company," 376 U.S. 327 (1964). This policy called for nationwide relief in all cases involving per se offenses even though the offense charged in the complaint may have been local in character.

The trial judge advised the parties that he would not grant nationwide relief even if the Government proved the allegations of the complaint. Consequently, the United States has decided to drop its demand for nationwide relief in this case. Proceeding to trial on the merits solely because of the lack of agreement on the issue of nationwide relief was not worth the resources such a trial would call for.

V. *Procedures Available for Modification of Consent Judgment.* The proposed Consent Judgment is subject to a stipulation by and between the United States and the defendants, which provides that the United States may withdraw its consent to the proposed Consent Judgment until the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Judgment should be modified may, for a 60-day period, submit written comments to Donald A. Kinkaid, United States Department of Justice, Antitrust Division, Atlanta, Georgia 30309, who will file with the Court and publish in the FEDERAL REGISTER such comments and responses to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed Consent Judgment.

There are no materials or documents which were determinative in formulating this proposed Consent Judgment; consequently, none are being filed by the Plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)).

Dated: May 20, 1976.

JACK C. WILLIAMS,  
Attorney, U.S. Department of  
Justice, Antitrust Division.  
[FR Doc. 76-15637 Filed 5-27-76; 8:45 am]

## NOTICES

DEPARTMENT OF THE INTERIOR  
Bureau of Indian AffairsPUEBLO OF SAN ILDEFONSO, MEXICO  
Ordinance Legalizing the Introduction,  
Possession, and Sale of Intoxicants

## Correction


In FR Doc. 76-1917 appearing on page 3326 in the FEDERAL REGISTER of Thursday, January 22, 1976 the thirteenth line up from the signature, now reading, "beverages SHALL BE LAWFUL within that", should read:

"BE IT FURTHER ENACTED, that remain—".

Fish and Wildlife Service  
ENDANGERED SPECIES PERMIT  
Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Wilmer Grainger Hunt, Ph. D., Chihuahuan Desert Research Institute, Box 1334, Alpine, Texas 79830.

 <b>DEPARTMENT OF THE INTERIOR</b> U.S. FISH AND WILDLIFE SERVICE <b>FEDERAL FISH AND WILDLIFE</b> LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED See attached letter and reports.		3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME: Wilmer Grainger Hunt ADDRESS: Chihuahuan Desert Research Institute, Box 1334, Alpine, Texas 79830 DATE OF BIRTH: 7-23-40 PHONE NUMBER WHERE EMPLOYED: 915-837-2475 OCCUPATION: Research Scientist ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Chihuahuan Desert Research Institute
4. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OF BUSINESS, AGENCY, OR INSTITUTION:		
5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Chihuahuan Desert, Texas, Louisiana, Mexico, New Mexico		6. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number): 20250-A - I have been banding migrant 20675 - Master banding permit
7. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		8. IF REQUIRED BY ANY STATE OR FEDERAL GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdiction and type of document): Scientific Collecting Permit State of Texas, application for Mexican
9. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED MAY BE FOUND IN THE FEDERAL REGISTER. IF IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION, LIST SECTIONS OF 50 CHURCH WHICH ATTACHMENTS ARE PROVIDED.		10. LICENSE EFFECTIVE DATE: June 1975 11. DURATION NEEDED: Three years
<b>CERTIFICATION</b> I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001. SIGNATURE: W. Grainger Hunt DATE: Jan 15, 1976		

JANUARY 16, 1976  
SPECIAL AGENT IN CHARGE,  
U.S. Fish and Wildlife Service,  
P.O. Box 329,  
Albuquerque, New Mexico 87103

DEAR SIR: Please find attached my permit application concerning my work with the American Peregrine Falcon (*Falco peregrinus anatum*). I have been studying this species off and on since the late 1950's but

principally in connection with the Arctic migrants. I enclose a reprint on those studies. During the last two years however, I have been concerned with the nesting population in the Chihuahuan Desert, located in Texas, New Mexico, and Mexico. I enclose my most recent report to the National Park Service which will explain to you in more detail than this letter permits, the scope of my work. I also have two papers in press and

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will send reprints of those when I receive them or manuscripts should you want them now. I anticipate two more years of work, that is through the summer of 1977 and will require permits from the Fish and Wildlife Service and an amendment to my federal banding permit #0675 as approved through your office.

Briefly, I have found what appears to be a substantial population of breeding Peregrines in the Chihuahuan Desert. I studied 11 active eyries during 1974-1975. Six of seven eyries located in mountains produced young while none of the four river nests was successful. There is good evidence that the failure of the river eyries is due to organochlorine contamination of the aquatic ecosystem. During the next two years of study beginning February 22, 1976, I will attempt to obtain further evidence on the organochlorine issue as well as to search for further eyries. Specifically, I need permission to collect eggshell fragments, added eggs, and prey remains in the Peregrine nests. All of this can be done, either after the young fledged, or before, if I am sure that the nesting attempt has failed. I anticipate no disturbance to the birds. In addition, I would like to collect some of the Peregrines' prey species for organochlorine residue analysis (a total of 40 individuals). These species may include the Mourning Dove (*Zenaidura macroura*), White-winged Dove (*Zenaidura asiatica*), Whippoorwill (*Caprimulgus vociferus*), Lesser Night Hawk (*Chordeiles acutipennis*), Band-tailed Pigeon (*Columba fasciata*), Acorn Woodpecker (*Melanerpes formicivorus*), Mexican Jay (*Aphelocoma ultramarina*), Scrub Jay (*Aphelocoma coerulescens*), Cliff Swallow (*Petrochelidon phrynonota*), water fowl (sps.), Killdeer (*Charadrius vociferus*), Spotted Sandpiper (*Actitis macularia*), flycatchers (sps.), miscellaneous common passerines (sps.) and bats (sps.). The analysis will be performed by the Patuxent Wildlife Research Center, Laurel, Maryland.

I enclose a copy of a research proposal I am submitting to Patuxent. If you need further information, please write or call 915-837-2475.

Sincerely,

W. GRAINGER HUNT, Ph.D.  
MARCH 24, 1976.

DIRECTOR, (FWS/LE),  
U.S. Fish and Wildlife Service,  
P.O. Box 19183,  
Washington, D.C. 20036.

DEAR SIR: In connection with my work, now in its third season, with nesting popula-

tions of the Peregrine Falcon (*Falcon peregrinus*) in the Chihuahuan Desert and surrounding mountain ranges in Texas and New Mexico, I will need permission from your office for the following:

1. To collect Peregrine Falcon eggshell fragments for the purpose of measurement.
2. Collection of added eggs, should they be found for pesticide residue analysis to be performed at Patuxent Wildlife Research Center.
3. Collection of prey remains in and around Falcon eyries.
4. To band Peregrine Falcons using USFWS bands, both at the nest and on the migratory and wintering range.

In reference to 50 CFR 17.22, I submit the following information: (a) Apparently form 3-200 was not enclosed in the materials sent to me from your office around March 1.

(1) The endangered species to be covered under this permit is the American Peregrine Falcon (*F. p. anatum*). Banding on the migratory and wintering range may also include the Arctic Peregrine Falcon (*F. p. tundrius*). I wish to collect eggshell fragments, added eggs, and prey remains in Peregrine Falcon nests in Texas, Mexico, and New Mexico. I also wish to band Peregrines both at the nest and in the migratory and wintering range. I will need permission to import from Mexico both eggshell fragments and added eggs as well as prey remains and prey species (dead).

(2) Material requested to be covered in this permit is presently in the wild.

(3) All procedures will be carried out with an absolute minimum of disturbance to the Falcons. No work will be performed if there is the slightest hint of danger to the Peregrines. Nests will not be visited until the young are at least two weeks old or if there is strong indication that the nesting attempt has failed, e.g., egg spoilage.

(4) N/A.

(5) Residue analysis to be performed by the Patuxent Wildlife Research Center and possibly by Dr. Steven G. Herman, Evergreen College, Olympia, Washington. Specimens may be later placed at either the Chihuahuan Desert Research Institute, Alpine, Texas, or at Sul Ross State University, Alpine, Texas.

(6) N/A.

(7) Enclosures

(8) There is strong evidence that the nesting population of Peregrine Falcons (13 pairs found as of 20 March 1976) is being adversely affected by DDT or similar compounds. This is especially true along the Rio Grande River and in certain areas of Mexico. It is vital to the survival of the population to obtain hard data on the rate of pesticide contamination. Please see the enclosed copies of my reports

and proposals for further justification. It is my intention to monitor the status of all the eyries through the spring. If it is clearly evident that a clutch has failed, I will climb into the nest, determine whether the eggs are viable by candling, and collect all but one for pesticide analysis as described above. I will collect all prey remains which are not eminently useful to the falcons and eggshell fragments, if any. If there are young at least three weeks old in the nest, I proposed to band them, using USFWS bands. Where materials are collected in Mexico, I will require an important permit for bringing them into the United States. Lastly, I will be collecting specimens of the Peregrines' common prey species. These will be taken at least one mile from any Peregrine nest and will be obtained by mist-netting or shooting.

I hope this letter and the enclosed materials are sufficient in the absence of the please call (915)-837-2475.

Respectfully,

W. GRAINGER HUNT, Ph.D.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.


RICHARD M. PARSONS,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

(FR Doc. 76-15651 Filed 5-27-76; 8:45 am)

#### ENDANGERED SPECIES PERMIT Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Noah's Ark, Noah Bowman, 212 No. Gay Street, Auburn, Alabama 36830.

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Name, Myself)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Transpor 1.2 captive breed Timber Wolves, Canis lupus lycaon from Overton Park Zoo to Auburn, Ala. for future breeding program to preserve this species	
3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested): Noah Bowman 205-321-3913 Noah's Ark 212 No Gay St. Auburn, Alabama 36830		4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <input type="checkbox"/> MR <input type="checkbox"/> MRS <input type="checkbox"/> MISS <input type="checkbox"/> MS DATE OF BIRTH: _____ HEIGHT: _____ COLOR HAIR: _____ COLOR EYES: _____ PHONE NUMBER WHERE EMPLOYED: _____ SOCIAL SECURITY NUMBER: _____ OCCUPATION: _____ ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: _____	
5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: If granted wolves will be place at our farm Rt. 2 Box 367AA Opelika, Alabama 36801		6. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Noah Bowman, Director 205-321-3913	
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list license or permit number): PRT 2-95 AT		8. IF REQUIRED BY ANY STATE OR STATE GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document): State licensed zoo thru Dept. of Conservation and Natural Resources	
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: \$ _____		10. DESIRE EFFECTIVE DATE: June 30, 1976 indefinite	
11. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED IS IN W.F.S. FORM 1721 MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: supplemental information is required in 50 CFR 17.2			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUPPLEMENT B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1021. SIGNATURE: <i>Noah Bowman</i> DATE: April 26, 1976			

APRIL 26, 1976.

DEAR SIR: We would like to conduct interstate transportation of 1.2 of the Eastern Timberwolf, *Canis lupus lycaon*. The male was born on April 6, 1975. The two females were born on March 26, 1976. All three wolves were born at the Overton Park Zoo in Memphis, Tenn.

Wildlife will be maintained at our breeding farm at Rt. 2, Box 307 AA, Opelika, Ala-

bama 36830. The enclosure would be a 40' x 60' pen with natural landscaping including such things as underground den, rock outcropping, trees, etc.

We have had experience in the raising and caring of other canines. We have never had a Timberwolf. We at present have only singles in most of our canines and are looking for mates. Most of them have been rejects from wildlife experiments.

We are willing to cooperate with the USDI and any other agency concerning the propagation of these canines.

If permit is granted these animals will be placed in sky kennels and be driven from the Overton Park Zoo in my personal vehicle by me. The trip from Memphis to Opelika will take approximately eight hours.

The male Timberwolf was bottle-raised by the staff of Overton Park Zoo and the staff has been repeatedly unsuccessful in introducing it into the pack. Both females are now being bottle-raised and I feel the same situation will arise. Our intentions are to place these three wolves together hopefully obtaining a social pack which would be compatible. With your permission the offspring will be distributed to other zoos. Hopefully in later years a restocking program will be practical. If permit is granted we will owe the Overton Park Zoo \$125.00 in trade credit for the male and \$300.00 in trade credit for the two females. Let me stress that no money will change hands. The amount of \$425.00 was set as a trade value only.

Sincerely,

NOAH BOWMAN.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.


(FR Doc. 76-15652 Filed 5-27-76; 8:45 am)

#### ENDANGERED SPECIES PERMIT Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Na Loetscher, Earl W. Lippoldt, P.O. Box 2049, South Padre Island, Texas 78578.



 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>APPLICATION FOR (See instructions on back)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>1. NAME OF APPLICANT (Last, first, middle initial, and address):</p> <p>Ila Loetscher Earl W. Lippoldt Complete information for all on attached page.</p>		<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:</p> <p>1. Protect and promote the nesting of sea turtles on South Padre Island, Texas. 2. Provide treatment and rehabilitation for sick or injured sea turtles. 3. Maintain and display sea turtles for educational purposes.</p>	
<p>3. IF APPLICANT IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>DATE OF BIRTH: <input type="checkbox"/> YEAR <input type="checkbox"/> MONTH <input type="checkbox"/> DAY <input type="checkbox"/> AM <input type="checkbox"/> PM</p> <p>HEIGHT: <input type="checkbox"/> FEET <input type="checkbox"/> INCHES <input type="checkbox"/> CM <input type="checkbox"/> INCHES</p> <p>WEIGHT: <input type="checkbox"/> LBS <input type="checkbox"/> KGS <input type="checkbox"/> LBS <input type="checkbox"/> KGS</p> <p>COLOR OF HAIR: <input type="checkbox"/> COLOR OF EYES: <input type="checkbox"/></p> <p>PHONE NUMBER WHERE EMPLOYED: <input type="checkbox"/> SOCIAL SECURITY NUMBER: <input type="checkbox"/></p> <p>OCCUPATION: <input type="checkbox"/></p> <p>ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: <input type="checkbox"/></p>		<p>4. IF APPLICANT IS A BUSINESS CORPORATION, COMPLETE THE FOLLOWING:</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: <input type="checkbox"/></p> <p>IF APPLICANT IS A CORPORATION, DO STATE IN WHICH INCORPORATED: <input type="checkbox"/></p>	
<p>5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:</p> <p>South Padre Island, Texas</p>		<p>6. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>IF YES, LIST PERMIT NUMBER AND DATE OF EXPIRATION: <input type="checkbox"/></p>	
<p>7. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>IF YES, LIST PERMIT NUMBER AND DATE OF EXPIRATION: <input type="checkbox"/></p>		<p>8. DESIRED EFFECTIVE DATE: <input type="checkbox"/></p> <p>9. DURATION NEEDED: <input type="checkbox"/></p> <p>A.S.A.P. Minimum 2 years</p>	
<p>10. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (SEE PART 12 OF THE CODE OF FEDERAL REGULATIONS) IS SUBMITTED AS AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF VOUCHER UNDER WHICH ATTACHMENTS ARE PROVIDED:</p> <p>17.22</p>		<p>11. I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 12 OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER 1 OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE: <i>Ila Loetscher</i> DATE: April 8, 1976</p>	

## INFORMATION FOR ITEM 3 AND 4, FORM 3-200

The two applicants listed in item 3 share equally in the duties and responsibilities required for the activities described in this application.

Mrs. Ila Loetscher, P.O. Box 2049, South Padre Island, Texas 78578, Phone number: 512-943-2544, Date of birth: Oct. 30, 1904, Height: 5 ft.-3 in., Weight: 118 lb., Color of hair: Gray, Color of eyes: Brown, Social Security number: 212-20-0304, Occupation: retired.

Mr. Earl W. Lippoldt, P.O. Box 2067, South Padre Island, Texas 78578, Phone number: 512-943-2778, Date of birth: Dec. 28, 1923, Height: 5 ft.-9 in., Weight: 200 lb., Color of hair: Gray, Color of eyes: Green, Social Security number: 524-42-7308, Occupation: retired.

## ITEM 12, FORM 3-200, ATTACHMENTS

This attachment is provided for section 50 CFR 17.22.

17.22, item 1. Permit application is to cover three species of sea turtles:

Atlantic Ridley Turtle (*Lepidochelys kempi*), Hawksbill Turtle (*Eretmochelys imbricata*), Leatherback Turtle (*Dermochelys coriacea*).

Of the above endangered species the following are in captivity at the time this application is made:

## Species, Number, Age, and Sex

Atlantic Ridley Turtle, 1, 4 years, F.  
Atlantic Ridley Turtle, 3, 1 year Undetermined.

Hawksbill Turtle, 1, 3 yr. app. M.

The activities sought to be covered by this permit are:

A. To provide for the protection and promote the propagation of sea turtles which nest on Padre Island, Texas.

B. The handling and confinement of sick or injured sea turtles which may be found in the Padre Island area for the purpose of treatment, rehabilitation and return to the wild when healthy enough for survival in the wild.

C. To maintain and display sea turtles for non-profit educational purposes which inform the public of the endangered and threatened status of sea turtles and to gain public awareness and support for the above activities.

These activities and justifications for permit will be described in detail in item 8.

17.22, item 2. At the time of application all sea turtles covered by the permit are in the wild except for four (4) Atlantic Ridley turtles which were hatched in artificial nest on South Padre Island, Texas and raised in captivity for purposes described in item 8 and one (1) Hawksbill turtle which was found washed ashore sick and is in captivity for recovery and support activities as described in item 8.

17.22, item 3. Sea turtles covered by this permit will be removed from the wild and maintained in captivity only if sick or injured to the extent that their survival in the wild is threaten without treatment and rehabilitation, or if the turtles are hatchlings which require protection, or if the turtles support activities as described in item 8.

17.22, item 4. Origin of the five sea turtles described in this application as being in captivity is:

Three (3) Atlantic Ridley turtles were hatchlings from artificial nest on South Padre Island, Texas, USA, from eggs transported from the Atlantic Ridley nesting beach at Rancho Nuevo, Tamp., Mexico.

One (1) Atlantic Ridley turtle was a hatchling from artificial nest from eggs from a natural nesting on South Padre Island, Texas, USA.

One (1) Hawksbill turtle found washed ashore sick on South Padre Island, Texas, USA.

17.22, item 5. The Atlantic Ridley nesting beach on South Padre Island, Texas consists of a stretch of beach on the Gulf of Mexico starting at the last access road to the beach on Texas Highway 100 (approximately 10 miles north of the Queen Isabella Causeway) northward for 12.5 miles to the Willacy County-Cameron County line.

Turtles maintained in captivity are kept in barrels or tanks located on Laguna Circle South, South Padre Island, Texas. Small turtles of less than approximately two years of age are kept in indoor pools located at 5808 Gulf Blvd., South Padre Island, Texas.

17.22, item 6-1. The attached photographs show the facilities in which sea turtles are maintained and displayed. A description of these facilities is given with each of the four photographs which are included on Attachments, pages 9-12.

17.22, item 6-11. The experience of the applicants is:

Mrs. Ila Loetscher, Ten (10) years experience with sea turtles including the feeding and maintaining of sea turtles in captivity and the treatment of sick and injured sea turtles. Assisted in the project to protect and propagate Atlantic Ridley turtles on South Padre Island, Texas including the hatching of Atlantic Ridley turtles in artificial nest and raising hatchlings in captivity. Conducts a very extensive and successful public education program to promote conservation of sea turtles.

Mr. Earl W. Lippoldt; Assisting with all activities described in this application for two (2) years.

Loetscher and Lippoldt donate and devote almost full time to these activities, pay all of their own expenses plus pay for any other incidental expenses required for the maintenance and protection of the sea turtles described in this application.

The following people provide assistance, technical consultation, medical treatment and advice as required for support of the activities described in this application:

Mr. Dearl Adams; Building Contractor, Brownsville, Texas. Started the Atlantic Ridley turtle conservation project on South Padre Island, Texas, 13 years ago. Has directed or assisted in all the activities related to the propagation and protection of Atlantic Ridley turtles each year during the nesting season. Health reasons have recently limited Mr. Adams' active participation in this project to consulting. Mr. Adams has provided advice and been an observer of the Mexican government's Atlantic Ridley turtle conservation project since its beginning.

Dr. Don Farst, DVM, Director of the Gladys Porter Zoo, Brownsville, Texas.

Dr. Stewart Porter, DVM, Veterinarian, Gladys Porter Zoo.

Mr. Pat Byrnheld, Herpetologist, Gladys Porter Zoo.

Mr. David Thompson, Curator, Gladys Porter Zoo.

Dr. Lazern O. Sorensen, PhD, Dean of Math and Science, Pan American University, Edinburg, Texas.

Mr. Paul Leonard, Marine Biologist, Pan American University, Marine Laboratory, South Padre Island, Texas.

Dr. R. H. McCoy, DVM, Professor of Biology, Texas A & I University, Kingsville, Texas.

Dr. Henry H. Hildebrand, PhD, Professor of Marine Biology, Texas A & I University, Kingsville, Texas. Dr. Hildebrand has been interested in and studying the sea turtles of the Gulf of Mexico for over twenty years. He helped find and reported the exact location of the Atlantic Ridley nesting beach in Tamp., Mexico.

Mr. Joe P. Breuer, Marine Biologist, Texas Parks and Wildlife, Rio Hondo, Texas. During the past ten years has assisted in transplanting Atlantic Ridley turtle eggs from Mexico to South Padre Island.

Mr. Kavanaugh Francis, Consulting Engineer. Has been assisting with all activities for two years.

Mr. Ray Curtis, Retired, South Padre Island, Texas. Has been assisting with all activities for ten years.

In addition, many local people volunteer time and effort to helping various activities such as patrolling the beach during nesting season and conducting educational programs. Most of the food requirements for the turtles in captivity is donated by local commercial and charter fishermen and sport fishermen.

17.22, item 6-11. The scope of activities covered by this permit application does not include maintaining mature adult sea turtles in captivity for extended periods (see item 8-iv) other than may be necessary for treatment. Therefore, no attempts at breeding in captivity will be tried. Complete records and a tagging program for nesting Atlantic Ridley turtles will be maintained. The applicant is willing to cooperate and provide data as may be requested by the Director for any breeding or nesting programs attempted by others.

17.22, item 6-iv. Sea turtles and the activities covered by this permit will require only occasional transporting in the local area of South Padre Island, Texas and such transporting will be of very short duration. Therefore, no special containers or arrangements for feeding and watering are required for transporting.

17.22, item 6-v. The following information concerns all mortalities of sea turtles kept in captivity during the past five years.

A small sick Green turtle was found in a shrimp trawl in the summer of 1971. The turtle was estimated to be two years of age and its right eye was missing and appeared to be a birth defect. The turtle was found dead in the karrels in the fall of 1973. Cause of death is unknown although since the turtle weighed less than twenty pounds, Dr. Hildebrand suggested that the poor health and slow growth rate could have been caused by internal birth defect.

On May 18, 1975, a blind and partially paralyzed three year old Atlantic Ridley turtle was found washed ashore on South Padre Island. The turtle was taken to the Gladys Porter Zoo for examination by Dr. James

Oosterhuizen, zoo veterinarian. X-rays showed no broken bones or unusual condition therefore, the paralysis and blindness was diagnosed as being caused by some type of toxic condition. The turtle was treated with antibiotics and was forced fed. After six weeks the turtle died without any significant change in its condition.

On July 8, 1975, two sea turtles in captivity in the turtle karrels showed the same symptoms as the above turtle. The turtles afflicted were a two year old Green and a four year old Atlantic Ridley turtle. Both turtles were treated as above but both died after several weeks without making any significant recovery. After an autopsy on the Green turtle, Dr. Don Farst, Director of the Gladys Porter Zoo, suspected cause of illness was a contagious virus but could not identify the type. This four year old Atlantic Ridley was from an artificial nest and raised in captivity. To prevent the recurrence of this type situation all sick turtles or turtles when first brought in from the wild are kept in isolation until they are found to be in safe health.

In the fall of 1975 a Loggerhead approximately four years old was found washed ashore on South Padre Island. The turtle was almost blind and behaved similar to the sea turtles above. After the turtle did not respond to treatment in a couple of weeks the turtle was turned over to Dr. R. H. McCoy, animal disease specialist, Department of Biology, Texas A & I University. At death, Dr. McCoy performed an autopsy in his laboratory. Although a complete autopsy report is not available yet, Dr. McCoy found blocking of the intestines by a crusty paint like substance.

17.22, item 7. No contracts or agreements exist between the applicant and other parties which will concern or effect the activities covered by this permit. The applicant does have a permit issued by the Texas Parks and Wildlife Department which covers all species of sea turtles. A copy of this permit is attached.

17.22, item 8-1 & 11. This section describes in detail the activities for which this application is made and how these activities are carried out.

A. To provide for the protection and promote the propagation of sea turtles which nest on South Padre Island, Texas. This is primarily concerned with the Atlantic Ridley conservation project started on South Padre Island 13 years ago. For many years eggs were transported from the Atlantic Ridley nesting beach in Mexico, placed in artificial nest on South Padre Island, and the hatchlings released to the Gulf of Mexico. Thousands of hatchlings have been released with the most successful year being 1967 when 2000 eggs were flown from Mexico and from these eggs 1102 hatchlings released. It has been two years since any eggs were transported from Mexico. In 1974 the first known natural nesting of an Atlantic Ridley occurred at the nesting site on South Padre Island, Texas. During the nesting season from about April 15 until July the nesting beach on South Padre Island is patrolled in order to sight nesting turtles or nest sites. After nesting the turtle is measured and tagged. The nest site is protected or if it is determined that the nest site is unsuitable for any reason the eggs are moved to an artificial nest in a suitable protected area. When the eggs hatch the hatchlings are protected until they are safely in the water. Any hatchlings which are too weak or injured to survive are kept in captivity until they are strong enough that their chances for survival are improved. In support of this activity it has been desirable to keep several Atlantic Ridley hatchlings to study growth rates, their adaptability to captivity, diet and

feeding habits, and to help study and estimate maturity so that an estimate as to how many years it will take before hatchlings released to the Gulf will start returning to nest. Although this activity has primarily been concerned with Atlantic Ridley turtles, one and two year old Green turtles which were hatched and raised in captivity have been released on this nesting beach.

B. In the South Padre Island area occasionally a sick or injured sea turtle will be found washed ashore on the beach. Also, fishermen and shrimp trawlers may find or catch a sea turtle which is sick or injured to the extent that the turtle's chances of survival in the wild is threatened. When such a turtle is reported to the applicants they go get the turtle; determine the condition and extent of injury; if necessary, transport the turtle to the medical facilities at the Gladys Porter Zoo for diagnoses and treatment; if required, maintain the turtle in captivity for treatment and rehabilitation until such time that the turtle is healthy enough for survival in the wild; finally, tag, measure and release these turtles. In the past five years approximately 50 turtles have been saved and returned to the wild by the applicants. The species of sea turtle most often encountered in this activity are the Green turtle (*Chelonia mydas*) and the Loggerhead turtle (*Caretta caretta*). Occasionally an Atlantic Ridley or Hawksbill turtle is found that requires treatment. A Leatherback turtle has never been reported to the applicants, this species is included in this permit only to cover such an event that if a Leatherback is found and reported to the applicants, the applicants will be permitted to handle and treat the turtle. It is not anticipated to try to keep any such Leatherback turtle in captivity, only to handle and treat as required and insure the prompt release of the turtle. When any of the three endangered species of sea turtles are found sick or injured a full report will be made promptly to the Director.

C. The educational activities are very important to the support and success of the above two primary activities. The turtles in captivity are shown to the public in order to inform the public of the endangered and threatened status of sea turtles. Several thousand people each year attend these turtle programs. These programs are conducted free as a service to the public to inform as many people as possible of these turtle conservation projects. To support this educational activity it is very useful to have sea turtles to display. It has been desirable to keep at least one each of the four species; Green, Loggerhead, Atlantic Ridley and Hawksbill.

Due to these activities the public in this area is very aware and concerned about sea turtles. One result is that many of the turtles that are washed ashore dead are reported to the applicants. As a normal procedure, anytime a dead turtle is found and reported the applicants investigate in order to document information such as species, size and probable cause of death. The applicant then disposes of the carcass, this is usually by burying them but on occasion if the carcass is fresh or of special interest the carcass is saved and given for scientific study. For example, several carcasses have been given to Texas A & I University for study by Dr. R. H. McCoy, wildlife disease researcher. Also, several carcasses have been given to Pan American University Marine Laboratory for mounting, display and study. In the future, anytime a species covered by this permit is found dead and reported to the applicants, the applicants will insure the preservation of the carcass if practical and possible and will inform the Director of all information concerned.

17.22, item 8-11. The objectives of these activities for enhancing the survival and

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## NOTICES

propagation of sea turtles has been described above.

17.22, item 8-iv. All sea turtles will be returned to the wild upon approval from the Director when the sick or injured turtle has been successfully rehabilitated, or when the turtle is approaching the age of maturity, or when the health and welfare of the turtle may be endangered by continuing captivity, or when a smaller specimen of a species becomes available for support of the activities as described in this application or when a turtle is no longer required for support of the activities as described.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post

Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.


[FR Doc. 76-15654 Filed 5-27-76; 8:45 am]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Museum of Natural History, University of Kansas, Lawrence, Kansas 66045, Philip S. Humphrey, Director.

 <p>DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION</p>		<p>1. APPLICATION FOR (Indicate only one)</p> <p><input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT</p>	
<p>2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.</p> <p>Importation of cheetah skeleton from Nairobi.</p>		<p>3. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:</p> <p>NAME: Museum of Natural History</p> <p>DATE OF BIRTH: _____</p> <p>PHONE NUMBER WHERE EMPLOYED: _____</p> <p>SOCIAL SECURITY NUMBER: _____</p> <p>OCCUPATION: _____</p>	
<p>4. IF "APPLICANT" IS A BUSINESS, CORPORATION, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>NAME: State University</p> <p>NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Philip S. Humphrey, Director 864-4540</p> <p>IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: _____</p>		<p>5. IF "APPLICANT" IS A BUSINESS, CORPORATION, OR INSTITUTION, COMPLETE THE FOLLOWING:</p> <p>EXPORT TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: _____</p> <p>3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in relation to . . . scientific . . . purposes as appropriate and a plan for disposition of the wildlife upon termination of the project.</p> <p>a. Scientific purposes: The skeleton will be used for comparative purposes in a study by Professor Larry Martin of fossil cheetah-like cats recently excavated from the Natural Trap deposits in Wyoming.</p> <p>b. Plan for disposition of the wildlife upon termination of the project: Professor Martin, Curator of Vertebrate Paleontology at the University of Kansas Museum of Natural History, is a student of the evolution of fossil cats and undoubtedly will continue his studies for some time to come. The cheetah skeleton, if and when it is received here at the University of Kansas, will become a permanent part of the osteological collections of the Division of Mammals at the University of Kansas Museum of Natural History. The Division of Mammals at this Museum is a center of national and international importance in its field.</p>	
<p>6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED</p> <p>Nairobi, Kenya - Lawrence, Kansas</p>		<p>7. DO YOU HOLD ANY CURRENTLY VALID PERMIT, FISH AND WILDLIFE LICENSE OR PERMIT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>(If yes, list license or permit numbers) PRT 6-59-1</p> <p>8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(If yes, list jurisdictions and type of documents) None required</p>	
<p>9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ _____</p>		<p>10. DESIRED EFFECTIVE DATE: 15 April 1976</p> <p>11. DURATION NEEDED: 1 September 1976</p>	
<p>12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 17.22) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.</p>			
<p>CERTIFICATION</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.</p> <p>SIGNATURE (In ink) <i>Philip S. Humphrey</i> DATE <i>May 19 1976</i></p> <p>RECEIVED <i>May 19 1976</i></p>			

## NOTICES

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.—I have written to Mr. I. Aggundey, Curator of Mammals, National Museums of Kenya (copy attached), requesting information concerning the circumstances of capture of the cheetah which was prepared as an osteological specimen.

If you need additional information concerning any matter related to the proposed importation of the skeleton of the cheetah from the National Museums of Kenya, please do not hesitate to let me know.

I will very much appreciate your assistance in obtaining the necessary permit for this importation.

Sincerely yours,

PHILIP S. HUMPHREY,  
Director.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

RICHARD M. PARSONS,  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc. 76-15655 Filed 5-27-76; 8:45 am]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Miguel A. Feliciano-Ortiz, Box 644, Anasco, Puerto Rico 00610.

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of Puerto Rico.

(4) I am willing to participate in cooperative breeding program, and to maintain or contribute data on a studbook.

(5) The type of transport cartons are ~~as shown~~ inside, weight 2 lb., measure 24 inches by 18 inches by 7 inches, with good ventilation. They will be placed 3 pairs per carton during their transportation from Pennsylvania to Puerto Rico via Eastern Airlines Air Freight Express. They will be in transit for only 1 day.

(6) I will proceed for 5 years from the date of this application to provide a detailed description of all mortalities involving the species covered in this application and held by me (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) I believe that I am justified in obtaining the permit due to the purpose of my in-

tentions which are to import to P.R. those species that are endangered and helps them survive through the propagation and breeding of them here in P.R. where the climatic conditions are favorable for their survival and at the same time for zoological exhibition where the general public (especially students) can see and educate themselves as to the habits of these species.

(i) I seek also authorization to ~~sell~~ and buy ~~and~~ by captive reared endangered ~~species~~ birds for the purpose of propagation.

(ii) I would buy captive and endangered birds in the U.S. and transport them to P.R. where they would be used for breeding purposes and their offspring would be sold only when a permit has been obtained from the prospective fellow breeder from the U.S.

Fish and Wildlife Service.

(iii) These activities would be to enhance the propagation and survival of the wildlife sought to be covered by this permit.

(iv) This activity being sought to be authorized would continue as long as possible.



Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 24, 1976.

**RICHARD M. PARSONS,**  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-16653 Filed 5-27-76;8:45 am]

#### ENDANGERED SPECIES PERMIT

##### Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Eastern New Mexico University, Portales, New Mexico 88130, James E. Sublette.

#### PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

##### Subpart C—Endangered Wildlife

#### SECTION 17.22—PERMITS FOR SCIENTIFIC PURPOSES OR FOR THE ENHANCEMENT OF PROPAGATION OR SURVIVAL

(1) (a) Common and scientific names of the species sought to be covered by the permit: Chub, Humpback (*Gila cypha*); Squawfish, Colorado River (*Ptychocheilus lucius*).

(b) Number, age, and sex of such species: In using those collecting techniques where specimens are taken alive, i.e., seining or hoop nets, no more than ten (10) museum reference specimens will be taken, all ages and sexes combined. In using other collecting techniques where the specimens may be dead upon retrieval, i.e. gill nets or electrofishing, all dead specimens will be preserved for museum study. Any live specimens taken will be released.

(c) Activity sought to be authorized: Scientific survey of the San Juan watershed in Colorado, New Mexico, and Utah.

(2) The wildlife sought is still in the wild. (3) Applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife:

Much of the proposed survey will entail the use of minnow seines and bag seines which will enable the collector to examine and return the specimens still alive to the water. However, in certain situations gill nets will be employed which potentially could cause the death of protected species.

(4) N/A.

(5) Description and address of the facility where the wildlife sought to be covered by the permit will be maintained: All specimens collected will be curated in Fish Collection of the Natural History Museum, Eastern New Mexico University, Portales, NM 88130. Dr. A. L. Gennaro is curator of the museum. The permit applicant, Dr. James E. Sublette, is responsible for the fish collection. All species will remain the property of Fish and Wildlife Service.

(6) N/A. (7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out: See attached.

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(1) The details of the activities sought to be authorized by the permit: The distribution and abundance of the fishes, particularly the endangered species, of the San Juan drainage of Colorado, New Mexico, and Utah is imperfectly known. Two intensive faunal surveys are proposed: (1) Animas River and La Plata River in New Mexico (in cooperation with the U.S. Bureau of Reclamation; see attached proposal); (2) the remainder of the San Juan drainage (in cooperation with the U.S. Fish and Wildlife Service; see attached proposal).

(2) The details of how such activities will be carried out: Each of the two surveys will embrace two time periods: May-June and August-September. The first of these will be during a period of high water while the latter will be during a lower water period. At each site selected in consultation with field personnel of the two agencies previously mentioned, an intensive collecting endeavor will be carried out. This will include use of minnow seines, bag seines, gill nets, hoop nets,

fyke nets and electrofishing, where appropriate.

(3) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit: A knowledge of the total fish fauna of a water body is essential to understanding the biology of an endangered species. The faunal survey proposed here would be the first step towards assessing for the endangered species involved such things as population dynamics, feeding habits, interspecific competition, etc. If a population of either endangered species (Colorado River squawfish, humpback chub) exists in the San Juan basin subsequent studies aimed at enhancing survival of these species could be initiated.

(4) Planned disposition of such wildlife upon termination of the activities sought to be authorized: All preserved specimens will be curated in the Natural History Museum of Eastern New Mexico University. Such specimens will be preserved for posterity and will be available for study by any qualified scientific investigator. All specimens remain the property of the U.S. Fish and Wildlife Service.

Documents and complete information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 28, 1976 will be considered.

Dated: May 25, 1976.

**RICHARD M. PARSONS,**  
Acting Chief, Division of Law  
Enforcement, U.S. Fish and  
Wildlife Service.

[FR Doc.76-16656 Filed 5-27-76;8:45 am]

#### Geological Survey OIL AND GAS DRILLING OPERATIONS ON THE OUTER CONTINENTAL SHELF Proposed Standard for Training of Personnel

Notice is hereby given that the Geological Survey intends to develop a training standard for offshore drilling personnel under the regulations 30 CFR 250.11, 250.41, and 250.46. The training standard is being developed as a guide to oil and gas operators so that fundamental requirements for qualifying rig personnel working on Federal Outer Continental Shelf leases will be satisfied.

The purpose in having such a training standard is to provide assurance that qualified personnel are employed during drilling operations to maintain well control under threatened and actual blowout conditions. Two draft standards are printed below to serve as a base for comments. One was prepared by the State of California for its own use and the other by the American Petroleum Institute for general usage.

The Geological Survey standard to be developed will provide criteria for curricula and testing and for organizations

to qualify to conduct courses. It may also provide for on-the-job training criteria. It will be limited to well control operations under threatened blowout conditions.

Interested persons may submit written comments to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, National Center, Reston, Virginia 22092, on or before July 16, 1976.

**W. A. RADLINSKI,**  
Acting Director.

#### TRAINING OF PERSONNEL FOR OFFSHORE DRILLING SUBMITTED BY THE STATE OF CALIFORNIA

##### DEFINITIONS

**Assistant driller.** The sixth man in the drilling crew, if required by operator or contractor, acts as assistant to driller.

**Derrickman.** A member of the drilling crew operating drilling equipment in the derrick or mast while pulling or running drill pipe. He is also usually responsible for the operation of the mud pumps.

**Driller.** A member of the drilling crew operating the primary drilling controls and supervising the activities of all other members of the drilling crew.

**Drilling contractor.** A company under contract to the operator specifically engaged in drilling operations.

**Drilling foreman.** An employee of operator responsible for the coordination and inspection of drilling operations to insure that such operations are safely conducted in accordance with the drilling program and contract.

**Drilling superintendent.** An employee of operator with responsibility for total supervision of all drilling operations on the operator's offshore lease or leases.

**OCS.** Abbreviation for "Outer Continental Shelf."

**Operator.** An operating oil company engaged in exploratory and/or development drilling operations on offshore lands.

**Rotary drilling crew.** A group of workers who operate the actual drilling equipment under the immediate supervision of the driller. A crew normally consists of a driller, derrickman, and three rotary helpers.

**Rotary helper.** A member of the drilling crew operating drilling equipment primarily on the rig floor, usually three in number (sometimes referred to as floormen).

**Tool pusher.** An employee of drilling contractor responsible for the direct supervision of the drilling crew and equipment employed in the drilling of a well.

#### SECTION 1—TRAINING OF PERSONNEL BY JOB CLASSIFICATION

##### 1.1 Rotary Helpers.

(1) Time of instruction. Each rotary helper shall be given the on-the-job training, outlined below, during the first 90 days of his employment.

(2) Subject Matter of Instruction. The subject matter for this on-the-job training shall consist of instruction in the purpose, operation, and routine maintenance of the blowout-prevention equipment outlined in Section 2.2.1, herein.

(3) Limitations on New Employees. Of the usual three rotary helpers in each drilling crew, there shall be at least two who have completed the 90 days on-the-job instruction in blowout-prevention equipment.

(4) Responsibility for Rotary Helper Training. It shall be the direct responsibility of the tool pusher to see that Section (1), (2), and (3) are carried out.

(5) Documentation of Training. A written record shall be kept by the contractor on the structure or vessel indicating the dates during which the rotary helper received and

completed the required 90-day on-the-job training.

1.2 All Other Drilling Personnel.

(1) Training Requirements. The derrickman, assistant driller, driller, tool pusher, drilling foreman, and drilling superintendent must successfully complete the curriculum as outlined herein in Section 5.3, prior to being engaged in drilling operations from a fixed platform. Similarly, each of the above drilling personnel shall have successfully completed the curriculum as outlined herein in Section 5.4, prior to being engaged in drilling operations from a floating vessel.

(2) Examination. Successful completion of the blowout-prevention training curriculum shall mean the certification by the instructor that the candidate has successfully completed the entire curriculum and has, without assistance of other persons, controlled a gas kick with the test well or simulator.

(3) Credit for Work Experience. The value of work experience is recognized in these regulations by providing that any person in the classifications noted in 1.2(1) above and who has worked a maximum of thirty-six months out of the immediately preceding sixty months in offshore operations may make application to a blowout-prevention training school to take the examination without first receiving the required number of hours of classroom instruction. This examination shall include individual control of a gas kick using the test well or the simulator.

1.3 Refresher Blowout-Prevention Training.

All personnel, as outlined in paragraph 1.2(1) above, shall be required to take a refresher course in blowout-prevention control within one year after the successful completion of the basic curriculum, as outlined in Sections 5.3 and 5.4 herein, and annually thereafter. This refresher course shall include a minimum of eight hours of instruction and training in the most recent improvements in equipment and methods for blowout prevention and must include the successful individual control of a gas kick using a test well or a simulator.


1.4 Posting of Names. Each offshore drilling operation shall have posted, in a conspicuous place on the rig floor, the names of all drilling personnel who have successfully completed the blowout-prevention school.

1.5 Documentation of Training. A written record shall be kept either by the contractor or operator for their respective employees indicating the date on which persons of Section 1.2(1) completed the curriculum outlined in Section 5. The written record shall include the name and address of the instructor and the blowout-prevention school, as well as the certificate of completion of the curriculum for blowout prevention.

#### SECTION 2—ON-THE-JOB TRAINING, FIXED PLATFORM DRILLING

2.1 Blowout-Prevention Equipment. Each rotary helper shall receive instruction in the following blowout-prevention equipment that is installed on the rig:

- (1) Diverter and diverter vent lines.
- (2) Annular-type preventers.
- (3) Ram-type preventers.
- (4) Blowout-preventer closing units.
- (5) Drill pipe inside blowout preventers.
- (6) Drill pipe safety valves.
- (7) Kelly cocks.
- (8) Mud pit level indicators.
- (9) Input mud volume measuring device.
- (10) Mud return measuring device.
- (11) Choke manifold and vent lines.
- (12) Gas detectors.
- (13) Trip tank.
- (14) Mud-gas separators and degassers.
- (15) Kill and choke lines.

 <b>DEPARTMENT OF THE INTERIOR</b> U.S. FISH AND WILDLIFE SERVICE <b>FEDERAL FISH AND WILDLIFE</b> <b>LICENSE/PERMIT APPLICATION</b>		1. APPLICATION FOR (Indicate only one) <input type="checkbox"/> IMPORT OR EXPORT LICENSE <input checked="" type="checkbox"/> PERMIT	
2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:  Survey of Fishes of the San Juan River Basin, with Particular Reference to the Endangered Species.		3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested):  James E. Sublette Eastern New Mexico University Portales, NM 88130	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: NAME: <input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS. DATE OF BIRTH: 1-19-28 HEIGHT: 5'6 1/2" COLOR HAIR: Blond COLOR EYES: Blue PHONE NUMBER WHERE EMPLOYED: 505-562-2315 SOCIAL SECURITY NUMBER: 430-38-4664 OCCUPATION: College teacher and administrator ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, Game and Fish Dept. of NM, Colo., Utah		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:  NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.:  IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED:	
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED:  San Juan River Basin, Colorado, New Mexico and Utah		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, list license or permit numbers)	
8. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$		9. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (If yes, list jurisdiction and type of document)	
10. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED IS ON CFR 22.20. MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED:  Contract proposals to U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation		11. DESIRED EFFECTIVE DATE: May 1, 1976 12. DURATION OF PERMIT: December 31, 1976	
13. I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 17, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink): <i>James E. Sublette</i>		DATE: May 31, 1976	



## 2.2 General Instruction on Causes of Kicks.

Each rotary helper shall receive instruction on the following causes of kicks:

- (1) Failure to keep hole filled.
- (2) Swabbing of the hole.
- (3) Insufficient mud weight.
- (4) Loss of circulation.

## 2.3 General Instruction on Kicks.

Each rotary helper shall receive instruction on the danger of kicks and how to recognize the following warning signs:

- (1) Gain or loss in mud pit volume.
- (2) Changes in mud flow.
- (3) Drilling breaks.
- (4) Gas, oil or water-cut mud.
- (5) Decrease in mud pressure.

## 2.4 Instruction on Kick Control.

Each rotary helper shall receive "on hands" instruction in the operation of the following equipment during blowout-prevention drills as outlined in Section 4:

- (1) Drill pipe safety valves.
- (2) Inside blowout preventers.
- (3) Kelly cocks.
- (4) Choke manifold and vent lines.
- (5) Mud control valves and lines.

## SECTION 3—ON-THE-TRAINING, FLOATING VESSEL DRILLING

### 3.1 Blowout-Prevention Equipment.

In addition to all of the blowout-prevention equipment and operations outlined in paragraphs 2.1, 2.2, 2.3, and 2.4 above, each rotary helper shall receive general instruction in the following equipment unique to floating vessel drilling:

- (1) Ocean floor mounted blowout-prevention equipment.
- (2) Method of remote control of blowout-prevention equipment.
- (3) Drilling riser.
- (4) Riser and guidelines tensioning systems.
- (5) Motion compensators.
- (6) Methods to locate tool joints relative to position of ram-type preventers on the ocean floor.

### 3.2 Instruction on Kicks.

In addition to the items outlined in Section 3.1 above, each rotary helper shall receive instruction in the effect of vessel movement on the usual warning signs for kicks.

## SECTION 4—ON-THE-JOB TRAINING, BLOWOUT-PREVENTION DRILLS

### 4.1 Purpose.

To provide on-the-job training for drilling crew personnel in detecting well kicks and promote teamwork in effecting well closure rapidly and in the proper sequence.

### 4.2 Frequency.

- (1) Initial. After instruction of all crew members in their specific duties, blowout-prevention drills shall be held on a daily basis, for each crew, until the crews demonstrate their ability to properly effect closure of the well within the designated time described in 4.3 below.

(2) Normal. After the crews demonstrate their proficiency within the designated time period, the blowout-prevention drills may be held on a weekly basis for each crew.

(3) Impromptu Drills. All drills are to be made without warning to the crew.

### 4.3 Categories.

To cover all circumstances, the drills are divided into the four following categories, each representing a different condition and course of action to be taken when a kick is detected:

- (1) When drilling on bottom.
- (2) When tripping drill pipe.
- (3) When drill collars are in the blowout preventers.

(4) When drill pipe is out of the hole.

To provide for variations in blowout-prevention equipment response time and

well control procedures, the operator shall establish for each well proposal and submit for approval by the State, the course of action required and total time permitted for completing each type of drill.

### 4.4 Records.

All blowout-prevention drills shall be reported on the daily drilling report, and shall include the following data:

- (1) Type of drill.
- (2) Driller's reaction time, before kick is noticed.
- (3) Total time to complete drill.

### 4.5 Responsibility.

The conduct of all blowout-prevention drills shall be the responsibility of the Operator's Drilling Foreman.

## SECTION 5—CURRICULUM FOR BLOWOUT-PREVENTION SCHOOL

### 5.1 General.

(1) Purpose. The purpose of Section 5 is to outline the curriculum and the required hours of instruction and training for each candidate. All schools must follow the curriculum as outlined herein and must have a minimum of either a test well with all equipment, or a complete electronic well-control simulator, to simulate and control a well kick. It is suggested that the blowout-prevention schools follow the general pattern (except as to hours of instruction) of the two schools sponsored by the International Association of Drilling Contractors (I.A.D.C.) at Louisiana State University and Oklahoma University. Particular reference is made to the bulletin published by the Petroleum Extension Service of the University of Texas and the I.A.D.C. entitled "Blowout Prevention," Unit III, Lesson 3, 1975.

(2) Size of Classes. All classes in the blowout-prevention school shall be limited to a maximum of ten students for each instructor.

### 5.2 Required Number of Hours of Instruction.

#### (1) Fixed Platform Operations.

Subject:	Hours
(a) Basic concepts of blowouts.....	8
(b) Blowout-prevention equipment.....	8
(c) Kick detection and control.....	8
(d) Individual operation of test well or simulator.....	8
Total .....	32

#### (2) Floating Vessel Operations.

Subject:	Hours
(a) All items in (1) above for fixed platform operations.....	32
(b) Ocean floor mounted blowout-prevention equipment and controls.....	12
(c) Blowout-prevention factors unique to floating drilling.....	12
Total .....	56

### 5.3. Curriculum, Fixed Platform Operations.

- (1) Basic concepts of blowouts (8 hours).
- (a) Definition of blowout and kick.
- (b) Formation fluid pressures.

#### i. Normal.

- (c) Fracture pressures
- (d) Mud pressures.

(e) Mud properties relating to well control.

#### i. Weight.

#### ii. Viscosity.

#### iii. Fluid loss.

#### iv. Additives.

(f) Major causes of kicks.

i. Failure to keep hole filled.

ii. Swabbing of the hole.

iii. Insufficient mud weight.

iv. Loss of circulation.

(2) Blowout-prevention equipment (8 hours).

(a) Blowout preventers and their pressure rating.

i. Annular type.

ii. Ram type.

(b) Blowout stack arrangements.

(c) Kill and choke lines.

(d) Choke manifold.

i. Adjustable chokes.

ii. Fixed chokes.

iii. Vent and bleed lines.

(e) Closing unit and control panels.

(f) Diverter and vent lines.

(g) Kelly cocks.

(h) Drill pipe safety valves and inside blowout preventers.

(i) Mud monitoring and measuring devices.

(j) Mud-gas separators and degassers.

(3) Kick detection and control (8 hours).

(a) Kick detection.

i. Drilling break.

ii. Increased mud flow.

iii. Decreased mud flow.

iv. Gas and/or oil-cut mud.

v. Salt water-cut mud.

vi. Mud pressure changes.

(b) Kick control.

i. Back pressure at choke manifold.

ii. Mud weight calculations.

iii. Mud circulation calculations.

(c) Unusual well control conditions.

i. Hole in drill string (washout).

ii. Plugged drill string.

iii. Drill pipe off bottom.

iv. Drill pipe out of hole.

v. Shallow high-pressure gas.

vi. Excessive casing pressure.

vii. Stripping in drill pipe.

(4) Individual operation of test well or simulator (8 hours).

(a) Test well with complete blowout-preventer controls.

i. Kick detection.

ii. Various methods of control as drillers method, "wait and weight" method, concurrent method, or others.

iii. Calculations to control kick.

iv. Individual "hands on" control of kick.

(b) Simulator.

i. Practical demonstration of equipment and its similarity to actual blowout-preventer control equipment.

ii. Kick detection on electronic "scope."

iii. Various methods of control as drillers method, "wait and weight" method, concurrent method, or others.

iv. Calculations to control kick.

v. Individual "hands on" control of kick.

5.4 Curriculum, Floating Drilling Operations.

(1) All subjects and individual operations as outlined in Section 5.3 above for fixed platform operations (32 hours).

(2) Ocean floor mounted blowout-prevention equipment and controls (12 hours).

(a) Ocean floor blowout-preventer stack and valve arrangement.

(b) Control hoses to stack.

i. "Closed type" hydraulic system.

ii. "Open type" hydraulic system.

iii. Electric-hydraulic system.

iv. Hose reels.

(c) Closing units.

i. Pump accumulator.

ii. Electric activated.

(d) Control panels.

i. Air activated.

ii. Electric activated.

(e) Control pods.

(f) Remote-control connectors on blowout-preventer stack.

(g) Guidelines for blowout-preventer stack.

(h) Marine riser and guideline tensioning systems.

- (1) Motion compensators.
- (j) Redundancy in all equipment and controls.

(k) Emergency equipment if vessel loses contact with blowout-preventer stack.

i. Fall-safe equipment to close the desired preventer (mousetrap).

ii. Sonic equipment to close blind-shear rams.

(3) Blowout-prevention factors unique to floating drilling operations (12 hours).

(a) Effect of vessel motion on kick detection.

i. Drilling break.

ii. Mud flow rates and measurement.

iii. Malfunction of marine riser.

iv. Marine riser tensioning system.

(b) Effect of vessel motion on kick detection.

i. Time delay to activate blowout preventers.

ii. Choke and kill lines.

iii. Methods to locate tool joint relative to position of ram-type preventers on the ocean floor.

API DRAFT RECOMMENDED PRACTICE FOR TRAINING AND QUALIFICATION OF PERSONNEL IN WELL CONTROL EQUIPMENT AND TECHNIQUES FOR DRILLING ON OFFSHORE LOCATIONS

## Section 1

### GENERAL

#### Introduction and scope

This Recommended Practice provides criteria for the qualification of drilling personnel in well control equipment operations and techniques to ensure safety and to prevent pollution during drilling on offshore locations. Drilling personnel classifications to which this RP is applicable are the Rotary Helper, Derrickman, Driller, Toolpusher, and Operator's Representative. This RP is intended for the development of training courses with well defined curricula and includes recommendations for testing to assure that a candidate is qualified when he completes a course.

The value of work experience is acknowledged in this RP by dividing the courses into instructional and testing phases for the curricula for Driller, Toolpusher, and Operator's Representative. If a candidate can successfully pass the test covering any portion of one of those curricula, he need not take the instructional portion of that curriculum.

The employer should maintain a record of the training which each employee receives in accordance with this RP. Each employee should be furnished documentation of the successful completion of each level of training.

#### Policy

This API Recommended Practice may be used by a company or educational institution to develop and conduct a qualification program as outlined above. However, the Institute makes no representation, warranty, or guarantee in connection with the publication of any API specification or recommended practice and hereby expressly disclaims any liability or responsibility for loss or damage resulting from their use, for any violation of any Federal, State, or municipal regulation with which an API specification or recommended practice may conflict, or for the infringement of any patent resulting from the use of an API specification or recommended practice.

## Section 2

### GUIDELINES FOR COURSE CURRICULA

#### Introduction

This portion of the RP describes the knowledge and skills that should be pre-

sented to the candidate through classroom lectures and hands-on demonstrations. Curriculum content is described on a general basis for each drilling crew member classification. Specific detail should be developed by each training organization using the criteria contained in this Section as a guideline. A training program developed by a contractor or operator should be directed toward the well control equipment and techniques most widely used in their respective operations. Other organizations offering training programs should develop a detailed curriculum directed toward well control equipment and techniques most widely used offshore.

The training programs may be conducted wherever the particular part of the course curriculum can be presented most effectively whether it be on the rig, in a classroom, or a training facility at another location.

Each candidate should be provided with a manual containing the course materials for future reference and review.

2.0 Rotary Helper Training Requirements for Qualification in Well Control Operations.

A. Prerequisite for Rotary Helper Qualification. All candidates should have satisfied the employment requirements of the employer.

B. Instructions on Relevant Governmental Regulations. The candidate should receive initial general instructions on governmental regulations that are pertinent both to his work and to well control activities. The candidate should understand the overall purpose of the appropriate regulations.

C. Instructions on Blowout-Prevention Equipment. The candidate should receive general instructions within the first six months of his employment on the purpose, operation, and general maintenance of the following, consistent with his assigned duties:

- (1) Bag-type blowout preventer with and without diverter system.
- (2) Ram-type blowout preventer.
- (3) Accumulator system.
- (4) Drill pipe inside blowout preventer.
- (5) Drill pipe safety valve.
- (6) Kelly cock.
- (7) Mud pit level indicator.
- (8) Mud volume measuring device.
- (9) Mud return indicator.
- (10) Choke manifold.
- (11) Gas detector.
- (12) Trip tank.
- (13) Mud-gas separator.

D. Instructions on the More Obvious Warning Signs of Kicks. The candidate should receive instructions on the more obvious warning signs of kicks such as, but not limited to:

- (1) Gain in pit volume and/or increase in mud return rate.
- (2) Hole not taking proper amount of mud during trips.
- (3) Well flowing with pump shut down.

E. Instructions for Well Control Operations. The candidate should receive hands-on on-the-job instructions for operation of manifold, stand pipe, and mud room valves which require different setting for kill operations than settings used in normal drilling operations.

2.1 Derrickman Training Requirements for Qualification in Well Control Operations.

A. Prerequisite for Derrickman Qualification. All candidates should have completed the training required for a Rotary Helper under Section 2.0.

B. Instructions of Relevant Governmental Regulations. The candidate should receive instructions on governmental regulations (all applicable authorities) that pertain to his work.

C. Instructions on Blowout-Prevention Equipment. The candidate should receive in-

structions on the purpose, operation, and proper maintenance of:

- (1) Equipment listed under 2.0 C.
- (2) Degasser.
- (3) Adjustable Choke.

D. Instructions on Drilling Fluids. The candidate should receive general instructions on drilling fluids with emphasis on the following, consistent with his assigned duties:

- (1) Density.
- (2) Viscosity.
- (3) Fluid loss.
- (4) Salinity.
- (5) Gas cutting.
- (6) Proper procedure for increasing mud density.

E. Instructions on Warning Signs of Kicks. The candidate should receive detailed instructions on warning signs that indicate a kick or conditions that can lead to a kick, consistent with his assigned duties such as, but not limited to:

- (1) Items in 2.0.D.1 through 3.
- (2) Heaving shale and its appearance at surface.
- (3) Drilling rate increase.
- (4) Change in salinity.
- (5) Change in flow properties of drilling fluid.
- (6) Connection gas and background gas.

F. Instructions on Well Control Operations. The candidate should receive detailed instructions on Item 2.0.E. and general instructions on well killing procedures.

2.2 Driller Training Requirements for Qualification in Well Control Operations.

A. Prerequisite for Driller Qualification. All candidates should have completed the training as a Rotary Helper and Derrickman under 2.0 and 2.1 before enrolling in the Driller's course.

B. Instructions on Relevant Governmental Regulations. The candidate should receive instructions on governmental regulations that pertain to his work with well control techniques and equipment including Spill Prevention Control and Countermeasure Plans. Copies of applicable laws, regulations, and orders or abstracts of pertinent sections thereof should be furnished to the candidate. The portions of these regulations that are pertinent to the candidate's work should be clearly marked. The training organization should revise this material as necessitated by revisions or additions to these governmental requirements.

C. Instructions on What Causes Kicks. The candidate should receive instructions on the major causes of kicks. These include:

- (1) Failure to keep hole full.
- (2) Swabbing on trip.
- (3) Loss of circulation.
- (4) Insufficient density of drilling fluid.
- (5) Abnormal pressured formations.

The importance of measuring the mud required to fill the hole during trips and methods for measuring and recording hole fill volumes should be emphasized.

D. Instructions on the Warning Signs for Kicks. The candidate should receive instructions on the warning signals that indicate a kick or condition that can lead to a kick. These include:

- (1) Gain in pit volume.
- (2) Increase in return mud flow rate.
- (3) Hole takes less mud than calculated on trip.
- (4) Drilling break.
- (5) Decrease in circulating pressure or increase in pump strokes.
- (6) Trip, connection, and background gas changes.
- (7) Gas cut mud (which does not necessarily indicate a well kick).
- (8) Water cut mud or chloride increase.

E. Instructions for Properly Shutting in a Well for Well Control Purposes. The candidate should receive instructions on the correct procedure for shutting in a well using



the BOP system, choke manifold, and/or diverter system.

The purpose of these instructions is to ensure that a logical sequence of timely steps is followed to minimize the amount of influx, to prevent lost returns and equipment damage, and to prevent formation fluid from breaching around drive and conductor casing. As a part of these instructions, the candidate should receive hands-on on-the-job training in operating the valves on the choke manifold; operating the diverter system; closing the annular preventer; and in the use of kelly cocks, drill pipe safety valves, and inside blowout preventers.

**F. Instructions for Well Control Operations.** The candidate should receive instructions on one of the constant bottom hole pressure methods (driller's method, wait and weight method, concurrent method, etc.) of well control. This may be done by hands-on instructions at a well control school where actual flow and choking of fluids from a model well are included. An adequate simulator is an acceptable alternate to the model well. A complete well drilling exercise should be carried out using the simulator or a model well and work sheet simulation.

The well control school should include classroom instructions to cover simple well control calculations and the reasons for their use. These include:

- (1) Calculation of mud density increase required to control kick.
- (2) Conversion between mud density and pressures and the importance of the conversions in understanding formation breakdown, particularly with shallow casing settings.
- (3) Calculating drop in pump pressure as mud density increases during kill operations.
- (4) Relationship between pump pressure, pump rate, and mud density.
- (5) Pressure limitations on casings.

**G. Instructions for Unusual Well Control Operations.** Instructions for this section should include an introduction to unusual well control situations to include:

- (1) When drill pipe is off bottom.
- (2) When out of hole.
- (3) When lost circulation occurs.
- (4) When shallow gas is encountered.
- (5) When drill pipe is plugged.
- (6) Excessive casing pressure.
- (7) Hole in drill pipe.

**H. Instructions for BOP Diverter and Closing Unit Installation Operations, Maintenance and Testing.** The candidate should receive hands-on instructions on the installation, operation, maintenance, and testing of BOP's, Diverter Systems, and Closing Units. The instructions should be based on API RP 53, Blowout Preventer Equipment Systems, and should contain appropriate training problems illustrating the need for proper maintenance of equipment including the need for maintaining the proper accumulator precharge pressure, relationship between precharge pressure, operating pressure, and usable volumes, etc.

**2.3 Toolpusher Training Requirements for Qualification in Well Control Practices and Techniques.**

**A. Prerequisite for Toolpusher Qualification.** A candidate should have already completed the training described in Section 2.2 for the Driller.

**B. Instructions on Well Control Calculations.** The candidate should receive instructions in the mathematical calculations required for well control operations. Example calculations should be practiced in class problems. The candidate should also receive instructions on the calculation of equivalent pressures at the casing seat with emphasis on the importance of casing seat depth.

**C. Instructions on Equipment Limitations.** The candidate should receive instructions on

the limitations of the various items of equipment which will be subjected to pressure and/or wear.

**D. Instructions on the Mechanics Involved in Well Control Situations.** The candidate should receive instructions on and understand the mechanics involved in various well control situations. These include:

- (1) Gas bubble migration and expansion.
- (2) Bleeding pressure from a shut-in well during gas migration.
- (3) Excessive annular surface pressures.
- (4) The differences between a gas kick and a salt water and/or oil kick.
- (5) Procedures and problems involved in stripping and snubbing operations with drill pipe.
- (6) Special well control techniques such as freezing the drill pipe, hot tapping, barite plugs, and cement plugs.

**E. Instructions on Relevant Governmental Regulations.** The candidate should receive instructions regarding those cases where field rules are applicable to the drilling operations and be familiar with the regulations to which field rules normally apply.

**F. Instructions on Well Control Operations.** The candidate should receive instructions on organizing for a well control operation and also on subsequently directing the complete well control operation. This would include a simulation in which the candidate organizes and directs a well control operation using a model well or equivalent simulation device.

**2.4 Operator's Representative Training Requirements for Qualification in Well Control Operations.**

**A. Prerequisite for Operator's Representative Qualification.** All candidates should be familiar with basic duties and training of Rotary Helper, Derrickman, Driller, and Toolpusher during well control situations.

**B. Instructions of Relevant Governmental Regulations and Company Procedures.** The candidate should receive instructions on governmental regulations (Federal, State, or local) and company practices that pertain to well control techniques and equipment. Furthermore, the candidate should understand field rules where applicable and be familiar with the regulations which field rules normally cover.

Copies of appropriate regulation should be included in the candidate's instruction manual. The portions of these regulations that are pertinent to the candidate's work should be clearly marked. Future revisions of these orders and new orders should be carefully reviewed by the instructing organizations so that relevant material will be included in the training.

**C. Instructions for Well Control Operations.** The candidate should receive instructions at a well control school for a constant bottom hole pressure method of well control as set out under Section 2.2.F. of the RP. The candidate should also receive instructions on the calculation of equivalent pressures at the casing seat with emphasis on importance of casing seat depth.

**D. Instructions for Stripping and Snubbing Operations.** The candidate should receive instructions in the use of the entire blowout-preventer system for working pipe in or out of a wellbore under well pressure.

**E. Accumulator Systems.** This section should include instruction on:

- (1) Charging procedures.
- (2) Required volumes.
- (3) Fluid pumps.
- (4) Charging fluid.
- (5) Inspection procedures.

**F. Instructions for Detecting Abnormal Pressure.** The candidate should receive instructions on accepted techniques and procedures for detecting entry into abnormal

pressure formations and accompanying warning signals which include:

- (1) Penetration rate increase.
- (2) Shale density change.
- (3) Mud chloride change.
- (4) Shale cutting characteristics.
- (5) Change in background and connection gas.

**G. Instructions on Supervision of Well Control Operations.** The candidate should receive instructions on organizing a well killing operation and subsequently should direct a complete simulated well killing operation.

**2.5 Relief Assignments.** Any employee who acts as assigned relief for another employee with a higher classification (as covered by this RP) should meet the requirements of the higher ranking job. (Example: Derrickman relieves Driller—should be qualified as Driller.)

### Section 3

#### QUALIFICATION PROCEDURES

##### 3.0 Rotary Helper.

###### A. Prerequisites.

- (1) The candidate should have satisfied 2.0.A.

(2) Before beginning qualification tests, the candidate should be completely familiar with all items listed in Section 2.0.

**B. Type of Test.** The Rotary Helper qualification test will be a crew performance drill that requires the Rotary Helper to carry out his assignment in a well control drill (see Section 3.5) in a prescribed time.

**C. Documentation of Test Results.** The time required for the candidate to complete his assignment as well as the type of drill should be recorded on the driller's log. Appropriate documentation of qualification should be furnished to the successful candidate upon completion of the qualification procedures.

##### 3.1 Derrickman.

- (1) The candidate should have satisfied 2.1 and 3.0.

**B. Type of Test.** The Derrickman qualification test will be a crew performance drill that requires the Derrickman to carry out his assignment in a well control drill (Section 3.5) in a prescribed time.

**C. Documentation of Test Results.** The time required for the candidate to complete his assignment as well as the type of drill should be recorded on the driller's log. Appropriate documentation of qualification should be furnished to the successful candidate upon completion of the qualification procedures.

##### 3.2 Driller.

**A. Prerequisites.** The candidate should be proficient as Rotary Helper and Derrickman and must have completed the training requirements outlined in Section 2.2.

**B. Qualification Tests.** Written and/or verbal tests and hands-on demonstrations should be used to verify that the candidate has a thorough understanding of the well control equipment and techniques outlined in Section 2.2.

**C. Documentation of Test Results.** Test results should be entered in the candidate's training record. Appropriate documentation should be furnished to the candidate upon completion of the qualification procedures.

**D. Maintenance of Qualification.** To retain his qualification, the candidate should repeat the training requirements under Section 2.2 and repeat the qualification tests outlined in "B" above at intervals not to exceed four years. In addition, he should receive retraining in well control operations as prescribed in Section 2.2.F. herein at intervals no greater than two years.

##### 3.3 Toolpusher.

**A. Prerequisites.** The candidate for Toolpusher qualification should have passed the qualification test for Driller and must have

completed the training requirements outlined in Section 2.3.

**B. Qualification Tests.** Written and/or verbal tests along with hands-on demonstrations should be used to verify that the candidate has a thorough understanding of the well control equipment and technique principles outlined in Section 2.3.

**C. Documentation of Test Results.** Test results should be entered in the candidate's training record. Appropriate documentation should be furnished to the candidate upon completion of qualification procedures.

**D. Maintenance of Qualification.** To retain his qualification, the candidate must repeat the training requirements under Section 2.3 and repeat the qualification tests outlined in "B" above every four years. In addition, he should receive retraining in well control operations as prescribed in Section 2.2.F. herein at intervals no greater than two years.

##### 3.4 Operator's Representative.

**A. Prerequisites.** All candidates should be familiar with the basic duties of Rotary Helper, Derrickman, Driller, and Toolpusher during well control operations and must have completed the training requirements outlined in 2.4.

**B. Qualification Tests.** Tests and hands-on demonstrations should be used to assure that the Operator's Representative candidate has a thorough understanding of the well control equipment and technique principles outlined in Section 2.4 and is qualified to organize and direct a well control operation.

**C. Documentation of Test Results.** Test results shall be entered in the candidate's training record. Appropriate documentation shall be furnished to the candidate upon completion of the qualification procedures.

**D. Maintenance of Qualification.** To retain his qualification, the candidate must repeat the training requirements under Section 2.4 and repeat the qualification tests outlined in "B" above at intervals not to exceed four years. In addition, he should receive retraining in well control operations as prescribed in Section 2.4.C herein at intervals no greater than two years.

##### 3.5 Qualification Summary

The qualification procedures prescribed in the previous paragraphs of Section 3 are summarized in Exhibit I for the ready reference of the users of the RP.

##### 3.6 Well Control Drills.

The individual assignments for the crew members during a well control operation will of necessity vary with the equipment on the offshore unit and to a degree with the type of operation being performed. The drills should be designed to acquaint each crew member with his function on the particular location so he can perform it promptly and efficiently. The steps described below are general and are based upon the essentials of the operation. They should be varied to fit the equipment, personnel, and specific needs of each site. A well control drill plan, applicable to the particular site, should be prepared which outlines for each crew member the assignments he is to carry out during the drill and which establishes a prescribed time for the completion of his portion of the drill. A copy of the complete well control drill plan should be posted on the rig's bulletin boards.

Drills should be carried out during periods of activity which would minimize the risk of sticking the drill pipe or otherwise endangering the operation. In each of these drills, the reaction time should be measured up to the point when the designated person is in position to begin the closing sequence of the blowout preventer. Total time for the

crew to complete its entire pit drill assignment should also be measured. This operation should be recorded on the driller's log as "Well Control Drill." All drills should be initiated by the Toolpusher or Operator's Representative, on unscheduled or surprise hours insofar as possible, by raising the float on the pit level device or equivalent. This operation should be performed at least once each week (well conditions permitting) with each crew. The drills should be timed so they will cover a range of different operations which include on bottom drilling and tripping drill pipe.

Suggested items for inclusion in bottom drilling and tripping pipe drills are set out in the following Subsections "A" and "B," respectively. The listing of these items does not necessarily constitute a recommendation that each of them must be included in the drill or that the drill sequence be the same as the listing.

**A. On Bottom Drilling.** A drill conducted while on bottom should include the following:

- (1) Detect kick and sound alarm.
- (2) Position kelly and tool joints so connections are accessible from floor but tool joints are clear of sealing elements in stack; stop pumps; check for flow; close in the well.
- (3) Open control valve at stack and read pressure at manifold.
- (4) Record drill pipe pressure and casing pressure.
- (5) Measure pit gain and mark new level.
- (6) Estimate volume of additional mud the pits will contain.
- (7) Weigh mud in suction pit.
- (8) Check all valves on choke manifold and blowout-preventer stack for correct position (open or closed).
- (9) Check BOP stack and choke manifold for leaks.
- (10) Check flow line and choke exhaust lines for flow.
- (11) Check accumulator pressure.
- (12) Prepare to extinguish sources of ignition.
- (13) Alert standby boat or prepare safety capsule for launching.
- (14) Place crane operator on duty for possible personnel evacuation.
- (15) Prepare to lower all escape ladders and prepare other abandonment devices for possible use.
- (16) Determine materials needed to circulate out kick.
- (17) Time drill and enter drill report on driller's log.

##### B. Tripping Pipe Drill.

- (1) Detect kick and sound alarm.
- (2) Install safety valve; close safety valve.
- (3) Position pipe; close annular preventer.
- (4) Install inside preventer; open safety valve.
- (5) Record casing pressure.
- (6) Check all valves on choke manifold and blowout stack for correct position (open or closed).
- (7) Check for leaks on BOP stack and choke manifold.
- (8) Check flow line and choke exhaust lines for flow.
- (9) Check accumulator pressure.
- (10) Prepare to extinguish sources of ignition.
- (11) Alert standby boat or prepare safety capsule for launching.
- (12) Prepare to lower escape ladders and prepare other abandonment devices for possible use.
- (13) Prepare to strip back to bottom.
- (14) Time drill and enter drill report on driller's log.

[FR Doc.76-15563 Filed 5-27-76;8:45 am]

### National Park Service CONCESSION CONTRACT Notice of Intention To Extend

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb, authorizing him to continue to provide concession facilities and services for the public at Grand Canyon, Arizona for a period of one (1) year from January 1, 1976, through December 31, 1976.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Grand Canyon National Park.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1975, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before June 28, 1976.

Interested parties should contact the Assistant Director, Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 10, 1976.

RAYMOND L. FREEMAN,  
Acting Associate Director,  
National Park Service.

[FR Doc.76-15581 Filed 5-27-76;8:45 am]

### Office of Hearings and Appeals

[Docket No. M 76-470]

### HITE PREPARATION CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its G-6 Mine, Drift, Kentucky.

30 CFR 75.1710 provides: An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits



that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \*\*\*

The substance of Petitioner's statement is as follows:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 42 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

- 2 Elkhorn Ind. Products Corp. Scoops, Model # AR-75, 36 inches.
- 1 Elkhorn Ind. Products Corp. Scoop, Model # DLE-1, 28 inches.
- 2 Pauls Repair Shop Roof Bolters, Model # Mark IV, 28 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or fur-

nish comments on or before June 28, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 20, 1976.

[FR Doc. 76-15626 Filed 5-27-76; 8:45 am]

[Docket No. M 76-468]

#### HITE PREPARATION CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its 6-2 Mine, Drift, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \*\*\*

The substance of Petitioner's statement is as follows:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 35 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

- 2 Elkhorn Ind. Products Corp. Scoops, Model # DLE-1C, 28 inches.
- 1 Pauls Repair Shop Roof Bolter, Model # SPARD-1, 28 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 20, 1976.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

[FR Doc. 76-15627 Filed 5-27-76; 8:45 am]

[Docket No. M 76-440]

#### THE NORTH AMERICAN COAL CORP.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The North American Coal Corp. has filed a petition to modify the application of 30 CFR 75.1710 to its Jense Mine, Jefferson County, Ohio.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine

on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. \*\*\*

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.1710-1 were "the distance from the floor to the finished roof less 12 inches." (Emphasis added.)

2. The actual mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Jense Mine are as follows:

Minimum mine height 43 inches, maximum mine height 54 inches.

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside, thereby exposing them-

selves and fellow workers to further hazard.

7. Because of reduced visibility, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710-1(a) (4-5) to its present electrical face equipment in the coalbed heights shown in paragraph 4 at its Jense Mine will result in a diminution of safety to the operation of said equipment.

#### PETITIONER'S ALTERNATE METHOD

Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electric face equipment at the subject mine:

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned small equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

2. Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this Petition.

3. If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local district manager with ju-

isdiction over the subject mine of the progress being made if requested by the district manager.

6. In addition to complying with the roof control plan in effect at the subject mine, Petitioner will reinstruct all face workers and section and supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

#### REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before June 28, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

MAY 20, 1976.

[FR Doc. 76-15629 Filed 5-27-76; 8:45 am]

[Docket No. M 76-441]

#### QUARTO MINING CO.

##### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Quarto Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Powhatan No. 7 Mine, Monroe County, Ohio.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

\*\*\* Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;



(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.\*

The substance of Petitioner's statement is as follows:

1. By memorandum to all district managers dated September 20, 1973, the MESA Acting Assistant Administrator further interpreted these sections to mean that the mining heights listed in 30 CFR 75.170-1 were "the distance from the floor to the finished roof less 12 inches." (Emphasis added.)

2. The actual mine heights (from which 12 inches must be subtracted to determine "mining height" for purposes of the regulations) at the Powhatan No. 7 Mine are as follows:

Minimum Mine Height in inches	Average Mine Height in inches
42	50

3. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator proper visibility for safe operation of the equipment while remaining under the cab or canopy.

4. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will clear the top in areas where the equipment must operate in this mine.

5. The design characteristics of the electrical face equipment presently in use at the subject mine will not permit the installation of cabs or canopies which will allow the operator to rapidly escape the confines of such cabs or canopies in the event of an emergency.

6. Operators of canopied equipment have complained of cramped conditions therein which induce fatigue and, therefore, an impairment of alertness and safety. In addition, the inconvenience to the operators has been known to induce them to attempt to operate equipment from outside, thereby exposing themselves and fellow workers to further hazard.

7. Because of reduced visibility, operators have and may continue to lean out of the cab while in motion, thereby exposing themselves to danger.

8. In traveling over undulating surfaces, the operators strike their heads on the top of the canopy. Other injuries have also occurred involving the use of canopies.

9. Petitioner has experimented with various cab and canopy designs on the

electrical face equipment presently in use but has not been able either to develop or purchase an effective and safe configuration which will eliminate the hazards set forth above.

10. MESA has been unable to provide Petitioner with suggestions or methods of alleviating the hazards referred to above.

11. Numerous UMW members employed at Petitioner's mines have complained that installation of cabs or canopies on the present electrical face equipment in the coalbed heights shown will reduce safety. In some cases, UMW members have threatened to stop work if they are required to operate electrical face equipment hampered by a cab or canopy which creates the hazards described above.

12. Petitioner contends that application of 30 CFR 75.1710 and 1710-1(a) (4-5) to its present electrical face equipment in the coalbed heights shown in paragraph 4 at its Powhatan No. 7 Mine will result in a diminution of safety in the operation of said equipment.

#### Petitioner's Alternate Method

Petitioner proposes the following alternative method for maintenance of safe roof and rib conditions in connection with operation of its presently used electrical face equipment at the subject mine:

1. Petitioner will replace its present electrical face equipment as that equipment wears out with new redesigned small equipment with cabs or canopies installed to the extent that the cabs or canopies on such new equipment may be developed to satisfy the human and physical engineering problems identified in paragraphs 3 through 8 above.

2. Petitioner will continue to perform research in order to develop an experimental design of a cab or canopy which will overcome or alleviate the human and physical engineering problems outlined in paragraphs 3 through 8 of this Petition.

3. If a workable design is discovered, said design will be implemented for evaluation by Petitioner, MESA and UMW personnel under actual working conditions. If said operation is successful, Petitioner will retrofit those pieces of electrical face equipment with the form of cab or canopy for which successful evaluation has been made.

4. Petitioner will affirmatively seek ideas from UMW personnel as to design for cabs and canopies for use in low coal.

5. Petitioner will, by letter, advise MESA's local district manager with jurisdiction over the subject mine of the progress being made if requested by the district manager.

6. In addition to complying with the roof control plan in effect at the subject mine, Petitioner will instruct all face workers and section and supervisory and inspection personnel in roof and rib fall recognition and prevention techniques as well as safe equipment operation.

#### Request for Hearing or Comments

Persons interested in this petition may request a hearing on the petition or furnish

comments on or before June 28, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,  
Director, Office of  
Hearings and Appeals.

Dated: May 20, 1976.

[FR Doc.76-15620 Filed 5-27-76;8:45 am]

[INT FES 76 28]

#### Office of the Secretary PROPOSED SUGAR PINE DAM, RESERVOIR, AND CONDUIT Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Sugar Pine Dam, Reservoir, and Conduit in Placer County, California.

The final environmental statement describes the proposed construction of the 173-foot-high Sugar Pine Dam, the 7,000 acre-foot-capacity reservoir, and 17 miles of buried pipeline. The proposed project will supply about 2,800 acre-feet annually of domestic and agricultural water to the project area.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: May 25, 1976.

STANLEY D. DOREMUS,  
Deputy Assistant Secretary  
of the Interior.

[FR Doc.76-15695 Filed 5-27-76;8:45 am]

[Docket No. WASH 76-1; Rulemaking Proceedings]

#### STATE OF ALASKA

#### Revised Notice of (I) Public Hearings and (II) Prehearing Order; Revised Notice of Public Hearings

In the Matter of the Request of the State of Alaska to Waive the Moratorium on Nine Species of Marine Mammals and Allow the State to Resume Management.

Notice is hereby given to amend the dates for public hearing previously pub-

lished in the FEDERAL REGISTER on April 9, 1976. The following hearing dates are hereby established and all previous dates are hereby canceled:

1. Anchorage—commencing 6/29, Alaska State Court Building, Alaska District Court, Courtroom C, 360 K Street, Anchorage, 10:00 a.m.

2. Nome—commencing 7/6, Federal Building, Courtroom, Front Street, Nome, 10:00 a.m.

3. Bethel—commencing 7/12, Kuskoquim Native Village Association Building, Bethel, 10:00 a.m.

4. Anchorage—Reconvening, if necessary, on 7/14, Alaska State Court Building, Alaska District Court, Courtroom E, Anchorage, 10:00 a.m.

5. Washington, D.C.—commencing 9/21, Department of the Interior Auditorium, 18th and C Streets, N.W., Washington, D.C., 10:00 a.m.

For information concerning the hearings, call: Ms. Charlene Rosen, Department of the Interior, Arlington, VA., 703-557-9200 or in Alaska call Mrs. Vicki Murphy, Alaska Native Claims Appeals Board, 907-265-5356.

#### PART II—PREHEARING ORDER

In accordance with § 18.82 of 41 FR 5395 and the determinations made after the prehearing conference held in Arlington, VA., on May 18, 1976, it is hereby ordered as follows:

1. That the following individuals and/or entities have indicated an interest in the proceeding:

#### A. PROPONENTS

1. Jeffrey Haynes, Esq., William Council, Esq., Office of the State of Alaska Attorney General, Pouch K, Juneau, Alaska.

2. Robert Rausche, Director, Division of Game, Department of Fish and Game, Subport Building, Juneau, Alaska 99801.

\*3. David Fischer, Esq., U.S. Department of the Interior, U.S. Fish and Wildlife Service, Office of the Solicitor, 18th and C Streets, N.W., Washington, D.C. 20240.

\*4. James S. W. Drewry, Esq., NOAA General Counsel's Office, Main Commerce Building, National Marine Fisheries Service, Room 5814, Washington, D.C. 20230.

\*5. Robert Elsenbnd, Esq., Marine Mammal Commission, 1625 Eye Street, N.W., Room 307, Washington, D.C.

6. Lynn McCastle, Chairman, Marine Mammal Committee, Alaska Professional Hunters Association, Inc., P.O. Box 4-1932, Anchorage, Alaska 99509.

7. John L. Gregg, Gregg's Artistic Homes, 216 East Glenoaks Boulevard, Glendale 7, California.

8. Bruce M. Swanson, Kodiak, Alaska.

\*9. Gus Fritschie, Esq., Director of Government Relations, National Fisheries Institute, Inc., 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006.

10. Eugene Klineburger, Klineburger Bros., Jonas Bros. of Seattle, Outdoor Clothing, Equipment, Gifts & Jewelry—Taxidermy & Tanning, Etc., 1527 12th Avenue, Seattle, Washington 98122.

#### B. OPPONENTS

\*11. Bernard Fensterwald, Jr., Esq., Ms. Jovanda Shelton, Friends of Animals, Inc., Committee for Humane Legislation, Inc., 910 16th Street, N.W., Washington, D.C. 20006.

\* Entered appearance at Prehearing Conference.

12. Jerome Trigg, President, Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

#### C. PERSONS/ENTITIES UNALIGNED AT PRESENT TIME

13. Juanita Alvarez, Wildlife Coordinator, Sierra Club, 530 Bush Street, San Francisco, California 94108.

\*14. William A. Butler, Esq., Environmental Defense Fund, 1525 18th Street, N.W., Washington, D.C. 20036.

\*15. Ms. Jane Risk, Animal Protection Institute, 813 Pennsylvania Avenue, S.E., Washington, D.C. 20003.

\*16. Jack Marker, Esq., Monitor, Inc., Col. Milton M. Kaufmann, President, Monitor, Inc., 1346 Connecticut Avenue, N.W., #931, Washington, D.C. 20036.

17. Ms. Jacqueline Muth, New York City, New York.

18. Irven Plnard, Chairman, Wildlife Committee, Sierra Club—Atlantic Chapter, 50 West 40th Street, New York, New York 10018.

19. Harold Sparck, Nunam Kitlutsist, Protector of the Land, Box 267, Bethel, Alaska 99559.

20. Jake Lestenkoff, Executive Vice President, Land Claims, Alaska Federation of Natives, Bethel, Alaska.

21. Ms. Lillian Brannon, United New Conservationist, San Jose, California.

2. That the following witnesses have or will have submitted direct testimony by the appropriate date (see #3, *infra*) and may testify at the hearing:

#### A. U.S. FISH AND WILDLIFE SERVICE

1. Jack W. Lentfer—testimony re polar bear.

2. Ancel M. Johnson—testimony re sea otter.

3. Henry A. Hansen—testimony re general management scheme.

4. Carl Schneider—testimony re sea otter in behalf of the State of Alaska and the Fish and Wildlife Service.

#### B. STATE OF ALASKA

1. Robert Rausch, Director, Division of Game, Department of Fish and Game, Subport Building, Juneau, Alaska 99801.

#### C. NATIONAL MARINE FISHERIES SERVICE

1. Harry L. Reitze, Director, Alaska Region of National Marine Fishery Service—testimony re state management scheme.

2. George Y. Harry, Jr., Director, Marine Mammal Division, Northwest Fishery Center—testimony re all species under jurisdiction of Department of Commerce.

3. Carl B. Schneider, Scientist, Alaska Department of Fish and Game—testimony re sea lions.

4. Kenneth W. Pitcher—testimony re land-breeding harbor seals.

5. John J. Burns—testimony re Beluga whale, ice breeding harbor seal (Largha-seal), ribbon, ringed, and Pacific bearded seals.

#### D. ADDITIONAL TESTIMONY

1. National Fisheries Institute, Inc., James Ferguson, President, Pelican Cold Storage Company, P.O. Box 5538, Seattle, Washington 98105 and Pelican, Alaska 99832.

2. Mr. Cartner, 4608 48th Street, N.W., Washington, D.C.

3. That 10 copies of all testimony be filed with the Presiding Officer on the dates as follows:

A. Additional direct testimony (including testimony from the State of Alaska and other witnesses testifying in Alaska)—June 11, 1976.

B. Direct testimony of Washington witnesses—August 12, 1976.

C. Rebuttal direct testimony—September 2, 1976.

4. That parties address themselves to the following issues in the order that is most logical to the presentation of the participant's case:

1. The number of separate population stocks, if any, included in each species.

2. The estimated existing population levels of each species and population stock.

3. What is the proper meaning for the term "optimum sustainable population" more specific than is defined in the Act and in accordance therewith what is the optimum sustainable population of each such species and population stock?

4. The anticipated effect on the optimum sustainable population of each species and population stock as well as on the health and stability of the ecosystem in waiving the moratorium to the extent proposed; also, including the meaning of the term "incidental take" and what effect, if any, does it have on the optimum sustainable population of each species and population stock?

5. What constitutes a state regulation for purposes of the instant proceeding and will Alaska's laws and regulations, if approved, be enforced as Federal regulations?

6. The humaneness of the methods and means of taking permitted by Alaska's laws and regulations.

7. What are the components of modern scientific resource management program for each of the nine species?

8. Who has the burden of proving that a given population stock or species has diminished below the optimum sustainable population and does Alaska's management program ensure that the extent of the waiver will not be exceeded?

9. Whether the State of Alaska's management program is in accordance with sound principles of resource protection and conservation as provided within the purposes and policies of the Act?

10. What criteria establishes that a population stock is disadvantaged under the Act, and in accordance therewith, does the State of Alaska's management program ensure that any takings will not be to the disadvantage of any species or population stock?

11. The adequacy of provisions for public participation within the State of Alaska in the process of implementing the Waiver.

12. The adequacy of Federal provisions for monitoring and review of the State of Alaska's program.

13. If the proposed waiver is granted and the delegation takes place, can the Federal Government enforce the provisions of these regulations pursuant to



section 105 of the Marine Mammal Protection Act and will the Federal Government as a private landowner be bound by the rules and regulations issued by the State of Alaska; also, will the State of Alaska have authority over non-Alaskan citizens on the high seas?

14. Is the definition of "waters of Alaska" as contained in § 18.94 and § 216.112 of the proposed regulations consistent with the applicable Federal Acts, treaties, and laws of the bordering state sovereigns, including but not limited to the 200-mile limit Act, as well as are there other treaties governing the subject matter of the instant case and how do they affect the proposed regulations?

15. Whether the proposed waiver, regulations, and delegation abrogates the rights of the Indian, Aleut, and Eskimo natives, and if so, is this abrogation permissible under existing law?

16. What are the other jurisdictions whose activities affect the same stocks or species as those at issue here, if any, and do sound principles of resource protection and conservation require that those effects be integrated into the state management program?

17. Should the proposed waiver of moratorium be granted?

MALCOLM P. LITTLEFIELD,  
Administrative Law Judge.

May 25, 1976.

[FR Doc. 76-15546 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service  
CITRUS BLACKFLY

### Draft Environmental Impact Statement

● Purpose: To give notice of the intent to prepare an environmental impact statement evaluating the citrus blackfly situation in Florida. ●

The Animal and Plant Health Inspection Service has initiated a control program under authority of the Organic Act (7 U.S.C. 147a), as amended, because of a serious citrus blackfly infestation in the Fort Lauderdale area of Florida. The control program is designed to suppress citrus blackfly populations to retard the further spread of the infestation by natural means and to reduce the possibility of spread by artificial means during an interim period. During such interim period, evaluations and research would be conducted to determine whether to implement a pest management program or an eradication program.

Therefore, this gives notice that an environmental impact statement is under preparation pursuant to section 102 (2) (C) of the National Environmental

Policy Act of 1969, by the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service. The first draft is scheduled for completion in July 1976.

To provide opportunity for participation in the development of the draft environmental impact statement, comments are invited from the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any national program, issue, or environmental impact involved.

Comments concerning matters that should be addressed in the proposed environmental impact statement and requests for additional information should be addressed to the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, Hyattsville, Maryland 20782 by June 25, 1976.

Done at Washington, D.C. this 21st day of May 1976.

J. W. GENTRY,  
Acting Deputy Administrator,  
Plant Protection and Quarantine Programs.

[FR Doc. 76-15338 Filed 5-27-76; 8:45 am]

## DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION  
TECHNICAL ADVISORY COMMITTEE

### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Electronic Instrumentation Technical Advisory Committee will be held on Thursday, June 24, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973. On October 7, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing

procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

#### GENERAL SESSION

- (1) Opening remarks by the Director, Office of Export Administration.
- (2) Election of chairman.
- (3) Presentation of papers or comments by the public.
- (4) Review of current controls on electronic instrumentation, including report on any decontrol action effected since January 13, 1976.
- (5) Discussion of current controls on analog to digital and digital to analog converters.

#### EXECUTIVE SESSION

- (6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Electronic Instrumentation Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on December 15, 1975 (40 Fed. Reg. 58162).

Dated: May 24, 1976.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 76-15566 Filed 5-27-76; 8:45 am]

## LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

### Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Friday, July 16, 1976, at 1:00 p.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c) (1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The Subcommittee meeting agenda has six parts:

#### GENERAL SESSION

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Status review of parameters format.
- (4) Discussion of methods of utilizing portions of company certification process.
- (5) Review of new projects to undertake.

#### EXECUTIVE SESSION

- (6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b) (1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 5, 1975 (40 Fed. Reg. 58960).

Dated: May 24, 1976.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc. 76-15567 Filed 5-27-76; 8:45 am]

## National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

### Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Stand-

ards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 1:00 p.m. on Thursday, July 15, 1976, in Dining Room C, Administration Building of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Roundtree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC, 20234 (phone 301-921-3157).

Dated: May 24, 1976.

ERNEST AMBLER,  
Acting Director.

[FR Doc. 76-15576 Filed 5-27-76; 8:45 am]

## HOUSING, EDUCATION, AND WELFARE

National Advisory Council on the Education of Disadvantaged Children  
MEETING

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on June 11-12, 1976. The meeting on June 11 will be held in room 2261 of the Rayburn House Office Building in Washington, D.C., from 9:30 a.m. to 5:00 p.m., during which two hours (11:30-1:30) will be set aside for Committee meetings (Legislative Committee and Adolescent Committee). The meeting on June 12 will be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C., from 9:00 a.m. to 12 noon.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting will be to hear from key congressional members of pending legislation relating to reauthorization of ESEA Title I.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on May 25, 1976.

ROBERTA LOVENHEIM,  
Executive Director.

[FR Doc. 76-15919 Filed 5-27-76; 1:37 pm]



# FEDERAL POWER COMMISSION ARKANSAS LOUISIANA GAS CO.

[Docket No. EP74-81 (PGA76-2) and  
RP76-10 (PGA76-2)]

## Filing of Revised Tariff Sheets

MAY 21, 1976.

Take notice that on May 14, 1976, Arkansas Louisiana Gas Company tendered for filing in Docket No. RP74-81 (PGA76-2) Substitute Seventh Revised Sheet No. 4 in its Rate Schedule G-2, FPC Gas Tariff, First Revised Volume No. 1, and in Docket No. RP76-10 (PGA76-2) Substitute Fourth Revised Sheet No. 185 in its Rate Schedule X-26, FPC Gas Tariff Original Volume No. 3. The company requests an effective date of May 1, 1976.

The Company states that copies of the revised tariff sheets and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15501 Filed 5-27-76; 8:45 am]

[Docket No. ID-1783]

## ARTHUR HAUSPURG Application

MAY 21, 1976.

Take notice that on April 19, 1976, Arthur Hauspurg (Applicant), filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

President and Chief Operating Officer, and Trustee (legal equivalent of Director), Consolidated Edison Company of New York Inc., Public Utility.  
Vice President and Director, Empire State Power Resources, Inc., Public Utility.

Consolidated Edison is a gas, electric and steam corporation and exists under the Transportation Corporations Law of the State of New York. It provides electric service to approximately 2,767,000 industrial, commercial, and residential customers in the five boroughs of New York City, (Manhattan, The Bronx, Brooklyn, Staten Island, and most of Queens) and in parts of Westchester County, provides gas service to approx-

imately 1,112,000 customers in the boroughs of Manhattan and The Bronx and in parts of Queens and Westchester County and provides steam service to approximately 2,500 customers in part of Manhattan.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison, Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to Intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding, or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15593 Filed 5-27-76; 8:45 am]

[Docket No. ER76-556]

## BOSTON EDISON CO.

Order Accepting for Filing and Suspending Tariff, Granting Intervention, Waiving Notice Requirements and Establishing Procedures

MAY 14, 1976.

On March 10, 1976, the Boston Edison Company (Boston) filed a rate schedule<sup>1</sup> providing for non-firm transmission service to Braintree Electric Light Department (Braintree). Monthly charges for service under the proposed agreement are to be billed at one-twelfth of an annual rate in dollars per kW times the capacity committed. Boston states that the agreement is intended to provide for a capacity purchase by Braintree of approximately 27.7 MW for a six-month period commencing April 1, 1976 at the annual rate of \$10.82 per kW.

Notice of the filing was issued on March 19, 1976, with comments, protests, or petitions to intervene due on or before April 5, 1976. On April 5, 1976, Cambridge Electric Light Company (Cambridge) filed a petition to intervene, pleading an interest in the outcome since this tariff could be made applicable to other utilities seeking non-firm transmission service from Boston. Cambridge asserted its need to make capacity purchases from other New England utilities, which purchases would necessarily cross Edison's system. To the extent that a particular transaction is not provided for under the NEPOOL Agreement, Boston has advised Cambridge of its intent to apply this tariff to Cambridge under such circumstances.

On April 5, 1976, the Electric Light Department of the Town of Braintree (Braintree) also filed a Protest and Petition to Intervene. Braintree requests that the proposed rate schedule be suspended for one day and permitted to become effective April 1, 1976, subject to refund. Braintree states that its prospective NEPOOL membership<sup>2</sup> and the various agreements thereunder should apply to the proposed service. Braintree alleges that Edison is contractually bound to offer transmission to Braintree at the Southern New England rate,<sup>3</sup> which Braintree states is the only rate concept consistent with the theory of the NEPOOL Agreement. Application of any other rate by Edison is, in Braintree's terms, discriminatory. Braintree also takes exception to certain cost allocation methods in the cost of service and questions the proposed 15% return of equity. On April 7, 1976, Edison filed an answer to Braintree's protest, stating, among other things, that the Southern New England Rate is not applicable to Braintree's purchases in this instance. Edison denies that the rate is discriminatory, and insists that the rate has been properly developed and that the necessary supporting information required by the Commission's Regulations has been filed. Edison further states that, had Braintree given Edison earlier notice of its power supply intentions, "it would have been possible for the parties to review the rate and to eliminate the uncertainties and, possibly, much of the scatter-shot criticism-stated in the Braintree pleading."

On April 9, 1976, the Commission Secretary informed Boston that its filing had been assessed as deficient, and that a filing date would not be assigned to its capacity committed. Boston states that the agreement is intended to provide for a capacity purchase by Braintree of approximately 27.7 MW for a six-month period commencing April 1, 1976 at the annual rate of \$10.82 per kW.

On April 9, 1976, the Commission Secretary informed Boston that its filing had been assessed as deficient, and that a filing date would not be assigned to its

<sup>1</sup> See following table:

Designation	Description
Boston Edison Co., rate schedule FPC No. 110.	Rate schedule for nonfirm transmission service.
Supp. No. 1 to rate schedule FPC No. 110.	Exhibit A—basis for determination of annual rate for transmission.

<sup>2</sup> Braintree has applied for membership in NEPOOL.

<sup>3</sup> Supplement No. 4 to NEPOOL Rate Schedule FPC No. 2.

filing until the deficiency was cured. On April 16, 1976, Boston submitted additional information in completion of its original filing, requesting an effective date of April 1, 1976. Notice of this supplemental filing was issued, with comments due on or before May 10, 1976. Braintree filed a timely response to this supplemental filing, reiterating and expanding upon the protestations noted in its petition to intervene.

Our review of Boston's proposed rate schedule reveals that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. We shall construe Boston's request for an effective date of April 1, 1976 as a request for an effective date of March 31, 1976 and shall accept Boston's rate schedule for filing and suspend it for one day, until April 1, 1976, subject to refund. Good cause exists to grant waiver of the notice requirements to permit the above-mentioned effective date and to establish hearing procedures to determine the lawfulness of the proposed rates and charges.

The Commission finds: (1) Good cause exists to accept for filing and suspend Boston's rate schedule for filing and allow it to become effective on April 1, 1976, subject to refund.  
(2) Good cause exists to permit Cambridge and Braintree to intervene.  
(3) Good cause exists to grant waiver of the 30-day notice requirement of the Federal Power Act.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the increased rates proposed herein, the rate schedule filed by Boston is hereby accepted for filing and suspended until April 1, 1976, when it will be permitted to become effective, subject to refund.

(B) For good cause shown, waiver of the 30-day notice requirement of the Federal Power Act is granted.

(C) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Within 30 days of the date of issuance of this order, Boston shall serve prepared testimony and exhibits in support of its case.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 13 CFR 3.5(d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to Intervene, motions to consolidate and sever, and motions to

dismiss, as provided for in the Rules of Practice and Procedure).

(F) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on July 22, 1976, at 9:30 A.M., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission,

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15605 Filed 5-27-76; 8:45 am]

[Docket No. ID-1782]

## CHARLES FRANKLIN LUCE Application

MAY 20, 1976.

Take notice that on April 19, 1976, Charles Franklin Luce, (Applicant) filed an initial application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Chairman of the Board and Chief Executive Officer, and Trustee (legal equivalent of Director), Consolidated Edison Company of New York, Inc., Public Utility.  
Director, Empire State Power Resources, Inc., Public Utility.

Consolidated Edison is a gas, electric, and steam corporation and exists under the Transportation Corporations Law of the State of New York. It provides electric service to approximately 2,767,000 industrial, commercial and residential customers in the five boroughs of New York City (Manhattan, The Bronx, Brooklyn, Staten Island, and most of Queens) and in parts of Westchester County, provides gas service to approximately 1,112,000 customers in the boroughs of Manhattan and The Bronx and in parts of Queens and Westchester County and provides steam service to approximately 2,500 customers in part of Manhattan.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York State to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison, Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to Intervene or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to Intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15596 Filed 5-27-76; 8:45 am]

[FPC Gas Rate Schedule No. 26;  
Schedule No. 2]

## COASTAL STATES GAS PRODUCING CO. ET AL.

Order Granting Intervention, Denying Rehearing in Part, and Granting Rehearing in Part for Purposes of Further Consideration

MAY 13, 1976.

Associated Gas Distributors (AGD) filed on April 13, 1976, an application for rehearing with respect to the Commission's letter order issued March 23, 1976, which accepted proposed increased rates to the national ceiling for sales of natural gas made under the rate schedules listed in the caption pursuant to the vintaging concepts set forth in Opinion No. 639 and Opinion No. 699, as amended. With respect to Hilda B. Weinert and Jane W. Blumberg, et al., FPC Gas Rate Schedule No. 2, we note that this rate schedule applies to gas which is involved in *Hilda B. Weinert and Jane W. Blumberg, et al.*, Docket Nos. G-2730, et al., and, pending the outcome of that proceeding, we will grant AGD rehearing solely for the purposes of further consideration. A proposed settlement agreement in that proceeding is currently pending before the Commission.

With respect to Coastal States Gas Producing Company, FPC Gas Rate Schedule No. 26, in its application for rehearing AGD disagrees with the vintaging policy set forth in Opinion No. 639 and followed in Opinion No. 699, as amended.<sup>1</sup> The same arguments advanced here by AGD were rejected in the above cases<sup>2</sup> and the reasons for our

<sup>1</sup> Affirmed in *Shell Oil Company, et al. v. F.P.C.*, 491 F. 2d 82 (CA5, 1974).

<sup>2</sup> Affirmed in *Shell Oil Company, et al. v. F.P.C.*, 520 F. 2d 1061 (CA5, 1975).

<sup>3</sup> See also orders issued April 27, 1973, and June 1, 1973, in *Continental Oil Company, et al.*, FPC Gas Rate Schedule No. 3, et al.



vintaging policy are fully explained there. The same rationale applies here.

Coastal States Gas Producing Company has entered into a new contract and its old contract has expired. Accordingly, under the vintaging concepts set forth in Opinion Nos. 639 and 699, as amended, its increases to the national ceiling are acceptable. No further inquiry of the type envisaged by AGD is required or contemplated.

AGD also argues that the subject proposed increased rates should have been accepted 30 days from the date of filing. The rates were accepted in accordance with Ordering Paragraph (J) of Opinion No. 699-H, *mimeo* pp. 85-86. In our view good cause existed there for waiving the 30-day statutory notice period under Section 4(d) of the Natural Gas Act with respect to filings made subsequent to the issuance of that opinion which did not exceed the just and reasonable ceiling established in such opinion.

The Commission is not required under Section 4(d) of the Natural Gas Act to give thirty days notice of a rate filing. Rather, it is the natural gas company which must give such notice not only to the Commission but also to the public. See *State Corporation Commission of Virginia, et al.*, order issued June 16, 1955, in Docket No. C-8558, 14 FPC 805, 807. The Commission did indicate however, in its order issued March 8, 1973, in *Blanket Notice of Intervention By The Public Service Commission For The State Of New York* that rate filings involving vintaging should be noticed so as to give those interested an opportunity to seek intervention with respect to such filings until such time as this matter is resolved on judicial review.

On March 12, 1976, AGD filed a petition to intervene in these matters. We find that it may be in the public interest to grant AGD's petition to intervene.

AGD complains that the increases were accepted before the time for intervention had elapsed. The Commission ordinarily has only 30 days within which to take action under Section 4(e) of the National Gas Act, without regard to the time limit for intervention. The Commission must thus act quickly with respect to these filings. Moreover, the issues involved here were decided in Opinion Nos. 639 and 699, as amended. The purpose of allowing intervention here is not to relitigate these issues but to allow those parties who so desire to preserve their rights pending the completion of judicial review.<sup>4</sup>

With respect to Coastal States Gas Producing Company, FPC Gas Rate

<sup>4</sup> AGD has appealed Commission orders in a number of other proceedings where the Commission approved similar rate increases pursuant to the vintaging concepts of Opinion Nos. 639 and 699, as amended. The U.S. Court of Appeals for the D.C. Circuit recently affirmed several of these orders in *Public Service Commission of New York v. F.P.C.*, Nos. 73-1647, et al., decided January 27, 1976, and the Fifth Circuit dismissed a number of AGD's petitions to review in *Associated Gas Distributors v. F.P.C.*, Nos. 75-3845, et al., on February 4, 1976.

Schedule No. 26, AGD's application for rehearing presents no new facts or principles of law which warrant any modification of the March 23, 1976 order.

The Commission orders: (A) The application for rehearing filed by AGD on April 13, 1976, is denied with respect to Coastal States Gas Producing Company, FPC Gas Rate Schedule No. 26.

(B) The application for rehearing filed by AGD on April 13, 1976, is granted for the purposes of further consideration with respect to Hilda B. Weinert and Jane W. Blumberg, et al., FPC Gas Rate Schedule No. 2.

(C) AGD is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however*, that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further*, that the admission of AGD in the manner provided shall not be construed as recognition by the Commission that AGD might be aggrieved because of any order or orders entered in this proceeding, and that AGD agrees to accept the record as it now stands.

By the Commission.

(SEAL) KENNETH F. PLUMB,  
Secretary.

[FPC Doc. 76-15604 Filed 5-27-76; 8:45 am]

[Docket No. RP76-102]

DISTRIGAS CORP.

Tender of Revised Tariff Sheets

MAY 21, 1976.

Take notice that on May 7, 1976, Distrigas Corporation (Distrigas) tendered for filing the following proposed changes in rates and terms for the sale of liquefied natural gas (LNG) to Distrigas of Massachusetts Corporation (DOMAC): Substitute Original Sheet No. 2, Original Sheet Nos. PGA-1, 2-A, and 2-B to Distrigas' Special Rate Schedule No. 1. Distrigas states that the proposed changes, *inter alia*, would increase the base tariff rate to 74¢ per MMBTU.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FPC Doc. 76-15590 Filed 5-27-76; 8:45 am]

[Docket No. CP76-306]

EAST TENNESSEE NATURAL GAS CO. AND  
COLUMBIA GAS TRANSMISSION CORP.

Amendment to Application

MAY 20, 1976.

Take notice that on May 13, 1976, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37919, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-306 an amendment to their application<sup>1</sup> for a certificate of public convenience and necessity filed in said docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce by East Tennessee to Roanoke Gas Company (Roanoke) and by Columbia to UGI Corporation-Gas Utilities Division (UGI), by which amendment Applicants seek authorization to render the transportation services until June 15, 1976, in lieu of until May 15, 1976, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In the initial application in the instant docket East Tennessee proposes to deliver natural gas to Roanoke, an existing customer of East Tennessee and Columbia; and Columbia proposes to reduce deliveries of natural gas to Roanoke and deliver natural gas to UGI, all so that UGI might receive natural gas stored for it by East Tennessee. Applicants contemplated that 8,000 Mcf of gas per day would be delivered through May 15, 1976, so that 198,439 Mcf of gas, less volumes required for vaporization and transportation, could be delivered. Applicants state that they commenced operations under temporary authorization granted by the Commission and due to the lack of time between commencement of operations and May 15, 1976, and due to unanticipated operational difficulties they do not anticipate that they could complete deliveries as originally contemplated. Accordingly, Applicants now request authorization to transport natural gas through June 15, 1976.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

<sup>1</sup> Notice published April 9, 1976 (41 FR 15103).

in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,  
Secretary.

[FPC Doc. 76-15603 Filed 5-27-76; 8:45 am]

[Docket Nos. RP72-155 and RP75-39  
(PGA76-1)]

EL PASO NATURAL GAS CO.

Extension of Time of Postponement and  
Postponement of Hearing

MAY 21, 1976.

On May 14, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 30, 1976, as most recently modified by notice issued April 13, 1976, in the above-designated proceeding. The motion states that El Paso Natural Gas Company has no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony and Intervenor, May 28, 1976.

Service of Company Rebuttal, June 11, 1976.

Hearing, June 29, 1976 (10:00 A.M., e.d.t.).

KENNETH F. PLUMB,  
Secretary.

[FPC Doc. 76-15594 Filed 5-27-76; 8:45 am]

[Docket No. RP76-87]

INTER-CITY MINNESOTA PIPELINES  
LTD., INC.

Tender of Statement F-1

MAY 20, 1976.

Take notice that on May 11, 1976, Inter-City Minnesota Pipelines Ltd., Inc. tendered for filing Statement F-1. This tender is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FPC Doc. 76-15610 Filed 5-27-76; 8:45 am]

[Docket No. ER76-555]

INTERSTATE POWER CO.

Order Accepting in Part and Suspending  
Rate Increase, Rejecting Increase to  
Certain Customers, Granting Intervention,  
and Establishing Procedures

MAY 21, 1976.

On March 9, 1976 Interstate Power Company (Interstate) tendered for filing a proposed rate increase to certain transmission customers<sup>1</sup> which Interstate calculated would increase revenues from those customers by \$361,395 annually based on sales for the twelve months ended September 30, 1975. For reasons hereinafter stated, Commission shall accept for filing and suspend the increase to certain customers and reject the increase to certain other customers on the basis of the rule of *Mobile-Sierra*.

Notice of Interstate's filing was issued March 23, 1976. Petitions to intervene were filed by the customers listed in footnote one, *supra*. Good cause exists to grant all of those petitions.

On April 7, 1976 the Commission's Secretary issued a letter to Interstate which informed Interstate that its filing was deficient and would not be assigned a filing date pending a curing of the deficiency. On April 23, 1976 Interstate cured the deficiency in its filing. Accordingly, the Commission shall assign a filing date of April 23, 1976 to the filing.

With respect to the customers Jackson, Windsor and Lakefield the filing must be rejected. All three customers have fixed rate contracts with Interstate which contain no provisions for changes in rate. All contracts provide for service during a primary term and on a year to year basis thereafter unless one year's advance notice of termination in writing has been submitted by Interstate. The Commission has received no evidence demonstrating that any of the contracts have been cancelled. Thus, all are being served under currently effective, fixed rate contracts. The Commission shall

<sup>1</sup> See following table:

Customer:	FPC rate schedule No.
City of Jackson, Minn.*	38
City of Windsor, Minn.*	40
Public Utilities Commission of the Village of Lakefield, Minn.*	67
City of Luverne, Minn.	101
City of Adrian, Minn.	103
City of Westbrook, Minn.	105
City of Worthington, Minn.	108

\* The rate increase shall be rejected as it relates to these customers on *Mobile-Sierra* grounds.

<sup>2</sup> *United Gas Pipe Line Company v. Mobile Sierra Company*, 350 U.S. 332 (1956); *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

therefore reject the filing as it relates to Jackson, Windsor, and Lakefield in accordance with the rule of *Mobile-Sierra*.

With respect to the other customers, listed in footnote 1, no contractual bars to the unilateral filings filed by Interstate have been found. However, the proposed increased rates as to those customers have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall suspend its use for two months to become effective July 23, 1976.

The Commission finds: (1) Good cause exists to allow the above-named petitioners to intervene.

(2) Interstate's rate increase to Jackson, Windsor and Lakefield should be rejected.

(3) The rate increase to Luverne, Adrian, Westbrook, and Worthington should be accepted for filing and suspended for two months, to become effective subject to refund on July 23, 1976.

The Commission orders: (A) Interstate's rate increase to Jackson, Windsor, and Lakefield is hereby rejected.

(b) Interstate's rate increase to Luverne, Adrian, Westbrook, and Worthington is accepted for filing and suspended for two months to become effective July 23, 1976, subject to refund.

(C) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Commission Staff shall prepare and serve top sheets on all parties for settlement purposes on or before September 23, 1976. (See Administrative Order No. 157).

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.



(F) Interstate shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR Section 35.19a.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15597 Filed 5-27-76;8:45 am]

[Docket No. ID-1784]

LAUMAN MARTIN

Application

MAY 21, 1976.

Take notice that on April 19, 1976, Lauman Martin (Applicant), filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director, Niagara Mohawk Power Corporation, Public Utility.  
Director, Empire State Power Resources, Inc., Public Utility.

Niagara Mohawk is an electric and gas corporation organized and existing under the Transportation Corporations Law of the State of New York. Its electric and gas service area extends from the Pennsylvania line near Jamestown eastward to the Massachusetts boundary beyond Albany and north to the Canadian border. Niagara Mohawk renders electric service to approximately 1,284,000 customers in 41 of New York State's 63 counties, which include 31 cities and 639 towns and villages. The principal cities are Buffalo, Syracuse, Albany, Utica, Schenectady, Niagara Falls and Troy. Natural gas service is provided to approximately 419,000 customers in 15 counties in central, eastern and northern New York, nearly all within Niagara Mohawk's electric service area. Gas service is provided in 21 cities and 169 municipalities, including, among others, the cities of Syracuse, Watertown, Albany, Utica, Schenectady, Troy and Hudson. Niagara Mohawk owns 100 percent of the common stock of Canadian Niagara Power Company Ltd., an electric corporation organized and existing under the laws of the Province of Ontario, Canada; 100 percent of the common stock of St. Lawrence Power Company, an electric distribution company organized and existing under the laws of the Dominion of Canada; 82.78 per cent of the common stock of Beebe Island Corporation, organized and existing under the laws of the State of New York, which owns and operates a hydro-electric generating station located in the City of Watertown, Jefferson County, New York and 66 2/3 per cent of the common stock of Moreau-Manufacturing Corporation, organized and existing under the laws of the State of New York, which owns and

operates a hydro-electric generating station located in the Town of Moreau, Saratoga County, New York. Niagara Mohawk also owns 33.1 per cent of the common stock of Indian River Company, a corporation organized and existing under the laws of the State of New York, which maintains and operates a dam at the foot of Indian Lake in the County of Hamilton, State of New York.

Empire State Power Resources, Inc. has been formed by seven electric utility companies in New York to acquire, construct, own and operate large-scale electric generating facilities within the State of New York. The seven companies are: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation (hereinafter referred to as the "Sponsors"). It is anticipated that the Sponsors will purchase substantially all of the capacity and energy available from the Company and will own substantially all of its capital stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15601 Filed 5-27-76;8:45 am]

[Docket No. RP76-31]

LOUISIANA-NEVADA TRANSIT CO.

Order Granting Intervention

MAY 21, 1976.

On October 30, 1975, Louisiana-Nevada Transit Company (LNT) tendered for filing a revised tariff sheet<sup>1</sup> reflecting a rate increase. Notice of LNT's filing was issued on November 10, 1975, with protests and petitions to intervene due on or before November 21, 1975. An untimely Notice of Intervention was filed by the State of Louisiana (Louisiana) on March 24, 1976. Having reviewed the above Notice of Intervention, we believe that Louisiana has sufficient interest in these proceedings to warrant interven-

<sup>1</sup> Fifth Revised Sheet No. PGA-1 to Original Volume No. 1.

tion and that good cause exists for permitting the late filing.

The Commission finds: The participation of Louisiana in these proceedings may be in the public interest and good cause exists for permitting the late filing.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15597 Filed 5-27-76;8:45 am]

[Docket No. RP76-91]

MONTANA-DAKOTA UTILITIES CO.

Amendment to Tariff Filing

MAY 20, 1976.

Take notice that on May 18, 1976, Montana-Dakota Utilities Company (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. RP76-91 an amendment to the tariff sheets filed on April 26, 1976 by MDU in the subject docket pursuant to Sections 4, 5 and 7 of the Natural Gas Act proposing a system-wide curtailment plan. MDU states that the purpose of this amendment is to modify only the Index of Base Period Requirements, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

MDU submits for filing as part of its recently submitted FPC Gas Tariff, First Revised Volume No. 1, the following tariff sheets: Original Sheet Nos. 15-99 Substitute Original Sheets Nos. 100 through 110.

MDU states that Original Sheet Nos. 55-99 is being filed to indicate that those sheets of First Revised Volume No. 1 have not been issued, but have been reserved for future use. MDU further states that Substitute Original Sheets Nos. 100 through 110 are intended as complete replacement for the originally submitted Index of Base Period Requirements.

MDU states that as a result of conferences with its customers MDU became aware of the necessity of certain correc-

tions and adjustments to its Index of Base Period Requirements within its proposed curtailment plan. It is stated that the proposed changes amount to an increase of 509,892 Mcf in Priority 2 annual requirements, an increase of 156,892 Mcf in Priority 3, and a decrease of 243,492 Mcf in Priority 4.

MDU set forth the changes proposed in more detail as follows:

	Effect of change on annual requirements by priority category (1,000 ft <sup>3</sup> at 14.73 lb/in <sup>2</sup> a)		
	P-2	P-3	P-4
1. Correction of certain volumes due to computer error:			
Billings Gazette, Montana		+1,019	
DeLuxe Check Printers, Montana		+989	
Midland Feeds, Montana		+4,540	
Midland Materials, Montana		+3,264	
Montana Press-Press, Montana		+2,916	
Cloverdale Foods, North Dakota		+1,624	
Devils Lake Sioux Manufacturing Co., North Dakota		+569	
Dickinson Cheese, North Dakota		+1,721	
Western Dairies, North Dakota		+87	
Northwest Rendering, North Dakota		+5,176	
Altex Oil Corp., Wyoming		+3,145	
Texaco, Inc., Wyoming	-1,643	+21,491	
2. Addition of customers inadvertently omitted:			
Meyer Construction Co., North Dakota		+13,612	
Northern Bottling Co., North Dakota	+1,503	+3,710	
3. Normalization of volumes of customers added during 1975:			
Boise Cascade, Montana	+10,719	+10,881	
Empire Sand & Gravel, Montana		+11,938	
Transbas, Inc., Montana		+32,887	
Marvel Manufacturing Co., North Dakota	+3,741	+12,811	
Brown Swiss Dairy, South Dakota	+742	+6,645	
Kaycee Bontenite, Wyoming			+28,077
4. Normalization of volumes to eliminate the effect of unusual business conditions:			
Midland Empire Packing Co., Montana			+7,061
Superette, Inc., North Dakota		+4,535	
Husky Briquet, North Dakota		+1,796	
Koch Production Co., Wyoming		+1,785	
Sage Creek Refining, Wyoming		+5,476	
Wyoming Sawmill, Wyoming		+19,201	
Magohar, Dresser Ind., Wyoming			+60,573
5. Reclassification of certain oil refinery loads into priority 2:			
Continental Oil Co., Montana	+117,609		-117,609
Exxon Refinery, Montana	+91,250		-91,250
Farmers Union Central Exchange Refinery, Montana	+76,650		-76,650
Tesoro Petroleum Corp., Montana	+12,775		-12,775
AMOCO Oil Co., North Dakota	+92,419		-92,419
Westland Oil Co., North Dakota	+21,900		-21,900
6. Miscellaneous:			
Helron Brick Co., North Dakota	+2,331		-2,331
Sheridan Commercial Co., Wyoming	+5,330		
Shell Oil Co.—Cabin Creek, Montana	+2,357	-2,367	
Admiral & Fremont Beverage Cos., Wyoming	+4,516	-1,938	
Bordens, Inc., North Dakota			+8,748
American Colloid Co., Wyoming			+18,390
Lowell Clay Products Co., Wyoming	+662		+110,397

MDU requests that its proposed curtailment plan, as modified by the present submittal, be allowed to become effective on June 1, 1976; and to that end MDU requests the necessary waivers of the Commission's Regulations be granted.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 2, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15587 Filed 5-27-76;8:45 am]

[Project No. 2130]  
PACIFIC GAS AND ELECTRIC CO.  
Order Approving Spillway Modification

MAY 17, 1976.

By letters dated May 22, 1973, April 16, 1974, and September 2, 1975, Pacific Gas and Electric Company, Licensee for FPC Project No. 2130, submitted for Commission approval proposed plans for modifications to the spillway crest and parapet wall of Strawberry Dam, a development of Project No. 2130 located in California on the South Fork Stanislaus River.

Licensee initially planned to enlarge the spillway capacity of the dam to handle a probable maximum flood (PMF) of 9,000 cfs. A safety inspection report of Strawberry Dam by an independent consultant engaged by the licensee in compliance with Part 12 of the Commission's Regulations<sup>1</sup> recommended that the spillway capacity of the dam be further enlarged to safely pass

15,000 cfs. Licensee therefore proposes to (1) increase the capacity of the side-channel spillway to pass 15,000 cfs, (2) raise the parapet wall to an elevation of 5623.50 feet, or an increase of approximately one foot in elevation, (3) modify the crest of the present spillway to an ogee shape to improve its discharge characteristics, and (4) raise the spillway walkway to prevent restriction of flows under high flood conditions. Licensee estimates the maximum spill of the modified project under PMF conditions would be 14,500 cfs with the reservoir surcharged to within 1.3 feet of the top of the raised parapet wall. The modifications herein approved to the project works would not alter the normal water surface elevation or operation of the project.

Modification of the spillway would require the excavation by blasting of approximately 2,800 cubic yards of rock in the spillway channel. Blasting operations would be performed at a time when the area is free from campers and other transient residents. The excavated rock would be placed downstream of the existing retaining wall in the vicinity of the left groin of the dam to prevent erosion from water flowing in the spill channel. These construction activities would only have local, short-term impacts on the environment such as dust and noise which would terminate upon completion of the work. We therefore conclude that approval of Licensee's plans for modifications to Strawberry Dam would not constitute a major Federal action having a significant effect upon the quality of the human environment, and that preparation of an environmental impact statement is not required.

The Commission finds: (1) Construction of the modifications, as herein proposed, is necessary to alleviate a potentially hazardous condition and would be in the public interest.

(2) Approval of the subject modifications as discussed above are hereby approved.

The Commission orders: (A) The subject modifications as discussed above are hereby approved.

(B) Licensee shall notify interested Federal, State and local agencies of its plans and schedules for completing work.

(C) Licensee shall file for Commission approval revised Exhibit L drawings showing the structures as built within 60 days after completion of construction.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.76-15607 Filed 5-27-76;8:45 am]

[Docket No. ER76-87]

SIERRA PACIFIC POWER CO.  
Extension of Time and Postponement of Hearing

MAY 20, 1976.

On May 12, 1976, Truckee-Donner Public Utility District filed a motion



to extend the procedural dates fixed by order issued November 25, 1975, as most recently modified by notice issued March 2, 1976, in the above-designated proceeding. The motion states that there was no objection to the request for extension by the parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, July 20, 1976.  
Service of Company Rebuttal, August 3, 1976.  
Hearing, August 17, 1976 (10:00 a.m.).

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15595 Filed 5-27-76; 8:45 am]

[Project No. 2017]

# SOUTHERN CALIFORNIA EDISON CO.

## Order Approving Revised Exhibits L and M

May 17, 1976.

Application was filed on July 14, 1975, by Southern California Edison Company (Licensee) for approval of revised Exhibits L and M of license for constructed Big Creek No. 4 Project No. 2017. The revised exhibits were filed pursuant to the requirement of Articles 3 and 4 of the license.

The project with an installed capacity of 86,200 kW, is located in Fresno, Tulare, Kern, and Madera Counties, California. It includes a reservoir with a storage capacity of 35,000 acre-feet, Big Creek Dam No. 7, a power tunnel about 2 miles long, Big Creek Powerhouse No. 4, and two transmission lines, one 6 miles long extending to Big Creek Powerhouse No. 3, the other extending about 133 miles to Magunden substation near Bakersfield, California.

The revised Exhibits L and M submitted with the application reflect constructed changes and improvements made to the equipment and facilities of Project No. 2017. These changes include:

(1) The installation of a supervisory control system to enable remote control, monitoring, and shutdown of the unattended Big Creek Powerhouse No. 4 from the Big Creek Powerhouse No. 3.  
(2) The installation of additional chain link fence around the powerhouse.

The Exhibit L drawings reflect the construction of the aforementioned project changes, while the Exhibit M was revised to include a description of the mechanical and electrical equipment associated with the remote control system. These modifications are minor and do not constitute a substantial change of project works.

Approval of revised Exhibits L and M does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, no environmental impact statement need be prepared.

The Commission finds: (1) The revised Exhibits L and M filed on July 14, 1975 have been examined and found to conform to the Commission's Rules and Regulations and should be approved and

made a part of the license for Project No. 2017, superseding the Exhibits L and M which are presently part of the license.

(2) Approval of the revised Exhibits L and M of the license for Project No. 2017 does not constitute major Federal action having a significant effect on the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The Commission orders: (A) The following revised Exhibits L and M are approved and made a part of the license for Project No. 2017, superseding the exhibits noted:

Exhibit L—superseded exhibit L			
Sheet	FPC No.	Title	FPC No.
7	2017-166	Powerhouse plan	2017-110
6	2017-167	Plot plan powerhouse	2017-113

Exhibit M: Consisting of three typewritten pages entitled, "General Description of Mechanical, Electrical and Transmission Equipment" filed on July 14, 1975 (supersedes Exhibit M, second revision of December 19, 1952).

(B) The superseded Exhibits L and M noted above are hereby eliminated from the license for Project No. 2017.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15606 Filed 5-27-76; 8:45 am]

[Docket No. CP76-360]

## TEXAS GAS TRANSMISSION CORP.

### Application

May 20, 1976.

Take notice that on May 4, 1976, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP76-360 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing a transportation service for a two-year term for Olin Corporation (Olin), all as more fully set forth in the application which is on file with the Commission at 1 open to public inspection.

Applicant states that it has entered into an agreement, dated April 6, 1976, whereby Applicant has agreed to transport up to 1,215 Mcf of natural gas per day on an interruptible basis for Olin. It is indicated that the gas would be received at a point on Applicant's Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and would be simultaneously redelivered by Applicant at its metering station located in Meade County, Kentucky, near Olin's plant. It is said that the gas to be transported by Applicant would be purchased from McGoldrick Joint Venture No. 1-73 (McGoldrick) from the Leatherman Creek

Field, Claiborne Parish, Louisiana, and would be consumed for Priority 2 end uses at Olin's chemical plant. It is indicated that Olin has purchased such gas in an effort to offset the loss of gas supply by its plant's supplier, Applicant, which is projecting curtailment into deliveries to Priority 2 customers on its system in the 1976 summer season and thereafter.

It is stated that in order to effectuate the transportation service proposed, Applicant would be required to construct and install a 4-inch run meter station and related equipment at the point of receipt in Claiborne Parish at an estimated cost of \$39,700. It is asserted that Applicant would be reimbursed by Olin for these costs.

Applicant states that it would not retain any volumes hereunder for its own system supply, but would retain 10 percent of the volumes received for transportation as makeup for compressor fuel and line loss.

The application shows the following information submitted by Applicant:

1. Applicant proposes to transport up to 1,215 Mcf on both a peak day and average day and annual volumes of up to 443,475 Mcf.

2. Since the volumes to be transported under the instant and any similar transportation agreements with direct industrial customers, when added to the direct industrial customers' scheduled daily deliveries, would not exceed the contract entitlements of the direct industrial customers from Applicant, there exists sufficient pipeline capacity to perform the proposed service on a peak day, average day and annual basis.

3. The proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

4. The initial rate for the transportation service would be 17.82 cents per Mcf.

5. Applicant does not consider the subject natural gas to be available to it for purchase. If the natural gas is not sold to Olin, then it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana.

The application shows that commencing with the first delivery of natural gas, Olin would pay the producer \$1.50 per Mcf subject to an upward Btu adjustment, from a base of 1000 Btu's per cubic foot, and that said price would continue in effect for the next 364 days, and thereafter and for the next 365 days the price would be \$1.53 per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15600 Filed 5-27-76; 8:45 am]

[Docket Nos. RP72-99 (EPGA 76-4), RP73-69, and RP75-75 (AP76-8)]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Tariff Filing

May 20, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 7, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, requested to be effective on April 1, 1976, May 1, 1976 and May 2, 1976.

Transco states that the purpose of its filing is to provide changes necessary to reflect (1) the elimination of unrecoverable advance payments from rate base as provided by Commission Order in Docket No. RP73-69; (2) actual cost of emergency natural gas purchases for the period November 16, 1975 through March 3, 1976 in accordance with the terms of its tariff; and (3) elimination from the tariff sheets to be effective May 1, 1976, of costs related to the Price Freeze issue as provided by Commission order issued April 30, 1976, in Docket Nos. RP73-3, et al.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1976. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15599 Filed 5-27-76; 8:45 am]

[Docket No. CP76-363]

## TRANSCONTINENTAL GAS PIPE LINE CORP.

### Application

May 20, 1976.

Take notice that on May 6, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-363 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing an interruptible transportation service for a two-year term for Pine Hall Brick & Pipe Company, Inc. (Pine Hall), an existing industrial customer of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company (N.C. Gas), a Rate Schedule CD-2 customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement, dated April 8, 1976, whereby Applicant has agreed to transport up to 1,250 Mcf of natural gas per day, with an estimated average day of 1,000 Mcf. It is indicated that Pine Hall would arrange to have such quantities delivered to Applicant at the inlet side of Applicant's metering facilities located at the outlet of Continental Oil Company's Acadia Gas Processing Plant in Acadia Parish, Louisiana, and Applicant would redeliver such volumes to N.C. Gas at existing delivery points for the account of Pine Hall for ultimate use in the latter's Madison, North Carolina, plant. It is said that gas to be transported by Applicant would be purchased from Wm. T. Burton Industries, Inc. and El Toro Petroleum Corp. (Wm. T. Burton, et al.) from the Egan Field, Acadia Parish, Louisiana, and would be consumed for high priority process use in the Madison plant. It is indicated that Pine Hall has purchased such gas in an effort to meet the curtailed Priority 3 process uses at its Madison brick plant.

Applicant states that it would retain 3.8 percent of the volumes received for transportation as make-up compressor fuel and line loss.

The application shows the following information submitted by Applicant:

1. Since the volumes to be transported under the instant and any similar transportation arrangements with customers of the distributor, when added to

any volumes being transported for the distributor itself and the distribution customer's scheduled daily deliveries, shall not exceed the contract entitlement of the distributor from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day, and annual basis.

2. The proposed transportation service would have no impact on Applicant's ability to provide systemwide deliveries for Priority 1 markets.

3. The initial rate for the transportation service would be 22.0 cents per Mcf.

4. Applicant did not consider the subject natural gas supply to be available for purchase by it and did not attempt to purchase said gas because the Commission has given no indication that it would authorize a sale of such duration to interstate pipelines at competitive intrastate prices.

The application shows that commencing from the date of first delivery through the first contract year Pine Hall would pay the producer \$1.30 per Mcf and that effective on the first day of each contract year thereafter during the term of the contract, the price would increase 5.0 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc 76-15609 Filed 5-27-76; 8:45 am]



[Docket No. RP75-75 (AP76-9)]

**TRANSCONTINENTAL GAS PIPE LINE CORP.****Tariff Filing**

MAY 21, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 14, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, to become effective July 1, 1976. Transco states that the purpose of the filing is to "track" advance payments made by Transco in accordance with Article V of the "Agreement as to Rates" in Docket No. RP75-75 which agreement was accepted by Commission Order issued January 30, 1976 in such docket.

Transco states that the revised tariff sheets filed to be effective July 1, 1976, reflect a "tracking" increase of 0.4¢ per Mcf as a result of inclusion in rate base of \$16,525,270 which amount represents the net increase in advance payment amounts not previously reflected in rates.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15492 Filed 5-27-76; 8:45 am]

[Docket No. RP74-52 (PGA76-2a)]

**TRANSWESTERN PIPELINE CO.****Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets for Filing, and Granting Interventions**

MAY 20, 1976.

Pursuant to the Commission's order issued March 31, 1976,<sup>1</sup> Transwestern Pipeline Company (Transwestern) tendered for filing on April 20, 1976, alternate PGA rate increases<sup>2</sup> of 10.64¢ per decatherm (dth), 10.91¢ per dth and 15.48¢ per dth in substitution for the 10.52¢ per dth increase accepted

<sup>1</sup> Order Rejecting Tariff Sheets, Accepting Alternate Tariff Sheets for Filing, Suspending Proposed Tariff Sheets, Granting Interventions and Establishing Procedures, Transwestern Pipeline Company, Docket No. RP74-52 (PGA76-2).

<sup>2</sup> See Appendix A for list of tariff sheets.

for filing and suspended until April 2, 1976 by the same March 31 order. Each of the three alternate PGA increases filed on April 20 was accompanied by a companion increase which eliminates the impact of small producer and emergency purchases at rates in excess of the levels prescribed in Opinion Nos. 742 and 699-H, and which Transwestern proposes to make effective in substitution for the increase which the March 31 order allowed to go into effect on April 1, 1976. For the reasons set forth below, the Commission will accept the 10.91¢ per dth increase to be effective April 2, 1976,<sup>3</sup> subject to refund, and will also accept the companion one day increase to become effective April 1, 1976.<sup>4</sup> The Commission will reject the two alternate proposed increases and their corresponding one day companion increases.

By order issued March 31, 1976, the Commission accepted for filing certain tariff sheets tendered by Transwestern which provided for a PGA rate increase of 10.52¢ per dth to track increased gas costs and to reflect increased balances in the unrecovered purchased gas cost account. The 10.52¢ increase was based in part upon small producer and emergency purchases at rates in excess of the Opinion Nos. 742 and 699-H rate ceilings, and upon increased rates to producers for flowing gas permitted by Opinion No. 749 but which were not in effect pursuant to producer filings on or before March 31, 1976. In its March 31 order the Commission conditioned the acceptance of the proposed 10.52¢ increase upon Transwestern's filing substitute tariff sheets within 20 days which were to reflect the elimination of costs related to producer increases under Opinion No. 749 which were not in effect pursuant to producer filings on or before March 31, 1976. In its March 31 order the Commission also suspended the proposed PGA increase for one day until April 2, 1976, when the increase was permitted to become effective subject to refund, and established procedures to determine whether the small producer and emergency purchases at rates in excess of the levels prescribed in Opinion Nos. 742 and 699-H should be recovered by Transwestern through its jurisdictional rates. Finally, in its March 31 order the Commission accepted certain companion tariff sheets to be effective April 1, 1976, which reflected the elimination of costs associated with that portion of small producer and emergency purchases which were not in excess of the Opinion Nos. 742 and 699-H rate levels. The Commission's acceptance of the companion tariff sheets was also conditioned upon Transwestern's filing substitute tariff sheets within 20 days which reflected elimination of producer costs pursuant to Opinion No. 749 which were not in effect pursuant to producer filings on or before March 31, 1976.

<sup>3</sup> Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6.

<sup>4</sup> Alternate Substitute Second Revised Sheet Nos. 5 and 6.

Pursuant to the Commission's March 31 order, Transwestern on April 20, 1976 filed alternate PGA rate increases of 10.64¢ per dth, 10.91¢ per dth and 15.48¢ per dth in substitution for the 10.52¢ increase which had been conditionally accepted and suspended until April 2, 1976. In accord with the terms of the March 31 order, each of the three proposed alternate increases reflected the elimination of costs associated with anticipated producer increases authorized by Opinion No. 749 but which had not been placed into effect pursuant to producer filings made on or before March 31, 1976. Each of the alternate PGA increases was accompanied by companion tariff sheets which eliminated small producer and emergency purchases at rate levels in excess of the Opinion Nos. 742 and 699-H levels and which were filed as substitutes for the sheets accepted by the Commission in the March 31 order to be effective April 1, 1976. In accord with the terms of the March 31 order, each of the substitute companion tariff sheets also eliminated producer increases authorized by Opinion No. 749 but which had not been put into effect pursuant to producer filings made on or before March 31, 1976.

The lower alternate increase of 10.64¢ per dth (and the accompanying one day companion increase) not only reflects the elimination of anticipated producer increases which were not incurred by virtue of producer filings on or before March 31, 1976, but is also based upon the correction of a mathematical error that had been made in computing the 10.52¢ per dth increase accepted and suspended by the March 31 order.

The 10.91¢ per dth proposed increase (and the accompanying one day companion increase) is based upon the elimination of producer increases not incurred by March 31; upon the correction of the mathematical error; and upon higher rates for flowing gas resulting from the fact that ordering paragraph (E) of Opinion No. 749, which had required producers to file rate reductions to the applicable national rate levels for flowing gas, has been stayed by Opinion No. 749-A.<sup>5</sup>

The 15.48¢ per dth alternate increase (and the accompanying one day companion increase) is based upon the elimination of producer increases not incurred by March 31, 1976; the correction of the mathematical error; the increased flowing gas rates that result from Opinion No. 749-A; and upon certain producer rates which have been suspended by the Commission and which will not become effective until April 2, 1976.

Notice of Transwestern's filing was issued on April 27, 1976, with responses due on or before May 13, 1976.

<sup>5</sup> Interim Order Granting Rehearing For Purposes Of Further Consideration, Revising Filing Requirements, Correcting Omissions, and Staying Refund Obligations, Opinion No. 749-A, Just and Reasonable National Rates For Sales Of Natural Gas From Wells Commenced Prior To January 1, 1973, Docket No. R-478 (issued February 27, 1976).

On April 28, 1976, a joint protest and petition to intervene was filed by Southern California Gas Company (SoCal) and Pacific Lighting Service Company (PLSC). In their protest SoCal and PLSC attack the propriety of reflecting producer rate increases in the 15.48¢ per dth alternate increase when such producer increases will not go into effect until after April 2, 1976. SoCal and PLSC do not oppose the filing of either the 10.64¢ per dth or the 10.91¢ per dth alternative PGA increases, or the filing of the corresponding one day companion increases.

Upon review of Transwestern's filing, as well as the protest filed by SoCal and PLSC, the Commission has concluded that Transwestern should not be permitted to increase its rates to recover suspended producer increases that will not become effective until after the effective date of Transwestern's filing, and that Transwestern's proposed 15.48¢ per dth alternate increase (and the corresponding one day companion increase) should therefore be rejected. The Commission has, however, also concluded that the 10.91¢ per dth alternate increase should be accepted for filing effective April 2, 1976, subject to refund in Docket No. RP74-52 (PGA76-2), and that the companion one day increase should be accepted for filing effective April 1, 1976. Accordingly, the Commission will heretofore reject the 10.64¢ per dth alternate increase<sup>1</sup> and the corresponding companion one day increase in favor of the higher 10.91¢ per dth increase.

The Commission further finds: (1) Good cause exists to accept for filing Transwestern's proposed 10.91¢ per dth PGA rate increase effective April 2, 1976, subject to refund in Docket No. RP74-52 (PGA76-2), and to accept for filing the proposed companion one day PGA increase effective April 1, 1976.

(2) Good cause exists to reject Transwestern's proposed 10.64¢ per dth and 15.48¢ per dth PGA rate increases and the corresponding one day companion rate increases.

(3) Good cause exists to allow SoCal and PLSC to intervene in this proceeding.

The Commission orders: (A) Transwestern's proposed 10.91¢ per dth PGA rate increase is hereby accepted for filing effective April 2, 1976, subject to refund in Docket No. RP74-52 (PGA76-2), and Transwestern's proposed companion one day PGA rate increase is hereby accepted for filing effective April 1, 1976.

(B) Transwestern's proposed 10.64¢ per dth and 15.48¢ per dth proposed PGA rate increases together with the corresponding proposed one day companion PGA rate increases are hereby rejected.

(C) SoCal and PLSC are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that participation of these parties shall be

<sup>1</sup> Rejection is appropriate since ordering paragraph (E) of Opinion No. 749 which required producer reduction to the National Rate for flowing gas has been stayed.

limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further*, that the admission of these parties shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

## APPENDIX A

## TRANSWESTERN PIPELINE COMPANY

Tariff Sheets Proposed To Be Effective April 1 and April 2, 1976

Substitute Second Revised Sheet Nos. 5 and 6<sup>1</sup>Substitute Revised Second Revised Sheet Nos. 5 and 6<sup>2</sup>Alternate Substitute Second Revised Sheet Nos. 5 and 6<sup>3</sup>Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6<sup>4</sup>Second Alternate Substitute Second Revised Sheet Nos. 5 and 6<sup>5</sup>Second Alternate Substitute Revised Second Revised Sheet Nos. 5 and 6<sup>6</sup>

All to FPC Gas Tariff, Second Revised Volume No. 1.

[FR Doc. 76-15608 Filed 5-27-76; 8:45 am]

[Docket No. CP73-211]

**TRANSWESTERN PIPELINE CO. ET AL.**  
**Extension of Time**

MAY 21, 1976.

On May 14, 1976, Transwestern Pipeline Company filed a request for an extension of time for accepting certificates as required by Paragraph D of Opinion No. 728-A issued November 21, 1975.

Upon consideration, notice is hereby given that the time is extended to and including November 21, 1976 within which Applicants shall accept the certificates.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 76-15602 Filed 5-27-76; 8:45 am]

**FEDERAL RESERVE SYSTEM**  
**CRAWFORD STATE CO.****Order Approving Formation of Bank Holding Company and Acquisition of Insurance Agency Activities**

Crawford State Company, Crawford, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank

<sup>1</sup> Companion one day increase to alternate increase of 15.48¢ per dth.

<sup>2</sup> Alternate increase of 15.48¢ per dth (April 2).

<sup>3</sup> Companion one day increase to alternate increase of 10.91¢ per dth.

<sup>4</sup> Alternate increase of 10.91¢ per dth (April 2).

<sup>5</sup> Companion one day increase to alternate increase of 10.64¢ per dth.

<sup>6</sup> Alternate increase of 10.64¢ per dth (April 2).

Holding Act [12 U.S.C. § 1842(a)(1)] of formation of a bank holding company through acquisition of 94 per cent or more of the voting shares of Crawford State Bank, Crawford, Nebraska ("Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act [12 U.S.C. § 1843(c)(8)] and § 225.4(b)(2) of the Board's Regulation Y [12 CFR § 225.4(b)(2) (1976)], for permission to acquire Crawford Bank Agency, Crawford, Nebraska ("Agency"), which presently engages in general insurance agency activities upon the premises of Bank, in a community that has a population not exceeding 5,000 people. Such activities have been determined by the Board, in § 225.4(a)(9)(iii)(a) of Regulation Y, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto [12 CFR § 225.4(a)(9)(iii)(a) (1976)].

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act [41 FEDERAL REGISTER 10963 (1976)]. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act, and the considerations specified in § 4(c)(8) of the Act.

Applicant was organized under the laws of the State of Nebraska for the purposes of becoming a bank holding company through acquisition of shares of Bank and engaging in a general insurance agency business. Bank, with deposits of approximately \$5.9 million, controls about one-tenth of one per cent of the total deposits held by commercial banks in Nebraska, and is the 226th largest of that State's 448 commercial banks.<sup>1</sup> The relevant banking market (approximated by Dawes County and northern Sioux County) has only four commercial banks, with Bank, controlling approximately 14.2 per cent of market deposits, being the smallest of the four banks in that market, and the only bank located in Crawford. Since this proposal represents a reorganization of Bank's present ownership into corporate form, and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would neither eliminate any significant existing or potential competition, increase the concentration of banking resources nor have any adverse effects upon competition within the relevant banking market. Accordingly, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. Furthermore, Applicant's managerial and financial resources, and future prospects, which are dependent upon the operations of both Bank and Agency, appear to be satisfactory. Although Applicant will incur some acquisition debt in connection

<sup>1</sup> All banking data are as of June 30, 1975, unless otherwise indicated.



with the proposal, the projected dividends and commissions from Bank and Agency, respectively, should provide sufficient revenue with which to service this debt without impairing the financial condition of Bank. Accordingly, considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs also are regarded as being consistent with approval of the application. It is the Board's judgment that consummation of this proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

Applicant also has applied to the Board to acquire the general insurance agency business of Agency pursuant to § 225.4 (a) (9) (iii) (a) of the Board's Regulation Y. Agency would engage in the sale of both general and credit-related insurance, e.g., credit life, health and accident, conventional life, surety bonds, fire and casualty, liability, and other types of insurance. Such insurance activities are to be conducted upon the premises of Bank in Crawford, Nebraska, a community that has a population not exceeding 5,000 people. It does not appear that the acquisition of Agency by Applicant would have any significant adverse effect upon either existing or future competition. On the contrary, approval of the application would enable Applicant to continue to provide a convenient source of full-line insurance services to residents of the Crawford area, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act, and the balance of the public interest factors that the Board must consider under § 4(c) (8) of the Act, both favor approval of the Applicant's proposal.

On the basis of the record, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries, and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary in order to assure compliance with the provisions and purposes of the

Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,<sup>1</sup> effective May 21, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc.76-15570 Filed 5-27-76;8:45 am]

#### MARSHALL & ILSLEY CORP.

Order Approving Acquisition of Clayton Mitchell Agency and Darrell J. Schellkopf Agency

Marshall & Ilsley Corporation, Milwaukee, Wisconsin ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under § 4(c) (8) of the Act (12 U.S.C. § 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y (12 C.F.R. § 225.4(b) (2)), to acquire Clayton Mitchell Agency, Endeavor, Wisconsin ("Mitchell Agency"), and Darrell J. Schellkopf Agency, Oxford, Wisconsin ("Schellkopf Agency"), each of which engages in general insurance agency business in communities with populations not exceeding 5,000. Such activity has been determined by the Board to be closely related to banking (12 C.F.R. § 225.4(a) (9) (iii) (a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 11629). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the public interest factors set forth in § 4(c) (8) of the Act.

Applicant, the second largest banking organization in Wisconsin, controls 18 banks with total deposits of \$1.0 billion, representing approximately 6.9 per cent of the total deposits in commercial banks in the State.<sup>1</sup> Mitchell Agency and Schellkopf Agency are located approximately 10 miles apart in Endeavor and Oxford, Wisconsin, respectively, and compete in the Portage banking market, which approximates the relevant geographic market for local insurance services.<sup>2</sup> This market area contains 14 other general insurance agencies that provide alternatives to Mitchell Agency and Schellkopf Agency. Furthermore, Applicant is not engaged in the general insurance agency business. Finally, in light of the business relationships in existence between the principals of Mitchell Agency and Schellkopf Agency, and Applicant, there has been a lack of compe-

<sup>1</sup> Voting for this action: Vice chairman Gardner and Governors Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governor Partee.

<sup>2</sup> Banking data are as of December 31, 1975.

<sup>3</sup> The Portage banking market is approximated by the southern half of Marquette County, the northern half of Columbia County and sections of Sauk and Adams Counties.

tion between these entities over a period of years. It is the Board's judgment, on the basis of the above and other facts of record, that the proposed transaction would not have any significant adverse effect on existing or potential competition in any relevant area. It is anticipated that consummation of this proposal will assure the residents of Endeavor and Oxford of continued alternative sources of insurance services, a factor which the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

In its consideration of these applications, the Board has examined covenants not to compete which the owners of Mitchell Agency and Schellkopf Agency have executed with Applicant in connection with the proposed acquisitions. The Board finds that the provisions of these covenants are reasonable in duration, scope and geographic area and are consistent with the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c) (8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transactions shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Bank of Chicago.

By order of the Board of Governors,<sup>1</sup> effective May 24, 1976.

GRIFFITH L. GARWOOD,  
Assistant Secretary of the Board.  
[FR Doc.76-15571 Filed 5-27-76;8:45 am]

#### GENERAL ACCOUNTING OFFICE

##### REGULATORY REPORTS REVIEW

##### Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 24, 1976. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

<sup>1</sup> Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson and Partee. Absent and not voting: Governor Wallich.

[Notice 76-49]

#### PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

##### Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet on June 18 and 19, 1976 at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California 91103. The meeting will be held in Room 101, Building 180. Members of the public will be admitted to the meeting beginning at 9:00 a.m. on a first come first served basis to within the 80 seat capacity of the room. Visitors will be requested to sign a visitors register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy and space physics. The Committee presently has 16 members including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Dr. Sabatino Sofia, area code 202/755-8493. The agenda for the meeting is as follows:

JUNE 18, 1976

Time	Topic
9 a.m.-----	Opening Remarks. This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9:20 a.m.-----	Spacecraft Payloads. The Committee will be requested to approve a report on their position regarding the issue of Shuttle payloads.
9:30 a.m.-----	NASA Issues for PSC Review. The Committee will be briefed by Dr. Hinners on program status and issues of concern to the Office of Space Science.
10:45 a.m.-----	Presentations / Briefings. The Assistant Administrator for Planning and Program Integration will brief the Committee on Shuttle payloads issues, and the Managers of Advanced Programs and Technology of Astrophysics, Lunar and Planetary and Solar Terrestrial Divisions will be discussing advanced planning in their respective programs.
1:30 p.m.-----	Discussion. The Committee members will discuss their views regarding the importance and priorities of the new starts that NASA is considering to propose for Fiscal Year 1978.
3:30 p.m.-----	Final Recommendations. The Committee will elaborate on their final recommendations for new starts for Fiscal Year 1978.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the SEC submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before June 15, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

#### SECURITIES AND EXCHANGE COMMISSION

The information to be collected by the five questionnaires listed below will be used by SEC's Advisory Committee on Corporate Disclosure to enable it to satisfy its mandate set forth in its charter, to examine the objectives of the corporate disclosure system, to assess the present system in light of those objectives, and to recommend to the SEC any changes it may consider necessary or appropriate to better equate the operation of the disclosure system with these objectives.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Issuer Questionnaire." This is a voluntary questionnaire that will be mailed to 30 publicly held companies selected to represent varying industries, asset sizes, and trading markets. The companies were selected from SEC's Corporation Index of Active Companies. Respondent burden is estimated by SEC to be 80 hours per response.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Financial Analysts Questionnaire." This is a voluntary questionnaire that will be mailed to 60 financial analysts. The respondents to this questionnaire are being selected based on their familiarity with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that the financial analysts questionnaire will take 8 hours per respondent to complete.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Investment Decision-Maker Questionnaire." This is a voluntary questionnaire that will be mailed to 60 institutional investors who are familiar with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that the Investment Decision-Maker Questionnaire will take each respondent 8 hours to complete.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Small Investor Questionnaire." This is a voluntary questionnaire that will be mailed to 5,000 small in-

vestors who are familiar with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that it will take small investors 5 minutes each to fill out the questionnaire.

SEC requests clearance of a new single time "Advisory Committee on Corporate Disclosure—Disseminator Questionnaire." This is a voluntary questionnaire that will be mailed to approximately 10 information disseminators who are familiar with the 30 publicly held companies selected from SEC's Index of Active Companies. SEC estimates that it will take the information disseminators 40 hours each to fill out the questionnaire.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc.76-15691 Filed 5-27-76;8:45 am]

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-50]

##### NASA WAGE COMMITTEE

##### Meeting

Pursuant to the provisions of Section 10 of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the National Aeronautics and Space Administration Wage Committee is scheduled for June 22, 1976, from 1:30 p.m. to 4:30 p.m. The meeting will be held in Room 226-A, 600 Independence Avenue SW, Washington, DC 20548.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, wage area pursuant to Public Law 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedules derived therefrom. Since this session will be concerned with matters listed in 5 U.S.C. 552(b) (4), it has been determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, National Aeronautics and Space Administration Wage Committee, Mail Stop 3-9, Lewis Research Center, NASA, 21000 Brookpark Road, Cleveland, Ohio 44135.

May 24, 1976.

WILLIAM W. SNAVELY,  
Assistant Administrator for  
DOD and Interagency Affairs.

[FR Doc.76-15689 Filed 5-27-76;8:45 am]



**June 19, 1976**  
**Topic**  
 7 a.m.—PL Visit/Viking. The members of the Physical Sciences Committee will visit the Jet Propulsion Laboratory to witness the historic event of the insertion of Viking into martian orbit.  
 10 a.m.—Discussion. The Committee will use this period to discuss and work on recommendations concerning advanced planning for the Office of Space Science's future missions.  
 2:30 p.m.—Summary and Conclusions.  
 3 p.m.—Adjourn.

**WILLIAM W. SNAVELY,**  
*Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.*

May 24, 1976.

[FR Doc.76-15568 Filed 5-27-76;8:45 am]

# **NATIONAL SCIENCE FOUNDATION ADVISORY GROUP ON EARTHQUAKE PREDICTION AND HAZARD MITIGATION**

## **Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Group on Earthquake Prediction and Hazard Mitigation.  
 Date and time: June 14, 1976—9 a.m. to 4 p.m.

Place: Rm. 543, NSF, 1800 G St. NW., Washington, D.C.

Type of meeting: Open.

Contract person: Mr. William Montgomery, Special Assistant, Directorate for Scientific, Technological and International Affairs, Rm. 1225, National Science Foundation, Washington, D.C. 20550. Anyone who plans to attend should notify Mr. Montgomery by June 4, 1976 at (202) 632-4061.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of group: The Advisory Group was established to provide advice on a possible accelerated Federal program on earthquake research and development. Agenda: Will consist of:

Welcome and Introductory remarks by Chairperson

Remarks by the Director, NSF, and Director, U.S. Geological Survey

Review of options for accelerating U.S. Geological Survey and NSF programs

General discussion and recommendations.

Dated: May 24, 1976.

**M. REBECCA WINKLER,**  
*Acting Committee Management Officer.*

[FR Doc.76-15422 Filed 5-27-76;8:45 am]

# **ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY**

## **Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Biology.

Date and time: June 14 and 15, 1976—9:00 a.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contract person: Melvin Spiegel, Program Director, Developmental Biology Program, Rm. 326, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4314.

Purpose of panel: To provide advice and recommendations concerning support for research in Developmental Biology. Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: May 24, 1976.

**M. REBECCA WINKLER,**  
*Acting Committee Management Officer.*

[FR Doc.76-15423 Filed 5-27-76;8:45 am]

# **SUBGROUP ON BASIC RESEARCH OF THE ADVISORY GROUP ON ANTICIPATED ADVANCES IN SCIENCE & TECHNOLOGY**

## **Meeting**

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subgroup on Basic Research of the Advisory Group on Anticipated Advances in Science and Technology.

Date: 15 June 1976.

Time: 10:00 a.m. to 4:30 p.m.

Place: Massachusetts Institute of Technology, Green Building, 9th Floor Conference Room, Boston, Massachusetts.

Type of meeting: Open.

Contact: Mr. William Montgomery, Special Assistant to the Director of Operations, National Science Foundation, Washington, DC 20550, telephone 202/632-4061. Anyone planning to attend should notify Mr. Montgomery by June 7, 1976.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Div. of Personnel & Mgmt, Room 212, National Science Foundation, Washington, DC 20550.

Purpose of meeting: Review potential issues regarding the interest of the new Office of Science and Technology Policy in national policies toward the support of basic research and utilization of scientific manpower in support of basic research.

Agenda: 10:00—Convene, Chairman's remarks; 10:15—Review of draft issue papers; 11:15—Discussion of proposed action plan; 12:00—Lunch; 1:00—Reconvene, Discussion of Report to Advisory Groups; 4:30—Adjourn.

**M. REBECCA WINKLER,**  
*Acting Committee Management Officer.*

May 24, 1976.

[FR Doc.76-15616 Filed 5-27-76;8:45 am]

# **WORKSHOP ON LONG RUN ENERGY DEMAND**

## **Open Meeting**

The National Science Foundation is convening a Workshop on Long Run Energy Demand on June 9-10, 1976, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Both sessions will begin at 9:00 A.M. and the Workshop will adjourn at 5:30 P.M. on June 10. The purpose of the Workshop is to provide a forum for discussion of the data and methodology used in estimating long run energy use patterns, both in the United States and foreign countries.

While this ad hoc informal session is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 92-463), this Workshop is believed to be of sufficient importance and interest to the public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation. The agenda is attached.

Individuals who wish to attend should inform Mr. Marvin Kahn, MITRE Corporation, telephone (703) 790-6296.

**JAMES L. PLUMMER,**  
*Policy Analyst, Division of Policy Research and Analysis.*

WORKSHOP ON LONG RUN ENERGY DEMANDS,  
 JUNE 9-10, 1976

JUNE 9, A.M.—WELCOME—CROSS NATIONAL COMPARISONS OF ENERGY CONSUMPTION PATTERNS

"Comparison of U.S. and Swedish Energy Use Patterns"; Lee Schipper—University of California, Berkeley.

"Comparison of Energy Requirements for Industrial Processes in the U.S. and Western Europe"; T. V. Long—University of Chicago.

IMPACT OF ENERGY POLICY: "Another Look at the Energy-GNP Ratio".

## **REVISIONS**

### **DEPARTMENT OF COMMERCE**

Bureau of Economic Analysis, Confidential Quarterly Report, Operations of Foreign Branches or other unincorporated Foreign Business, BE 578, quarterly, U.S. multinational corporations, Hulett, D. T., 395-4730.

### **EXTENSIONS**

#### **GENERAL SERVICES ADMINISTRATION**

Repository Information Form, Cover Letter, Return Post Card, single-time, all repositories for historical records, Caywood, D. P., 395-3443.

#### **PHILLIP D. LARSEN,**

*Budget and Management Officer.*

[FR Doc.76-15841 Filed 5-27-76;8:45 am]

## **CLEARANCE OF REPORTS**

### **List of Requests**

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 25, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

### **NEW FORMS**

#### **DEPARTMENT OF LABOR**

Bureau of International Labor Affairs: Questionnaire for Producers of Round Stainless Steel Wire, ILAB-72, single-time, producers of stainless steel wire, Laverne V. Collins, 395-5867. Questionnaire for Owners of Shrimp Vessels, ILAB-71, single-time, owners of shrimp vessels, Laverne V. Collins, 395-5867.

### **REVISIONS**

#### **NATIONAL SCIENCE FOUNDATION**

Research Grant Budget and Fiscal Report, NSF-98, annually, colleges and universities, Caywood, D. P., 395-3443.

#### **DEPARTMENT OF AGRICULTURE**

Agricultural Marketing Service, Regulations for the Voluntary Grading of Poultry and Rabbits, 70FR70, on occasion, poultry and rabbit processors, Lowry, R. L., 395-3772.

### **EXTENSIONS**

#### **DEPARTMENT OF AGRICULTURE**

Statistical Reporting Service, Report on Pullet Placements for Broiler Hatching Supply Flocks, monthly, hatcheries, Hulett, D. T., 395-4730.

## **DEPARTMENT OF TRANSPORTATION**

Federal Aviation Administration, Application for Mechanic's Inspection Authorization, 8310-1, on occasion, aircraft mechanic's, Caywood, D. P., 395-3443.

#### **PHILLIP D. LARSEN,**

*Budget and Management Officer.*

[FR Doc.76-15342 Filed 5-27-76;8:45 am]

## **POSTAL RATE COMMISSION**

### **VISIT TO POSTAL FACILITIES**

Background Knowledge of Postal Operations

May 24, 1976.

Notice is hereby given that the Chairman of the Postal Rate Commission will be visiting Postal Service facilities on the dates indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's Docket room.

Place of visit	Date of visit
Atlanta, Ga.	May 25, 1976
Los Angeles, Ca.	May 27, 1976
Denver, Col.	May 28, 1976

By direction of the Commission.

**DAVID F. HARRIS,**

*Acting Secretary of the Commission.*

[FR Doc.76-15625 Filed 5-27-76;8:45 am]

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-12466; File No. SR-CBOE-75-10]

**CHICAGO BOARD OPTIONS EXCHANGE, INC.**

### **Self-Regulatory Organizations**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 19, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

**STATEMENT BY THE EXCHANGE OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE**

### **Broker's Blanket Bonds**

Rule 9.22. Every member organization approved to transact business with the public under this Chapter and every clearing member organization shall carry Broker's Blanket Bonds covering officers and employees of the organization in such form and in such amounts as the Exchange may require.

### **Interpretations and policies:**

.01. The Exchange has determined that all members subject to the provisions of

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Rule 9.22 shall maintain Broker's Blanket Bonds as follows:

1. Maintain a Brokers' Blanket Bond similar to the standard form established by the Surety Association of America, covering officers and employees which provides against loss and has agreements covering at least the following:

- A. Fidelity
- B. On Premises
- C. In Transit
- D. Misplacement
- E. Forgery and Alteration (including check forgery)
- F. Securities loss (including securities forgery)
- G. Fraudulent Trading

H. A cancellation Rider providing that the insurance carrier will promptly notify the Chicago Board Options Exchange, Inc. of cancellation, termination or substantial modification of the bond.

2. The minimum required coverage for Fidelity, On Premises, In Transit, Misplacement and Forgery and Alteration shall be the greater of \$25,000 or 120% of its required net capital under the applicable net capital rule up to \$600,000 in required net capital. Minimum required coverage in excess of \$600,000 shall be obtained from the following table:

Net capital requirement	Minimum coverage
\$500,001 to 1,000,000	\$750,000
\$1,000,001 to 2,000,000	1,000,000
\$2,000,001 to 3,000,000	1,500,000
\$3,000,001 to 4,000,000	2,000,000
\$4,000,001 to 6,000,000	3,000,000
\$6,000,001 to 12,000,000	4,000,000
\$12,000,000 and above	5,000,000

In determining the initial minimum coverage, the member is to use the highest required net capital during the twelve month period immediately preceding and make necessary adjustments not more than thirty days following the anniversary.

3. The minimum required coverage for Fraudulent Trading shall be the greater of \$25,000 or 50% of the coverage required in Part 2 up to a maximum of \$500,000.

4. The minimum required coverage for Securities Forgery shall be the greater of \$25,000 or 25% of the coverage required in Part 2 up to a maximum of \$250,000.

5. A deductible provision of up to \$5,000 or 10% of the minimum coverage requirement, whichever is greater, may be included in the bond.

6. Each member shall report the cancellation, termination or substantial modification of the bond to the Exchange within ten business days of such occurrences.

7. Members with no employees shall be exempt from this Rule.

8. Members subject to a bonding rule of another registered national securities exchange, the Securities and Exchange Commission, or a registered national securities association which imposes requirements that are equal to or greater than the requirements imposed by the Rule shall be deemed to be in compliance with the provisions of this Rule.

#### EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of this proposed rule change was to (1) mandate the extension of the protection afforded by the coverage of Brokers' Blanket Bonds to those Exchange member organizations which are members of the Options Clearing Corporation and are engaged in the clearance of options contracts for that organization's own account or for the accounts of customers ("clearing members"), and (2) provide specific minimum bonding standards which shall be applicable to all member organizations subject to Rule 9.22.

Under the Rules of the Exchange, many firms have qualified as clearing members, but do not engage business with the public. These firms, in most instances, clear the options transactions of other member broker dealers, i.e., Exchange Market-Makers, Floor Brokers and Board Brokers. This proposed amendment was created to protect these floor member customers from the same type of losses resulting from member firm officer and employee conduct against which public customers of Exchange member organizations are presently protected. It is believed that the type of protection against financial loss provided by Brokers' Blanket Bond coverage will increase the operational stability of Exchange clearing members.

In an effort to apprise all member organizations which are, and may become, subject to Rule 9.22 as to those uniform standards by which such member organizations may be guided, the Exchange determined that the Interpretations to Rule 9.22 should obtain those minimum standards which the Exchange had previously required. These minimum insurance coverage requirements are the same as those found in Rule 15b10-11 under the Securities Exchange Act of 1934, as amended ("the Act").

Sections 6(b)(5) under the Act provides, among other things, that "The rules of the Exchange (be) designed . . . to protect investors and the public interest . . ." This section establishes the basis for the Exchange's requiring that certain members who deal directly or indirectly with the public acquire adequate insurance protection to insulate themselves from losses which could arise from the conduct of employees or officers.

Comments on the proposed rule were not solicited from members.

The Exchange does not believe that the proposed rule change will impose any burden upon competition.

Within 35 days of the date of this publication, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 28, 1976.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

MAY 20, 1976.

[FR Doc.76-15555 Filed 5-27-76; 8:45 am]

[70-5853]

#### INDIANA AND MICHIGAN POWER CO.

##### Proposed Extension of Maturity of Notes Under Amended Bank Loan Agreement

MAY 20, 1976.

In the Matter of Indiana & Michigan Power Company, P.O. Box 458 Bridgman, Michigan 49106.

Notice is hereby given Indiana & Michigan Power Company ("I&M"), an electric generating subsidiary company of Indiana & Michigan Electric Company ("I&M"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7, as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M was organized under the laws of the State of Michigan on April 20, 1971 for the purposes of acquiring, completing the construction of, and operating, the Donald C. Cook Nuclear Plant ("Cook Plant"), a nuclear fueled steam electric generating station situated in Michigan along the shore of Lake Michigan near Bridgman, Michigan. The Cook Plant is to consist of two nominally rated 1,100,000 kilowatt generating units, the first of which was placed in commercial operation on August 23, 1975 and the second of which is scheduled to be placed in commercial operation in 1978 or later. It is estimated that the total construction costs of the Cook Plant will equal at least \$980,000,000. Construction costs aggregating \$791,400,000 have been incurred through December 31, 1975; and it is estimated that additional construction costs aggregating \$77,000,000 will be incurred in 1976.

By order issued May 20, 1971 (H.C.A.R. No. 17135), the Commission authorized I&M to acquire the Cook Plant from I&M in consideration of the issuance by I&M to I&M of 1,500,000 shares of its common stock, par value \$1.00 per share, and \$130,000,000 aggregate principal amount of ten year unsecured promissory notes. By orders issued August 23, 1971 and September 12, 1972 (H.C.A.R. Nos. 17247 and 17694), the Commission also authorized I&M to issue its unsecured promissory notes from time to time to seventeen banks under a Bank Loan Agreement in an aggregate principal amount up to \$300,000,000 and, in connection therewith, authorized I&M and I&M to enter into and to perform a Capital Funds Agreement and a Power Agreement. On September 23, 1971, I&M transferred the Cook Plant to I&M in consideration of the issuance and delivery by I&M to I&M of the securities which the Commission authorized I&M to issue, and thereafter I&M effected borrowings under the Bank Loan Agreement until it completed in 1974 the borrowing of the \$300,000,000 thereunder. The notes issued under the Bank Loan Agreement mature by their terms on September 30, 1977 and bear interest at a rate equal to one-half of one percent plus the prime commercial loan rate of Manufacturers Hanover Trust Company from time to time in effect.

I&M now proposes to amend the Bank Loan Agreement to extend the scheduled maturity date of the notes issued thereunder from September 30, 1977 to September 30, 1980. It is stated that when the Bank Loan Agreement was originally executed, it was contemplated that the two generating units of the Cook Plant would be placed in service prior to the scheduled maturity of the notes. As the second unit will not be placed into service earlier than 1978, I&M has requested the instant authorization so as to avoid having to refinance the notes prior to completion of that unit. In addition to extending the scheduled maturity date of the notes, the proposed amendment provides a procedure whereby each bank holding notes under the Bank Loan Agreement will make appropriate notation on its records of such extended maturity date and will agree not to sell or transfer any note issued to it without making a notation on such note of the extended maturity date. The amendment also requires I&M, in the event that during the period between September 30, 1977 and September 30, 1980 it effects the prepayment of notes from the proceeds of a borrowing from banking institutions at a lower rate than the rate applicable to the notes under the Bank Loan Agreement, to pay the holders of the notes a premium of one-quarter of one percent per annum from the date of such prepayment to September 30, 1980.

It is further stated that representatives of each of the banks holding notes have advised I&M of such banks' consent to the proposed amendment, I&M proposes to execute the amendment with each such bank so that the amendment will become effective as to the parties thereto upon issuance by the Commission of an order authorizing the amendment.

Estimates of expenses to be incurred by I&M in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person may, not later than June 15, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated, under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15547 Filed 5-27-76; 8:45 am]

[SR-MSE-76-9]

#### MIDWEST STOCK EXCHANGE, INC. Order Approving Proposed Rule Change

MAY 20, 1976.

In the Matter of Midwest Stock Exchange, Inc., 120 South LaSalle Street, Chicago, Illinois 60603.

On April 2, 1976, the Midwest Stock Exchange, Inc. ("MSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to establish a Committee on

Specialist Assignment and Evaluation and to allocate the responsibilities of that Committee and the Floor Procedure Committee. The Committee on Specialist Assignment and Evaluation would have primary responsibility for appointing specialists, co-specialists and odd-lot dealers and the responsibility to evaluate and monitor their performance and conduct de-registration proceedings. The Floor Procedure Committee would retain the responsibility to determine when an initial applicant for co-specialist satisfies applicable trading requirements, and retain the power to make temporary appointments as specialists, co-specialists and relief specialists, to grant permission to specialists co-specialists or relief specialists to relinquish their positions, and to suspend at any time without prior notice, the registration of a specialist, co-specialist or relief specialist pending an opportunity for fair hearing on termination of registration.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12328 (April 9, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 16528 (April 19, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 2, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15548 Filed 5-27-76; 8:45 am]

[31-648; 70-5853]

#### NATIONAL PROPANE CORP.

##### Application for Approval of Prior Acquisition of All Outstanding Securities of Gas Utility Company

MAY 21, 1976.

In the matter of National Propane Corporation, 6917 Collins Avenue, Miami Beach, Florida 33141.

Notice is hereby given, That National Propane Company ("National"), a holding company, has filed an application with this Commission pursuant to Sections 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the acquisition of all of the stock of Athol Gas Company ("Athol"), coupled with an application for an exemption under Section 3(a)(3) on behalf of itself and every subsidiary company as such. All interested persons are

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referred to the application, which is summarized below, for a complete statement of the proposals.

National, a Delaware corporation, has 50 subsidiaries through which it distributes and sells liquefied petroleum gas (propane and butane) for household, farm, commercial, and industrial uses. National maintains bulk storage centers and depots from which company-owned or dealer routes radiate and conducts its business in seven marketing divisions throughout the United States. The company also sells household appliances and farm equipment. In 1958, it acquired all the securities of a gas utility company, Ware Gas Company of Ware, Massachusetts, and applied for and was granted an exemption under Section 3(a)(3) of the Act (HCA No. 13820, September 5, 1958). In 1964, National incorporated Athol to purchase the gas utility assets of another Massachusetts utility com-

pany, Midstate Gas Company ("Midstate").

National states that the net asset value of Midstate at the time of purchase was \$115,124. National further states that all of Midstate's real and personal property had a net book value of \$112,500 and that the inventory had a book value of \$2,624. National paid \$30,000 in cash to Athol for Athol's capital stock, and in addition, National and its affiliates loaned to Athol \$95,000. Athol paid \$117,181.12 in cash for the assets of Midstate. The purchase price reflects an adjustment for the assumption of certain liabilities of Midstate. Athol as successor to the business of Midstate was and is engaged in the distribution and sale of propane gas through mains in the Town of Athol, Massachusetts. National states the following figures summarize the financial status of itself and its subsidiaries for the fiscal years 1974 and 1975.

	National Consolidated		Ware		Athol	
	1974	1975	1974	1975	1974	1975
Assets	\$50,048,539	\$58,654,727	\$132,500	\$148,320	\$106,469	\$113,788
Net income	3,943,164	1,211,060	(9,097)	(11,043)	(7,460)	(17,164)
Total assets	53,536,517	56,186,090	101,253	91,474	90,623	83,183

National states that, due to inadvertence on its part, it did not seek Commission approval pursuant to Section 10 of the Act for the acquisition of the stock of Athol in 1964. The Massachusetts Department of Public Utilities held the transaction to be consistent with the interests of the consumers in the service area involved, since the transaction enabled Athol to acquire propane directly from National at a cost lower than that at which Midstate could acquire propane. Accordingly, the Massachusetts Department of Public Utilities (DPU #14633) authorized National to purchase all the assets of Midstate. National states that as of the date of the acquisition by Athol of the assets of Midstate, The Home Gas Corporation ("Home Gas"), which is a subsidiary of National, was a party to a purchase and sale agreement and a propane supply contract, each dated July 7, 1958, with Midstate. National further states that, except for the purchase and sale agreement and the supply contract that Home Gas had with Midstate, no associate company or affiliate of National or any affiliate of any such associate company had any material interest, direct, or indirect, in the transaction.

National requests approval of the acquisition of all outstanding securities of Athol pursuant to Section 10 of the Act. In addition, National asserts that the Commission's 1958 exemptive order establishes its status as an exempt holding company notwithstanding its subsequent acquisition of Athol in 1964. It requests that the Commission so find, or, in the alternative, that the Commission reconfirm the 1958 exemption and find that National's reliance on the 1958 exemption during the period since its acquisition of Athol was an act done or omitted in good faith in reliance on the 1958 order, within the meaning of Section 20(d) of the Act.

Notice if further given That any interested person may, not later than June 25, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15560 Filed 5-27-76; 8:45 am]

[File No. SR-NYSE-75-23]

**NEW YORK STOCK EXCHANGE INC.**  
**Order Approving Proposed Rule Change**

MAY 13, 1976.

In the Matter of New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.

On December 3, 1975, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The NYSE proposed to amend Rules 495B.10 and 499-20 to provide that the fixed listing and delisting criteria for market value of publicly-held shares shall be subject to a semi-annual adjustment downward from existing levels by the percentage amount that the NYSE Composite Index fluctuates below a base figure of 55.06 (its level on July 15, 1971).

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11975, (January 5, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 1825 (January 12, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 3, 1975, be, and it hereby is, approved.

In connection with the foregoing, Chairman Roderick M. Hills has sent the following letter to William M. Batten, Chairman of the NYSE.

DEAR MR. BATTEN: Enclosed is a copy of Securities Exchange Act Release No. 12450 (May 13, 1976) by which the rule change filed by the New York Stock Exchange, Inc. ("NYSE") on December 3, 1975 (File No. SR-NYSE-75-23) is approved, subject to the comments set forth below.

Under these amendments to Rules 495B.10 and 499.20 the market value criteria for initial listing and for delisting would be subject to downward adjustment semi-annually, at the close of business on January 15 and July 15, if the NYSE's Composite Index is below a base figure of 55.06. The Commission believes it salutary that the NYSE has taken cognizance of the fact that forces extrinsic to issuers may cause overall market prices to be depressed for a considerable time.

However, we are puzzled as to why you do not use your market value criteria to adjust standards upward when the Index goes up, at least with respect to new listings. We would appreciate your comments on this point at your convenience.

We do wish to point out that the Commission has the responsibility under Section 31(b) of the Securities Acts Amendments of 1975, in conjunction with Section 6(b)(8) of the Securities Exchange Act of 1934, to determine whether existing rules impose burdens on competition not "necessary or appropriate," and that the amendment which we have now approved pertains to the so-called "New York City Rules" which, in

Article XIV, Section 8 of the NYSE Constitution and Article V, Section 4(g) and Article XI, Section 2 of the AMEX Constitution.

[SR-NYSE-76-24]

**NEW YORK STOCK EXCHANGE, INC.**  
**Order Approving Proposed Rule Changes**  
**and Extending Time for Consideration of**  
**Proposed Rule Change**

MAY 20, 1976.

In the Matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005.

On April 7, 1976, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend its Rules 100, 101, 104, 108 and 126 to provide Exchange specialists with the ability to properly perform, simultaneously, the functions of both specialist and odd-lot dealer.

Notice of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12329 (April 9, 1976)) and notice together with the terms of substance of the proposed rule change was given by publication in the FEDERAL REGISTER (41 Fed. Reg. 16532 (April 19, 1976)).

The Commission finds that the proposed amendments to NYSE Rules 100 (e), 101, 104, 108 and 126 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission also finds that the amendments to NYSE Rules 100 (a) and (b) raise a question of whether the existing or proposed form of those rules is consistent with the purposes of the Act in light of the adoption of new NYSE Rule 100(e). The Commission believes that the proposed amendments to NYSE Rule 100 (a) and (b) should thus receive further consideration before a determination is made by the Commission to approve the rule proposal or to institute proceedings, pursuant to Section 19(b)(2) of the Act, to determine whether it should be disapproved.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed amendments to NYSE Rules 100 (e), 101, 104, 108 and 126 as filed with the Commission on April 7, 1976, be, and hereby are, approved.

It is further ordered, pursuant to Section 19(b)(2) of the Act, that the time for consideration of the proposed amendments to NYSE Rules 100 (a) and (b) is hereby extended to July 19, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15551 Filed 5-27-76; 8:45 am]

[SR-NYSE-76-24]

**NEW YORK STOCK EXCHANGE, INC.**  
**Order Approving Proposed Rule Changes**  
**and Extending Time for Consideration of**  
**Proposed Rule Change**

MAY 20, 1976.

In the Matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005.

On April 7, 1976, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend its Rules 100, 101, 104, 108 and 126 to provide Exchange specialists with the ability to properly perform, simultaneously, the functions of both specialist and odd-lot dealer.

Notice of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12329 (April 9, 1976)) and notice together with the terms of substance of the proposed rule change was given by publication in the FEDERAL REGISTER (41 Fed. Reg. 16532 (April 19, 1976)).

The Commission finds that the proposed amendments to NYSE Rules 100 (e), 101, 104, 108 and 126 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission also finds that the amendments to NYSE Rules 100 (a) and (b) raise a question of whether the existing or proposed form of those rules is consistent with the purposes of the Act in light of the adoption of new NYSE Rule 100(e). The Commission believes that the proposed amendments to NYSE Rule 100 (a) and (b) should thus receive further consideration before a determination is made by the Commission to approve the rule proposal or to institute proceedings, pursuant to Section 19(b)(2) of the Act, to determine whether it should be disapproved.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed amendments to NYSE Rules 100 (e), 101, 104, 108 and 126 as filed with the Commission on April 7, 1976, be, and hereby are, approved.

It is further ordered, pursuant to Section 19(b)(2) of the Act, that the time for consideration of the proposed amendments to NYSE Rules 100 (a) and (b) is hereby extended to July 19, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc.76-15552 Filed 5-27-76; 8:45 am]



[SR-NYSE-76-22]

**NEW YORK STOCK EXCHANGE INC.**  
**Order Approving Proposed Rule Change**  
 MAY 20, 1976.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.

On April 1, 1976, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The NYSE proposal calls for the amendment to Section B6 of the NYSE Company Manual to provide alternate numerical standards for listing foreign issues that are substantially above those presently required for listing domestic issues.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12321 (April 7, 1976)), and by publication in the FEDERAL REGISTER (41 Fed. Reg. 16233 (April 16, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

By the Commission.

GEORGE A. FITZSIMMONS,  
 Secretary.

[FR Doc.76-15533 Filed 5-27-76; 8:45 am]

[37-65]

**NORTHEAST UTILITIES, ET AL.**

**Filing of Post-Effective Amendment Regarding Extension of Period for the Issuance of Long-Term Notes by Service Company and Acquisition by Holding Company**

MAY 20, 1976.

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089. Northeast Utilities Service Company; The Connecticut Light and Power Company; The Hartford Electric Light Company; Western Massachusetts Electric Company; Holyoke Water Power Company.

Notice is hereby given That Northeast Utilities Service Company ("Service Company"), a subsidiary service company of Northeast Utilities ("Northeast"), a registered holding company, and its above-named associate electric utility companies, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), 10, and 13(b) of the Public Utility Holding Company Act of 1935 ("Act")

regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 30, 1966 (HCAR No. 15519), the Commission, among other things, authorized Service Company to issue and sell to Northeast for cash, and Northeast to acquire, during a five-year period commencing June 30, 1966, up to \$3,000,000 aggregate principal amount to be outstanding at any one time of long-term unsecured notes of Service Company to bear interest at a rate of not more than one-quarter of one percent above the commercial bank prime rate on short-term loans in effect in Hartford, Connecticut.

By orders dated July 30, 1969, and January 29, 1971 (HCAR Nos. 16437 and 16930), the Commission, among other things, authorized increases in the aggregate principal amount of such notes to be issued and sold by Service Company to Northeast to the present limit of \$10,000,000 aggregate principal amount at any one time outstanding and also extended the authorization with respect to the issue and sale of notes to June 30, 1976.

The aggregate capital of Service Company, including its outstanding notes and capital stock, will be maintained at all times at an amount not to exceed the sum of two months' operating expenses, plus an amount necessary to finance the inventory of materials and supplies proposed to be purchased by Service Company and stored in its central warehouse, plus the cost of Service Company's property less applicable reserves, prepayments, and petty cash working funds.

Applicants-declarants now propose to further extend the period during which the notes may be issued to June 30, 1981, in order to permit Service Company to meet and maintain its net cash requirements for working capital. Such long-term unsecured notes, which will not exceed \$10,000,000 maximum aggregate principal amount at any one time outstanding, will mature 40 years from the date the first of such notes are issued, will bear interest at a rate not more than 120% of the commercial bank prime rate on short-term loans in effect from time to time in Hartford, Connecticut, and may be repaid at any time without premium. In all other respects, the notes will carry the same terms and provisions and be subject to the same limitation on the aggregate capital of Service Company as the notes authorized under the July 30, 1969, order.

The post-effective amendment states that no fees or expenses will be incurred in connection with the proposed transactions and that no consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Notice is further given. That any interested person may, not later than June 14, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for

such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
 Secretary.

[FR Doc.76-15554 Filed 5-27-76; 8:45 am]

**AMERICAN INDIAN POLICY REVIEW COMMISSION**  
**ALASKAN NATIVES**

**Congressional Seminar Meeting**

Notice is hereby given pursuant to the provision of the Joint Resolution establishing the American Indian Policy Review Commission (Pub. L. 93-580), as amended that Congressional Seminar proceedings will be held in Washington, D.C., on Monday, June 7, 1976 from 10 a.m. until 12:30 p.m., in the Rayburn Building, Room B-308. This seminar about Alaskan natives will be held in conjunction with the Commission Task Forces that are investigating tribal government; federal, state and tribal jurisdiction and reservation development.

Participants in the panel discussion will be task force specialists Dr. Lorraine Ruffing, Paul Alexander and Michael Cox. Special panelists will be: Arlon Tussing, Consulting Economist, Senate Committee on Interior and Insular Affairs, Tony Strong (Tlingit), Klukwan, Alaska, Legislative Assistant, Senate Interior Subcommittee on Indian Affairs; Frank Ducheneaux (Cheyenne River Sioux), Majority Counsel, and Mike Jackson, Minority Staff Consultant, both with the House Interior Subcommittee on Indian Affairs. Other Alaska experts are also expected to attend.

The American Indian Policy Review Commission has been authorized to conduct a comprehensive review of the historical and legal developments under-

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

COMMISSIONER OF CUSTOMS,  
 Department of the Treasury,  
 Washington, D.C. 20229.

MAY 25, 1976.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of September 1972 issued to you by the Chairman of the Committee for the Implementation of Textile Agreements which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products produced or manufactured in the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to require that, effective on July 30, 1976, visas accompanying man-made fiber textile products in Category 224 should specify one of the subcategory classifications indicated below. Shipments in Category 224 which have been exported from the Republic of China before July 30, 1976 shall not be denied entry, provided they are otherwise visaed in accordance with previously established procedures.

(1) Category 224—Suits (T.S.U.S.A. Nos. 380.0420 and 380.8143)

(2) Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103)

(3) Category 224—Other (all remaining T.S.U.S.A. numbers in Category 224)

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,  
 Chairman, Committee for the Implementation of Textile Agreements,  
 and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15624 Filed 5-27-76; 8:45 am]

**COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED**

**PROCUREMENT LIST 1976**

**Proposed Additions**

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 F.R. 54742), for shipment to the General Services Administration supply distribution facilities indicated:

Class 7105	GSA regions
7105-00-053-0170--	1 through 7.
7105-00-061-5834--	Do.
7105-00-052-8695--	All regions.
7105-00-052-8697--	1 through 7.

lying the unique relationship of Indians to the Federal Government in order to determine the nature and scope of necessary revision in the formulation of policies and programs for the benefit of Indians. The Commission is composed of eleven members, three of whom were appointed from the Senate, three from the House of Representatives and five members of the Indian Community elected by the Congressional members.

The actual investigations are conducted by eleven task forces in designated subject areas. This seminar will focus on Alaskan native issues related to the studies of Task Force #2 on Tribal Government, Task Force #4 on Federal, State and Tribal Jurisdiction and Task Force #7 on Reservation Development.

Dated: May 25, 1976.

KIRKE KICKINGBIRD,  
 General Counsel.

[FR Doc.76-15692 Filed 5-27-76; 8:45 am]

**CIVIL SERVICE COMMISSION**  
**FEDERAL EMPLOYEES PAY COUNCIL**  
**Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:30 a.m. on Tuesday, June 15, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent,

RICHARD H. HALL,  
 Advisory Committee Management  
 Officer for the President's Agent.

[FR Doc.76-15666 Filed 5-27-76; 8:45 am]

**COMMISSION ON FEDERAL PAPERWORK**

**PUBLIC HEARINGS**

**Recommendations for Easing the Burden of Federal Paperwork**

Notice is hereby given of two public hearings of the Commission on Federal Paperwork to be held in Des Moines, Iowa. The hearings will be held on June 17 and 18, 1976, in Room 113 of the Federal Building at 210 Walnut Street.

The hearings will commence each day at 9:00 a.m. and end at 1:00 p.m. The Commission will receive comments about

the impact of Federal paperwork upon agriculture, education, State and local government, health, and the private business sector.

Testimony presented at these hearings will be used by the Commission on Federal Paperwork in making recommendations to the Congress and the President on changes which would ease the burden of Federal paperwork.

Persons wishing further information about the hearings should contact the Commission on Federal Paperwork, located at 111 20th Street, N.W., Suite 200, Washington, D.C. 20582, telephone (202) 254-6786.

FRANK HORTON,  
 Chairman.

[FR Doc.76-15456 Filed 5-27-76; 8:45 am]

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**  
**REPUBLIC OF CHINA**

**New Export Visa Requirement for Certain Man-Made Fiber Textile Products**

MAY 25, 1976.

On October 3, 1972, there was published in the FEDERAL REGISTER (37 FR 20745) a letter of September 27, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton, wool, or man-made fiber textile products, produced or manufactured in the Republic of China. The purpose of this notice is to announce that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, the Government of the Republic of China will require, effective on July 30, 1976, that export visas for man-made fiber textile products in Category 224 include one of the following subclassifications:

(1) Category 224—Suits (T.S.U.S.A. Nos. 380.0420 and 380.8143)

(2) Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103)

(3) Category 224—Other (All remaining T.S.U.S.A. numbers in Category 224)

Accordingly, there is published below a letter of May 25, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that one of the foregoing subclassifications should be shown on export visas for man-made fiber textile products in Category 224, effective on July 30, 1976. Shipments exported before the effective date will not be denied entry, provided they are visaed in accordance with previously established procedures.

ALAN POLANSKY,  
 Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.



Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2409 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,  
Executive Director.

[FR Doc. 76-15636 Filed 5-27-76; 8:45 am]

# COUNCIL ON ENVIRONMENTAL QUALITY ENVIRONMENTAL IMPACT STATEMENTS Availability

Environmental impact statements received by the Council on Environmental Quality from May 17 through May 21, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (July 12, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1344 Connecticut Avenue, Washington, D.C. 20036.

## DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental, Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

## FOREST SERVICE

### Draft

Diamond Creek Unit, Caribou National Forest, Caribou and Bear Lake Counties, Idaho, May 21: The statement concerns management alternatives for the 204,729 acre Diamond Creek Planning Unit in Caribou National Forest. The four alternatives included range from high levels of resource use which would have major effects on wildlife, fisheries and roadless areas to emphasis of the natural environment which would have a major negative effect upon grazing and timber harvest and significant beneficial effects on wildlife and fisheries. Soil and water resources are less impacted by any of the alternatives than by the mining levels. (ELR Order No. 60761.)

South Fork Unit Plan, Malheur National Forest, Grant County, Oregon, May 18: Proposed is a land use plan for the South Fork Planning Unit, Malheur National Forest. The Planning Unit includes three inventoried roadless areas, three areas for resource production with fish and wildlife habitat, and resource management to achieve optimum amounts of wood fiber, outdoor recreation, water, fish and wildlife habitat, and livestock forage. A Wild Horse Management Territory

will maintain a maximum of 100 head herd. Adverse effects include some loss of productivity of wood, water, and forage. (ELR Order No. 60734.)

### Final

Timber Management Plan, Talladega National Forest, several counties, Alabama, May 17: The Talladega National Forest Timber Management Plan proposes even-aged forest management for the part of the forest which is suitable for sustained yield timber production (annual average cut area of 11,870 acres). Adverse impacts include some soil compaction and dislocation, temporary shifts in wildlife populations, temporary increases in turbidity and stream runoff, and temporary degradation of air quality. Comments made by: ERDA, DOI, FPC, HEW, USDA, GSA, EPA, State and local agencies, interested groups. (ELR Order No. 60729.)

Dickey-Sunday Planning Unit, Kootenai National Forest, Lincoln and Flathead Counties, Mont., May 19: The action involves implementation of a revised multiple use plan for the 67,029 acres Dickey-Sunday Planning Unit, Kootenai National Forest. Portions of the unit will be intensively managed for commodity production and yield increase. Development activity will result in continued soil and vegetative disturbance which may cause temporary acceleration of soil erosion and sediment levels, as well as visual disturbance. Areas which are currently unroaded will be developed and the natural conditions of the Forest will be affected. Comments made by: USDA, DOI, EPA, State agencies and interested groups. (ELR Order No. 60741.)

## SOIL CONSERVATION SERVICE

### Final

Mud Creek Watershed, Cullman County, Ala., May 19: The proposed plan is for watershed protection and flood prevention in Cullman County, Alabama. The project entails the application of land treatment measures on 2,350 acres of cropland, 3,720 acres of pastureland, and 4.7 miles of channel work. Adverse impacts include increased sedimentation and stream turbidity, and the loss of 69 acres of flood plain forest. Temporary increases in air and noise pollution would also result. Comments made by: DOC, HUD, DOI, DOT, EPA, State and local agencies. (ELR Order No. 60740.)

Indian Brook Watershed, Coos County, N.H., May 18: Proposed is a project for watershed protection, flood prevention, and fish and wildlife development in the Indian Brook Watershed. The project includes the installation of land treatment measures on 1,295 acres to reduce runoff, erosion, and sedimentation. Plans also include one floodwater retarding structure, one multiple-purpose dam for flood protection and fish and wildlife habitat development, fish and wildlife facilities, and about 3,000 feet of channel work. About 177 acres of land will be committed to the project. Comments made by: DOC, HEW, DOI, DOT, AHP, EPA, State and local agencies, and interested groups. (ELR Order No. 60733.)

Three-Mile and Sulfur Draw Watershed, Culberson and Hudspeth Counties, Tex., May 20: Proposed is a project for flood prevention and watershed protection for the 149 square mile drainage area of the Three-Mile and Sulfur Draw watershed. Wildlife habitat on 516 acres will be replaced with structures, sediment pools and borrow pits, and construction disruption will result. Comments made by: USA, DOI, HEW, DOT, EPA, AHP, State and local groups. (ELR Order No. 60751.)

## DEPARTMENT OF DEFENSE

### AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-0X 7-9297.

### Draft

Development of Lot 10080, Guam, May 20: This statement examines the impact of the granting of an access easement to Seiby Leisure (Guam), Inc. across U.S. Government lands in association with the proposed development of Lot 10080, which is, at present, land-locked by U.S. Government lands. The project site is located at the northwestern extreme of the island of Guam, adjacent to Andersen Air Force Base (Northwest Field), and north of the U.S. Naval Communication Station at Finegayan. The development of the proposed combination resort/recreational/residential development will have an impact on the aesthetics and terrestrial biology of the site. (ELR Order No. 60747.)

Falcon Military Operating Area, New York, May 17: Proposed is the establishment of Falcon Military Operating Area (MOA) to provide air traffic controlled assigned airspace in which to conduct low level intercept training. Flying in the 3,500 square mile MOA will be at altitudes from 6,000 to 18,000 feet mean sea level. Some single event flyovers will cause annoyance to humans and the proposal will result in the annoyance to visitors of the Adirondack State Park wilderness areas. (ELR Order No. 60730.)

### ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202-0X 4-4269.

### Final

Ft. Belvoir Housing Project, Fairfax County, Va., May 20: The action considered is the change of use of approximately 800 acres of land of Fort Belvoir from troop support and training to military family housing. The project would provide 2,300 additional housing units. The action will result in the partial or complete destruction of 426 acres of land used as wildlife habitat and the consequent reduction of fauna in the area. The roadway networks, both on and off the post will become more congested. Comments made by: EPA, AHP, HUD, State and local agencies. (ELR Order No. 60753.)

### ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

### Draft

Honolulu Harbor, Oahu County, Hawaii, May 17: The proposed plan provides for increasing project depths of the Honolulu Harbor main entrance channel from 40 feet to 45 feet and for increasing project depths of the basins and Kapalua Channel from 35 to 40 feet. The deepening will involve dredging about 1.3 million cubic yards of material which would be disposed of at a deep ocean dredge material disposal site. Adverse effects include turbidity caused by the dredging, destruction of benthic resources, and impacts upon the disposal area (Honolulu District.) (ELR Order No. 60722.)

Ottawa River Harbor, Michigan and Ohio, May 17: Proposed is the dredging of the Ottawa River and Maumee Bay to enhance recreational opportunities in the project

area. A total of 1,385,100 CY of material would be dredged. River sediment would be placed in diked facilities and bay sediment would be dumped in open waters. Adverse effects include conversion of 12 acres of river bottom land to upland and removal of benthic populations in the river and Bay channels. (Detroit District.) (ELR Order No. 60727.)

South Beach Marina (Yaquina Small Boat Basin), Lincoln County, Oreg., May 17: The proposed project is to build, operate, and maintain a new marina complex at Yaquina Bay on the south shore between the Highway 101 bridge and the OSU Marine Science Center to provide public, water-based recreational opportunities. The marina construction will include a zoned rock breakwater to enclose approximately 29 acres of water area, dredging an entrance channel, moorage docks to accommodate 600 boats, and 11 acres of parking area. Dredged material will be placed on approximately 28 acres of upland. The placement of dredged material will eliminate existing vegetation and terrestrial habitat in disposal areas. (Portland District.) (ELR Order No. 60723.)

Mouth of Colorado River, Matagorda County, Tex., May 17: The proposed project consists of an entrance channel in the Gulf, 15 feet deep by 200 feet wide, protected by jetties. The proposed east jetty is a weir type, designed to pass littoral material into an impoundment basin for periodic transfer to the down-drift beach. From the Gulf Inland to its connection with the Gulf Intracoastal Waterway (GIWW), the proposed channel will be dredged to 12 feet in depth and 100 feet in width. Adverse effects include the elimination of most of the benthic populations occupying the affected areas. About 242 acres of terrestrial wildlife habitat will be removed or modified (Galveston District.) (ELR Order No. 60721.)

Texas City Channel, Galveston, Galveston County, Tex., May 17: The proposed action consists of widening of the existing main turning basin, relocation of the basin 85 feet to the east, deepening and widening the Industrial Canal, deepening of the turning basin at the head of the center of the Industrial Canal to 40 feet, and easing of the bend at the entrance to the Industrial Canal. All dredging will be accomplished by hydraulic pipeline dredge with dredged material disposal on Snake Island and in adjacent areas of Galveston Bay. Adverse effects include destruction or disturbance of some fish and bottom dwelling organisms, temporary increases in turbidity, and resuspension of toxic materials in the vicinity of the dredge (Galveston.) (ELR Order No. 60724.)

### Final

Lost River Mining Project, Permit Application, Alaska, May 20: The statement refers to the permit application of the Lost River Mining Corporation Limited for construction of a marine terminal to facilitate removal of 1,750,000 tons of ore per year for a minimum of 18 years. The marine terminal is part of a larger complex, community, airport, and surface transportation system. Adverse impacts include loss of undetermined number of plants and animals, total loss of Rapid River Valley, and the release of an undetermined amount of pollutants into the atmosphere (Alaska District). Comments made by: EPA, DOI, HEW, DOT, USCG, State agencies and concerned groups. (ELR Order No. 60754.)

Logjam Study, Wabash River, Adams County, Ind., May 21: The project includes work to remove approximately 20 logjams of various sizes on an eight mile reach of the Wabash River in Adams County, Indiana. Also, a channel enlargement about 300 feet long to remove small trees and sediment is included. Disposal of debris will be accom-

plished by disposing of the material outside the 100-year flood plain. Reducing flooding above Geneva will cause more water to reach downstream areas and could contribute to flooding in those areas. Construction disruption will result (Louisville District). Comments made by: DOI, AHP, FPC, USDA, DOC, EPA, State and regional agencies, interested individuals. (ELR Order No. 60780.)

Wallkill River Flood Control Project, New York and New Jersey, May 20: The proposed action is Congressional authorization of a flood control project in the "Black Dirt" area of the Wallkill River, Orange County, N.Y. The purpose of the plan under consideration is to reduce flood damages to farming in the "Black Dirt" area of the Wallkill River Basin. Adverse impacts include turbidity during construction, reduction of the value of the streams for aquatic life, and the loss of some farmland (New York District). Comments made by: USDA, DOI, DOT, EPA, HEW, State agencies. (ELR Order No. 60753.)

## ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Rebecca W. Hammer, Director, Office of Federal Activities, Room WSMW 537, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0780 (stop 460).

### Final

TARP Mainstream Tunnel System, 59th to Addison St., Cook County, Ill., May 21: The statement concerns construction of the Phase I conveyance tunnel systems and their associated subsystems for the Tunnel and Reservoir Plan (TARP) of Chicago. The construction will result in significantly reduced pollutant load currently discharged to Chicago's Waterways, but the tunnel alone will not result in attaining applicable Illinois water quality standards. Disposal of rock spoil from construction may cause adverse impacts. Also, if the grouting program is not effective, groundwater infiltration during construction and wastewater exfiltration during tunnel operation can be a significant problem. Comment made by: DOT, USDA, DOC, HUD, and State and local agencies. (ELR Order No. 60763.)

## FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-275-4791.

### Final

United Gas Pipeline Co., curtailment, May 20: The action consists of FPC's analysis of two permanent curtailment plans for the United Gas Pipeline system. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Rate structure and deregulation are not included as alternatives to curtailment. Comments made by: State and local agencies. (ELR Order No. 60755.)

Rocky Mount Project, Georgia, Floyd County, Ga., May 18: Proposed is the issuance of a license to the Georgia Power Company for construction and operation of the proposed Rocky Mountain Pumped Storage Project No. 2725, to be located on Heath Creek. The project would consist of two reservoirs, two auxiliary pools, a tunnel and underground penstocks, a semi-outdoor powerhouse which would also contain 3 reversible 225-MW pump turbine generating units, and 3 miles of 230 kV transmission line. Adverse impacts resulting from the project would be loss of existing recreational and scenic values, stream habitat, agricultural and timber producing lands, and the displacement of 48 people. Comments made by: NRC, USDA, DOC, COE, DOI, HEW, EPA,

and State and local agencies and interested groups. (ELR Order No. 60735.)

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

### Draft

Hunters Point Redevelopment Area, Phases II, III, San Francisco County, Calif., May 19: Proposed is the construction of approximately 1200 units of new housing to be developed in Phases II and III of the Hunter's Point Redevelopment project, an ongoing urban renewal area in San Francisco. Adverse impacts include temporary construction disruption. (ELR Order No. 60744.)

Hutchinson Heights, Arapahoe County, Colo., May 17: Proposed is the development of a subdivision containing 3,771 single family units and 8,498 multi-family units on predominantly undeveloped land in southeastern Aurora, Colorado. The conclusions reached in this statement will help to determine if the Federal Housing Administration should extend mortgage insurance to homes in the proposed development. Few adverse effects are anticipated. (ELR Order No. 60726.)

The Brown Farm, Fort Collins, Larimer County, Colo., May 17: The developers of the Brown Farm subdivision development are proposing to build 1,590 multi-family and single family housing units in Fort Collins and have requested Federal Housing Administration feasibility analysis for mortgage insurance on the third filing of this development. Adverse impacts of the project include minor disruption of the existing vegetation, the increased need for public safety, educational, and social services, and an increase in automobile generated pollutants. (ELR Order No. 60731.)

Rochester SE Loop Urban Renewal No. 175, Monroe County, N.Y., May 19: The proposed urban renewal project for the Rochester South East Loop area includes the demolition of structures, the provision of public improvements, and the institution of land use controls for the area. However, of the 3,100 residential units planned for the project, the NY Urban Development Corporation, now bankrupt, was committed to building over 2,000 of them, and thus far based on present commitments and completed structures, only 750 units will be completed. Serious adverse impacts could result from the non-completion of replacement housing for the demolished structures. (ELR Order No. 60743.)

### Final

University City NDP, Areas 3, 4, and 5, Pennsylvania, May 20: The statement concerns acquisition, demolition, rehabilitation, relocation, and site improvement of University City NDP areas 3, 4, and 5 in Philadelphia. Adverse impacts of the action include clearance of some structures which appear to be feasible for rehabilitation, generation of more vehicular traffic into the area which will aggravate an already serious air pollution problem, removal of residential units from the housing market, and the potential overtaxing of existing resources such as electric energy, water, and sewer facilities. Comments made by: HEW, DOT, EPA, AHP, and State and local agencies and interested groups. (ELR Order No. 60752.)

## Section 104(h)

### Draft

Industrial Park, St. Johnsville, Montgomery County, N.Y., May 17: The Village of St. Johnsville plans to develop an industrial

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park of approximately 25 acres using \$175,000 of HUD Community Development Block Grant Discretionary funds. The site, located in the southern sector of the Village, is bounded by the Penn Central Railroad on the north, the new Bridge Street bridge on the east, the New York State Barge Canal on the south, and Zimmerman Creek on the west. Adverse effects are expected to be minimal. (ELR Order No. 60728.)

## DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

## BUREAU OF RECLAMATION

## Final

Narrows Unit, Pick-Sloan Missouri Basin Program, Morgan County, Colo., May 17: This project entails construction of Narrows Dam and Reservoir to store and regulate flows in the South Platte River, and to provide irrigation, flood control, recreation, fish and wildlife enhancement, and municipal and industrial needs. Adverse impacts include the inundation of 15.9 miles of natural stream and 15,000 acres of agriculture and wildlife lands, and the loss of vegetation in the reservoir. Approximately 220 families will be displaced. Comments made by: DOI, AHP, USDA, COE, HEW, DOT, USCG, FPC, EPA, and State agencies and concerned groups and individuals. (ELR Order No. 60725.)

Anadromous Fish Passage, Savage Rapids Dam, Jackson and Josephine Counties, Ore., May 19: Proposed is a Phase I plan to improve anadromous fish passage problems at Savage Rapids Dam on the Rogue River near Grants Pass, Oregon. The major improvement will be construction of a new fishway on the north side of the river. Construction disruption, lasting 20 months, will result. Phase II plans will be discussed in a separate EIS. Comments made by: DOI, PRBC, AHP, COE, USDA, DOC, EPA, and State and local agencies. (ELR Order No. 60746.)

## NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

## Draft

Arkansas Nuclear One, Unit 2, Pope County, Ark., May 20: Proposed is the issuance of an operating license to the Arkansas Power and Light Company for the startup and operation of Arkansas Nuclear One-Unit 2, located on Lake Dardanelle, 2 miles southeast from the village of London and 6 miles northwest from the City of Russellville, Arkansas. The unit will employ a pressurized-water reactor to produce up to 2825 megawatts thermal. A steam turbine-generator will use this heat to provide up to 950 megawatts electrical of electrical power capacity. The exhaust steam will be cooled by a closed-cycle cooling system using a natural-draft tower to dissipate waste heat to the atmosphere. (ELR Order No. 60749.)

## DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

## FEDERAL AVIATION ADMINISTRATION

## Draft

Douglas Municipal Airport, Runway 18R/36L, Mecklenburg County, N.C., May 20: Proposed is the completion of Runway 18R/36L at Douglas Municipal Airport, Charlotte, North Carolina, which would involve paving and lighting of the runways and associated

taxiways. The purpose of this action is to provide additional capacity and runway length. Adverse effects include aircraft noise impacts on schools and residential areas. (ELR Order No. 60759.)

Saint Marys Municipal Airport, Elk County, Pa., May 19: The statement concerns the construction of improvements for the St. Mary's Airport. Included in the project are the extension of the runway, installation of medium intensity runway lighting along the extension, the relocation of the access road on airport property, the installation of pavement edge drains, the relocation of threshold lighting, and the acquisition of a clear zone easement over 6.6 acres of property not owned by the airport authority. Construction disruption and increased air pollution will result. (ELR Order No. 60745.)

Kusale Island Airport and Harbor Project, U.S. Territory, May 19: The proposed action involves the development of a new airport consisting of an ultimately paved 150' x 7,000' runway, runway safety areas on each end, a paved aircraft parking apron, lighting, fencing, access road, auto parking area, radio navals, and a harbor complex with a paved 300' x 600' loading ramp with associated warehouse and dock loading area. The completion of the project will result in an immediate loss of approximately one half of the one square mile reef area and disturbance of another fourth of the reef. Several acres of vegetation will also be cleared. (ELR Order No. 60739.)

## Draft

Rhineland-Oneida Co. Airport, Oneida County, Wis., May 19: Proposed is the acquisition of 565 acres of land and easement and special use permits on 105 acres for the construction of a new runway, new taxiway, parking spaces, and terminal building for the Rhineland-Oneida County Airport. Also included in the project would be the erection of security fences and the installation of an instrument landing system for the new runway. The project will result in the loss of approximately 565 acres of woods and wildlife habitat, relocation of eight households, increased noise pollution, and increased air pollution. (ELR Order No. 60742.)

## FEDERAL HIGHWAY ADMINISTRATION

## Draft

I-40, I-85 to I-40, Durham and Orange Counties, N.C., May 21: The proposed action is the construction of a segment of I-40 to connect I-85 near Durham with existing I-40 southeast of Durham in the Research Triangle Park. Several alternative corridor locations are being considered, varying in length from 8.8 to 20.4 miles. Adverse impacts include possible relocation of 62 to 248 families and 1 to 16 businesses, and the conversion of 99 to 1078 acres of wildlife habitat to highway right-of-way. One alternate directly impacts a proposed Durham County School site, while others pass near existing school locations. Several alternates pass near the Duke Forests and cross the New Hope Creek watershed. (ELR Order No. 60762.)

## Final

I 70N, Frederick County, Md., May 19: The proposed improvement involves a 3.8-mile relocation of Interstate 70 (formerly designated I-70N) extending from Ijamsville Road to west of the Monocacy River in Frederick County, Maryland. The proposal is to construct a limited access highway with two 36 foot roadways, two 10 foot shoulders, and a median. Four alternative designs are being considered, and environmental impacts will vary subject to the alternative chosen (Region 3.) Comments made by: USDA, DOC, HEW, DOI, EPA, OEO, State and local agencies. (ELR Order No. 60738.)

U.S. 13 Salisbury By-pass, Wicomico County, Md., May 20: The statement concerns the construction of the final segment of the Salisbury By-pass project to relocate U.S. 13 east of the city limits. The 4-lane roadway would be approximately 4.6 miles in length and would include several bridges at major intersections. The most likely alternative would require acquisition of 82 acres of land and would displace 12 dwellings and one business. Comments made by: DOI, USDA, EPA, DOC, State and local agencies. (ELR Order No. 60756.)

U.S. 95 West Leg, Las Vegas, Clark County, Nev., May 18: The statement concerns the construction of the west leg of U.S. 95 expressway from Rancho Drive West to Rainbow Boulevard and North to the Tonopah Highway in the City of Las Vegas and unincorporated areas of Clark County. Total length of the project is 9.55 miles. It will initially be constructed as a 4-lane expressway with provision for 6 lanes. Approximately 25 families will be displaced. The project may also encourage urban growth in areas lacking suitable infrastructure. Comments made by: HEW, DOI, EPA, State and local agencies. (ELR Order No. 60736.)

U.S. 62 and S.H. 82, Cherokee County, Okla., May 17: Proposed is the improvement of U.S. 62 and S.H. 82 from their junction south of Tahlequah, Oklahoma, north to approximately 0.5 miles north of Allen Road, a distance of 6.1 miles. The amount of land needed for right-of-way and the number of residential displacements depends upon the alternative chosen. Comments made by: EPA, DOI, State agencies. (ELR Order No. 60732.)

Legislative Route 1022 (U.S. 219 Relocated), Somerset County, Pa., May 20: The proposed action is the relocation of approximately seven miles of existing U.S. 219 on new right-of-way. The project extends south from the constructed interchange with existing U.S. Route 219 near Beachdale, Pennsylvania. Adverse effects include disruption of the natural forest profile and damage to several agricultural areas. A 4(f) statement is included concerning State Game Land No. 50. Comments made by: FPC, DOI, USDA, EPA, State and local agencies. (ELR Order No. 60757.)

U.S. 84, Nolan County, Tex., May 20: The statement refers to the construction of U.S. 84 in Nolan County for a distance of 3.3 miles in Nolan County. The proposed project is a four lane divided highway on new location around the north and east side of Roscoe. Adverse impacts are the loss of revenue to local businesses from cross-county traffic, the conversion of 150 acres of fertile farm land to public roadway, and the severance of 3 farm units. Comments made by: HUD, USDA, DOI, EPA, State agencies. (ELR Order No. 60750.)

I-66, Gainesville to Front Royal, Warren, Fauquier, and Prince William Counties, Va., May 20: The project consists of connecting two portions of completed I-66. The completion of this 36 mile stretch from Gainesville to Front Royal will provide uninterrupted interstate highway from I-495 in Fairfax County to I-81 at Strasburg in Shenandoah County. Adverse environmental impacts include the loss of some wildlife, and an increase in noise pollution. Regardless of the alternate chosen there will be negative impacts on the Appalachian National Scenic Trail and the Bull Run Mountain Park. The number of displaced families and businesses will vary according to alternate chosen. Comments made by: EPA, DOC, COE, USDA, DOI, DOT. (ELR Order No. 60748.)

GARY L. WIDMAN,  
General Counsel.

[FR Doc 76-15633 Filed 2-27-76; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-66018; FRL 551-4]

## PESTICIDE PROGRAMS

## Cancellation of Registration of Pesticide Products Containing Octamethylpyrophosphoramide

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), the Environmental Protection Agency (EPA) has notified the following firms of its intention to cancel the registration of all products containing the active ingredient octamethylpyrophosphoramide:

EPA register No.	Product name	Registrant
6382-5	Schradan Technical.	Centerchem Inc., 350 5th Ave., New York, N.Y. 10001.
4581-58	OMPA contains 4 lb OMPA per gallon.	Pennwalt Corp., 3 Penn Plaza, Philadelphia, Pa. 19102.
4581-263	Schradan Technical.	Do.

The Agency has discussed this cancellation action with representatives of the registrants listed above, and both have indicated their concurrence with the intended cancellation. Such cancellation shall be effective within 45 days from the date of signature of this notice, unless the registrants, or other interested persons with the concurrence of a registrant, request that the registration be continued in effect.

Requests that the registration of products containing octamethylpyrophosphoramide be continued may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW, Washington DC 20460. The comments should bear a notation indicating both the subject and the OPP document control number "OPP-66016". Any comments filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: May 20, 1976.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc.76-15694 Filed 5-27-76; 8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20800]

ALBERT S. HOLT

## Designating Application for Hearing on Stated Issues

In the Matter of Albert S. Holt, 3004 West 7th, Lawrence, Kansas, 66044, Application for Class D Citizens Radio Station License in the Citizens Radio Serv-

ice. The Chief, Safety and Special Radio Services Bureau, has under consideration the above-entitled application for a Class D Citizens radio station license in the Citizens Radio Service filed by Albert Holt on March 5, 1975.

1. On January 24, 1975, the Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, released an Order (SS-1009-75) directing Holt to Show Cause why he should not be ordered to cease and desist from further unlicensed operation in the Citizens Radio Service. An attachment to the Order to Show Cause explained the procedural rights of Holt, including his right to appear at a hearing. By letter received February 24, 1975, Holt waived his right to a hearing, promised future compliance with the Commission's Rules and submitted the application which is the subject of the instant proceeding. On February 28, 1975, the Chief Administrative Law Judge, in accordance with § 1.92 of the Commission's rules, terminated the hearing proceeding and certified the matter to the Commission for administrative disposition.

2. On May 15, 1975, the Commission, by the Chief, Safety and Special Radio Services Bureau, pursuant to delegated authority, released an Order directing Holt to cease and desist (SS-1009-75) from unlicensed operation. In that Order it was concluded that Holt operated radio transmitting apparatus on a frequency allocated to the Citizens Radio Service on June 16, 1974, without a valid radio station license having been issued to him, in willful violation of section 301 of the Communications Act of 1934, as amended; that Holt refused to permit an inspection of his radio station by authorized Commission personnel, after having been informed of the provisions of the Act, in willful violation of section 303(n) of the Act; that Holt operated his radio station in contravention of the purposes of the Citizens Radio Service; and that Holt's operation would have violated various Commission Rules had he been licensed.

3. In the Order it was further concluded that Holt had physically assaulted the Commission personnel when they attempted to inspect his station and had stolen government and personal property from them.

4. In view of the Findings and Conclusions of the Order to Cease and Desist, it cannot be determined that a grant of Holt's application would serve the public interest, convenience and necessity. Therefore, the Commission has no alternative but to designate the application for hearing. The Cease and Desist Order shall be incorporated into the record of this proceeding.

Accordingly, it is ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§ 0.331 and 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by subsequent Order, upon the following issues:

(1) To determine, in light of the facts and conclusions contained in the Order

to Cease and Desist, released May 15, 1975 (SS-1009-75), whether the applicant has the requisite qualifications to be a licensee of the Commission.

(2) To determine whether the public interest, convenience and necessity would be served by a grant of the application for a Citizens radio station license.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for hearing and to present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested to the applicant at 300 West 7th, Lawrence, Kansas 66044.

Chief, Safety and Special Radio Services Bureau.

Adopted: May 11, 1976.

Released: May 19, 1976.

GERALD M. ZUCKERMAN,  
Acting Chief, Legal, Advisory  
and Enforcement Division.

[FR Doc.76-15662 Filed 5-27-76; 8:45 am]

## JOINT INDUSTRY/GOVERNMENT COMMITTEE WORKING GROUPS (WARC-1977)

## Meeting

May 25, 1976.

Pursuant to Public Law 92-463, notice is hereby given of the following joint meeting: WARC-1977 Working Group B (Sharing Principles), WARC-1977 Working Group F (Plans and Procedures).

Tuesday, June 22, 1976—9:30 a.m. to 12:30 p.m.—Room 6331—2025 "M" Street, N.W., Washington, D.C.

Chairmen: Donald Jansky, Working Group B, Donald Welland, Working Group F.

The agenda will be as follows:

1. Approval of agenda.
2. Approval of minutes of previous meeting.

3. Discussion of draft "Proposal for Changes in the International Radio Regulations" (distributed at full Joint Industry/Government Committee meeting on April 29, 1976).

4. Other business.

5. Date of next meeting (if necessary) and Adjournment.

This meeting is being called (by direction of full Joint Industry/Government Committee, which met on April 29, 1976) specifically in regard to agenda item 3, above (i.e., to consider a draft proposal for changes in the International Radio Regulations based upon the various orbit sharing principles developed in Working Group B). Inasmuch as most comments received in response to the Commission's



Second Notice of Inquiry opposed incorporating one or more of the orbit sharing principles into the international Radio Regulations at this time, it is desirable that the draft proposal be reviewed to determine whether or not the draft regulations are suitable in the form proposed. For those who do not already have a copy of the draft proposal which was distributed at the meeting of the full committee, copies may be obtained by contacting Mr. Welland at (202) 632-7054.

The above meeting is open to broadcast industry representatives and interested members of the public.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Secretary.

[FR Doc.76-15665 Filed 5-27-76;8:45 am]

**FEDERAL MARITIME COMMISSION**  
**COMPAGNIE NATIONALE ALGERIENNE DE**  
**NAVIGATION AND LYKES BROTHERS**  
**STEAMSHIP CO., INC.**

**Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 7, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

**Notice of Agreement Filed by:**

R. J. Finnan, Pricing Analyst, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10092-1, between the above-named parties, amends Article 1 of the basic agreement to extend Lykes' agency services for CNAN to U.S. Pacific Coast ports.

By Order of the Federal Maritime Commission.

Dated: May 25, 1976.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.76-15661 Filed 5-27-76;8:45 am]

**DEPARTMENT OF LABOR**

**Bureau of Labor Statistics**

**BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON ECONOMIC GROWTH**

**Meeting**

There will be a meeting of the Business Research Advisory Council's Committee on Economic Growth on June 16, 1976, at 10 a.m., in Room 4453, at the General Accounting Office Building, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Progress report on updating and modification of the BLS Economic Growth Model.
2. Review of assumptions for use in next set of BLS projections.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C. this 24th day of May 1976.

JULIUS SHISKIN,  
Commissioner of Labor Statistics.

[FR Doc.76-15611 Filed 5-27-76;8:45 am]

**Employment Standards Administration**  
**MINIMUM WAGES FOR FEDERAL**  
**FEDERALLY ASSISTED CONSTRUCTION**  
**General Wage Determination Decisions**  
**Correction**

In FR Doc. 76-14532 appearing on page 21022 in the FEDERAL REGISTER of Friday, May 21, 1976 the following correction should be made:

On page 21104 the section headed MD 76-3173 P. 2 and on page 21159 the section headed DC 76-3174 P. 2 should both be deleted. A new MD76-3173 P. 3 and DC76-3174 P. 3 are inserted to read as set forth below:

MD76-3173 Cont'd.

P. 3

**BUILDING CONSTRUCTION**  
**(INCLUDING WMATA)**

TERRAZZO AND MOSAIC WORKERS  
TERRAZZO WORKERS' HELPERS  
TILE SETTERS  
TILE SETTERS' HELPERS  
TRUCK DRIVERS:

Boom trucks  
Small dump, water sprinkler,  
grease and oil  
Flat, pick-up hauling materials,  
small Euclids, dump over 8  
wheels  
Trailers, low boys, tractor  
pulls  
Helpers  
Carryalls, large Euclids,  
Euclid water sprinkler,  
tunnel work under ground  
Mechanics

RIGGERS AND WELDERS - Receive  
rates prescribed for crafts  
performing operations to  
which rigging and welding are  
incidental.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$9.93	.50	.40		
8.05	.40	.40		
9.93	.50	.40		
8.05	.40	.40		
6.40	.25	f	g+j	
6.15	.25	f	g+j	
6.25	.25	f	g+j	
6.45	.25	f	g+j	
6.00	.25	f	g+j	
6.55	.25	f	g+j	
6.30	.25	f	g+j	



DC76-3174 Cont'd.

**BUILDING AND HEAVY CONSTRUCTION  
CONT'D.**

(INCLUDING WMATA)

TERRAZZO AND MOSAIC WORKERS  
TERRAZZO WORKERS' HELPERS  
TILE SETTERS  
TILE SETTERS' HELPERS  
TRUCK DRIVERS:  
  Boom trucks  
  Small dump, water sprinkler,  
  grease and oil  
  Flat, pick-up hauling materials,  
  small Euclids, dump over 8  
  wheels  
  Trailers, low boys, tractor  
  pulls  
  Helpers  
  Carryalls, large Euclids,  
  Euclid water sprinkler,  
  tunnel work under ground  
  Mechanics

RIGGERS AND WELDERS - Receive  
rates prescribed for crafts  
performing operations to  
which rigging and welding are  
incidental.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vocation	Education and/or Appr. Tr.
\$9.93	.50	.40		
8.05	.40	.40		
9.93	.50	.40		
8.05	.40	.40		
6.40	.25	f	g+j	
6.15	.25	f	g+j	
6.25	.25	f	g+j	
6.45	.25	f	g+j	
6.00	.25	f	g+j	
6.55	.25	f	g+j	
6.30	.25	f	g+j	

**Employment and Training Administration  
FEDERAL SUPPLEMENTAL BENEFITS  
(EMERGENCY UNEMPLOYMENT COM-  
PENSATION)****Ending of Federal Supplemental Benefit  
Period in New Hampshire**

This notice announces the ending of the Federal Supplemental Benefit Period in the State of New Hampshire, effective May 22, 1976.

**BACKGROUND**

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of New Hampshire on January 19, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

**DETERMINATION OF "OFF" INDICATOR**

The employment security agency of the State of New Hampshire has determined under the Act and 20 CFR 618.19 (b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 1, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of New Hampshire for the week ending on May 1, 1976, and the Federal Supplemental Benefit Period in that State terminated on May 22, 1976.

**INFORMATION FOR CLAIMANTS**

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable (whether or not any payment actually was made), for any portion of the last week of a Federal Supplemental Benefit Period in a State, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During an additional eligibility period the individual may have continued entitlement to Federal Supplemental Benefits. An additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the New Hampshire Department of Employment Security of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated in New Hampshire, an Extended Benefit Period will continue in effect in that State due to the National "on" indicator for the Federal-State Extended Benefit Program (as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722) and the State "on" indicator for that program (as announced in a notice published in the FEDERAL REGISTER on January 29, 1975, at 40 FR 4375). Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about further rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of New Hampshire should contact the nearest Employment Office of the New Hampshire Department of Employment Security in their locality.

Signed at Washington, D.C. on May 21, 1976.

WILLIAM H. KOLBERG,  
Assistant Secretary for  
Employment and Training.

[FR Doc.76-15494 Filed 5-27-76; 8:45 am]

**FEDERAL SUPPLEMENTAL BENEFITS  
(EMERGENCY UNEMPLOYMENT COM-  
PENSATION)****Ending of Federal Supplemental Benefit  
Period in South Carolina**

This notice announces the ending of the Federal Supplemental Benefit Period in the State of South Carolina, effective May 29, 1976.

**BACKGROUND**

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks or 26 weeks, depending upon the levels of the rate of insured unemployment in the State. A Federal Supplemental Benefit Period commenced in the State of South Carolina on January 5, 1975.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 26 weeks.

**DETERMINATION OF "OFF" INDICATOR**

The employment security agency of the State of South Carolina has determined under the Act and 20 CFR 618.19 (b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 8, 1976, and the immediately preceding twelve weeks, was less than 5.0 percent. Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of South Carolina for the week ending on May 8, 1976, and the Federal Supplemental Benefit Period in that State therefore will terminate with the week ending on May 29, 1976.

**INFORMATION FOR CLAIMANTS**

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable (whether or not any payment actually was made), for any portion of the last week of a Federal Supplemental Benefit Period in a State, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During an additional eli-



gibility period the individual may have continued entitlement to Federal Supplemental Benefits. An additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the South Carolina Employment Security Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period will terminate in South Carolina, an Extended Benefit Period will continue in effect in that State due to the National "on" indicator for the Federal-State Extended Benefit Program (as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722), and until there is neither a National "on" indicator or a State "on" indicator in that State. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State.

Persons who wish information about further rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of South Carolina should contact the nearest Employment Service Office of the South Carolina Employment Security Commission in their locality.

Signed at Washington, D.C., on May 21, 1976.

WILLIAM H. KOLBERG,  
Assistant Secretary for  
Employment and Training.

[FR Doc.76-15495 Filed 5-27-76; 8:45 am]

#### EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, af-

filiate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 24th day of May 1976.

BEN BURDETSKY,  
Deputy Assistant Secretary for  
Employment and Training.

#### Applications received during the week ending May 21, 1976

Name of applicant	Location of enterprise	Principal product or activity
Franklin Manor, Inc.	Farmington, Maine	Intermediate nursing care facilities.
Phoenix Manufacturing Inc.	Nanticoke, Pa.	Manufacturing of specialized mobile equipment.
Frank Shelton, Inc.	Madison, N.C.	Waterproofing contractor.
Central Mississippi Livestock Commission Co.	Carthage, Miss.	Livestock market commission sales.
Farmers Meat Market, Inc.	Cordele, Ga.	Meat packing plant.
Commonwealth Manufacturing Co.	Columbia, Ky.	Manufacturing of ladies blouses, waists and shirts.
Huron Casting, Inc.	Pigeon, Mich.	Manufacturing of shell molded low alloy steel castings.
Donald Earl Johnson	Tubac, Ariz.	Machine crop harvesting and hauling of grain.
Ye Ole Iron Works, Inc.	Lake Havasu City, Ariz.	Manufacturing and distribution of ornamental wrought iron products.
Allynac Interstate Corp.	Idaho Falls, Idaho	Rental space.

[FR Doc.76-15635 Filed 5-27-76; 8:45 am]

#### Office of Federal Contract Compliance Programs

#### FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 FR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. Meetings of the Advisory Committee were held on February 27, April 28, and May 27, 1976.

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the fourth meeting of the above committee has been scheduled for 9:30 A.M. on June 11, 1976, in Room 8-3215 A & B, New U.S. Department of Labor Building, 200 Constitution Avenue, Washington, D.C. 20210.

The Agenda for the June 11 meeting calls for general discussion of the items

listed below, and for the establishment of procedures for their further study:

1. Discussion of options for revision of enforcement procedures under Executive Order 11246, as amended.
2. Discussion of options regarding use of graduated sanctions under Executive Order 11246, as amended.
3. Revised Order No. 4 (41 CFR Part 60-2), on written affirmative action programs, and the Format for Development of an Affirmative Action Program by Institutions of Higher Education, published in the FEDERAL REGISTER on August 25, 1975 (40 FR 37064).
4. Discussion of proposals for increasing the supply of minorities and women for faculty employment.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Mr. Leonard J. Biermann, Executive Secretary, Office of Federal Contract

Compliance Programs, Federal Advisory Committee for Higher Education Equal Opportunity Programs, New U.S. Department of Labor Building, Room C-3322, Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of May 1976.

LEONARD J. BIERMANN,  
Executive Secretary.

[FR Doc.76-15539 Filed 5-25-76; 8:45 am]

#### Office of the Secretary

[TA-W-600]

#### ALLIVINE KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-600: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a worker petition received on February 13, 1976 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing double knit fabric and sweater fabric at the Philadelphia plant of Allivine Knitting Mills, Incorporated, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10634). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Allivine Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 22 of the Trade Act of 1974, must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation has revealed that although the criteria one and two have

been met, criteria three and four have not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 17.7 percent from 1973 to 1974 and then declined 15.0 percent from 1974 to 1975. Average weekly hours declined 9.0 percent from 1973 to 1974 and then increased 21.9 percent from 1974 to 1975. The average number of salaried workers increased 14.3 percent from 1973 to 1974 and then declined 25.0 percent from 1974 to 1975.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of sales of double knit and sweater fabric by Allivine increased 21.6 percent from 1973 to 1974 and then declined 26.1 percent from 1974 to 1975.

The value of production of double knit and sweater fabric by Allivine increased 6.8 percent from 1973 to 1974 and then declined 7.6 percent from 1974 to 1975.

#### INCREASED IMPORTS

Imports of man-made fabric declined in each year from 1971 through 1975. Imports declined 7 percent from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 1.1 percent and 1.1 percent, respectively in 1974, to 1.0 percent and 1.0 percent respectively in 1975.

#### CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that none of Allivine's customers purchased fabric from foreign suppliers.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with double knit and sweater fabric produced at the Philadelphia plant of Allivine Knitting Mills, Incorporated, Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-15498 Filed 5-27-76; 8:45 am]

[TA-W-598]

#### D. SEIDMANN'S SONS, INC. PHILADELPHIA, PENNSYLVANIA

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-598: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 13, 1976 in response to a work-

er petition received on that date which was filed by the Knit Goods Union, Local 190, International Ladies Garment Workers Union (ILGWU) on behalf of workers and former workers engaged in the production of knit headwear and scarves, D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10654). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of D. Seidmann's Sons, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such a workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision has decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers declined 5 percent in 1975 compared to 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales decreased 2 percent in value in 1975 compared to 1974.

#### INCREASED IMPORTS

Imports of knit headwear declined every year from 1970 through 1973. In 1974 imports increased compared to 1973 and in 1975 imports of knit headwear rose 2 percent compared to 1974. The ratios of imports to domestic production and consumption increased from 10.0 percent and 9.1 percent, respectively in 1974 to 11.9 and 10.6 in 1975.

Imports of knit scarves declined every year from 1970 through 1973. In 1974 imports increased compared to 1973 and in 1975 imports of knit scarves rose 117 percent compared to 1974. The ratios of



imports to domestic production and consumption increased from 9.8 percent and 8.9 percent, respectively, in 1974 to 22.2 and 18.2 in 1975.

#### CONTRIBUTED IMPORTANTLY

Customers that reduced their purchases from D. Seidmann's Sons, Inc. indicated that they switched to offshore producers.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with knit headwear and knit scarves produced at D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania, contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at D. Seidmann's Sons, Inc., Philadelphia, Pennsylvania who became totally or partially separated from employment on or after February 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-15406 Filed 5-27-76; 8:45 am]

[TA-W-657]

#### GENERAL INDUSTRIES ELECTRONICS, INC., FORREST CITY, ARKANSAS

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-657: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on March 12, 1976 which was filed by the International Union of Electrical, Radio and Machine Workers, AFL-CIO, on behalf of workers and former workers producing automotive fractional horsepower motors for General Industries Electronics, Inc., Forrest City, Arkansas.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12752). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Industries Electronics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility re-

quirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed during the Department's investigation reveals that aggregate U.S. imports of automotive fractional horsepower motors declined relatively from 5.3 percent of domestic production in 1974 to 4.5 percent of domestic production in 1975 and declined 12.7 percent and 19.5 percent in quantity and value respectively in 1975 compared to 1974.

#### CONCLUSIONS

After careful review of the facts obtained in the investigation, I conclude that increased imports of fractional horsepower motors have not contributed importantly to the total or partial separation of workers as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-15499 Filed 5-27-76; 8:45 am]

[TA-W-636]

#### GTE SYLVANIA, INC., SENECA FALLS, NEW YORK

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-636 investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 27, 1976 in response to a worker petition received on February 27, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing color television picture tubes at GTE Sylvania, Inc., Seneca Falls, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10655). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of GTE Sylvania, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first (3) criteria have been met, the fourth criterion has not been met.

#### SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 20.9 percent in 1974 compared to 1973 and declined 20.9 percent in 1975 compared to 1974. Employment of production workers declined 32.5 percent in the first quarter of 1975 compared to the first quarter of 1974.

#### SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of color television picture tubes in quantity and value declined 42.1 percent and 39.9 percent, respectively, in 1975 compared to 1974. Sales declined 58.9 percent in quantity and 61.9 percent in value in the first quarter of 1975 compared to the first quarter of 1974.

Production declined 43.5 percent, in quantity in 1975 compared to 1974 and declined 59.3 percent in the first quarter of 1975 compared to the first quarter of 1974.

#### INCREASED IMPORTS

The ratio of imports of color television picture tubes to domestic production and consumption declined, in quantity, in every year from 2.0 percent and 2.0 percent, respectively, in 1971 to .6 percent and .6 percent, respectively, in 1974. The ratio of imports of color television picture tubes to domestic production and

consumption increased in quantity from .7 percent and .7 percent, respectively, in the January through October period of 1974 to 1.7 percent and 2.0 percent, respectively, for the like period of 1975.

#### CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation indicates that imports of color television picture tubes did not contribute importantly to the separation of workers at the GTE Sylvania plant in Seneca Falls, New York.

All of the picture tubes produced at the Seneca Falls facility are shipped to assembly plants. These assembly plants do not purchase imported color television tubes. Sales by these assembly plants have declined in 1975 compared to 1974 due to general economic conditions and because their customers have increased foreign purchases of finished color television sets and decreased purchases from the assembly plants. The assembly plants have therefore decreased purchases from GTE Sylvania.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with color television picture tubes produced by GTE Sylvania, Inc., Seneca Falls, New York, did not contribute importantly to the total or partial separation of the workers of GTE Sylvania, Inc., Seneca Falls, New York.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-15500 Filed 5-27-76; 8:45 am]

[TA-W-612]

#### HART SCHAFFNER AND MARX CLOTHES, CHICAGO, ILLINOIS

#### Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on December 23, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers producing men's suits, sportcoats, and overcoats at the five Chicago area plants of Hart Schaffner and Marx Clothes. The notice of certification was published in the FEDERAL REGISTER (41 FR 1660) on January 9, 1976.

On the basis of a further showing and further investigation by the Director of the Office of Trade Adjustment Assistance, the certification issued by the Department on December 23, 1975 is hereby revised to change the impact date to include within the coverage of the certification additional workers who became totally or partially separated upon the closing of one plant and the consolidation of operations.

Such revised certification is hereby made as follows:

All hourly, piecework, salaried workers engaged in employment related to the production of sportcoats, suits and overcoats at the Chicago area plants of Hart Schaffner and Marx who became totally or partially separated from employment on or after October 3, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 6th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-15505 Filed 5-27-76; 8:45 am]

[TA-W-609]

#### MELODY BRA AND GIRDLE COMPANY, LONG ISLAND CITY, NEW YORK

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-609: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by Local 32 of the International Ladies Garment Workers Union on behalf of workers and former workers producing brassieres, girdles, bikini panties and body suits at the Long Island City plant of Melody Bra and Girdle Company.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10644). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Melody Bra and Girdle Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without respect as to whether or not the other criteria have been met, the third criterion has not been met.

#### INCREASED IMPORTS

Bikini sets, which were 83 percent and 94 percent of the plant production in 1973 and 1974, respectively, are included in women's and children's underwear. U.S. imports increased from 0.9 million dozen in 1970 to 2.0 million dozen in 1972. Imports then declined to 1.9 million dozen in 1973 and further declined to 1.4 million dozen in 1974.

The ratio of imports to domestic production declined from 3.1 percent in 1972 to 2.9 percent in 1973 and further declined to 2.3 percent in 1974.

#### CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bikini sets produced at Melody Bra and Girdle Company, Long Island City, New York did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc. 76-15501 Filed 5-27-76; 8:45 am]

[TA-W-667]

#### OSGOOD & SONS, INC., DECATUR, ILL.

#### Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-667: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 12, 1976 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's jackets, slacks, and dresses at Osgood & Sons, Inc., Decatur, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12753). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Osgood & Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of

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that increases of imports like or directly competitive with brassieres and girdles produced at the Youthcraft Foundation Company, Brooklyn, New York, contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provision of the Act, I make the following certification:

All workers at the Youthcraft Foundations Company, Brooklyn, New York, who became totally or partially separated from employment on or after February 12, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-15607 Filed 5-27-76;8:45 am]

[TA-W-622]

#### INTERNATIONAL SHOE CO.

#### Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-622: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's and women's shoes at the Conway, Arkansas plant of International Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10640). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe Company, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or

partial separation, or threat thereof, and to such decline in sales or production;

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

**Significant total or partial separations.** The average number of production workers declined 2.1 percent from 1973 to 1974 and declined 12.8 percent from 1974 to 1975. In the first three quarters of 1975 employment declined compared to the same quarters of 1974. Average weekly hours declined 11.0 percent from 1973 to 1974 and declined 1.0 percent from 1974 to 1975.

**Sales or production, or both, have decreased absolutely.** Total unit sales of men's nonrubber footwear by International Shoe Company as a whole declined 16.4 percent from 1973 to 1974 and declined 15.1 percent from 1974 to 1975. In the first three quarters of 1975, unit sales declined compared to the same quarters of 1974.

Unit sales of men's nonrubber footwear by the Conway plant of International Shoe declined 17.8 percent from 1973 to 1974 and declined 25.9 percent from 1974 to 1975. In the first three quarters of 1975, unit sales by the Conway plant declined compared to the same quarters of 1974.

Production at Conway was identical to sales.

**Increased imports.** Imports of men's nonrubber footwear increased both absolutely, and relative to domestic production in each year from 1970 to 1974. In the first eleven months of 1975, imports of men's nonrubber footwear increased 7.2 percent compared to the first eleven months of 1974. Domestic production declined 7.5 percent during the same period. The ratios of imports to domestic production and consumption increased from 63.3 percent and 38.8 percent respectively, in the first eleven months of 1974 to 73.4 percent and 42.3 percent in the same period of 1975.

**Contributed importantly.** The Department's investigation revealed that customers decreased purchases of men's shoes from International Shoe Company in favor of lower priced imported shoes.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's nonrubber footwear produced at the Conway, Arkansas plant of International Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's nonrubber footwear at the Conway, Arkansas plant of International Shoe Company, St. Louis, Missouri, who became totally or partially separated from employment on or after Feb-

ruary 5, 1975 and before September 30, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-15672 Filed 5-27-76;8:45 am]

[TA-W-680]

#### STAR SUPPORTER MANUFACTURING CO., INC.

#### Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-680: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's swimsuit linings at Star Supporter Manufacturing Co., Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14233). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Star Supporter Mfg. Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

During the course of the investigation, it was determined that there were not imports of men's swimsuit linings separate from men's and boys' swimsuits.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by Star Supporter Manufacturing Co., Inc., Philadelphia, Pennsylvania are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-15670 Filed 5-27-76;8:45 am]

[TA-W-690]

#### VULCAN CORP., UNION, MISSOURI

#### Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-690: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on that date which was filed on behalf of workers producing heels for women's shoes at the Union, Missouri plant of the Vulcan Corporation.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14224). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Vulcan Corporation and the U.S. Department of Commerce.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely.
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but

not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation reveals that imports of heels are not separately identified under the Tariff Schedules of the United States. A survey of the industry conducted by the U.S. International Trade Commission (Tariff Commission) revealed that imports of women's heels represent less than one-half of one percent of the total number of heels used in the domestic production of women's shoes.

**Conclusion.** After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with women's heels produced by the Union, Missouri plant of the Vulcan Corporation are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of May 1976.

JAMES F. TAYLOR,  
Director, Planning and  
Evaluation Staff.

[FR Doc.76-15671 Filed 5-27-76;8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 58]

#### ASSIGNMENT OF HEARINGS

MAY 25, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111170 (Sub 226), Wheeling Pipe Line, Inc. now assigned June 10, 1976 (2 days) in Memphis, Tennessee is cancelled, application dismissed.

MC 10302 (Sub 7), The Chieppo Bus Company, application dismissed.

MC 136511 (Sub 6), Virginia Appalachian Lumber Corp. now being assigned July 20, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

AB 19 Sub 3, Baltimore and Ohio Railroad Company Abandonment Landon-Berg Branch, New Castle County, Delaware, now being assigned September 8, 1976 (2 days), at Wilmington, Del., in a hearing room to be later designated.

MC 141663, Robert E. Moore, dba Moore Trucking Company now being assigned July 1, 1976 for pre-hearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 111729 Sub 543, Purolator Courier Corp., now assigned June 21, 1976, at Washington, D.C., is postponed to June 22, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-12234, Century Express Ltd.—Purchase-Lansdale Transportation Co., Inc.; MC-F-12604, and MC 108473 Sub 37, St. Johnsbury Trucking Company, Inc.—Purchase (Portion)—Lansdale Transportation Co., Inc. (Century Express Ltd. Assignor); MC-F-12605, H. W. Taynton Co., Inc.—Purchase (Portion)—Lansdale Transportation Co., Inc. (Century Express Ltd. Assignor);

MC-F-12633, Eagle Foods, Inc., dba Rutherford's—Purchase (Portion)—(Centum Express, Ltd., Operator of Lansdale Transp. Co., Inc. now being assigned July 29, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C. and on December 7, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C. No. 36271, Oklahoma Intrastate Freight Rates & Charges—1975, now assigned August 2, 1976, at Oklahoma City, Okla., is cancelled and transferred to modified procedure.

FF-C-59 Associated Air Freight, Inc., Revocation of Freight Forwarder Permit, now assigned June 2, 1976, at Washington, D.C. is postponed to June 3, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36325, Radioactive Materials, Special Train Service, Nationwide, now assigned June 8, 1976, at Washington, D.C. is postponed to June 9, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

AB 1 Sub 9, Chicago And North Western Transportation Company Abandonment between Wren, Iowa, And Iroquois, South Dakota, in Sioux and Plymouth Counties, Iowa and Union, Lincoln, Turner, MC Cook, Miner, and Kingsbury Counties, South Dakota, now being assigned Continued Hrg., on July 7, 1976 (3 days), at Sioux Falls, S.D., July 12, 1976 (1 day), at Hewarden, Iowa, July 13, 1976 (2 days), at Beresford, S.D., and July 15, 1976 (2 days), at Salem, S.D., in a hearing room to be later designated.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15683 Filed 5-27-76;8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43169—Joint Rail-Water Container Rates—American Export Lines, Inc. Filed by American Export Lines, Inc. (No. 7), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Gulf of Mexico ports, to ports and terminals in



the Mediterranean, Sea of Mamara, Atlantic Coast of Spain, Portugal, and Morocco and the Bay of Biscay.

Grounds for relief—Water competition.

**Tariff**—American Export Lines, Inc., Eastbound U.S. Gulf Coast/European Mediterranean Joint Container Freight tariff I.C.C. No. 6, F.M.C. No. 175. Rates are published to become effective on June 23, 1976.

**FSA No. 43770—Chemicals and Related Articles from and to Points in Eastern Territory and Bayport, Texas.** Filed by Southwestern Freight Bureau, Agent (No. B-600), for interested rail carriers. Rates on chemicals and related articles, in tank-car loads, as described in the application, between Carney's Point (Deepwater), Carteret, Deepwater (Carney's Point), Gibbstown, N.J., and Niagara Falls, N.Y., on the one hand, and Bayport, Texas, on the other.

Grounds for relief—Rate relationship. **Tariff**—Supplement 6 to Southwestern Freight Bureau, Agent, tariff 12-J, I.C.C. No. 5219. Rates are published to become effective on July 1, 1976.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 76-15482 Filed 5-27-76; 8:45 am]

[Notice No. 66]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 24, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *FEDERAL REGISTER* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Sec-

#### NOTICES

retary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

##### MOTOR CARRIERS OF PROPERTY

No. MC 42605 (Sub-No. 4TA), filed May 11, 1976. Applicant: CARL H. BETZ, R.D. No. 1, Orefield, Lehigh County, Pa. 18069. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Gypsum*, in bulk, in dump vehicle, from Cementon and points in Rensselaer County, N.Y., to points in Berks, Lehigh and Northampton Counties, Pa. (2) *Iron oxide*, in bulk, in dump vehicles, from Bridgeport, Conn., and points in Cayuga County, N.Y., to Orefield, Lehigh County, Pa. (3) *Iron oxide*, from Orefield, Lehigh County, Pa., and points in Chester, Montgomery, and Philadelphia Counties, Pa., to points in Albany, Columbia, Greene, Onondaga, Saratoga, Schoharie and Ulster Counties, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Paul Blum Company, Inc., P.O. Box 1026, 189 Van Rensselaer Street, Buffalo, N.Y. 14210. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 44605 (Sub-No. 45TA), filed May 12, 1976. Applicant: MILNE TRUCK LINES, INC., 2200 South 400 West, Salt Lake City, Utah 84115. Applicant's representative: Henry A. Dahn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Ely, Nev., and Junction U.S. Highway 93 and Interstate Highway 15, approximately 19 miles North and East of Las Vegas, Nev., from Ely, Nev., over U.S. Highway 93 and return over the same route, serving no intermediate points except as otherwise authorized, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations. Applicant proposes to tack authority sought with its existing service at Ely, Nev., and at Junction of U.S. Highway 93 and Interstate Highway 15, for 180 days. Supporting shipper: None. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138.

No. MC 71642 (Sub-No. 19TA), filed May 11, 1976. Applicant: CONTRACTUAL CARRIERS, INC., Harmony Industrial Park, Newark, Del. 19711. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority

sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chemically hardened fibre and insulating materials, articles, sheets, shapes and forms, including plastics and plastic articles, sheets, shapes, forms, rods, tubes, grindings and pellets and materials and supplies*, used in the manufacture thereof, between Delaware City Commercial Zone, Del., on the one hand, and New York, Endicott City and Johnson City, N.Y., points in New Jersey and points in Pennsylvania on and east of U.S. Highway 11, for the account of Keysor-Century Corporation, for 180 days. Supporting shipper: Keysor-Century Corporation, Delaware City, Del. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 79737 (Sub-No. 18TA), filed May 10, 1976. Applicant: BERTA BROS. TRANSPORTATION, INC., P.O. Box 429, U.S. Highway 50 East, Canon City, Colo. 81212. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum, calcined; plaster, stucco, wall or sand, plasterboard, including plaster wallboard, and plasterboard, joint systems or compounds*, from the plant-site of the Flintkote Company located at Florence, Colo., to Cheyenne, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Company, P.O. Box 429, Florence, Colo. 81226. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 107064 (Sub-No. 114TA), filed May 12, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from the plant-site and storage facilities of Occidental Chemical Company at or near Grant, Nebr., to points in Colorado, Iowa, Kansas, Missouri, North Dakota, Oklahoma, South Dakota and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Occidental Chemical Co., Houston, Tex. (713-629-3513). Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 110686 (Sub-No. 50TA), filed May 11, 1976. Applicant: MCCORMICK DRAY LINE, INC., Route 220, Avis, Pa. 17721. Applicant's representative: Jay H. McCormick (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, building*

*panels, building parts, and materials, accessories and supplies*, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plant site and storage facilities of Butler Manufacturing Co., at or near Annville, Lebanon County, Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Butler Manufacturing Co., 400 North Weaver, P.O. Box F, Annville, Pa. 17003. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 113362 (Sub-No. 296TA), filed May 12, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: *Foodstuffs, pet foods, pet supplies and cleaning compounds* (except in bulk), from the plant-site or warehouse facilities of R. T. French Company, Springfield, Mo., to the Upper Peninsula Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The R. T. French Company, One Mustard Street, Rochester, N.Y. 14609. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 119726 (Sub-No. 69TA), filed May 11, 1976. Applicant: N.A.B. TRUCKING CO., Inc., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: James L. Beatty, 130 East Washington, St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Household and commercial appliances, and parts and accessories and attachments*, for household and commercial appliances from Ripon, Wis., to points in Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, (except the Chicago, Ill., Commercial Zone), Michigan, (except the Detroit, Mich., Commercial Zone and points in the upper peninsula of Michigan), Indiana, Ohio, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, and from Seary, Ark., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, (except points and places in St. Louis County and St. Louis, Mo. Commercial Zone), Wisconsin, Michigan, Kentucky, Penn-

sylvania, West Virginia, Tennessee, (except Memphis, Tennessee Commercial Zone), North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Speed Queen, A Division of McGraw Edison Company, Doty Street, Ripon, Wis. Send protests to: Fran Sterling, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 121607 (Sub-No. 7TA), filed May 12, 1976. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., 206 N. Gum Street, Kennewick, Wash. 99336. Applicant's representative: George R. LaBisoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and wood products* consisting of pre-fab doors, trusses, beams, lumber and plywood, between Pasco, Wash., on the one hand, and points in Oregon and Idaho on the other hand, for 180 days. Supporting shipper: Kler Kut Lumber Company, 1020 E. Ainsworth Bldg., Pasco, Wash. 99302. Send protests to: Interstate Commerce Commission, Rm 858, 915 2nd Avenue, Seattle, Wash. T/S L. D. Boone.

No. MC 124078 (Sub-No. 667TA), filed May 12, 1976. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th St., P.O. Box 1601, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Oconomowoc, Wis., to O'Hare Field, Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: *Morano Industries, Inc.*, 1212 W. Second St., Oconomowoc, Wis. 53066, (Ted Zimmerman), Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 307, Milwaukee, Wis., 53203.

No. MC 135866 (Sub-No. 4TA), filed May 6, 1976. Applicant: JACK L. MASENDER, doing business as ZILLAH HAULING SERVICE, 6502 N. Pittsburgh Street, Spokane, Wash. 99207. Applicant's representative: George R. LaBisoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Building materials, glass, shower doors, mirrors, lumber, particle board, plywood, moldings, hardboard, roofing, adhesive, siding, insulation, doors, ceiling tile, plaster board, nails and paint*, between Seattle, Tacoma, Spokane, Wash., and Portland, Ore., on the one hand, and points in California, Washington, Oregon, Idaho, and Montana on the other hand, under a continuing contract with Savage Wholesale Building Materials,

Inc. for 180 days. Supporting shippers: Savage Wholesale Building Materials, Inc., 1100 Republican Street, Seattle, Wash. 98109. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 139084 (Sub-No. 10TA), filed (Correction), filed April 7, 1976, published in the *FEDERAL REGISTER* issue of April 29, 1976, republished as corrected this issue. Applicant: BIG VALLEY & ENTERPRISES, LTD., 8516 40th St., S.E., Calgary, Alberta, Canada. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Processed sulphur*, in bags, from ports of entry on the International Boundary line between the United States and Canada located in Montana and North Dakota, to points in Minnesota, Michigan, South Dakota, North Dakota, Iowa, Wisconsin, Illinois, Indiana, Missouri, Nebraska, Ohio, Kentucky and Kansas, restricted to traffic originating at production plant, which is approximately 15 miles west of Didsbury, Alberta, Canada; and from storage and distribution setup, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. T. Walsh, General Manager, Agri-Sul Canada, Ltd., P.O. Box 3756, Station "B" Calgary, Alberta, Canada T2M 4N4. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North Billings, Mont. 59101.

NOTE.—The purpose of this republication is to include South Dakota as a destination point.

No. MC 139336 (Sub-No. 9TA), filed May 12, 1976. Applicant: TRANSTATES, INC., 2449 Marselles Way, Cosma Mesa, Calif. 92626. Applicant's representative: David P. Christensen, 646 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lavatories, toilets, bathtub and wall surrounds, vanity cabinets and washbasins* in specially designed equipment and material, supplies and equipment utilized in the manufacture of lavatories, toilets, bathtub and wall surrounds, vanity cabinets and washbasins between Orange County, Calif., on the one hand, and, on the other, points in the United States, under a continuing contract with Kimstock Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kimstock, Inc., 220 South Yale Street, Santa Ana 92704. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140502 (Sub-No. 1TA), filed May 13, 1976. Applicant: BOB PERRETT



**ENTERPRISES, LTD.**, 1016-1st Avenue South, Lethbridge, Alberta, Canada. Applicant's representative: C. E. de Bruyn, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Dawson and Mankato, Minn. to the ports of entry on the International Boundary line between the United States and Canada located at points in Montana and North Dakota, restricted to traffic destined to the Province of Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Dan Fields, Merchandiser, Pillsbury Company, 608-2nd Avenue South, Minneapolis, Minn. 55402. Gary Lundman, Cash Trader, L. V. Patterson, Ltd., 215 Panet Rd., Winnipeg, Manitoba, Canada, R2J 0S4. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 141321 (Sub-No. 3TA), filed May 11, 1976. Applicant: J. MEREDITH BUS CO., 109 Brick Road, Cherry Hill, N.J. 08003. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Towers of Windsor, Cherry Hill Township, N.J., on the one hand, and, on the other, Philadelphia, Pa., under a continuing contract with Richard Goldberg, Seymore Goldberg and Irving Goldberg, a partnership, trading and doing business as Deerwood Estates, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Richard Goldberg, Seymore Goldberg, Irving Goldberg, a partnership, t/d/b/a Deerwood Estates, Towers of Windsor, Chapel Avenue, Cherry Hill, N.J. 08034. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 141552 (Sub-No. 3TA), filed May 11, 1976. Applicant: JAMES R. SMITH POULTRY AND PRODUCE CO., INC., P.O. Box 790, Cullman, Ala. 35055. Applicant's representative: John Tucker, 914 Woodward Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, pallets, can openers and malt beverage advertising materials*, when moving in the same vehicle with malt beverages, (a) from Savannah, Ga., New York, N.Y., Newark, N.J., and Mobile, Ala., to points in Autauga, Baldwin, Barbour, Bullock, Calhoun, Choctaw, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Etowah, Greene, Hale, Henry, Houston, Jefferson, Lee, Lowndes, Macon, Madison, Marengo, Mobile, Montgomery, Perry, Pike, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, and Wilcox Counties, Ala., (b) from Memphis, Tenn.,

and Milwaukee, Wis., to points in Tuscaloosa County, Ala., and (c) from Ft. Worth, Tex., Evansville, Ind., and Pabst, Ga. to points in Talladega County, Ala., (2) *wine*, (a) from New York, N.Y., Savannah, Ga., Mobile, Ala., and New Orleans, La., to points in Mobile, Tuscaloosa and Jefferson Counties, Ala., (b) from New York, N.Y., Senoma, Calif., Brooklyn, N.Y., Purchase, N.Y., Farmingdale, N.Y., Lynchburg, Tenn., Hammondsport, N.Y., and Chicago, Ill., to points in Tuscaloosa County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Vulcan Beverage Distributors, 417 Eight Avenue South, Birmingham, Ala. 35205, Southern Distributing Co., P.O. Box 1999, Tuscaloosa, Ala. 35401, Quality Products, Inc., 509 North Anniston, Sylacauga, Ala. 35150. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1816, 2121 Building, Birmingham, Ala. 35203.

No. MC 141803 (Sub-No. 1TA), filed April 30, 1976. Applicant: KENNETH W. FREEMAN, doing business as EAGLE TRANSPORT, P.O. Box 28, Haines, Alaska 99827. Applicant's representative: L. B. Jacobson, 123 Seward Street, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *General commodities*, including those requiring special equipment, mobile homes and modular units requiring the use of pintle, hitch, (excepting articles of unusual value, Classes A and B explosives, livestock and commodities in bulk), for 180 days. Supporting shippers: Standard Oil Co., Haines, Ark., 99827, L.A.B. Flying Service, Inc., Box 272, Haines, Ark., 99827, Homer Apartments, Box 344, Haines, Ark., 99827, G & T Cutting & Clearing, Box 382, Haines, Ark., 99827, Valley Fuel Service, P.O. Box 24, Haines, Ark., 99827.

Temporary authority application	Final action or certificate or permit	Date of action
Pre-Pak Transit Co., MC-107295 Sub-781TA	MC-107295 Sub-780	May 24, 1976
Ward Transport, Inc., MC-113624 Sub-67TA	MC-113624 Sub-66	May 21, 1976
Ward Transport, Inc., MC-113624 Sub-67TA	MC-113624 Sub-70	May 24, 1976
D.B. Warner Enterprises, MC-132233 Sub-30TA	MC-132233 Sub-32	Do.
Jay Lines, Inc., MC-134323 Sub-58TA	MC-134323 Sub-62	May 21, 1976
Charter Express, Inc., MC-134755 Sub-40TA	MC-134755 Sub-46	Do.
Richards Transport, Ltd., MC-139154 Sub-3TA	MC-139154 Sub-4	Do.
Amstar Trucking, Inc., MC-139658 Sub-4TA	MC-139658 Sub-5	Do.
Wolf Trucking, Inc., MC-139935 Sub-2TA	MC-139935 Sub-3	Do.
Downs Transportation Co., Inc., MC-140683 Sub-1TA	MC-140683 Sub-2	May 19, 1976

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15684 Filed 5-27-76; 8:45 am]

[Notice No. 258]  
**MOTOR CARRIER BOARD TRANSFER  
PROCEEDINGS**

May 28, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 420(g) of the Interstate Commerce Act, and rules and regula-

tions prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15687 Filed 5-27-76; 8:45 am]

[Notice 129]

**TEMPORARY AUTHORITY TERMINATION**

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

ROBERT L. OSWALD,  
Secretary.

interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 17, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76294. By order of May 21, 1976 the Motor Carrier Board approved the transfer to Consolidated Truck Service, Inc., Union, N.J., of the operating rights in Permit No. MC 129950 issued January 15, 1974, to Midwestern Transfer, a corporation, Union, N.J., authorizing the transportation of metal doors and metal door frames from the plant site of Pioneer Industries, Inc., at Carlstadt,

N.J., to points in Pennsylvania, with exceptions, Ohio, Maryland, Delaware, West Virginia, and the District of Columbia. Morton Kiel, 5 World Trade Center, New York, N.Y., 10048 Representative for applicants.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15685 Filed 5-27-76; 8:45 am]

[Notice No. 259]

**MOTOR CARRIER TRANSFER  
PROCEEDINGS**

May 28, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with

transfer application under Section 212a (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76287. By application filed May 24, 1976, D & R MOVING & TRUCKING, INC., 29 Evans Avenue, Oceanside, N.Y., 11572, seeks temporary authority to lease the operating rights of RAYMOND STORAGE WAREHOUSE, INC., 3860 Park Avenue Bronx (New York) N.Y., 10457, under section 210a(b). The transfer to D & R MOVING & TRUCKING, INC., of the operating rights of RAYMOND STORAGE WAREHOUSE, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,  
Secretary.

[FR Doc.76-15686 Filed 5-27-76; 8:45 am]

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# **federal register**

FRIDAY, MAY 28, 1976



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PART II:

## **FEDERAL ENERGY ADMINISTRATION**

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**PETROLEUM**

*Miscellaneous Amendments*

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# FEDERAL ENERGY ADMINISTRATION ENERGY CONSERVATION CONTINGENCY PLANS

## Opportunity for Written Comment and Public Hearings

The Federal Energy Administration (FEA) hereby gives notice that, as required by sections 201, 202, and 523(a) (42 U.S.C. 6261, 6262, and 6393(a)) of the Energy Policy and Conservation Act (EPCA) (89 Stat. 871 et seq.) and section 4(a) of Executive Order 11912 (41 FR 15825-27), it will hold public hearings and receive written comments with respect to five proposed energy conservation contingency plans which are set forth in the Appendix to this notice.

## I. BACKGROUND AND PURPOSE OF STANDBY ENERGY AUTHORITIES

A. *General.* The energy conservation contingency plans proposed in this notice and the contingency gasoline and diesel fuel rationing regulations proposed in a companion notice are intended for implementation only in the event of a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program. Although such circumstances may seem remote during a period of abundant energy supplies, a sudden cutoff of foreign oil could plunge the United States into an energy crisis of even greater proportions than the 1973-74 oil embargo. At that time our inability to import sufficient quantities of oil caused an estimated \$10-20 billion decline in gross national product, and considerable economic and social disruption. Since then, the country has grown even more dependent on foreign sources for petroleum supplies. Imports now exceed seven million barrels per day, while domestic production is declining steadily. In March 1976, the United States imported for the first time more than one half of its domestic petroleum requirements. While this month's import level might be somewhat aberrant, nonetheless it appears that the nation is more vulnerable now to a cutoff of foreign oil than it was just three years ago.

Titles I, II, and IV of the EPCA delineate the range of options available to the President under that Act for dealing with an energy emergency. These options, together with other statutory authority available to the President, comprise the basis for the country's energy shortfall management program. As described in the following paragraphs, the various components of this program would enable the President to alleviate the impact of a severe energy shortage by (1) increasing domestic supply (production in excess of the maximum efficient rate and drawdown of storage reserves); (2) reducing public and private demand for energy (voluntary and mandatory conservation programs); and (3) distributing the available supply in an equitable manner (allocation and rationing).

1. *Increased Supplies.* In order to increase the domestic energy supply during

## NOTICES

a severe shortage, section 106 of the EPCA (42 U.S.C. 6214) authorizes the President to require production of petroleum or natural gas, or both, from certain fields at or in excess of the maximum efficient rate. In addition, the strategic petroleum reserve program authorized by Title I, Part B of EPCA (42 U.S.C. 6231-6246) contemplates storage of 150 million barrels of crude oil by 1978, and an ultimate strategic petroleum reserve of up to a billion barrels. In the event of a severe energy shortage, careful drawdown of this reserve would compensate, in substantial part, for the shortfall of supplies during the period of the shortage.

2. *Demand Reduction.* Emergency conservation programs seek to reduce the effect of an energy shortfall by curtailing allowable demand for energy. Ongoing mandatory and voluntary conservation programs, such as the 55-mph speed limit and carpooling, could be intensified during an energy shortage, and other steps for the elimination of non-essential energy usage would be taken. Individual states could implement their own conservation contingency plans, as provided for within Part C of Title III of the EPCA (42 U.S.C. 6321-6326), and could take other actions as appropriate to meet the emergency. Assuming a deep shortage, however, even greater reduction in energy consumption might be needed on a national level. The five energy conservation contingency plans proposed today, if put into effect during a severe energy shortage, would reduce energy demand for up to nine months through various mandatory adjustments to normal business operations and living patterns. The plans have been designed to be minimally disruptive in achieving a significant short-term reduction in energy consumption.

3. *Distribution.* There are two principal emergency supply distribution mechanisms contemplated by the EPCA: allocation and rationing. In a shortage, FEA would either continue or, if they had been phased out, reimpose its Mandatory Petroleum and Price Regulations. Additionally, FEA may use its authority to control refinery yield. In the specific case of gasoline and diesel fuel, the allocation program would continue substantially the same as at present so far as distribution from suppliers to resellers is concerned. However, rationing would provide a method of gasoline distribution to all consumers and not just to bulk purchasers as under the current allocation program. The rationing program would only apply to diesel fuel sales at retail sales outlets; the current allocation program for middle distillates would continue to regulate distribution of diesel fuel other than at retail sales outlets.

The proposed contingency gasoline and diesel fuel rationing regulations, as required by sections 201 and 203 of the EPCA, are presented in a companion notice. Because of the high cost of rationing and the complexity of its administration, such a plan would be considered for implementation only if all other

options for managing the shortfall should prove inadequate.

B. *Requirements Applicable to Energy Conservation Contingency Plans.* Section 201(a) (1) of the EPCA requires that within 180 days after the date of enactment of the EPCA the President shall transmit to the Congress one or more energy conservation contingency plans. Additional plans may be submitted at any time.

If the Congress approves an energy conservation contingency plan by resolution of each House in accordance with the procedures of section 552 of the EPCA (42 U.S.C. 6422), the plan would thereby be given standby status, but further actions would be necessary for the plan to become effective. These further actions include: (1) a Presidential finding that putting the plan into effect was required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program, and (2) transmittal of such finding to the Congress, together with a statement of the effective date and manner for exercise of such plan (section 201(b) (3) of the EPCA).

As defined in section 202(a) (1) of the EPCA, the term "energy conservation contingency plan" means a plan which imposes reasonable restrictions on the public or private use of energy which are necessary to reduce energy consumption. As specified in section 202(a) (2) of the EPCA, no energy conservation contingency plan may impose rationing or any tax, tariff, or user fee, contain any provision respecting the price of petroleum products; or provide for a credit or deduction in computing any tax.

No energy conservation contingency plan may deal with more than one logically consistent subject matter (section 202(c) of the EPCA), and section 202(a) (1) of the EPCA provides that in prescribing a plan the mobility needs of the handicapped must be taken into consideration.

Pursuant to section 202(b) of the EPCA, any energy conservation contingency plan shall apply in each State or political subdivision thereof, except as the plan may provide for procedures for exempting any State or political subdivision thereof from the plan, in whole or part, during a period for which (1) the President determines a comparable program is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

The administrative procedure and judicial review provisions of section 523 of the EPCA (42 U.S.C. 6393) apply to any rule, regulation or order issued under a plan and having the effect of a rule as defined in section 551(4) of Title 5, United States Code. Any person who fails to comply with any provision prescribed in, or pursuant to, a plan which is in effect shall be subject to the applicable penalties set forth in section 525 of the EPCA (42 U.S.C. 6395).

Section 4(a) of Executive Order 11912 of April 13, 1976 authorizes and directs

the Administrator of FEA, in consultation with the heads of appropriate agencies, to develop for the President's consideration the energy conservation contingency plans prescribed under the EPCA. That fact further requires a public comment period on proposed contingency plans of at least 30 days, except under certain conditions, not relevant to this proposal, which would justify a shorter comment period or complete waiver of such period (sections 202(a) (1) and 523(a) of the EPCA).

Section 201(f) of the EPCA provides that plans, when transmitted to Congress, shall contain an explanation of their need, rationale, and operation.

## II. RATIONALE BEHIND THE DEVELOPMENT OF THE FIVE ENERGY CONSERVATION PLANS

In arriving at the five plans proposed today, FEA explored and evaluated many potential measures according to the following rationale:

(1) Because any serious energy supply-demand imbalance would most likely result from a shortfall of petroleum, demand reduction measures were selected which would significantly curtail consumption of petroleum and its substitute, natural gas. Demand reduction estimates for each of the five plans proposed today have been included in this notice in order to permit an assessment of the general potential of each plan to reduce energy consumption. The actual reduction in demand that would result from implementation of any plan would, of course, be a function of a number of complex and unpredictable factors, including level of implementation, degree of compliance, severity of the shortfall, adjustments to normal behavior patterns, extent of voluntary conservation achieved prior to any supply interruption, and the number and type of other shortfall management actions in effect at the same time. Copies of the analyses by which the demand reduction estimates included in this notice were derived will be made available for inspection by interested persons as provided for later in this notice. Comments are solicited on the estimates and analyses as well as on other aspects of this notice.

(2) Another consideration was that any energy emergency would be met by a number of interrelated and complementary actions to mitigate the emergency's adverse impact. Implementation of one or more energy conservation contingency plans would comprise only one part of this total shortfall management program. Other steps would include actions to increase domestic supply (mandatory oil production at or in excess of the maximum efficient rate and drawdown of strategic reserves) as well as re-imposition of allocation and price controls. It is anticipated that States would implement their own demand curtailment programs. On the national level, voluntary and ongoing conservation efforts would be intensified, and stringent restraints would be imposed on all Federal government operations.

Therefore, these plans are not intended by themselves to alleviate the ef-

fects of an emergency energy shortfall situation. They would, however, be particularly useful in redirecting supply in concert with allocation and other measures authorized by law.

(3) A decision to implement one or more conservation contingency plans would be made in the context of the total shortfall management program described above. Other factors influencing the decision would include the severity of the shortfall, the cost of each plan, the potential reduction in energy consumption, the anticipated impact on the Nation's economy, and the degree of compliance that could be expected. Although all contingency plans approved by Congress would be available for possible use, they would not necessarily be implemented simultaneously.

(4) Since Congressional approval must be granted before any plan can become effective, and the EPCA does not appear to contemplate plans which are redundant with initiatives already specifically mandated by law, conservation contingency measures were selected for proposal which could not be implemented under existing authorities.

(5) Under section 202 of the EPCA, energy conservation contingency plans can be implemented for no more than nine months. This provision, coupled with the shortage situation which the plans are intended to alleviate, necessitates a rapid startup capability. All the proposed plans can be fully implemented in 45 days or less.

(6) In light of obligations under the international energy program to develop 7 percent and 10 percent conservation capabilities, the United States should have Congressionally approved plans with a total demand reduction potential of at least 1,000,000 barrels of oil per day. Since no one plan could meet this goal, several plans are needed. It is recognized that the five plans proposed here accomplish only part of this demand restraint objective. Additional measures are presently being evaluated for future development into standby plans.

(7) The plans included in this proposal—in addition to any plans which might be proposed in the future—should attempt to spread any hardship across the economy and not unduly penalize particular industries, groups, or localities. The five plans proposed today cover transportation, residential, commercial, and industrial consumption of energy.

(8) FEA assumes that if the general public correctly perceives the severity of any future energy shortage requiring the implementation of one or more plans, widespread cooperation and support will contribute greatly toward general compliance with the plans. Accordingly, the plans provide that FEA may disseminate to the public information regarding the operation and goals of, and responsibilities under, the plans. To ensure general compliance, however, the plans provide for FEA to assume primary official responsibility for enforcement, should they be implemented. Various mechanisms have been explored through which each of the proposed plans could be imple-

mented, administered, monitored and enforced. In general, it is contemplated that enforcement actions would follow procedures used by the FEA to enforce other programs for which it has responsibility, that these procedures would include the use of on-site inspections, and that in appropriate circumstances certain enforcement responsibilities could be delegated to other Federal agencies or to the States or could be contracted out.

## III. THE PROPOSED PLANS

The five plans now proposed are set forth in the Appendix to this notice. These plans are as follows:

(1) *Emergency Heating, Cooling, Lighting and Hot Water Restrictions.* Approximately one quarter of the petroleum consumed in the United States is used for space heating and cooling, lighting, and hot water. Since the 1973-74 oil embargo, voluntary conservation efforts have reduced energy consumption for these purposes without causing undue discomfort. In the event of a severe petroleum shortage, the establishment of stringent, but tolerable, standards for the operation of some 5 million non-residential buildings could further reduce demand for petroleum by 261,000 barrels per day. A substantial portion (195,000 barrels per day) of this reduction potential can be achieved through reduced heating alone, assuming an average thermostat setback of three degrees. Adherence to such standards would help to ensure the availability of adequate supplies of distillate for heating homes.

Under the plan, owners and operators of public, commercial, and industrial buildings would be required to maintain thermostats at no lower than 80° F for cooling, at no higher than 65° F for heating, and at no higher than 105° F for hot water intended for personal hygiene. Overhead lighting would be maintained at levels not to exceed 50 foot candles at work stations, 30 foot candles in areas surrounding work stations, and 10 foot candles in other areas. The plan would also permit FEA to establish other heating, cooling, lighting and hot water levels if reasonable and necessary.

(2) *Emergency Commuter Parking Management and Carpooling Incentives.* Transportation accounts for more than one-half of the petroleum consumed in the United States. Private automobiles use approximately one-half of all energy consumed for transportation. Therefore, a significant reduction in automobile vehicle miles travelled (VMT) is the objective of two proposed plans.

Commuting to and from work accounts for approximately one third of total automobile VMT. Voluntary carpooling programs have not succeeded in raising the national average occupancy factor in commuter vehicles above 1.2. An increase in the average occupancy factor to 1.3 would reduce commuter VMT by at least 6 percent, with a resulting decrease in gasoline consumption of over 100,000 barrels per day.

A feasible means of raising the average occupancy factor on an emergency basis is to reduce the quantity of com-



muter parking spaces available. To accomplish this the plan restricts the amount of commuter parking capacity in both employer-provided and for-compensation parking facilities. An employer who has 100 or more employees and who provides parking facilities at any employment site would be responsible for ensuring that the number of employee vehicles parked in those facilities does not exceed a certain percentage of his employees who work at that site. (All educational institutions and off-campus students enrolled above the secondary level are covered by the plan.) In allocating parking spaces, employers must give priority to carpools and handicapped persons. In addition, each employer must operate a carpool information program.

The plan further would require parking facilities in which vehicles are parked for compensation, whether privately or governmentally operated, to leave unfilled a certain percentage of parking spaces between 6:00 a.m. and 10:00 a.m. on weekdays.

(3) *Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions.* The objective of this plan is to achieve a significant reduction in gasoline consumption by discouraging discretionary driving, boating, and flying on weekends. More than 90 percent of weekend VMT is for purposes other than earning a living; therefore, the potential for curtailing non-essential vehicle usage is greatest on Saturday and Sunday. A 7 percent net reduction in weekend VMT would decrease total gasoline consumption by more than 100,000 barrels per day.

The plan would prohibit retail filling station owners and operators from pumping gasoline and diesel fuel to most motor vehicles during specified weekend hours. In order to avoid disrupting the normal flow of business and commerce, however, the following types of vehicles would be exempt from the restrictions: emergency vehicles, ICC registered vehicles, commercial passenger carriers for hire, commercial vessels and aircraft, heavy construction and farm equipment, and Federal, State and local government vehicles. Large trucks (i.e., with six or more tires and/or with a gross vehicle weight or gross vehicle weight rating of at least 10,000 pounds) would be permitted to receive gasoline, and all trucks would be able to purchase diesel fuel.

(4) *Emergency Boiler Combustion Efficiency Requirements.* Although boilers consume large amounts of fuel, many large boilers are not operated efficiently, due to untrained personnel, infrequent maintenance service, or inadequate combustion control equipment. The combustion efficiency of most boilers can be improved by 3 percent to 5 percent, with a corresponding decrease in wasted energy, if a proper air-fuel ratio is maintained. A mandatory plan to improve the efficiency of approximately 250,000 large boilers would reduce consumption by 125,000 barrel equivalents per day of fuel oil and natural gas.

Under this plan, owners and operators of boilers with a rated capacity greater

than one million BTU/hour would be required to operate such boilers so that the components of the stack gas meet the following standards.

	In percentage	
	Natural gas	Fuel oil
Carbon dioxide.....	>10.0	>11.0
Oxygen.....	<2.0	<3.0
Carbon monoxide.....	<0.1	<0.1

The plan would also permit FEA to establish other stack gas component standards if reasonable and necessary.

(5) *Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting.* During an emergency period of reduced energy supply, illuminated advertising displays and natural gas lighting would constitute a conspicuous form of energy consumption with low utility. Elimination of advertising and gas lighting would conserve more than 80,000 barrel equivalents of natural gas and oil per day with minimal inconvenience or hardship. Of equal importance, the restriction would be consistent with the severity of the shortage situation which would warrant these conservation measures, and would lend credence to the necessity for other energy conservation programs.

Under the plan, electricity and natural gas could not be used for illuminating advertising signs or window displays. The use of natural gas for any type of outdoor lighting would likewise be prohibited, except where used by Federal, State and local governments for safety and security purposes.

The five plans proposed today, if and when put into effect, would be implemented, administered, monitored and enforced by FEA.

#### IV. ECONOMIC AND ENVIRONMENTAL ANALYSIS

A. *Economic Impacts.* Section 201(f) of the EPCA requires that any energy conservation contingency plan transmitted to the Congress be based upon a

Plan No. and Primary (major)	Secondary
(1) Buildings owners and operators, Electric utilities, Coal industry, Oil distributors.	Railroads, small appliance industry, clothing industry.
(2) Parking lot owners and operators.	Auto sales, production and maintenance, city government, individual drivers, retail sales.
(3) Tourism, recreation, hotels and restaurants, recreational boating and aviation, retail gas sales.	Tourist related activities, auto sales and production, State government.
(4) Boiler maintenance and repair, test equipment manufacturers, boiler owners and operators.	Industries using boilers.
(5) Electric utilities, natural gas utilities advertisers.	Coal industry, railroads, oil distributors.

Despite the nature of these preliminary findings, FEA would welcome comments with respect to the economic impacts of the proposed plans. Comments regarding the effects of the proposals in relation to the six areas specified in section 201(f) of the EPCA listed above would be particularly useful.

As part of its economic analysis FEA is also reviewing the inflationary impact

consideration of the potential economic impacts of such plan, including an analysis of:

(1) Any effects of such plan on—(A) vital industrial sectors of the economy; (B) employment (on a national and regional basis); (C) the economic vitality of States and regional areas; (D) the availability and price of consumer goods and services; and (E) the gross national product; and

(2) Any potential anticompetitive effects.

FEA's preliminary analysis indicates that the macroeconomic impacts of the plans will be negligible since the demand reduction potential associated with each plan constitutes only a small portion of the projected shortfall. This preliminary conclusion is being validated by means of an economic simulation. Since contingency plans developed under EPCA can be implemented only under conditions of a severe energy supply interruption or in order to fulfill obligations under the international energy program, the economic impacts of the plans are being assessed in terms of a supply shortfall scenario which is severe enough to warrant implementation of the plans, but not so severe as to eliminate the possibility of meaningful analysis based upon historical relationships between economic variables. Projections of economic conditions resulting from a supply interruption are based upon the results of the 1973-74 oil embargo and simulation of the effects of an allocation program in the context of a severe petroleum shortage.

In contrast to the negative findings of the macroeconomic analysis, a preliminary assessment of microeconomic effects indicates that the plans will have measurable impacts on certain regions and sectors of the economy. Listed below are the sectors which are likely to experience primary or secondary economic impacts due to implementation of the plans. The microeconomic analysis currently being performed will specify the nature and magnitude of each plan's impact upon these sectors.

Plan No. and Primary (major)	Secondary
(1) Buildings owners and operators, Electric utilities, Coal industry, Oil distributors.	Railroads, small appliance industry, clothing industry.
(2) Parking lot owners and operators.	Auto sales, production and maintenance, city government, individual drivers, retail sales.
(3) Tourism, recreation, hotels and restaurants, recreational boating and aviation, retail gas sales.	Tourist related activities, auto sales and production, State government.
(4) Boiler maintenance and repair, test equipment manufacturers, boiler owners and operators.	Industries using boilers.
(5) Electric utilities, natural gas utilities advertisers.	Coal industry, railroads, oil distributors.

of the proposed plans pursuant to Executive Order 11821, issued November 27, 1974 (3A CFR Ch. 2). The inflationary assessments will be included in the final plans submitted to Congress.

B. *Environmental Assessments.* FEA is preparing an environmental assessment of each proposed plan as required by § 208.1(c)(2) of FEA's regulations regarding compliance with the National

Environmental Policy Act (10 CFR Part 208). A negative determination is expected with respect to the effect of each plan, if implemented, on the quality of the human environment. Copies of the assessments and any negative determinations will be furnished to the Council on Environmental Quality and the Environmental Protection Agency. In addition, where a negative determination is justified, FEA shall, by notice in the FEDERAL REGISTER, announce the availability of such determination and the related assessment and provide for an opportunity for public comment on the determination prior to submission to the Congress of the plan for which it was prepared. If an environmental impact statement is required for a particular plan, it will be prepared before the plan is submitted to the Congress.

#### V. COMMENT PROCEDURES

A. *Written Comment Procedures.* Interested persons are invited to participate by submitting written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Washington, D.C. 20461. Comments on each plan should be sent to the appropriate box number as shown below:

- (1) Emergency Heating, Cooling, Lighting and Hot Water Restrictions, Box HA.
- (2) Emergency Commuter Parking Management and Carpooling Incentives, Box HB.
- (3) Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions, Box HC.
- (4) Emergency Boiler Combustion Efficiency Requirements, Box HD.
- (5) Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting, Box HE.

Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Energy Conservation Contingency Plan", and the title of the specific plan to which the comments are addressed. Fifteen copies should be submitted. All comments received by June 28, 1976, 4:30 p.m., e.s.t., and all other relevant information will be considered by the FEA.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

B. *Public Hearings.* FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold regional hearings in Atlanta, Kansas City, San Francisco, and Anchorage.

1. *National Hearing.* In Washington, D.C., the hearing (hereinafter referred to as the National hearing) will be held beginning at 9:30 a.m., e.s.t., on June 23, 1976 at Room 2105, 2000 M Street, N.W., Washington, D.C. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest in this pro-

ceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3309, Box GO, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on June 16, 1976. A request may be held delivered between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

*Regional Hearings.* The regional hearings in Atlanta, Kansas City, San Fran-

cisco, and Anchorage, will be held beginning at 9:30 a.m., local time, June 21, 1976 at the locations specified below. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m., local time, on June 14, 1976.

FEA region	Submit requests to testify and questions to—	Hearing location
Atlanta, Ga.....	FEA, 1655 Peachtree St., Atlanta, Ga. 30300.	FEA, 1655 Peachtree St., 5th Floor, Conference Room, Atlanta, Ga.
Kansas City, Mo.....	FEA, Federal Office Bldg., 112 East 12th St., P.O. Box 2308, Kansas City, Mo. 64142.	Federal Building, 911 Walnut St., Room 302, Kansas City, Mo.
San Francisco, Calif.....	FEA, 111 Pine St., San Francisco, Calif. 94111, Attention CIGR.	Federal Courthouse, Court Room 14, 7th and Mission Sts., San Francisco, Calif.
Anchorage, Alaska.....	FEA, Alaska Subregional Office, G-11 Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska 99501.	Z.J. Loussac Library, 427 F St., Anchorage, Alaska.

3. *Request Procedures.* The following request procedures are applicable to both the National and regional hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the hearing in which they wish to appear. Requests should be labeled both on the document and on the envelope "Energy Conservation Contingency Plan".

The person making the request should briefly describe the interest concerned; if appropriate, state why he or she is a proper representative of a group or class of persons that has such interest; and give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 21, 1976 in the case of the regional hearings and through June 23, 1976 in the case of the National hearing. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., local time, June 16, 1976, in the case of the regional hearings, and by June 18, 1976, in the case of the National hearing. Fifty copies of his or her statement must be submitted to the Office of Regulation Development, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 9:00 a.m., e.s.t., on June 22, 1976 for the National hearing, and to the location of the hearing on the day the statement is scheduled to be presented, for the Regional hearings.

4. *Hearing Procedures.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will

be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the National hearings, to Executive Communications, FEA, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., June 21, 1976. Questions on each plan should be sent to the appropriate box number as shown below.

- (1) Emergency Heating, Cooling, Lighting and Hot Water Restrictions, Box HA.
- (2) Emergency Commuter Parking Management and Carpooling Incentives, Box HB.
- (3) Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions, Box HC.
- (4) Emergency Boiler Combustion Efficiency Requirements, Box HD.
- (5) Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting, Box HE.

Any interested person may submit questions, to be asked of any person making a statement at the regional hearings, to the same address as that for submitting requests to testify, before 4:30 p.m., local time, June 18, 1976.

Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings

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will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the FEA, Freedom of Information Office, Room 3118, Federal Buildings, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

A copy of the analyses by which the demand reduction estimates set forth above in this notice were derived will also be made available for inspection at the FEA Freedom of Information Office. In addition, a copy of such analyses will also be made available for inspection in the Public Information Room of each of the FEA Regional Offices and at the Alaska Sub-Regional Office, at the following addresses:

Region I Boston, Mass., 150 Causeway Street, Boston, Mass. 02114.  
Region II New York, N.Y., 26 Federal Plaza, New York, N.Y. 10007.  
Region III Philadelphia, Pa., 1421 Cherry Street, Philadelphia, Pa. 19102.  
Region IV Atlanta, Ga., 1655 Peachtree Street, Atlanta, Ga. 30309.  
Region V Chicago, Ill., 175 West Jackson Blvd., Chicago, Illinois 60604.  
Region VI Dallas, Tex., 2626 Mocking Bird Lane, Dallas, Texas 75235.  
Region VII Kansas City, Mo., 112 East 12th Street, P.O. Box 2208, Kansas City, Missouri 64142.  
Region VIII Lakewood, Colo., 1075 South Yukon Street, Lakewood, Colorado 80226.  
Region IX San Francisco, Calif., 111 Pine Street, San Francisco, California 94111.  
Region X Seattle, Wash., 1992 Federal Office Building, 915 Second Avenue, Seattle, Washington 98174.  
Alaska Sub-Regional Office, G-11 Federal Office Building, 606 West Fourth Avenue, Anchorage, Alaska 99501.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Public Law 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator's comments were as follows:

EPA continues to support the development of energy conservation measures at both the State and National level. However, as stated in our comment letter on the preliminary draft notice for these particular plans, EPA believes that the reliability of plans in any conservation contingency program depends almost entirely on effective enforcement procedures. In this regard, we believe FEA should assume only the most realistic levels of compliance when ascribing energy demand reduction values to the individual or combined Energy Conservation Contingency Plans. Otherwise, energy benefits to accrue from the plans would be overstated and this could lead to unforeseen environmental impacts.

Although the limited time allowed for our review did not permit a thorough study of the data supporting FEA's analyses, EPA has identified at least one major environmental concern with the plans. It is our concern that, if conservation contingency plans are

not as effective as anticipated in reducing petroleum consumption during an embargo, pollution control equipment may become an attractive and unplanned target for energy conservation. For this reason, we support development of the most efficacious energy conservation contingency plans possible. Both the public and private sector will then be able to gauge the capabilities and limits of this FEA program and plan accordingly.

Despite those enforcement provisions included in the plans, public attitude and acceptance will also be critical to the overall success of the FEA program. Therefore, EPA urges FEA to weigh seriously the public comments submitted on these plans. We believe that these comments will provide FEA and the Congress with a valuable indication of public response to the plans and will help validate the assumptions made regarding the success of each demand reduction proposal.

We appreciated the opportunity to review and comment on these proposed actions.

(Energy Policy and Conservation Act, Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11912, 41 FR 15825; E.O. 11790, 39 FR 23185).

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

#### APPENDIX

##### 1. Emergency Heating, Cooling, Lighting and Hot Water Restrictions.

##### ENERGY CONSERVATION CONTINGENCY PLAN No. 1: EMERGENCY HEATING, COOLING, LIGHTING AND HOT WATER RESTRICTIONS

###### CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

###### DEFINITIONS

##### Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of FEA.

(b) "Covered building" means every building, but excludes residential buildings, hospitals and other health care facilities.

(c) "Domestic hot water" means hot water which is intended for use in a covered building for personal hygiene.

(d) "FEA" means Federal Energy Administration.

(e) "Foot candle" means the illuminance, as measured by an integrating meter, produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela, or a lumen/ft.

(f) "Fuel distributor" means any person who delivers oil or other fuel for use in a covered building.

(h) "In charge of" means to have the care or custody of, or to be entrusted with the management, administration or direction of.

(i) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of the heating, cooling, lighting or hot water of a covered building.

(j) "Owner" means the person in whom is vested legal title.

(k) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, joint stock company, the United States or any State or political subdivision thereof, or any agency of the United States or any State or political subdivision thereof.

(l) "Public utility" means a publicly regulated utility, whether publicly or privately owned and operated, which is engaged in the sale of electric power or natural gas to end-users.

(m) "Residential building" means any building in which over 50% of the gross square footage is used for residential purposes.

(n) "Special equipment" means equipment for which carefully controlled temperature levels are necessary for proper operation or maintenance.

###### HEATING AND COOLING

Section 3. (a) The owner of a covered building shall, with respect to such covered building:

(1) Maintain the thermostat or thermostats controlling the temperatures of areas being heated, at no higher than 65° F. or any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption;

(2) Maintain the thermostat or thermostats controlling the temperatures of areas being cooled at no lower than 80° F. or any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption; and

(3) Maintain all thermostats controlling the temperatures of areas being heated or cooled within reasonable tolerances of accuracy.

(b) Notwithstanding paragraphs (1) and (2) of subsection (a) of this section, where a manufacturer's warranty requires specific temperature levels for the operation of special equipment, such specified levels are permissible, and if a range is specified, that level within the range is permissible which is consistent with maximum energy savings.

###### LIGHTING

Section 4. The owner of a covered building shall maintain indoor illumination levels with respect to such covered building at levels which do not exceed:

(a) 50-foot candles at occupied work stations;

(b) 30-foot candles in areas surrounding work stations; and

(c) 10-foot candles in areas having minimum visual requirements, including hallways and corridors, or any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption.

###### HOT WATER

Section 5. The owner of a covered building shall:

(a) Maintain the thermostat or thermostats controlling the temperature of domestic hot water in such covered building at a level not in excess of 105° F. or at any other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption.

(b) Maintain all thermostats controlling the temperatures of domestic hot water within reasonable tolerances of accuracy.

###### RECORDKEEPING

Section 6. (a) Within 30 days of the effective date of this Plan, the owner of a covered building shall, for such covered building, execute a Self-Certification Form certifying

compliance with the requirements of this Plan, pursuant to forms and instructions provided by FEA.

(b) Upon execution of the Self-Certification Form, one copy shall be filed with FEA and the other copy shall be displayed in a prominent location of the covered building to which it applies.

(c) In addition to the Self-Certification Form, the owner of a covered building shall keep such records and in such form, and shall submit such reports and other information, as the Administrator may require.

###### OPERATORS

Section 7. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a covered building is not the operator of such covered building, the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

###### CUSTOMER LISTS

Section 8. Any public utility or fuel distributor shall make available to the Administrator, upon request, information deemed necessary by the Administrator to administer and enforce this Plan.

###### RELATION TO STATE LAW

Section 9. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which

(1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed

explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

###### ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 10. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

###### PUBLIC INFORMATION

Section 11. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

###### PENALTIES

Section 12. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

###### REPORT

Section 13. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

##### 2. Emergency Commuter Parking Management and Carpooling Incentives.

##### ENERGY CONSERVATION CONTINGENCY PLAN No. 2: EMERGENCY COMMUTER PARKING MANAGEMENT AND CARPOOLING INCENTIVES

###### CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President

(1) has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

###### DEFINITIONS

##### Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Authorized number" means the number equal to the employment level applicable to the employment site times the employee parking fraction. The effective date of an authorized number is the effective date of the employee parking fraction upon which it is based.

(c) "Authorized parking level" means the number equal to the maximum vehicle occupancy times the commercial-governmental parking fraction. The effective date of an authorized parking level is the effective date of the commercial-governmental parking fraction upon which it is based.

(d) "Carpool program" means a program undertaken by an employer either alone or in cooperation with neighboring employers which matches on a regularly recurring basis (not less often than once every three months) the names, addresses, daily travel patterns, and work telephone numbers of all employees who commute to the employment site in commuter vehicles so that such employees with similar daily travel patterns are informed and aware of each other for the purpose of commuting together.

(e) "Commercial-governmental parking fraction" means a fraction as determined from time to time by FEA.

(f) "Commercial parking facility" means a parking facility in which commuter vehicles are parked for compensation and which is not operated by the Federal, a State, or a municipal government.

(g) "Commuter vehicle" means a motor driven vehicle with four or more wheels and a seating capacity for a driver and one or more passengers.

(h) "Control" means, with respect to a parking facility, the power or authority of an employer, whether derived from a lease, other contract, or other means, to allow the parking of commuter vehicles, with or without compensation, in or on such parking facility.

(i) "Employee" means (a) any person who performs work for an employer for more than 8 hours per week for compensation received from an employer, and, (b) any student enrolled at higher than the secondary level, whether full time or part time, who lives off-campus.

(j) "Employee parking fraction" means a fraction as determined from time to time by FEA.

(k) "Employer" means (a) any person or organization (including any agency of the Federal Government or a State or local government) which employed at least 100 employees at any one time during the calendar year immediately preceding the year in which this Plan is put into effect, and, (b) any educational institution which has at least 100 employees.

(l) "Employment level" means the average number of employees at an employment site at any one time during the day.

(m) "Employment site" means each building in the United States in which an employer's employees work or study or any combination of such buildings which are geographically closely related, if such combination would further the purposes of this Plan and assist the execution of responsibilities under this Plan.

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(n) "FEA" means Federal Energy Administration.

(o) "Governmental parking facility" means a parking facility operated by the Federal, a State, or a municipal government within the United States which is not for the specific use of governmental employees and in which commuter vehicles are parked for compensation.

(p) "Handicapped employee" means any individual who by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities, and services and who has a substantial impediment to mobility.

(q) "In charge of" means to have the care or custody of, or to be entrusted with the management, administration, or direction of.

(r) "Maximum vehicle capacity" means for a given commercial or governmental parking facility, the number equal to the total area, in square feet, of the parking facility divided by the effective parking space value. The maximum vehicle capacity of any commercial or governmental parking facility which was not in actual use as a commercial or governmental parking facility on or before the effective date of this Plan shall be zero.

(s) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a commercial or governmental parking facility.

(t) "Owner" means the person in whom is vested legal title.

(u) "Park and ride facility" means a parking facility the use of which is limited exclusively to the parking of commuter vehicles whose occupants transfer at this facility to public transportation.

(v) "Parking facility" means (a) any space in the United States, such as a lot or garage or other space, or portion thereof, which is used for the parking of commuter vehicles, excluding any space constituting a park and ride facility; or (b) any combination of geographically closely related spaces which are used for the parking of commuter vehicles, if such combination would further the purposes of this Plan and assist the execution of responsibilities under this Plan.

(w) "Parking space value" means an area in square feet, as determined by FEA pursuant to section 7(a)(5), which is the minimum reasonable area that a single commuter vehicle would occupy when parked, taking into account the need for some area between parked commuter vehicles.

(x) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, the United States or any State or political subdivision thereof, or any agency of the United States or any State or political subdivision thereof.

(y) "Publication" means publication in the Federal Register and any additional notice deemed appropriate by FEA.

(z) "United States" means any State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

#### EMPLOYER-PROVIDED PARKING FACILITIES

Section 3. An employer shall, for each of its employment sites:

(a) Determine and certify the authorized number of employee commuter vehicles which may be parked at such site, prior to the effective date of such authorized number and pursuant to instructions provided by FEA;

(b) Ensure that any currently effective authorized number of employee commuter vehicles which may be parked at such site is not exceeded by the total number of employee commuter vehicles which are in fact

parked at any one time in or on all parking facilities which are located at such site and which are subject to his ownership or control;

(c) Conduct a carpool program;

(d) Ensure that, to the maximum extent practicable, his handicapped employees who commute to work and his employees who participate in his carpool program, receive parking spaces if they request such spaces; and

(e) Keep such records and in such form, and submit such reports and other information, as the Administrator may require.

#### COMMERCIAL AND GOVERNMENTAL PARKING FACILITIES

Section 4. The owner of a commercial or governmental parking facility shall:

(a) Determine and certify any authorized parking level applicable to such parking facility prior to the effective date of such authorized parking level, pursuant to instructions provided by FEA;

(b) Ensure that between the hours of 6:00 a.m. and 10:00 a.m. local time, exclusive of Sunday, the total number of commuter vehicles parked at any one time in or on such parking facility does not exceed any authorized parking level in effect; and

(c) Keep such records and in such form, and submit such reports and other information, as the Administrator may require.

#### OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a commercial or governmental parking facility is not the operator of such parking facility, the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

#### AGENTS

Section 6. The owner or operator of a commercial or governmental parking facility is authorized to serve as the agent of an employer to the extent of such employer's responsibilities under this Plan with respect to any parking facility which is controlled by such employer and which is also within such commercial or governmental parking facility.

#### ESTABLISHMENT OF VALUES

Section 7. (a) The Administrator shall establish and may amend as necessary to achieve the objectives of this Plan, any or all of the following values:

(1) Employee parking fraction;

(2) Commercial-governmental parking fraction;

(3) Parking space value.

(b) Any established value shall have an effective date and shall receive publication prior to its effective date. The effective date shall not be less than two weeks after the date of publication of such value in the Federal Register, unless the President finds that a shorter time is necessary, and the Administrator shall endeavor to provide a period of at least 30 days between the effective date and the date of publication in the Federal Register.

(c) No established value shall remain effective beyond the effective date of any subsequently established value of identical type.

#### ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 8. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environ-

mental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

#### RELATION TO STATE LAW

Section 9. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or in part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon

to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

#### PUBLIC INFORMATION

Section 10. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

#### PENALTIES

Section 11. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

#### REPORT

Section 12. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

#### 3. Emergency Weekend Gasoline and Diesel Fuel Retail Distribution Restrictions.

#### ENERGY CONSERVATION CONTINGENCY PLAN No. 3: EMERGENCY WEEKEND GASOLINE AND DIESEL FUEL RETAIL DISTRIBUTION RESTRICTIONS

##### CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President—

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than nine months, and may be earlier rescinded by the President.

##### DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of FEA.

(b) "Combination" means a truck-tractor plus truck-trailer.

(c) "Commercial aircraft" means aircraft piloted by an individual certified as a commercial pilot by the Federal Aviation Administration.

(d) "Commercial marine craft" means a vessel designed and used primarily for commercial activities as evidenced by a Federal, State or local registration document, insurance document or the presence of commercial equipment or cargo.

(e) "Diesel fuel" means No. 2-D diesel fuel as defined in American Society of Testing and Materials (ASTM) D975-71 and No. 1-D diesel fuel as defined in ASTM D975-71. Excluded from the definition is No. 4-D diesel fuel as defined in ASTM D975-71.

(f) "Emergency vehicle" means a motor vehicle equipped and used for law enforcement, fire fighting, or emergency medical services.

(g) "FEA" means Federal Energy Administration.

(h) "Federal, State and local motor vehicle" means a motor vehicle owned by or under lease to the Federal government, a State government or a local unit of government.

(1) "Gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

(j) "Gross vehicle weight (GVW)" means the empty weight of the motor vehicle ready for the road with fuel and driver plus the weight of the heaviest load which the motor vehicle is licensed or registered to carry.

(k) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(l) "Heavy construction equipment" means a motor vehicle such as a crane, backhoe, or grader which is designed and used primarily as equipment for hoisting, digging, or grading in construction.

(m) "Heavy farm equipment" means a motor vehicle such as a tractor, harvester, or mowing machine which is designed and used primarily as farm equipment in agricultural production.

(n) "In charge of" means to have the care or custody of, or to be entrusted with the management, administration or direction of.

(o) "Motor vehicle" means every device which is self-propelled and equipped with driver controls in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(p) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a retail filling station.

(q) "Owner" means the person in whom is vested legal title.

(r) "Restricted hours" is the period of time between Friday noon and Sunday midnight, or any hours within such period as are established by the Administrator.

(s) "Retail filling station" means a station which purchases diesel fuel or gasoline in bulk for distribution of all or some portion of such supplies to the ultimate consumer. Included are stations which pump diesel fuel of gasoline primarily for marine vessels or aircraft. Excluded are gasoline or diesel fuel stations which are operated exclusively to pump gasoline or diesel fuel for the fleets of companies, political subdivisions or other organizations.

(t) "Single unit truck" means a truck on which the primary cargo space is permanently affixed.

(u) "Taxicabs, limousines, buses and other commercial passenger carriers for hire" means passenger carriers for hire which are registered as such at the Federal, State or local level.

(v) "Truck" means a motor vehicle designed and maintained primarily for the transportation of property.

(w) "Truck-tractor" means the power unit designed for drawing and/or supporting a truck-trailer.

(x) "Truck-trailer" means a vehicle with or without auxiliary motor power designed to be drawn by a truck or truck-tractor.

#### EMERGENCY WEEKEND RESTRICTIONS

Section 3. (a) The owner of a retail filling station shall not pump gasoline or diesel fuel during restricted hours.

(b) Notwithstanding the provisions of subsection (a) of this section, during restricted hours, the owner of a retail filling station may:

(1) Pump diesel fuel to trucks;

(2) Pump gasoline to single unit trucks with six tires or more in contact with the

road surface and/or with a gross vehicle weight or gross vehicle weight rating of 10,000 pounds or more, or combinations; and

(3) Pump gasoline or diesel fuel to:

(A) Emergency vehicles;

(B) Vehicles which are registered as common carriers with the I.C.C.;

(C) Taxicabs, limousines, buses and other commercial passenger carriers for hire;

(D) Heavy construction and farm equipment;

(E) Commercial marine craft;

(F) Commercial aircraft;

(G) Federal, State and local motor vehicles.

#### RECORDKEEPING

Section 4. The owner of a retail filling station shall keep such records and in such form, and shall submit such reports and other information, as the Administrator may require.

#### OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a retail filling station is not the operator of such retail filling station the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

#### RELATION TO STATE LAW

Section 6. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption

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which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

#### ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 7. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

#### PUBLIC INFORMATION

Section 8. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan; except that the Administrator shall take such steps as are necessary and appropriate to inform owners and operators of retail filling stations and the public of any restricted hours currently in effect and of any changes in such hours.

#### PENALTIES

Section 9. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

#### REPORT

Section 10. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

#### 4. Emergency Boiler Combustion Efficiency Requirements

#### ENERGY CONSERVATION CONTINGENCY PLAN NO. 4: EMERGENCY BOILER COMBUSTION EFFICIENCY REQUIREMENTS CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President—

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no more than 9 months, and may be earlier rescinded by the President.

#### DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of Federal Energy Administration.

(b) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum by application of heat from combustible fuels, electricity or nuclear energy.

(c) "Covered boiler" means any gas or oil-fired boiler with a designed capacity of one million BTU/hr. (1000 lb. steam/hr.) or greater, or a boiler of lesser capacity designated by the Administrator.

(d) "Designed capacity" means a manufacturer's stated capacity rating for a boiler, such as the stated maximum continuous capacity in pounds of steam per hour for which the boiler is designed.

(e) "In charge of" means to have the care or custody of, or to be entrusted with the management, administration or direction of.

(f) "Operator" means any person, whether lessee, manager, agent or other person, who is in charge of a covered boiler.

(g) "Owner" means the person in whom is vested legal title.

(h) "Stack gas" means exhaust gas exiting the boiler.

#### BOILER COMBUSTION EFFICIENCY

Section 3. (a) The owner of a covered boiler shall, with respect to such covered boiler:

(1) When burning natural gas, ensure that the components of stack gas, by volume, are more than 10 percent CO<sub>2</sub>, less than 2 percent O<sub>2</sub>, and less than .1 percent CO.

(2) When burning fuel oil, ensure that the components of stack gas, by volume, are more than 11 percent CO<sub>2</sub>, less than 3 percent O<sub>2</sub>, and less than .1 percent CO.

(b) The Administrator may at any time require that components of stack gas with respect to a covered boiler are at such other levels which the Administrator determines are reasonable restrictions on the use of energy which are necessary to reduce energy consumption.

#### REPORTS AND RECORDKEEPING

Section 4. (a) The owner of a covered boiler shall submit to the appropriate FEA Regional Administrator, within 50 days after the effective date of this Plan and every 90 days thereafter, a Boiler Owners Report in accordance with forms and instructions provided by FEA.

(b) Each Boiler Owners Report shall indicate the volume percentages of oxygen (O<sub>2</sub>), carbon dioxide (CO<sub>2</sub>) and carbon monoxide (CO) and the temperature of the stack gas of each covered boiler owned by the reporting owner, and such other information on

boiler efficiency as the Administrator may require. An ORSAT Gas Analyzer or equivalent test equipment shall be used to conduct the stack gas analysis.

(c) In addition to the Boiler Owners Report, the owner of a covered boiler shall keep such records and in such form, and shall submit such other reports and information, as the Administrator may require.

#### OPERATORS

Section 5. Notwithstanding any other provisions of this Plan to the contrary, where the owner of a covered boiler is not the operator of such covered boiler the operator and the owner shall be jointly and severally liable for the execution of owner responsibilities under this Plan.

#### RELATION TO STATE LAW

Section 6. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(c) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President, who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

#### ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 7. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

#### PUBLIC INFORMATION

Section 8. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

#### PENALTIES

Section 9. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

#### REPORT

Section 10. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

#### 5. Emergency Restrictions on Illuminated Advertising and Certain Gas Lighting

#### ENERGY CONSERVATION CONTINGENCY PLAN NO. 5: EMERGENCY RESTRICTIONS ON ILLUMINATED ADVERTISING AND CERTAIN GAS LIGHTING CONDITIONS OF EXERCISE

Section 1. (a) This Plan shall not become effective unless the President—

(1) Has found that putting the Plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program;

(2) Has transmitted such finding to the Congress with a statement of the effective date and manner for exercise of the Plan.

(b) This Plan may remain in effect for no

more than nine months, and may be earlier rescinded by the President.

#### DEFINITIONS

Section 2. As used in this Plan—

(a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Advertising sign" means a sign or device which identifies or describes a firm, product, product characteristic, trademark, or service.

(c) "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas which has ever been transported by interstate or intrastate pipeline.

(d) "Outdoor lighting" means all lighting by any stationary lighting device which is located outdoors.

(e) "Person" means any individual, corporation, company, association, firm, partnership, society, trust, joint venture, joint stock company, the United States or any State or political subdivision thereof or any agency of the United States or any State or political subdivision thereof.

(f) "Window display" means any display of products, merchandise, and/or decorative items which is primarily intended for viewing by individuals through a window or windows on the perimeter of an area where business is transacted.

#### REDUCTION OF ADVERTISING AND GAS LIGHTING

Section 3. No person shall:

(a) use natural gas for any outdoor lighting; or

(b) use electricity or natural gas for illumination of any advertising sign or window display.

Notwithstanding the foregoing, these provisions shall not apply to Federal, State, or local governments in providing for the safety or security needs of the general public.

#### RELATION TO STATE LAW

Section 4. (a) This Plan shall apply in every State and political subdivision thereof and shall preempt any law of any State or political subdivision thereof to the extent that such law is inconsistent with this Plan or any rule, regulation, or order promulgated pursuant to this Plan.

(b) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision thereof may be exempt from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) For purposes of this section, "comparable program" means a program which deals with the same subject matter as this Plan, which is mandatory, and which conserves at least as much energy in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision.

(d) (1) A State may seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that a comparable program is in effect by submitting to the Administrator a request for exemption which shall include (A) a full description of the comparable program, (B) the amount of energy which such program will conserve, (C) the period of time during which such program will be in effect, and (D) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he determines that a comparable program is in effect in a State

or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which a comparable program is in existence.

(e) (1) A State shall seek an exemption for itself or a political subdivision or political subdivisions thereof on the ground that special circumstances exist by submitting to the Administrator a request for exemption which shall include (A) a full description of the special circumstances, (B) a detailed explanation of why implementation of this Plan, in whole or in part, is not practicable, (C) an estimation of the period of time in which the special circumstances will exist, (D) any alternative energy conservation measures which may be practicable and their expected savings, and (E) such other information as the Administrator may require.

(2) The Administrator shall review the request and make a recommendation thereon to the President who, if he finds special circumstances exist in a State or a political subdivision or political subdivisions thereof, shall exempt such State or political subdivision or political subdivisions from this Plan and any rule, regulation, or order promulgated pursuant to this Plan, in whole or in part, for the period of time in which the special circumstances exist.

#### ADMINISTRATIVE PROVISIONS AND JUDICIAL REVIEW

Section 5. (a) The Administrator is authorized and directed to implement, administer, monitor and enforce this Plan. Authorities vested in the Administrator under the Federal Energy Administration Act of 1974, the Energy Policy and Conservation Act, and the Energy Supply and Environmental Coordination Act of 1974, as amended, and in effect on the date this Plan was transmitted to the Congress shall apply as applicable to the implementation, administration, monitoring and enforcement of this Plan, notwithstanding the subsequent expiration of any or all such authorities.

(b) Section 523 of the Energy Policy and Conservation Act of 1975 shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this Plan.

(c) The Administrator may delegate all or any portion of the authority granted to him under this Plan to such officers, departments or agencies of the United States, or to any State (or officer thereof), as he deems appropriate.

#### PUBLIC INFORMATION

Section 6. The Administrator may collect and disseminate such information as he deems appropriate regarding the operation and goals of, and responsibilities under, this Plan.

#### PENALTIES

Section 7. Any person who fails to comply with any provision prescribed in, or pursuant to, this Plan shall be subject to the applicable penalties set forth in section 525 of the Energy Policy and Conservation Act.

#### REPORT

Section 8. The Administrator shall report to Congress and the President, within 60 days after the termination of this Plan, on the operation of the Plan. Such report shall include an estimate of the energy conservation achieved and may include any recommendations deemed appropriate by the Administrator.

[FR Doc.76-15673 Filed 5-25-76; 4:05 pm]



## FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 700]

## RATIONING CONTINGENCY PLAN

Proposer: Rulemaking and Public Hearings To Establish Contingency Gasoline and Diesel Fuel Rationing Regulations

The Federal Energy Administration (FEA) hereby gives notice that, as required by sections 201, 203 and 523 of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), it will hold public hearings and receive written comments with respect to its proposed contingency gasoline and diesel fuel rationing regulations and plan.

Section 203 of the EPCA requires the President to transmit to the Congress a rationing contingency plan. Any rationing contingency plan submitted to the Congress must be approved by each House of Congress. The plan would then remain in standby status until the President finds that putting the plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program and transmits such finding to the Congress, together with a statement of the effective date and manner for exercise of such plan. Pursuant to section 203(b) of EPCA, the President would also be required in order to implement a standby rationing plan to find that such plan is necessary to attain, to the maximum extent practicable, the objective specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 94-163), as amended, and the purposes of the EPCA. For the rationing contingency plan to become effective and be converted from standby status, the President's request to the Congress to put the plan into effect must not be disapproved by either House of Congress. After these steps are completed, the rationing contingency plan would be implemented for the period specified in the plan but for not more than nine months.

As directed by Section 4(a) of Executive Order No. 11912 (41 FR 15825), April 15, 1976) FEA, in consultation with other appropriate agencies, has developed a proposed rationing contingency plan. By this notice FEA is soliciting comments on the proposed rationing plan and the proposed contingency gasoline and diesel fuel rationing regulations. In developing this plan, FEA has considered a wide variety of rationing alternatives, especially regarding the number and type of end-user priority classes, feasibility, costs, the maintenance of essential public services and the avoidance of extreme hardship for any group or region. In this plan FEA has attempted to avoid unnecessary complexity while still meeting the requirements of the EPCA and the Emergency Petroleum Allocation Act. FEA would welcome comments on all aspects of the proposed plan to assist it in preparing a final rationing contingency plan for the President's consideration. In particular, FEA would ap-

preciate comments which suggest alternatives to the proposed plan or parts of the plan which would assist FEA in designing a more efficient, equitable means of rationing gasoline and diesel fuels in the event of a future shortage.

## THE CONTINGENCY GASOLINE AND DIESEL FUEL RATIONING REGULATIONS

Section 203(a)(1) of the EPCA provides that:

The President shall prescribe, by rule in accordance with section 523(a) of this Act, a rationing contingency plan which shall, for purposes of enforcement under section 5 of the Emergency Petroleum Allocation Act of 1973, be deemed a part of the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 and which shall provide, consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of such Act—

(A) For the establishment of a program for the rationing and ordering of priorities among classes of end-users of gasoline and diesel used in motor vehicles, and

(B) For the assignment of rights, and evidence of such rights, to end-users of gasoline and such diesel fuel, entitling such end-users to obtain gasoline or such diesel fuel in precedence to other classes of end-users not similarly entitled.

The proposed contingency rationing regulations are intended to satisfy these provisions of the EPCA. Mandatory rationing would be implemented only if all other options for managing a petroleum shortfall proved inadequate, including the conservation contingency plans proposed in the companion notice issued today. In developing its proposed rationing plan and these proposed regulations, FEA has assumed that any supply interruption severe enough to occasion implementation of the rationing plan would cause FEA to continue or to reimpose, as the case may be, in whole or in part the current Mandatory Petroleum Allocation and Price Regulations, or regulations very closely resembling them in concept. With respect to gasoline, however, the rationing and allocation programs would be merged so that distribution of gasoline for all uses (motor vehicles, power equipment, marine engines, etc.) would be contained in one set of regulations (proposed part 700). However, the distribution of gasoline to wholesale purchaser-resellers (including retail sales outlets) would conform to the current allocation program in providing these purchasers with access to a pro-rata share of available gasoline supplies provided they subsequently provide their suppliers with redemption checks equal to the volume of gasoline their suppliers allocate to them.

With respect to the rationing of diesel fuel, FEA believes that the current allocation regulations affecting all middle distillates would provide an adequate means of rationing approximately 70 percent of all diesel fuel and that, therefore, a less comprehensive rationing plan for diesel fuel would be more appropriate. Consequently, the proposed regulations, which apply to sales of diesel fuel at re-

tail only should be reviewed with the understanding that sales of diesel fuel, other than at retail, would be regulated in accordance with current subpart G of the Mandatory Petroleum Allocation Regulations.

## 1. GASOLINE ALLOCATION AND RATIONING

A. Gasoline Rationing to Consumers. FEA's gasoline rationing plan controls the sale of gasoline to ultimate consumers by requiring that each consumer present to its gasoline supplier ration coupons or ration credit checks according to the quantity of gasoline purchased. These documents or "ration rights" would be periodically distributed to consumers of gasoline according to end-use priority classifications, and according to the estimated total quantity of gasoline available for sale within the United States during a ration period.

The proposed rationing plan is not a system to reduce national demand or to increase supply. Rationing is an attempt to spread the available gasoline supply equitably among all gasoline users, giving priority to certain activities which are considered essential to public health, safety, and welfare, and preventing hardship from falling disproportionately on any region or on any class of gasoline consumers.

FEA's rationing plan also assumes that gasoline prices would be subject to price controls during a period of rationing; otherwise, rapid price increases may occur which would not necessarily provide for the equitable distribution of severely limited supplies in the best interests of the nation.

Under FEA's proposed rationing plan, FEA would issue ration rights for each ration period equal to the total estimated available supply of gasoline for the ration period. FEA would then distribute these ration rights through four basic programs. First, FEA would provide ration coupons to all eligible individuals (generally, a persons holding valid driver's permits). Second, FEA would provide ration credits to all firms (defined to include individuals, government units, corporations, partnerships, etc.) which are engaged in priority activities for which a ration credit level has been established. These ration credits would be in addition to any ration coupons received by a person as an eligible individual. Third, FEA would distribute three percent of all ration rights (the "State Hardship Reserves") issued for a ration period to State Rationing Offices which would be authorized to distribute these ration rights through local boards to handicapped persons and certain other classes of consumers. Fourth, FEA would reserve one percent of the issued ration rights to distribute itself (the "National Ration Reserve") under certain circumstances and to adjust deficiencies in the distribution of ration rights under the other three programs.

Persons to whom ration rights are issued would redeem their ration rights for gasoline or could sell or give them away. This provision for a ration rights

exchange market ("white market") for exchanging ration rights should assure the efficient use of all available gasoline.

Each supplier (including a retail sales outlet) of gasoline would be required (a) to collect and redeem ration coupons or ration credit checks for all gasoline sold (or make arrangements to do so within ten days of the transaction) and (b) to deposit redeemed ration coupons or ration credit checks in the supplier's special redemption account. Retail sales outlets could agree to supply gasoline to a consumer without ration rights provided the retail sales outlet itself obtained ration rights to cover the transaction within ten days of the transaction.

Ration periods for coupons would vary in length depending on projected supply conditions and other factors and would be announced by FEA's publication of a notice in the FEDERAL REGISTER at least ten days in advance of the ration period. FEA could announce more than one ration period at a time. Calculations would be performed in advance of each ration period to equate the total amount of gasoline estimated to be available for that ration period with the total ration rights to be issued. On the basis of these calculations, FEA would determine the length of the particular ration period.

The total number of ration credits to be issued to firms entitled to a ration credit level under the proposed plan would be determined without regard to the available supply of gasoline. By lengthening or shortening the term of a future ration period for coupons, FEA would match the ration rights remaining after giving firms their ration credit allotments with the number of ration coupons issued to eligible individuals for that ration period, taking into account the number of ration rights to be distributed to the State Hardship Reserves and the National Ration Reserve.

The anticipated calculations leading to a determination of the length of a ration period may be summarized in four steps as follows:

(1) FEA would estimate that total amount of available gasoline supplies during the coming ration period.

(2) Next FEA would compute the number of ration credits to be issued to firms entitled to a ration credit level.

(3) FEA then would compute the number of ration rights to be issued for the National Ration Reserve and the State Hardship Reserves by multiplying four percent by the total available supply of gasoline.

(4) FEA would then subtract the total number of ration credits to be issued to firms entitled to a ration credit level (Step 2) and the ration rights to be issued for the National Ration Reserve and the State Hardship Reserves (Step 3) from the total amount of gasoline supplies for the coming ration period (Step 1). The remaining gasoline would be for use by eligible individuals. Since their basic allotment would have been set by the ration coupons previously issued to

each eligible individual, the available gasoline would be matched with the total of eligible individual allotments by adjusting the length of the ration period. The final allotment computation, therefore, is to determine the exact length of the ration period based on the supply of gasoline available for eligible individuals.

Ration rights exchange market. Under the proposed ration plan, anyone could enter the ration rights exchange market and function as a trader or broker of ration rights following their issuance by FEA. Thus, ration rights could be traded on a "white market" rather than a "black market." FEA would not impose any monetary or administrative barriers to entry. Any trader or broker could open a secondary ration credit account with a participating bank to handle his or her transactions.

There would be a free market in the trading of all ration rights in the form of coupons and ration credits transferred by checks drawn on appropriate ration credit credit accounts. Prices for ration rights would be determined by supply and demand, with the amount, form, and timing of payment determined by mutual agreement between the buyer and seller without interference by FEA. FEA does not expect to prohibit short selling, future sales, and trading in unissued series. However, such practices may be restricted if FEA were to determine that they were harmful to the stable operation of the exchange market.

Penalties. The provisions of FEA's Administrative Procedures and Sanctions regulations (Part 205 of 10 CFR), including the provisions on civil and criminal penalties, would apply to any violations of the gasoline and diesel fuel rationing regulations.

B. Eligible individuals. Under the proposed plan, an eligible individual is a natural person having a valid driver's permit, other than a learner's license, or any other person whom FEA designates as an eligible individual. Eligible individuals would receive the same basic allotment of ration coupons for each ration period. However, since FEA could vary the length of a ration period, those persons receiving these coupons would need to carefully monitor their use of ration coupons to match their need for gasoline with the number of coupons available for a current ration period. Unless declared invalid, however, unused ration coupons for a ration period which has ended could be used in subsequent ration periods.

Assuming a 15-25% shortfall in gasoline supply, FEA currently estimates that the average ration period would be four to six weeks and that each eligible individual would receive eight ration coupons for each ration period with a total value of forty (40) gallons.

Eligible individuals would apply for ration coupons at issuance points to be designed by FEA, on days designated by FEA. For the first three ration periods, an eligible individual would submit an application form and his or her valid driver's license at an issuance point in

order to receive a ration coupon allotment. The clerk at the issuance point would make an indelible mark on the license (for paper licenses) or punch a hole in it (for plastic and laminated licenses) to indicate that the license has been used to secure the eligible individual's initial allotments of ration coupons. Each eligible individual would be issued ration coupons for the first three ration periods. The application forms submitted to obtain ration coupons for the first three ration periods would be forwarded to FEA for audit and for detection of multiple applications.

FEA currently plans to contract with savings and loan associations and credit unions to act as issuing points for ration coupons for eligible individuals. However, it would consider contracting with other institutions to perform this function, including the U.S. Postal Service. A final decision would depend on concluding acceptable arrangements at reasonable cost. FEA would appreciate comments on this aspect of the plan in terms of what agency or organizations should act as issuance points, and what procedures should be followed to assure efficient, equitable distribution of ration coupons to eligible individuals.

Before the fourth ration period, most eligible individuals would receive authorization cards issued by their State departments of motor vehicles for subsequent series of ration coupons. FEA would enter into arrangements with each State for the issuance of authorization cards to each licensed individual in the State. (For any State which is unable to issue authorization cards prior to the fourth ration period, FEA would permit residents of that State to use procedures similar to those for the first three ration periods to obtain their ration coupons for the fourth, fifth and sixth ration periods.) An authorization card, when presented with other personal identification, would be surrendered to obtain ration coupons for eligible individuals for the ration periods for which it is issued. FEA solicits comments as to whether State agencies should be authorized to perform this function and as to the procedures to be followed in distributing authorizing cards in a timely, efficient manner.

Individuals who qualify as eligible individuals after the start of any ration period would receive no allotment for that period, but would be issued authorization cards to obtain ration coupons for subsequent ration periods.

Indians living on reservations under the jurisdiction of the Bureau of Indian Affairs (BIA) would receive their basic allotments by applying to BIA. BIA offices would serve as ordinary issuance points for Indians with State driver's licenses; BIA would also provide special allotments to Indians who may drive on reservations but who do not have State-issued driver's licenses. BIA officers would also administer Local Rationing Boards to meet the hardship needs of Indians living on reservations.



Foreign nationals living in or visiting the United States would be provided allotments of ration coupons only if they hold driver's licenses issued by a State. Foreign visitors without State driver's licenses would receive no allotment, but would be provided information on rationing as they enter the United States, including information on using the exchange market for ration rights to meet their gasoline requirements.

**C. Ration credit allotments.** Under FEA's proposed ration plan, certain consumers would receive (in addition to any ration coupons issued to them as eligible individuals) ration credits based upon their being engaged in certain priority activities. These consumers could be individuals, corporations, trusts, government units, partnerships, etc. However, the right to receive these ration rights would depend on whether the consumer is engaged in an activity for which these ration rights would be issued.

For each calendar month, the proposed rationing contingency plan calls for these consumers to receive ration credits equal to their base period use or current requirements for gasoline multiplied by their ration credit level. An alternative method, which may result in a reduction in the cost of the rationing program by approximately \$600 million, would be to distribute all ration credits through competitive bidding in a "white market." FEA would appreciate comments addressed specifically to whether such a bidding system is feasible and would comply with the requirements of section 203 of the EPCA.

A ration credit would be redeemable for one gallon of gasoline. Under the proposed regulations, a firm with a base period use of 1000 gallons of gasoline for the calendar month of September and entitled to a ration credit level of 90 percent of its base period use would receive 900 ration credits for the calendar month of September.

Rather than being issued ration coupons, a firm's allotment of ration credits for a calendar month would be deposited by FEA on the first day of each month in the firm's primary ration account maintained with an FEA regional processing center. The firm could then withdraw its ration credits by issuing a ration credit check drawn on its primary ration account to the order of its gasoline supplier. The supplier would then redeem the ration credits represented by the check.

A firm could qualify for one of three gasoline ration credit levels depending on its end use of gasoline. These ration credit levels are:

- (1) One hundred percent of current requirements for:—Department of Defense use,—Emergency services,—Passenger transportation services,—Agricultural production.
- (2) One hundred percent of base period use for:—Sanitation services,—Energy production,—Telecommunications services.
- (3) Ninety percent of base period use for:—All other government uses,—All other uses by firms which report gasoline purchases as an expense to the Internal Revenue Service on Schedules C or F or on Forms 1065, 1120,

1120S, 990 or 990PF,—All uses for religious, charitable, educational or other eleemosynary purposes not otherwise accorded a ration credit level.

FEA invites specific comments on the ration credit level definitions which are included in the regulations and the desirability of according ration credit levels to other types of firms not specifically included within the proposed plan. FEA is particularly interested in whether its limited definitions of "Department of Defense use" and "agricultural production" contained in proposed § 700.4 are too restrictive or too broad.

FEA would also appreciate receiving comments addressed to the need for establishing a ration credit level of 100 percent of current requirements, a concept which originated in the allocation program. Since firms may purchase additional ration rights in the "white market" or, in the case of emergencies or hardships, may obtain extra ration rights through the State Rationing Offices, the benefits associated with creating a ration credit level of 100 percent of current requirements may be more than offset by the attendant administrative problems of estimating current needs, filing and certifying forms with FEA in time for the regional processing centers to make monthly allotments based on these estimates and auditing by FEA to guard against abuses. In view of the complexity and expense of a system for providing current requirements during a short-term rationing program, which may be in force for a maximum of nine months under the EPCA, FEA requests specific comments addressed to this issue.

In order to receive monthly ration credits, firms (a term which includes individuals, corporations, partnerships, government units, etc.) entitled to a ration credit level would establish primary ration credit accounts with an FEA regional processing center. FEA would contract with local banks (defined as "participating banks") to act as FEA's agents to accept applications to establish primary ration credit accounts. The participating banks would probably be commercial banks (rather than the savings and loan associations and credit unions which may serve as issuance points for distributing ration coupons to eligible individuals). Although FEA has proposed that it contract with commercial banks to serve as participating banks, FEA would appreciate comments as to whether and how other institutions (including governmental agencies) might perform the same function.

In addition to providing certain other required information, a firm seeking to open a primary ration credit account would certify its base period use or estimated current requirements for gasoline, as appropriate, for each calendar month of the year. This would, of course, be only for its activities for which there is an established ration credit level. Any firm having multiple uses for gasoline subject to different ration credit levels would indicate its base period volumes for each end use separately in its appli-

cation to establish its primary ration credit account.

The local participating bank would forward the application to the appropriate FEA regional processing center. At the beginning of a month, FEA would then deposit a firm's ration credit allotment for that month into the firm's primary ration credit account. Applications and their supporting documentation would be subject to audit and verification by FEA subsequent to the opening of a firm's account.

Since allotments would only be deposited in a firm's primary ration credit account by FEA, the opening of such an account would be a prerequisite to obtaining a ration credit allotment. Fees would be charged to all firms with primary ration credit accounts to cover the costs of maintaining these accounts.

All primary account owners would make withdrawals from their accounts by writing gasoline ration credit checks. These checks could be redeemed for gasoline, or could be cashed for coupons at specified coupon issuance points. An account holder could also sell his ration credits by drawing a ration credit check to the order of the firm purchasing the ration credits.

Firms would be able to open secondary ration credit accounts as necessary to meet their business needs, but FEA would only deposit a firm's monthly ration credit allotment into its primary ration account. Firms could then distribute their ration credit allotments among their secondary ration credit accounts. Thus, a large company headquartered in New York with a subsidiary in Atlanta might receive its ration credits in its primary ration credit account maintained at FEA's New York regional processing center and then distribute a portion of this allotment for the subsidiary's convenience to the subsidiary's secondary ration credit account maintained with FEA's Atlanta regional processing center.

Ration credit checks drawn on ration credit accounts would be redeemed or deposited in a ration credit account by the payee; the plan prohibits the endorsement of a ration credit check to third parties. However, having deposited a ration credit check in the payee's own ration credit account, the payee could then issue its own ration credit check to another payee.

Any firm that was not in operation during a base period would apply to FEA for assignment of a base period use and ration credit allotment. FEA would determine the appropriate base period use, taking into account the typical gasoline consumption patterns of similar firms.

Any firm whose average gasoline consumption for any three preceding months decreases by 25 percent or more from the corresponding period of the base year would be required to report the amount of the decrease to FEA. Allotments for succeeding months would be adjusted by FEA according to the circumstances of each case.

Firms whose growth or altered business practices since the base year require them in any month to use greater than 25 percent more gasoline than during the corresponding month of the base year could apply to FEA for an increase in the size of their ration credit allotments. FEA would process these requests on a case by case basis to relieve severe hardship or gross inequity.

All organizations receiving ration credit allotments would be required to maintain records of gasoline purchased during the rationing program.

Sales organizations using commissioned direct sales representatives would be allowed to include in their base period use that amount of gasoline used in the selling activities of their sales representatives, even if such gasoline was not paid for by the firm. These sales representatives would then receive their ration credit allotments from these firms, rather than from FEA. FEA solicits comments as to the types of firms which should be included in this category and alternative methods of determining allotments.

Vehicle rental companies would be allowed to include in their base period use only that gasoline used by the rental company itself. Customers' usage of gasoline in rental vehicles would be excluded from the rental company's base period use and included in the customer's base period use if the customer is a firm. This method would avoid discrimination against rental companies whose customers normally buy their own gasoline, and would prevent distortions in rental vehicle use compared to owned-vehicle use for all individuals and firms.

**D. Redemption and clearing.** FEA would maintain regional processing centers to perform automated account posting activities in support of the majority of FEA's ration banking activities.

FEA would determine the number and location of these centers, which would serve as the sole processing facilities for all ration credit and redemption accounts within a given geographic region. In general, the regional processing centers would function in much the same way that commercial banks do in processing demand deposit accounts.

The regional processing centers would establish a check file for each ration credit account. The center would supply the necessary ration credit checks and deposit forms to account owners.

Ration credits would be posted automatically by the regional processing centers to primary ration credit accounts of firms entitled to a ration credit level.

On a daily basis, participating banks would forward deposited gasoline ration credit checks and their accompanying deposit tickets to the appropriate regional processing centers where the checks would be counted and proofed back to deposit tickets. Clearance of gasoline ration credit checks between the regional processing centers would be similar to the clearance procedure for monetary checks by the commercial banking system.

Each regional processing center would also supervise the collection, verification

and storage of redeemed, cancelled and void ration coupons deposited at participating banks in its service area.

In connection with FEA's banking function under the plan, FEA would appreciate comments as to how transactions and reconciliation of accounts could best be performed in order to coordinate transfers and redemptions of ration rights. Furthermore, FEA would appreciate comments as to the type of records and reporting requirements which would be necessary to provide a basis for testing compliance with the rationing plan and to assure all persons of the integrity of the rationing program.

**E. State Rationing Offices and Local Rationing Boards.** The States would be given an allotment each ration period, called the State Hardship Reserves, for use in meeting the hardship needs of firms and persons. The size of the State Hardship Reserves for each ration period would be three percent of the total available supply of gasoline, apportioned among the States according to population and other relevant factors. A State Hardship Reserve would be administered by a State Rationing Office. This office could be the same as the current State Energy Office. The State Rationing Office would in turn provide hardship allotments for distribution by Local Rationing Boards. Local Rationing Boards would receive petitions from persons requesting a greater number of ration rights than they would be entitled to receive under the regular allotment program for such individuals. The Local Rationing Board would determine if an applicant should be granted additional ration rights by reason of the applicant's hardship status. The Local Rationing Board would also be empowered to reclassify or modify a hardship applicant's entitlement to additional ration rights and to issue or deny such rights during the course of the Mandatory Gasoline Allocation and Rationing Program.

Hardship allotments could be made by Local Rationing Boards to the following classes of individuals:

**Handicapped persons** whose gasoline needs exceed their basic allotment, if any, for reasons related to their handicaps. A handicapped person would be any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

**Low-income, long-distance commuters** who without a supplemental allotment would be forced to spend over five percent of their adjusted gross incomes purchasing ration rights for travel to and from their place of employment and for whom carpooling or public transportation is not a reasonable alternative. (A table would be provided to compute the supplemental allotment according to each applicant's adjusted gross income, number of dependents, commute distance, and the prevailing price of cou-

pons on the ration rights exchange market.)

**Migrant workers** who hold a driver's license issued by a State and who own motor vehicles used for travel from one agricultural work site to another. These workers would apply for supplemental allotments according to the distance between their current work sites and their new work sites. Migrant workers would apply for supplemental allotments at the Local Rationing Board serving the community in which the current work site is located. The Local Rationing Board would verify previous allotments, and record any new allotment. Vehicle registration must be shown with the applicant's driver's license when applying.

**Other recurring or one-time hardship needs** which a Local Rationing Board considers to be consistent with the spirit and intent of the hardship priority classification.

The State Rationing Office would hear appeals from decisions of Local Rationing Panels and would decide hardship applications filed by firms (including individuals) which have been assigned ration credit levels.

The State Rationing Office would not make an adjustment of a firm's base period use since the State Hardship Reserves are intended to be a means of meeting hardship needs caused by unusual circumstances. Firms which seek adjustments of their base period uses may petition the appropriate FEA regional office in accordance with forms and instructions to be issued by FEA.

As proposed, the Local Rationing Board would be headed by a volunteer panel (Local Rationing Panel) to be chosen by the local government (city or county council, town meeting, etc.) in accordance with FEA guidelines designed to ensure that the panel reflects the community as a whole. A paid Local Rationing Board Manager would be appointed by the Chief Executive of the State and would be primarily responsible for carrying out the day-to-day operations of the board. The manager would hire a paid staff to perform the various duties assigned to the local board, which would include assisting applicants in filing for hardship assistance and screening applications within general guidelines established by FEA and the local panel. The administrative staff could make routine hardship allotments for certain classes of applicants, especially when the allotment is a recurring grant to an applicant whose needs are constant from one ration period to the next.

An alternative approach to the Local Rationing Board organization would be to have the Local Rationing Panel appointed by the Chief Executive of the State in conformity with general guidelines. The panel would select the manager and either select the staff or permit the manager to select the staff. FEA would appreciate specific comments on these alternative methods of establishing the Local Rationing Boards. Alternatives other than the two outlined will also be considered by FEA.

Summary activity reports would be sent by the Local Rationing Boards to



their State Rationing Offices. States in turn would send activity reports to FEA to permit FEA monitoring of hardship allotment distribution, and to support any State's emergency request for an increased hardship allotment from the National Ration Reserve.

Local Rationing Boards would also distribute certain FEA rationing materials, including pamphlets and explanatory manuals, and would respond to general public inquiries about gasoline rationing and gasoline availability.

The EPCA requires that within 30 days of the date the rationing contingency plan is approved by Congress, FEA must propose a rule establishing the criteria for delegation of FEA's functions under EPCA, in whole or in part, with respect to the rationing plan to officers or local boards (of balanced composition reflecting the community as a whole) of States or political subdivisions of States. The proposed rule must also prescribe procedures for petitioning for the receipt of such delegated authority. At present, FEA believes the delegation procedures currently utilized in recognizing State Energy Offices under the Emergency Petroleum Allocation Act would suffice for petitioning by the States. However, FEA would like to receive specific suggestions as to the criteria FEA should establish for delegating any of its functions to State officers. These comments would guide FEA in formulating a future proposal for public comment following any Congressional approval of the rationing contingency plan submitted to Congress by FEA.

F. *The National Ration Reserve.* A National Ration Reserve (initially one percent of estimated supply) would be established as a special allotment which could be used by FEA to meet national disaster relief needs, or for interim replenishment of any State Hardship Reserves faced with unusually heavy demand. The National Ration Reserve would also be used by FEA to provide any special allotments deemed necessary for any reason during any ration period.

G. *Suppliers and wholesale purchaser-resellers.* The proposed gasoline rationing plan provides that suppliers would allocate gasoline to their wholesale purchaser-reseller customers (including retail sales outlets) in much the same fashion that they do under the current allocation program. That is, suppliers would calculate an allocation fraction each month to provide these customers with their pro-rata share of the supplier's gasoline supplies available for resale to customers. Suppliers would have an obligation to allocate supplies only to those wholesale purchaser-reseller customers which they supplied in the corresponding month of the base year. However, as a condition to receiving all or any portion of its allocation, a wholesale purchaser-reseller would be required to account for gasoline supplies it receives by issuing a redemption check drawn on its redemption account maintained with FEA. The redemption check would be drawn to the order of the wholesale purchaser-reseller's supplier for redeemed

ration rights equal to the amounts of gasoline received from the supplier.

The base periods would be designated at the time that FEA determines that rationing would be necessary. Under the current allocation program, the base period is the calendar month of 1972 which corresponds to the current month. In the event the rationing program is implemented, however, it may be that a period such as 1975 would be more appropriate to reflect current consumption patterns, population shifts, distribution systems, etc.

The wholesale purchaser-reseller would generally sell gasoline to customers who would surrender ration rights or redemption checks to the wholesale purchaser-reseller equal to the amount of gasoline purchased. The wholesale purchaser-reseller would redeem the ration rights and redemption checks and deposit them in its redemption account. Although the redemption account would be maintained at FEA regional processing centers, participating banks would act as authorized agents of FEA to accept deposits into the wholesale purchaser-reseller's redemption account. The wholesale purchaser-reseller's local participating bank would then forward the wholesale purchaser-reseller's deposit slip and redeemed ration rights and redemption checks to FEA for posting to the wholesale purchaser-reseller's redemption account.

The wholesale purchaser-reseller would then issue a redemption check drawn on its redemption account to its supplier to account for gasoline delivered by its supplier and sold by the wholesale purchaser-reseller.

A retail sales outlet could supply customers without receiving ration rights provided that it acquired ration rights in the ration rights exchange market and deposited them in its redemption account within ten days of the transaction.

A retail sales outlet could, at its option, issue scrip for any unused value of a ration coupon transferred for purchase of gasoline. The type and form of such scrip would be within the retail sales outlet's discretion. Scrip could be redeemable for gasoline not only at the retail sales outlet which issued the scrip but also at other retail sales outlets if the outlets agree to accept scrip issued by each other.

H. *Gasoline rationing costs.* The annual operating cost of the total gasoline rationing program is estimated to be just under \$2 billion. The following tables summarize these costs by function and by agency or industry initially bearing the cost.

Cost by function:	In millions
Coupon printing and distribution	\$513
Ration banking accounts	340
Oil industry processing and re-	
porting	401
State and local rationing offices	291
Audit and enforcement	247
Adjustments and appeals	78
Data processing, public education, miscellaneous	68
Total	1,925,000

Cost by agency or industry:	In millions
FEA direct costs	294
Other Federal agencies	124
State and local governments	453
Oil industry	401
All others (banks, etc.)	653

Total 1,925,000

In addition, start-up costs are estimated to total \$398 million for the 90-day implementation period immediately preceding the commencement of ration operations.

FEA would reimburse the cost of gasoline rationing borne by the issuance points, commercial banks and other organizations which it authorizes to participate in the program. State and local Rationing Board's costs would also be reimbursed by FEA, according to a per-capita or per-transaction formula, to distinguish costs associated with rationing from costs connected with unrelated State and local services.

User fees would be collected or authorized by FEA to recover the total cost of gasoline rationing. The following are illustrative of expected types and ranges of such fees:

(1) A user fee of between 1.6¢ and 1.9¢ per gallon of all gasoline sold, depending on (a) the total gasoline supply available during a gasoline shortage, (b) the actual operating costs of rationing (other than costs to gasoline marketers), and (c) the amortization arrangements made to recover start-up costs of rationing. This fee would be collected through the same Internal Revenue Service (IRS) procedures that are used to collect the Federal excise tax on gasoline.

(2) Fees to cover the cost of opening and using gasoline checking accounts.

In addition to the fees described above, a mark-up estimated to total approximately 0.4¢ per gallon of gasoline would be permitted for suppliers to recover their direct costs associated with the handling, cancelling and depositing of ration coupons, ration credit checks and redemption checks.

FEA would collect no gasoline taxes, and the total amount of fees collected would not exceed the cost of the gasoline rationing program. In connection with any comments upon the proposed gasoline contingency rationing plan, FEA will be particularly interested in comments which suggest more efficient procedures than those suggested and which indicate a means of lowering the costs of the plan consistent with the requirements and objectives of EPCA and the Emergency Petroleum Allocation Act.

## II. DIESEL FUEL ALLOCATION AND RATIONING

A. *Introduction.* In the event of a severe interruption in supplies of imported crude oil, it is anticipated that shortages of diesel fuel would not be as severe as gasoline shortages, principally because refinery yield would probably be altered to increase middle distillate production and reduce gasoline production. It is unlikely that the shortage of middle distillate fuels, including diesel fuel, would ever exceed ten percent of normal consumption. Comparable gasoline statistics suggest that a 15 to 25 percent

shortfall of gasoline is likely. Although diesel fuel rationing may not be necessary, even if gasoline rationing is imposed, FEA is proposing a simplified rationing program to carry out the mandate of EPCA.

Unlike the rationing plan designed for all gasoline sales, FEA's diesel fuel rationing plan would be achieved through controls on sales of diesel fuel at retail sales outlets only, leaving all other purchases of diesel fuel under the control of the middle distillate allocation program (subpart G of part 211 of 10 CFR). There are two basic reasons for this different approach for diesel fuel:

(1) Diesel fuels are very similar or identical to other middle distillates, especially heating oils, and a rationing program aimed at all diesel fuel would be extremely difficult to enforce, due to product substitutability.

(2) Whereas most gasoline is purchased at retail sales outlets, only 30 percent of all diesel fuel is purchased at retail sales outlets, which means that 70 percent of the diesel fuel market could be controlled by the middle distillate allocation program.

B. *Summary of Plan Operation.* All retail sales of diesel fuel would take place as follows:

(1) Eligible individuals would use their allotments of gasoline ration coupons for their diesel fuel requirements. This would assure equity between drivers of gasoline-powered and diesel-powered automobiles.

(2) Firms having an allocation level under the middle distillate allocation program and which operate diesel-powered vehicles would be issued a diesel fuel entitlement card for each such vehicle, to be used at the time of purchase of diesel fuel at a retail pump. This entitlement card would be evidence of ration rights only—it would not include the monetary cost of the fuel. Buyers of retail diesel fuel would make monetary payment in their usual way, separate from the entitlement card transaction. The entitlement card would be linked to a ration credit account maintained by FEA for all firms purchasing diesel fuel at retail sales outlets. FEA would post ration credits each month to each diesel fuel ration credit account, representing the account owner's retail ration entitlement for that month. Each retail purchase of diesel would generate an entitlement card purchase slip, one copy of which would be sent by the retailer to FEA to be charged against the account owner's ration credit balance.

Retail sales outlets would be required to submit to FEA each month the ration coupons and entitlement card slips received from diesel fuel customers, accompanied by monthly reports balancing total diesel sales with the total value of the accompanying ration rights.

C. *Diesel fuel ration allotments.* Eligible individuals. Eligible individuals would not be assigned ration allotments for diesel fuel. They may use gasoline ration rights to purchase diesel fuel.

Firms. Firms will be given a ration credit level for purchases at retail sales outlets comparable to what they would be entitled to receive under 10 CFR 211.123 if they were purchasing from a supplier as wholesale purchaser-consumers or end-users.

D. *Allotments.* Each eligible individual purchasing diesel fuel at retail sales outlets would use ration coupons provided to each such individual under the gasoline rationing system.

Individuals could apply to the Local Rationing Board for hardship allotments, exactly as if they were requesting gasoline hardship allotments, and subject to the same decision criteria as for gasoline users.

Each firm which wishes to purchase diesel fuel at retail sales outlets would be required to fill out a form showing total base period purchases of diesel fuel and the volume purchased at retail sales outlets.

FEA would establish a ration credit account for each firm and would credit to each account the amount of diesel fuel purchased at retail sales outlets in the base period multiplied by the appropriate allocation level then applicable under the middle distillate allocation regulations.

E. *Diesel fuel entitlement cards.* FEA would prepare and mail to each qualified firm one or more diesel fuel entitlement cards. A separate card would be issued for each of the firm's vehicles which uses diesel fuel purchased at retail sales outlets.

All retail sales outlets of diesel fuel would be supplied by FEA with three-part purchaser's forms to be used with the entitlement cards. These forms would be designed to fit into common credit card imprinting equipment.

Each purchase of diesel fuel at retail would be accompanied either by the transfer of ration coupons or by the imprinting of a three-part form using the purchaser's diesel fuel entitlement card. The three-part form, once imprinted, would be distributed as follows:

Copy 1 to the purchaser as a receipt.  
Copy 2 to FEA regional processing center for rationing control accounting.  
Copy 3 held by the retail sales outlet owner for his records, and for possible FEA audit.

F. *Redemption.* Each retail sales outlet would be required periodically to aggregate all ration coupons and second-copies of all imprinted diesel purchase forms and forward them with a transmittal form to be issued by FEA to a specified FEA regional processing center for review and audit. Diesel fuel ration rights would be freely transferrable, using the ration rights exchange market.

G. *Diesel fuel rationing costs.* The total cost of the diesel fuel rationing system is estimated to be less than \$50 million per year. This relatively low cost (compared with gasoline rationing) is due in large part to the fact that many of the supporting functions for diesel fuel rationing at retail sales outlets would be carried out by either the gasoline rationing system (e.g., State Rationing Offices and Local Rationing Boards, ration coupon issuance for eligible indi-

vidual use, etc.) or by the middle distillate allocation program (e.g., audit of suppliers, etc.).

The collection of fees incident to administration of the diesel fuel rationing program would be through mechanisms similar to those established for gasoline rationing. As with gasoline rationing fees, the retail diesel rationing fees would be adjusted from time to time to equal, but not to exceed actual program costs.

## III. ECONOMIC ANALYSIS AND INFLATIONARY IMPACT

The EPCA requires that any rationing contingency plan submitted to Congress be based upon a consideration of the potential economic impacts of such plan, including an analysis of—

(1) Any effects of such plan on—(A) vital industrial sectors of the economy; (B) employment (on a national and regional basis); (C) the economic vitality of States and regional areas; (D) the availability and price of consumer goods and services; and (E) the gross national product; and  
(2) Any potential anticompetitive effects.

Accordingly, FEA would appreciate any comments which address these potential effects to assist FEA in preparing its analysis for submission to Congress.

As part of its economic analysis, FEA is also reviewing the inflationary impact of the proposed regulation pursuant to Executive Order 11821, issued November 27, 1974. The inflationary assessment will be included in the final rationing plan submitted to Congress.

## IV. ENVIRONMENTAL ASSESSMENT

FEA is preparing an environmental assessment of the proposed rationing plan as required by 10 CFR 208.4. It is anticipated that a negative determination will be made with respect to the effect of the plan, if implemented, on the quality of the human environment. Copies of his assessment will be furnished to the Council on Environmental Quality and the Environmental Protection Agency. As a result of the anticipated negative assessment, it is unlikely that an environmental impact statement will be required. However, FEA will be receptive to public comments and information concerning the environmental effects, if any, of the proposed rationing plan.

FEA will issue a subsequent notice regarding the completion of the environmental assessment. At that time copies of the environmental assessment will be made available.

Interested persons will be invited to submit data, views, or arguments with respect to the environmental impacts of the proposed rationing plan and the environmental assessment.

## WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate by submitting written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box GN, Washington, D.C. 20461.



Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation, "Gasoline and Diesel Fuel Rationing Plan." Fifteen copies should be submitted. All comments received by June 28, 1976, and all relevant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

## PUBLIC HEARINGS

FEA has determined that in addition to holding a public hearing on this proposal in Washington, D.C., it will hold regional hearings in Atlanta, Kansas City, San Francisco and Anchorage.

## NATIONAL HEARING

The Washington, D.C. hearing (hereinafter referred to as the National hearing) will be held beginning at 9:30 a.m., June 24, 1976, at Room 2105, 2000 M Street, N.W., Washington, D.C. Any person who has an interest in this proceeding or who is a representative of a group

or class of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, Box GN, Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., on June 18, 1976. A request may be hand delivered between the hours of 8 a.m. and 4:30 p.m. Monday through Friday. Requests should be submitted in accordance with the "Request Procedures" set forth below.

## REGIONAL HEARINGS

The regional hearings in Atlanta, Kansas City, San Francisco and Anchorage will be held beginning at 9:30 a.m., local time, June 22, 1976, at the locations specified below. Any person who has an interest in this proceeding or who is a representative of a group or class of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to FEA at the address given below for the appropriate Region, and in accordance with the "Request Procedures" set forth below. Requests must be received before 4:30 p.m., local time, on June 15, 1976.

FEA office	Submit requests and questions to testify to—	Hearing location
Atlanta, Ga.	FEA, 1655 Peachtree St., Atlanta, Ga. 30300.	FEA, 1655 Peachtree St., 5th Floor Conference Room, Atlanta, Ga.
Kansas City, Mo.	FEA, Federal Office Building, 112 East 12th St., P.O. 2208, Kansas City, Mo. 64142.	Federal Bldg., 911 Walnut St., Room 302, Kansas City, Mo.
San Francisco, Calif.	FEA, 111 Pine St., San Francisco, Calif. 94111. Attention: CIGR.	Post Office and U.S. Court of Appeals Bldg., Court Room 14, 7th and Mission Sts., San Francisco, Calif.
Anchorage, Alaska.	FEA, Alaska Subregional Office, G-11 Federal Office Bldg., 605 West 4th Ave., Anchorage, Alaska 99501.	Z. J. Loussac Library, 427 F St., Anchorage, Alaska.

## REQUEST PROCEDURES

The following request procedures are applicable to both the National and regional hearings. Persons requesting an opportunity to make an oral presentation should submit their written requests to the appropriate address for the region in which they wish to appear. Requests should be labeled both on the document and on the envelope "Gasoline and Diesel Fuel Rationing Plan."

The person making the request should briefly describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 21, 1976 in the case of the regional hearings and through June 23, 1976 in the case of the National hearing. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., local time, June 17, 1976, in the case of the regional hearings, and by June 18, 1976, in the case of the National hearing. Fifty copies of his or her statement must be submitted to the Office of Allocation Regulation Development, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461 before 9:00 a.m., e.s.t. on June 23, 1976, for the National hearing, and to the location of the hearing on the day the

statement is scheduled to be presented, for the regional hearings.

## HEARING PROCEDURES

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the National hearing, to Executive Communications,

FEA, Room 3309, Box GN, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C. before 4:30 p.m., e.s.t., June 22, 1976. Questions to be asked of persons making statements at the regional hearings should be submitted to the appropriate FEA region by June 21, 1976. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase copies of the transcripts from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator's comments were as follows:

EPA intends to review the environmental assessment to be prepared by FEA for this rationing program. Should our review identify environmental impacts associated with the program, we will provide comments during the public review period indicated in this draft notice. We request that FEA provide EPA with copies of the environmental assessment once it is available.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11790 (39 FR 23185); E.O. 11912 (41 FR 15825).)

In consideration of the foregoing, it is proposed that Chapter II, Title 10 of the Code of Federal Regulations be amended as set forth below.

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

10 CFR Chapter II is amended by adding a new Part 700, reading as follows:

## PART 700—MANDATORY GASOLINE ALLOCATION AND RATIONING REGULATIONS AND DIESEL FUEL RATIONING REGULATIONS

## Subpart A—General Provisions

Sec.	
700.1	Scope.
700.2	Relationship of subparts.
700.3	Limitation on suppliers and purchasers of rationed products.
700.4	General definitions.

Sec. 700.5 Ration coupons as obligations of the United States, crimes and offenses.

## Subpart B—Allocation of Gasoline to Wholesale Purchaser-Resellers

700.31	Supplier/wholesale purchaser-reseller relationship.
700.32	Supplier's method of allocation.
700.33	Retail sales outlets.
700.34	Procedures and reporting requirements.

## Subpart C—Rationing of Gasoline

700.41	General.
700.42	Ration rights.
700.43	Validity of ration rights.
700.44	Issuance of ration rights to eligible individuals.
700.45	Issuance of ration rights to firms entitled to a ration credit level.
700.46	Calculations.
700.47	Recordkeeping requirements.

## Subpart D—Redemption, Transfer and Invalidation of Ration Rights

700.51	Transfer of ration rights.
700.52	Invalidated ration rights.
700.53	Cancelled ration rights.
700.54	Redeemed ration rights.
700.55	Scrip.
700.56	Restriction on endorsements.

## Subpart E—Ration Credit and Redemption Accounts

700.61	General.
700.62	Primary ration credit accounts.
700.63	Secondary ration credit accounts.
700.64	Redemption accounts.
700.65	Recordkeeping requirements and reports.

## Subpart F—National Ration Reserve

700.71	National Ration Reserve.
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## Subpart G—State Rationing Offices and Local Rationing Boards

700.81	State Rationing Office.
700.82	Local Rationing Board.
700.83	Hardship applications.
700.84	Selection of Local Rationing Panel and Local Rationing Board Manager.
700.85	State Hardship Reserves.
700.86	Timeliness.
700.87	Appeals.

## Subpart H—Diesel Fuel Rationing

700.91	General.
700.92	Issuance of ration rights.
700.93	Redemption.

## Subpart A—General Provisions

## § 700.1 Scope.

(a) This part applies to the mandatory allocation of gasoline and end-use rationing of gasoline and diesel fuel produced in or imported into the United States.

(b) *Effective date.* The subparts of this part shall become effective severally or in toto on a date or dates to be specified by the Federal Energy Administration and published in the FEDERAL REGISTER, subject to the provisions of § 201(b) and (c) of the Energy Policy and Conservation Act (Pub. L. 94-163).

(c) *Relationship to other parts.* Unless otherwise specified, the provisions of parts 205 and 210 of this chapter shall apply to this part. The pricing provisions applicable to this part are provided in part 212 of this chapter. The provisions of part 211 of this chapter shall not apply to this part except as specifically indicated.

(d) Nothing in this part is intended to exclude or supersede exchange or borrow/payback operations which are normal operating procedures provided these procedures are not used to circumvent the intent of this part.

## § 700.2 Relationship of subparts.

Unless otherwise specified in a particular subpart, the general provisions set forth in this subpart apply.

## § 700.3 Limitation on suppliers and purchasers of rationed products.

(a) No supplier (including a retail sales outlet) shall supply a rationed product to any firm without redeeming ration rights or receiving redemption checks at the time the rationed product is transferred to such firm equal on a volume basis to the rationed product transferred; provided, That a retail sales outlet may supply gasoline to a purchaser without redeeming ration rights if the retail sales outlet agrees to obtain ration rights to cover the transaction and does so within ten (10) days of the transaction.

(b) Notwithstanding any other provisions of this part, no supplier shall supply and no firm (including an individual) shall purchase or accept gasoline or diesel fuel in excess of one hundred (100) percent of its current requirements.

## § 700.4 General definitions.

For purposes of this part—"Agricultural production" means:

(a) All the activities classified under the industry code numbers specified below, as set forth in the Standard Industrial Classification Manual, 1972 edition:

011	Cash Grains.
0133	Sugar crops.
0134	Irish potatoes.
016	Vegetables and Melons.
017	Fruits and Tree Nuts.
0182	Food crops grown under cover
021	Livestock, excluding Dairy, Poultry, etc.
024	Dairy Farms.
025	Poultry and Eggs.
091	Commercial Fishing.
201	Meat Products.
202	Dairy Products.
203	Preserved Fruits and Vegetables.
204	Grain Mill Products (except 2047, Dog, cat, and other pet food, which is excluded from the definition).
205	Bakery Products.
2061	Raw cane sugar.
2062	Cane sugar refining.
2063	Beet sugar.
209	Miscellaneous Foods and Kindred Products (except 2095, Roasted coffee, which is excluded from the definition).

(b) The following activities classified in the industry code numbers specified below, but only to the extent that they relate directly to food for human consumption:

0139	Field crops, except cash grains, not elsewhere classified.
0191	General farms, primarily crop.
0271	Fur-bearing animals and rabbits.
0272	Horses and other equines.
0279	Animal specialties, not elsewhere classified.
0291	General farms, primarily livestock.
071	Soil Preparation Services.

072 Crop Services (except 0724, Cotton ginning, which is excluded from the definition).

092 Fish Hatcheries and Preserves.

207 Fats and Oils.

2097 Manufactured ice (when used for preserving food for human consumption).

4212 Local trucking, without storage (only trucking from farm to market or to processing plant).

4971 Irrigation systems.

"Allocated product" means gasoline distributed pursuant to subpart B of this part.

"Allotment" means the value in gallons of gasoline or diesel fuel of the ration rights issued to an eligible individual or any firm.

"Base period" means the calendar month in the base year corresponding to the current calendar month.

"Base period use" means base period use as defined in §§ 700.32 and 700.45 of this part.

"Base year" means a calendar year to be determined by FEA and published in the FEDERAL REGISTER.

"Branded independent marketer" means a firm which is engaged in the marketing or distributing of an allocated product pursuant to—

(a) An agreement or contract with a refiner (or a firm which controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such firm), or

(b) An agreement or contract under which any such firm engaged in the marketing or distributing of an allocated product is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or firm which controls, is controlled by, or is under common control with such refiner), but which is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in paragraph (a) or (b) of this definition), and which does not control such refiner.

"Current requirements" means the amount of gasoline or diesel fuel needed by a firm to meet its present supply requirements for a particular use of those products, but does not include any amounts which the firm (a) purchases or obtains for resale, (b) accumulates as an inventory in excess of that firm's customary inventory maintained in the conduct of its normal business practices, or (c) uses in excess of the supply necessary to meet present supply requirements as constrained by the implementation of the energy conservation program required in § 211.21 of part 211 of this chapter.

"Department of Defense use" means those activities of the United States armed forces directly connected with and essential to strategic defense operations (excluding administrative activities).

"Diesel fuel" means No. 2-D diesel fuel as defined in American Society of Test-



ing and Materials (ASTM) D975-71 and No. 1-D diesel fuel as defined in ASTM D975-71. Excluded from the definition is No. 4-D diesel fuel as defined in ASTM D975-71.

"Eligible individual" means a natural person having a valid motor vehicle operator's permit, other than a learner's permit, issued by a State in his or her name or any natural person designated as an eligible individual by the FEA. An Indian residing on a reservation under the jurisdiction of the Bureau of Indian Affairs of the Department of the Interior who has no State driver's permit but who is permitted by the Bureau of Indian Affairs to drive a motor vehicle on the reservation is included within the definition.

"Emergency services" means law enforcement, fire fighting, and emergency medical services.

"End-user" means any firm which is an ultimate consumer of gasoline or diesel fuel other than a wholesale purchaser-consumer.

"Energy production" means the exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, shale oil, nuclear fuels and electrical energy. It also includes the construction of facilities and equipment used in energy production, such as pipelines, mining equipment and similar capital goods. Excluded from this definition is synthetic natural gas manufacturing.

"FEA" means the Federal Energy Administration.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including a charitable, educational, or other eleemosynary institution, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The FEA may, in regulations and forms issued in this part, treat as a firm:

(a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a firm.

"Gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties. Excluded from the definition is aviation fuel as defined in § 211.142 of part 211 of this chapter.

"Independent marketer" means either a branded independent marketer or a non-branded independent marketer.

"Individual" means a natural person.

"Local Rationing Board" means the group consisting of the Local Rationing

Panel, the Local Rationing Board Manager and the Local Rationing Board Staff.

"National Ration Reserve" means the ration rights reserved by FEA for each ration period for distribution to meet special or urgent needs during that ration period pursuant to subpart F of this part.

"Nonbranded independent marketer" means a firm which is engaged in the marketing or distribution of an allocated product, but which (a) is not a refiner, (b) is not a firm which controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (c) is not a branded independent marketer.

"Passenger transportation services" means (a) surface facilities and services, excluding water and rail, which serve the general public for carrying passengers whether publicly or privately owned, including taxicabs; and (b) bus transportation of pupils to and from school.

"Rationed product" means gasoline distributed pursuant to subparts C and G of this part and diesel fuel distributed pursuant to subparts G and H of this part.

"Ration period" means the time span between the date one ration coupon series becomes valid and the date the immediately following ration coupon series become valid.

"Ration rights" means ration coupons and ration credits made available pursuant to subparts C, G, and H of this part which shall be evidence of an eligible individual's or firm's right to purchase specified volumes of gasoline and diesel fuels.

"Refiner" means refiner as defined in § 211.62 of part 211 of this chapter.

"Retail sales outlet" means a site on which a supplier maintains an ongoing business of selling any rationed product to eligible individuals, wholesale purchaser-consumers or end-users.

"Sanitation services" means the collection and disposal for the general public of solid wastes, whether by public or private entities, and the maintenance, operation and repair of liquid purification and waste facilities during emergency conditions. Sanitation services also includes the provision of water supply services by public utilities, whether privately or publicly owned or operated.

"Scrip" means any certificate, writing or token which represents less than five (5) gallons of a rationed product, and which a retail sales outlet may offer to any firm (including an individual) which has accepted less rationed product than the gallon amount of the ration rights surrendered to the retail sales outlet.

"State" means any one of the fifty States, the District of Columbia, Puerto Rico or any territory or possession of the United States.

"State Rationing Office" means the office established by the Chief Executive of each State to carry out the authorities delegated to that office by FEA pursuant to subpart G of this part.

"State Hardship Reserves" means the ration rights provided to the State Rationing Offices by FEA for distribution within the States to meet the hardship needs of firms (including individuals) having needs for rationed products in addition to the amounts, if any, allotted to such firms pursuant to subparts C and H of this part.

"Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated or rationed product to wholesale purchasers or end-users, including, but not limited to, refiners, importers, resellers, jobbers, and retailers.

"Telecommunications services" means the repair, operation, and maintenance of voice, data, telegraph, video, and similar communications services to the public by a communications common carrier, during periods of substantial disruption of normal service.

"Vehicle rental company" means a firm which rents or leases motor vehicles to other firms (including individuals) who are bailees of the motor vehicles for the period of the rental or lease.

"Wholesaler purchaser" means a wholesale purchaser-reseller or wholesale purchaser-consumer, or both.

"Wholesale purchaser-consumer" means any firm that is an ultimate consumer of a rationed product which, as part of its normal business practices, purchases or obtains a rationed product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either (a) purchased or obtained more than 20,000 gallons of that product for its own use in agricultural production in any completed calendar year subsequent to the year prior to the base year; or (b) purchased or obtained more than 84,000 gallons of that product in any completed calendar year subsequent to the year prior to the base year.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated or rationed product and resells or otherwise transfers it to other purchasers without substantially changing its form.

§ 700.5 Ration coupons as obligations of the United States, crimes and offenses.

(a) Ration coupons are an obligation of the United States within the meaning of 18 U.S.C. 8. The provisions of title 18 of the United States Code, "Crimes and Criminal Procedure," relative to counterfeiting and alteration of obligations of the United States and the uttering, dealing in, etc., of counterfeit obligations of the United States are applicable to ration coupons.

(b) Any firm having custody, care and control of ration coupons shall at all

times, in receiving, storing, transmitting, or otherwise handling ration coupons, take all precautions necessary to avoid acceptance, transfer, negotiation, or use of spurious, altered, or counterfeit ration coupons and to avoid any unauthorized transfer, negotiation, or use of ration coupons. Such persons shall also safeguard ration coupons from theft, embezzlement, loss, damage, or destruction.

#### Subpart B—Allocation of Gasoline to Wholesale Purchaser-Resellers

##### § 700.31 Supplier/wholesale purchaser-reseller relationship.

(a) Each supplier of gasoline shall supply all wholesale purchaser-resellers which purchased or obtained gasoline from that supplier during the base period.

(b) Unless otherwise provided in this part or directed by FEA, the supplier/wholesale purchaser-reseller relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Gasoline Allocation and Rationing Program and may not be waived or otherwise terminated without the express written approval of FEA.

##### § 700.32 Supplier's method of allocation.

(a) General. (1) Suppliers of gasoline shall allocate all their allocable supply in accordance with the provisions of this section. Each supplier shall determine its allocation fraction pursuant to the provisions of paragraph (b) of this section. Suppliers shall then allocate to wholesale purchaser-resellers with whom they have a supplier/purchaser relationship in accordance with the provisions of paragraph (c) of this section. The method of allocation for new suppliers is specified in paragraph (d) of this section. Suppliers with allocation fractions less than one (1.0) must act in accordance with the provisions of paragraph (e) of this section, while suppliers with allocation fractions in excess of one (1.0) must act in accordance with the provisions of paragraph (f) of this section.

(2) Except as provided in § 700.33 of this subpart, for purposes of defining a supplier in this subpart, a firm shall mean the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(b) Allocation fraction. Each supplier shall determine an allocation fraction prior to making any allocation. A supplier's allocation fraction for any period shall be equal to its allocable supply of gasoline, which is defined in paragraph (b)(1) of this section, for that period, divided by its supply obligation for all levels of distribution, which is defined in paragraph (b)(2) of this section. Suppliers shall adjust their allocation fractions for each such period to reflect adjustments in their supply obligation and in their allocable supply. Each supplier shall only have a single allocation fraction for an allocation period for all wholesale purchaser-resellers except to

the extent permitted or required by order of the FEA. Suppliers with two or more distribution subsystems or regions independent of one another may apply to the FEA National Office, in accordance with subpart G of part 205 of this chapter, for permission to use multiple allocation fractions whenever use of a single allocation fraction would be impracticable or inconsistent with the objectives of the program.

(1) Allocable supply. Each supplier's allocable supply of gasoline for a period which corresponds to a base period shall be equal to its total supply for that period, which is the sum of its estimated production, including amounts received under processing and exchange agreements, imports (except to the extent imports may be excluded pursuant to § 211.12(g) of part 211 of this chapter), purchases and any reduction in inventory of gasoline made pursuant to § 211.22 of part 211 of this chapter except as otherwise ordered by FEA less (i) any amounts supplied to customers through exchange agreements and (ii) any amounts of gasoline supplied directly to firms other than wholesale purchaser-resellers. Any existing inventory, or production, importation or purchase of gasoline used to increase that inventory consistent with the provisions of § 211.22 of part 211 of this chapter shall not be included in the allocable supply of gasoline.

(2) Supply obligation.—(i) General. A supplier's supply obligation of gasoline is the sum of (A) the amounts of its wholesale purchaser-resellers' base period volumes as adjusted which were supplied by the supplier during the appropriate base period provided that the wholesale purchaser-reseller is still in business; and (B) the amounts of base period uses of new wholesale purchaser-resellers assigned to the supplier by FEA.

(ii) Base period use. A wholesaler purchaser-reseller's base period use is its base period volume or adjusted base period volume, as appropriate. A wholesaler purchaser-reseller's base period volume of gasoline is the volume of gasoline purchased or obtained during the appropriate base period. In the case of a new wholesaler purchaser-reseller, base period volume means the volume assigned pursuant to § 211.12(e) of part 211 of this chapter. Base period volume, however, does not include any amounts of gasoline obtained pursuant to in kind exchange agreements of gasoline which are normal business operating procedures except the difference between the total amounts received under exchange agreements and the total amounts supplied to customers through exchange agreements. Suppliers do not have a base period volume except when acting in the capacity of wholesale purchaser-resellers.

(c) Allocation by suppliers to wholesale purchaser-resellers. Each supplier shall allocate to each wholesale purchaser-reseller a volume of gasoline equal to the product of that supplier's allocation fraction multiplied by the amount equal to that wholesale purchaser-reseller's base period use: pro-

vided. That, the wholesale purchaser-reseller has presented to the supplier redemption checks drawn upon the wholesale purchaser-reseller's redemption account in amounts equal to the supplier's deliveries to the wholesale purchaser-reseller made more than ten (10) days prior to a contemplated delivery by the supplier to the wholesale purchaser-reseller.

(d) A supplier which was not a supplier prior to a date to be determined by FEA and published in the FEDERAL REGISTER shall be considered to have no supply obligation and shall not allocate supplies to any wholesale purchaser-reseller without FEA approval.

(e) Allocation fractions less than one. (1) When a supplier's allocation fraction is less than one (1.0), a supplier shall reduce, on a pro-rata basis, the amounts of gasoline to be supplied to wholesale purchaser-resellers.

(2) Any supplier whose allocation fraction is equal to or less than one (1.0) and whose wholesale purchaser-resellers (other than retail sales outlets of gasoline owned and operated by that supplier) entitled to receive an allocation from that supplier either have not purchased or have notified the supplier of their intent not to purchase their allocation entitlement by the end of the allocation period may report and dispose of such volumes in accordance with the provisions of paragraph (f) of this section.

(f) Allocation fractions greater than one. (1) General. In allocating allocable supplies of gasoline among wholesale purchasers and end-users, no supplier may use an allocation fraction greater than one (1.0) except as provided herein.

(2) Non-reporting suppliers. Any wholesaler purchaser-reseller which is a retail sales outlet or any other supplier not subject to subparagraph (3) of this paragraph and which has an allocable supply of sufficient magnitude that its allocation fraction will exceed one (1.0) shall distribute its surplus product as provided by subparagraph (5) of this paragraph. There is no requirement that such a wholesaler purchaser-reseller report its surplus product to FEA.

(3) Surplus product reports. A supplier which is a refiner or importer, and which is not a retail sales outlet and which has an allocable supply of sufficient magnitude that its allocation fraction computed pursuant to paragraph (b) of this section will exceed one (1.0) for a period corresponding to a base period, shall make allocations based on an allocation fraction of one (1.0) and shall report the volume, location, price, availability of transportation and significant specifications of surplus gasoline available. The surplus gasoline report shall be submitted in writing to the FEA National Office, with a copy to the appropriate FEA Regional Office, within five (5) days of the supplier's determination that its allocation fraction will exceed one (1.0). The report must be clearly labeled "Surplus Gasoline Report" both on the document and on the outside of the envelope in which the document is transmitted and shall be addressed to: Federal Energy Administration, Surplus



Gasoline Report, Post Office Box 19407, Washington, D.C. 20036. The FEA shall provide written notification to each supplier submitting a surplus gasoline report of the exact time of receipt of the report.

(4) *Redirection.* The National or Regional FEA (whenever authorized by the National FEA) may within ten (10) days after actual receipt of notification made pursuant to subparagraph (3) above direct that the gasoline so reported be distributed among other suppliers, sold to designated wholesale purchasers or end-users, be distributed to the reporting supplier's purchasers on a pro-rata basis, such as using an allocation fraction greater than one (1.0), or be accumulated in inventory.

(5) *Distribution of surplus gasoline.* Any supplier subject to paragraph (f) (2) or any supplier which reports pursuant to paragraph (3) (f) of this paragraph and which is not notified to the contrary within ten (10) days of receipt by FEA of the supplier's notification under paragraph (f) (3) of this paragraph, may distribute its surplus gasoline at its discretion except that (i) the supplier shall supply, in the aggregate, to all purchasers in the category of (A) wholesale purchaser-resellers which are entitled to receive an allocation from that supplier and which are branded independent marketers, to the extent that such category of purchaser is willing to accept it, at least the same proportion of the supplier's surplus gasoline as the total base period volumes (prior to any adjustments) of branded independent marketers which are entitled to receive an allocation from that supplier bear to the total base period volumes (prior to any adjustments) of all purchasers, including those assigned by FEA, which are entitled to receive an allocation from that supplier; and (B) wholesale purchaser-resellers which are entitled to receive an allocation from that supplier and which are nonbranded independent marketers to the extent that such category of purchasers is willing to accept it, at least the same proportion of the supplier's surplus product as the total base period volumes (prior to any adjustments) of nonbranded independent marketers which are entitled to receive an allocation from that supplier bear to the total base period volumes (prior to any adjustments) of all purchasers including those assigned by FEA, which are entitled to receive an allocation from that supplier (ii) The supplier may not supply to retail sales outlets owned and operated by the supplier, in the aggregate, a greater proportion of the supplier's surplus gasoline than the total base period volumes (prior to any adjustments) of all such retail sales outlets bear to the total base period volumes (prior to any adjustments) of all purchasers, including those assigned by FEA, which are entitled to receive an allocation from that supplier unless the supplier first offers surplus gasoline to and meets all requests for surplus gasoline from all

independent marketers which are entitled to receive an allocation from that supplier to the extent required in clause (f) (5) (i) of this paragraph; *provided*, That a supplier shall not be required to offer surplus gasoline available for distribution during a period corresponding to a base period to any purchaser which has refused to lift all of its allocation entitlement in that same period corresponding to a base period; and *provided further* That a supplier shall distribute its surplus product consistent with subpart C of this part.

(6) *Records of disposition of surplus gasoline.* Any supplier which reported surplus gasoline for a period corresponding to a base period as required by paragraph (f) (3) above shall maintain adequate records to allow FEA, upon request, to ascertain the disposition of the surplus gasoline.

(7) *Purchaser's rights.* Any wholesale purchaser or end-user may purchase gasoline from any supplier which certifies that it has surplus gasoline to distribute and that it has complied with the provisions of this paragraph; *provided*, That the purchaser shall comply with the provision of subpart C of this part with respect to such purchases.

#### § 700.33 Retail sales outlets.

(a) *General.* Notwithstanding any other provisions of this part, the provisions of this section shall apply to retail sales outlets which sell gasoline.

(b) *Retail sales outlets as a firm.* (1) Each firm or part of a firm which operates an ongoing business at a retail sales outlet shall be considered a separate firm with respect to each such outlet for purposes of this part and, therefore, shall be a separate wholesale purchaser-reseller. The entity which merely holds a real property interest in a retail sales outlet on which another entity operates the ongoing business shall not be considered the wholesale purchaser-reseller with respect to that outlet.

(2) An independent marketer, or a small or independent refiner, which operates two or more retail sales outlets may apply to the FEA for treatment of some or all of such outlets as a single firm in accordance with the procedures established in Subpart G of Part 205 of this chapter. The FEA may allow such treatment to the extent that the petitioner can demonstrate that treatment of each outlet as a separate firm would tend to lessen its competitive market position and that allowance of the petition would not result in an inequitable distribution of gasoline in the market areas served by that marketer.

(3) (i) A supplier's obligation to provide gasoline shall be determined separately for each retail sales outlet for which it has a supply obligation without distinguishing between retail sales outlets operated by the supplier and retail sales outlets not operated by the supplier. A supplier may not reassign all or part of an allocation entitlement from one retail sales outlet to another, including reassignments among its own retail

sales outlets, without the express written permission of FEA except as provided by paragraph (b) (3) (ii) of this section unless an application for treatment as a single firm of some or all of such supplier's retail sales outlets has been granted pursuant to paragraph (b) (2) of this section.

(ii) Each entity which operates two or more retail sales outlets which are supplied by a common supplier may reassign up to thirty (30) percent of the allocation entitlement of a retail sales outlet which it operates to another retail sales outlet which it operates provided that no retail sales outlet may have its allocation entitlement increased by more than thirty (30) percent pursuant to any reassignment permitted by this paragraph (b) (3) (ii).

(c) *Loss of allocation entitlement for going out of business.* (1) A wholesale purchaser-reseller which operates a retail sales outlet shall be deemed to have gone out of business with respect to that outlet if it vacates the site on which it conducts such business. Notwithstanding the foregoing, an independent marketer shall not be deemed to have gone out of business if (i) the independent marketer vacates the site on which it formerly operated a retail sales outlet, (ii) the former site is closed as a retail sales outlet or is operated as such by a firm that is not an independent marketer, and (iii) the independent marketer that occupied the former site, within a reasonable period of time, as determined by FEA, reestablishes another retail sales outlet at another location serving substantially the same customers or market that was served by the former site.

(2) *Closings of retail sales outlets.* An entity which operates more than one retail sales outlet and which intends to go or goes out of business at one or more such retail sales outlets may apply to FEA for an adjustment to the base period volumes of its retail sales outlets which will remain in business. FEA may allow such adjustments to the extent that the vacating of business at a particular retail sales outlet does not result in an inequitable distribution of motor gasoline in the market areas served by the entity and that such an adjustment would not otherwise be inconsistent with the objectives of the Mandatory Gasoline Allocation and Rationing Program. Pending FEA action on an application, FEA may provide adjustments to the base period volume of the pertinent retail sales outlets, which will remain in business.

(d) *Suppliers of retail sales outlets.* (1) The supplier of a retail sales outlet shall be that part of a firm which actually furnishes or physically delivers the gasoline to the retail sales outlet. The operator of one or more retail sales outlets shall not be considered the supplier of its own retail sales outlets unless it operates a terminal facility from which it furnishes a product to each outlet or unless it otherwise physically delivers the gasoline to each outlet.

(2) Whenever an operator of a retail sales outlet goes out of business with respect to that retail sales outlet under paragraph (c) of this section, the supplier of that outlet shall, in calculating its allocation fraction, remove the amount of the allocation entitlement of that retail sales outlet from its supply obligation, unless the right to such allocation has transferred to a successor wholesale purchaser-reseller under paragraph (e) of this section.

(3) Any supplier which supplies its own operated retail sales outlets shall report to the National and appropriate regional FEA and to the appropriate State office whenever it ceases to supply any retail sales outlet, without regard to whether such retail sales outlet is operated by the supplier.

(e) *Transfer of entitlement.* Whenever a wholesale purchaser-reseller is deemed to have gone out of business in accordance with paragraph (c) of this section, the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor on the site, provided such successor established the same ongoing business on the site within a reasonable period of time, as determined by FEA, after its predecessor vacates the premises.

#### § 700.34 Procedures and reporting requirements.

(a) All applications by wholesale purchaser-resellers for adjustment of base period use or assignment of suppliers of gasoline shall be filed with the appropriate FEA Regional Office in accordance with subparts B and C of part 205, respectively, of this chapter. All other matters pertaining to the allocation of gasoline shall be addressed to the appropriate FEA Regional Office or State Rationing Office, as appropriate.

(b) The general reporting and record-keeping requirements contained in subpart L of part 211 of this chapter shall apply to this subpart.

#### Subpart C—Rationing of Gasoline

##### § 700.41 General.

(a) For the duration of the Mandatory Gasoline Allocation and Rationing Program, no firm shall obtain gasoline from any supplier without transferring to the supplier valid ration rights or redemption checks equal on a gallon basis to the amount of gasoline transferred; *provided*, That any retail sales outlet may transfer gasoline to any firm (including an individual) other than a supplier without obtaining and redeeming ration rights from such firm if the retail sales outlet agrees to obtain and redeem the appropriate amount of ration rights from any source within ten (10) days of the transaction.

(b) For purposes of this subpart, "ration rights" means ration coupons and ration credits issued pursuant to § 700.42 of this subpart.

##### § 700.42 Ration rights.

(a) For each ration period, FEA shall issue ration rights equal to the estimated

total available supply of gasoline for that ration period, as follows:

(1) One (1) percent shall be reserved for distribution pursuant to subpart F of this part (the National Ration Reserve).

(2) Three (3) percent shall be reserved for distribution to the States based on population and other relevant factors pursuant to subpart G of this part.

(3) FEA shall issue ration credits to all firms each calendar month pursuant to § 700.45 of this subpart. The total amount of ration rights issued to firms in a ration period is determined by adding together the pro-rata shares of all firms' allotments for calendar months which fall wholly or partially within the ration period.

(4) The remaining ration rights not issued according to subparagraphs (a) (1) through (a) (3) above will be issued to eligible individuals pursuant to § 700.44 of this subpart.

(b) Ration rights issued to firms will be distributed in the form of ration credits in a primary ration credit account for each firm. Ration rights issued to individuals will be distributed in the form of ration coupons. Ration credits may be used directly for gasoline or exchanged for coupons at coupon issuance points designated by FEA. Valid ration coupons may be deposited in ration credit accounts, and be subsequently withdrawn as ration credits.

##### § 700.43 Validity of ration rights.

(a) *Ration credits.* Unless withdrawn by FEA, ration credits are valid from the date of issuance by FEA through the end of the Mandatory Gasoline Allocation and Rationing Program. Ration credits may be accumulated in ration credit accounts or may be withdrawn at any time after their issuance.

(b) *Coupons.* Unless declared invalid by FEA or redeemed or cancelled pursuant to subpart D of this part, ration coupons of any series shall be valid from the first day of the ration period for which they are issued through the end of the Mandatory Gasoline Allocation and Rationing Program even though the ration period for which the ration coupons were issued has terminated. FEA may by public notice declare any series or any portion of a series of ration coupons to be invalid. By notice to any holder of particular ration coupons, FEA may declare any ration coupons held by that holder to be invalid and require that such invalid ration rights be immediately surrendered to FEA.

##### § 700.44 Issuance of ration rights to eligible individuals.

(a) *Ration periods.* (1) A ration period shall be designated by FEA at least ten (10) days prior to the first day of that ration period by notice published in the FEDERAL REGISTER. A notice designating a ration period may designate more than one ration period and shall establish the term of each ration period designated in the notice.

(2) FEA may by notice published in the FEDERAL REGISTER advance the commencement date of a previously designated ration period.

(b) *Eligible individual's ration allotment.* (1) For each ration period, FEA shall distribute ration rights to eligible individuals equal to the difference between the total ration rights issued for that ration period minus the ration rights to be distributed pursuant to subparts F and G of this part and § 700.45 of this subpart. Ration rights issued for eligible individuals will be distributed in the form of ration coupons.

(2) Each eligible individual shall be entitled to receive ration rights equal to the number of ration rights issued under paragraph (b) (1) above divided by the number of eligible individuals for that ration period. This number shall be an eligible individual's ration allotment for that ration period. FEA shall provide notice of the number of ration rights to be issued each eligible individual for a ration period at least ten (10) days prior to the commencement of the ration period.

(c) *Ration coupons.* A ration coupon shall be redeemable for five (5) gallons of gasoline.

(d) *Distribution of ration rights to eligible individuals.* (1) Each eligible individual may obtain his or her ration allotment at an issuance point designated by FEA. For the first three (3) ration periods, an eligible individual will be required to fill out an application form and present his or her State driver's license. Unless otherwise provided by notice published in the FEDERAL REGISTER, for ration periods subsequent to the first three (3) ration periods an eligible individual will be issued his or her ration allotment for three (3) ration periods upon surrender of an authorization card issued to that eligible individual which is valid for that ration period. FEA by notice will designate the day or days on which eligible individuals may apply for their ration allotments. Upon an eligible individual's presentation of a valid authorization card and delivery of his or her ration allotment for one or more designated ration periods, the issuance point shall retain and mark or cancel the eligible individual's authorization card for the series of ration rights issued.

(2) The procedures of paragraph (d) (1) may be followed by agents of eligible individuals unable to personally apply for ration rights. Such agents must present documents authorizing the agent to act on behalf of a particular eligible individual signed by the eligible individual in accordance with FEA forms and instructions.

(3) Indians residing on reservations under the jurisdiction of the Bureau of Indian Affairs who do not possess driver's licenses issued by a State may apply to the Bureau of Indian Affairs for their allotments.

(4) Any individual who becomes an eligible individual after the start of a ration period will be given an authorization card for allotments beginning with the next subsequent ration period.

(e) *Authorization cards.* (1) Any person who is an eligible individual shall be provided with valid authorization cards by the State agency authorized by FEA to issue and distribute authorization



cards to licensed drivers holding driver's licenses from that State.

(2) Each eligible individual shall be issued one authorization card for designated ration periods by the appropriate State agency in accordance with notice given by FEA. No eligible individual shall accept or use more than one authorization card for any designated ration periods.

(3) An eligible individual shall receive authorization cards valid only for ration periods which commence after the date on which the authorization cards are issued and for which distribution of ration coupons has not commenced.

(4) Appropriate State agencies shall be authorized by FEA to issue and distribute authorization cards.

(5) State agencies which enter into agreements with FEA to issue and distribute authorization cards shall do so in accordance with forms and instructions issued by FEA.

(6) No firm (including a State agency) shall issue and distribute authorization cards which have not been approved by FEA in writing.

(7) *Records and reports.* Each State agency authorized by FEA to issue authorization cards shall keep records and submit such reports and other information as FEA may from time to time require.

(8) *Retention of records.* Each State agency shall retain all records and reports submitted to it for possible FEA audit for a period of three (3) years.

(9) *Lost, stolen, or misplaced authorization cards.* Any eligible individual whose authorization card is lost, stolen or misplaced shall immediately report such fact to the State agency. The State agency may issue to such eligible individual a new authorization card in accordance with procedures developed by the State agency and approved in writing by FEA. Within five (5) days of notification, the State agency must transmit the name and number of the lost, stolen, or misplaced authorization card to FEA.

(10) *Appeals concerning authorization cards.* Any individual aggrieved by any act or omission of the State agency with respect to any authorization card may file an appeal in accordance with the provisions of subpart Q of part 205 of the chapter.

(11) Each State agency shall establish procedures approved by FEA to ensure timely distribution of authorization cards to existing and new eligible individuals.

#### § 700.45 Issuance of ration rights to firms entitled to a ration credit level.

(a) For each calendar month, FEA shall issue and distribute ration credits equal to the sum of the ration credit allotments of all firms entitled to a ration credit level and which have primary ration credit accounts with FEA.

(b) *Allotments.* Each firm entitled to a ration credit level and with a primary ration credit account shall receive from FEA ration credits on the first day of each calendar month equal to the firm's ration credit level multiplied by the

firm's base period use or by the firm's estimated current requirements for those firms entitled to one hundred (100) percent of current requirements.

(c) *Base period use.* (1) Except as otherwise specified in paragraphs (c) (2) and (3) of this paragraph, base period use means base period volume or adjusted base period volume, as appropriate. A wholesale purchaser-consumer's or end-user's base period use is the volume of gasoline purchased or obtained in a base period for a use for which there is a ration credit level. In the case of a new wholesale purchaser-consumer or new end-user, base period use means the volume assigned by FEA. Suppliers do not have a base period use for the purposes of this subpart except when acting as a wholesale purchaser-consumer or end-user.

(2) For vehicle rental companies, base period use means the base period volume or adjusted base period volume, as appropriate, used by employees or agents of the firm on firm business. Volumes of gasoline used by customers of the vehicle rental company are not included in the firm's base period use. In those instances where a vehicle rental company has not distinguished between gasoline used by customers and gasoline used by employees and agents of the firm, reasonable estimates based on actual mileage records may be used in establishing the firm's base period use.

(3) For a firm having commissioned direct sales representatives, the gasoline used in the sales activities of the representatives during a base period shall be considered part of the firm's base period use even though the cost of the gasoline was borne by the sales representatives and not reimbursed by the firm. Commissioned direct sales representatives shall not be eligible for a ration credit level based on their activities as commissioned direct sales representatives. These persons must apply to the firms which pay their commissions for the ration rights, if any, necessary for their sales activities.

(d) *Ration credit levels.* A ration credit level is the percentage of current requirements or of base period use of an end-user or wholesale purchaser-consumer that FEA shall use in computing the allotment for such firms each calendar month. The ration credit levels for gasoline are as follows:

- (1) *One hundred (100) percent of current requirements.*
  - (i) Department of Defense use;
  - (ii) Agricultural production;
  - (iii) Emergency services; and
  - (iv) Passenger transportation services.
- (2) *One hundred (100) percent of base period use.*
  - (i) Telecommunication services;
  - (ii) Sanitation services; and
  - (iii) Energy production.
- (3) *Ninety (90) percent of base period use.*

- (i) All other government uses;
- (ii) All other uses by firms which report gasoline as an expense to the Internal Revenue Service on Schedule C or

F, or Forms 1065, 1120, 1120S, 990 or 990PF; and

(iii) All uses for religious, charitable, educational or other eleemosynary purposes not otherwise accorded to a ration credit level in this paragraph.

(e) *Basis of entitlement to ration credits.* A firm entitled to a ration credit level shall receive ration credits based on its conduct of an ongoing business or maintenance of an established end-use for which there is a ration credit level.

(f) *End-users and wholesale purchaser-consumers as firms.* For purposes of defining an end-user or wholesale purchaser-consumer in this part, a firm shall mean all parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls and which act as ultimate consumers, including all sites, storage tanks and other facilities or entities of the end-user or wholesaler purchaser-consumer that use or store gasoline.

(g) *Loss of ration credit entitlement for discontinued activities.* A firm shall not be eligible to receive ration rights based upon discontinued activities and no firm shall accept or use ration rights issued or distributed to that firm or any other firm based upon discontinued activities.

(h) *Downward adjustments to base period use.* If a firm's average daily consumption during the three months immediately past has declined by twenty-five (25) percent or more as compared to the average daily consumption during the corresponding three (3) months of the base year, the firm must report the average daily consumption for both three-month periods to the appropriate FEA regional office and submit detailed information which will enable FEA to determine the amount of any downward adjustment, if any, in the firm's base period use which FEA should order.

(i) *New wholesale purchaser-consumers and end-users.* Wholesale purchaser-consumers and end-users which did not purchase gasoline during any base period may apply to FEA for assignment of a base period use pursuant to this subpart and to the provisions of § 211.12(e) of part 211 of this chapter. In determining base period use for a firm which was not in operation during the base year, FEA shall among other things review the firm's gasoline purchases preceding the firm's application to FEA, the types of vehicles used, and the number of miles driven. FEA will also consider typical consumption patterns of similar firms.

(j) *Adjustments to base period use.* Any firm which has substantially altered its business activities so that its needs for gasoline during a period corresponding to a base period are at least twenty-five (25) percent greater than during the base period may apply in accordance with subpart B of part 205 of this chapter to the appropriate FEA regional office for an adjustment to base period use. FEA may grant such adjustments in whole or in part upon a showing of extreme hardship or gross inequity.

#### § 700.46 Calculations.

(a) This section establishes the formulae for calculating a firm's ration credit allotments; the total available supply; the adjusting term; and the length of the ration period. A "computation period" is used in these calculations initially, since the precise length of the ration period is not known until the final

calculation is made. The first computation period will be 30 days; once rationing has begun the computation period will have the same number of days as the immediately preceding ration period.

(b) For purposes of paragraphs (c), (d), (e), and (f) of this section, the following symbols have the following meanings:

Symbol	Units	Meaning
REF	Gallons.....	Projected refinery output of gasoline during computation period.
IMP	do.....	Projected imports of gasoline during computation period.
EXP	do.....	Projected exports of gasoline during computation period.
LOS	do.....	Projected losses of gasoline from spillage, evaporation, and casualty losses during computation period.
NEI	Persons.....	Number of eligible individuals (latest count from State motor vehicle department and Bureau of Indian Affairs).
BM,V	Gallons.....	The base period volume for a firm in month i (or current requirements for firms entitled to 100 pct of current requirements).
DM <sub>i</sub>	Days.....	Number of days in calendar month i.
DM,C	do.....	Number of days in calendar month i which fall within the computation period.
INV	Gallons.....	Amount of desired gasoline inventory drawdown during computation period from industry and any government-held (strategic) inventories.
NRR	do.....	Amount of allotment to be reserved for use in the national ration reserve for the upcoming ration period.
ZSHR	do.....	Amount of allotment to be provided for the State hardship reserves for the upcoming ration period.
CP	Days.....	Length of the computation period.
BA	Gallons per individual per ration period	The basic allotment for each eligible individual in a ration period (equal to NCU by VCU).
NCU	Coupons per ration period.	Number of coupons to be given to each eligible individual in a ration period.
VCU	Gallons per coupon	Gallon value of each coupon.
RCL	Fraction expressed as a decimal.	Ration credit level for a firm (90 pct equals 0.9; 100 pct equals 1.0).
TAS	Gallons.....	The total available supply of gasoline to be rationed during a ration period.
ADJ	do.....	An adjusting term representing errors, roundings, and unclaimed allotments in previous ration periods.
NAS	do.....	The net available supply of gasoline during a computation period, equal to the TAS minus amounts necessary for the national ration reserve and the State hardship reserves.
NDAS	do.....	The net daily available supply equal to the NAS divided by the number of days in the computation period.
FA <sub>i</sub>	Gallons per month.....	The allotment for a firm in month i.
FD <sub>i</sub>	do.....	The weighted average daily allotment for a firm in the computation period.
ZFD <sub>i</sub>	do.....	The total weighted average daily allotment for all firms in the computation period (computed by summing FD <sub>i</sub> for all firms).
RP	Days.....	The length of a ration period.

(c) *Total available supply (TAS).* The total available supply (TAS) of gasoline which can be sold during the computation period is determined from data available on the refining and importing of gasoline, adjusted for exports, losses, and inventory changes.

$$TAS = REF + IMP - EXP - LOS + ADJ + INV$$

(d) *Adjusting term (ADJ).* The adjusting term is the sum of adjustments required as a result of errors, roundings, and unclaimed allotments from previous ration periods.

$ADJ = (TAS_{current\ period} - TAS_{prior\ period})$  for all previous ration periods,  
 + Unclaimed allotments from individuals, especially those with multiple licenses.  
 + Returned allotments from firms with reduced or eliminated activities,  
 + Rounding adjustment in computing the prior ration period, where rounding adjustment equals

$$\frac{RP - RP_{rounded}}{RP} \times BA \times NEI$$

(e) *Net available supply (NAS).* The net available supply is computed by subtracting from the TAS the allotments necessary to replenish or increase the National Ration Reserve and the State Hardship Reserves.

$$NAS = TAS - NRR - ZSHR$$

(f) *Net daily available supply (NDAS).* The net daily available supply (NDAS) is

computed by dividing the NAS by the number of days in the computation period.

$$NDAS = \frac{NAS}{CP}$$

(g) *Allotment for each firm (FA<sub>i</sub>).* The monthly allotment for each firm is determined by multiplying the month's gasoline quantity on the application form (base period use or estimated current requirements) times the appropriate ration credit level.

$$FA_i = BM_i \times RCL$$

(h) *Average daily allotment for each firm (FD<sub>i</sub>).* The average daily allotment for each firm during a computation period is calculated using a weighted average to take into account the fact that a computation period will usually overlap two calendar months.

$$FD_i = \left[ \frac{FA_i}{DM_i} \times \frac{DM_i C}{CP} \right] + \left[ \frac{FA_{i+1}}{DM_{i+1}} \times \frac{DM_{i+1} C}{CP} \right]$$

(i) *Length of ration period.* The length of the ration period is determined from the figures developed above and by summing FD<sub>i</sub> derived above for all firms.

$$RP = \frac{BA \times NEI}{NDAS - ZFD_i}$$

The ration period length computed above will be rounded down to the nearest whole day.

#### § 700.47 Recordkeeping requirements.

All firms must maintain at their principal business address records on gaso-

line purchased or obtained during each base period and each period corresponding to a base period. The records shall be subject to FEA audit and must be retained for three (3) years after the termination of the Mandatory Gasoline Allocation and Rationing Program.

#### Subpart D—Redemption, Transfer and Invalidity of Ration Rights

##### § 700.51 Transfer of ration rights.

(a) Ration rights may be freely transferred for or without consideration provided that such ration rights have not been redeemed, cancelled or invalidated by FEA.

(b) No supplier (including a retail sales outlet) shall require any purchaser to purchase ration rights from any firm (including itself) as a condition of transferring gasoline.

(c) No supplier (including a retail sales outlet) shall refuse to sell gasoline to any purchaser which tenders the lawful price of the gasoline with sufficient ration rights to cover the transaction except as permitted or required by the Mandatory Gasoline Allocation and Rationing Regulations.

##### § 700.52 Invalidated ration rights.

Ration rights which have been invalidated by FEA are not transferable for value and shall be surrendered to FEA.

##### § 700.53 Cancelled ration rights.

(a) Ration rights which have not been exchanged for gasoline may be deposited into a ration credit account. Such ration rights are cancelled when deposited.

(b) An owner of a ration credit account shall endorse ration rights to be deposited into that ration credit account with the account owner's name and account number.

(c) Participating banks shall indelibly mark deposited ration rights with the legend "cancelled" at the time of deposit.

##### § 700.54 Redeemed ration rights.

(a) Ration rights and redemption checks shall be redeemed by exchanging them for gasoline and shall be surrendered as provided by these regulations.

(b) A supplier (including a retail sales outlet) which accepts ration rights or redemption checks in exchange for gasoline shall redeem such ration rights and redemption checks by indelibly marking them at the time of the exchange with the supplier's name, its redemption account number and the legend "redeemed".

(c) A supplier (including a retail sales outlet) shall deposit redeemed ration coupons, ration credit checks and redemption checks in its redemption account.

(d) No supplier (including a retail sales outlet) shall accept from any firm ration coupons, ration credit checks or redemption checks marked "redeemed," "cancelled," or "specimen." No supplier shall deposit in its redemption account any redeemed ration right or redemption check which the supplier did not redeem for gasoline.



**§ 700.55 Scrip.**

A retail sales outlet may issue scrip for any unused value on a ration coupon or ration credit check transferred for a purchase of gasoline. The type and form of the scrip are discretionary with the issuer. The scrip must be redeemed upon demand by the retail sales outlet which issued it. Retail sales outlets may agree among themselves to accept scrip issued by other retail sales outlets.

**§ 700.56 Restriction on endorsements.**

Ration credit checks must be deposited by the payee and may not be endorsed to third parties.

**Subpart E—Ration Credit and Redemption Accounts****§ 700.61 General.**

(a) FEA shall establish, maintain and administer primary ration credit accounts, secondary ration credit accounts, and redemption accounts at FEA regional processing centers.

(b) FEA may authorize certain firms to act as participating banks to accept applications to establish primary ration credit accounts, secondary ration credit accounts and redemption accounts, to accept deposits into such accounts and to perform such other duties and services as FEA may authorize.

(c) FEA shall establish reasonable fees that participating banks may charge holders of ration credit and redemption accounts and other users of rationing services performed by participating banks and authorized by FEA.

**§ 700.62 Primary ration credit accounts.**

(a) Upon application by any firm (including an individual) entitled to a ration credit level in accordance with forms and instructions to be issued by FEA, FEA shall establish a primary ration account for such firm.

(b) On the first day of each calendar month, FEA shall deposit ration credits for that calendar month in a firm's primary ration credit account in an amount equal to the firm's ration credit allotment.

(c) A firm may deposit additional ration rights in its primary ration credit account; *provided*, That such ration rights have not been previously cancelled, redeemed or declared invalid.

(d) A firm may withdraw ration credits from its primary ration credit account by issuing a ration credit check to the order of the firm to which it wishes to transfer ration credits. Ration credit checks shall only be issued upon forms approved and distributed by FEA.

(e) No firm shall issue a ration credit check drawn upon a primary ration credit account in which there are insufficient ration credits to cover that ration credit check and other outstanding ration credit checks drawn on that account.

**§ 700.63 Secondary ration credit accounts.**

(a) Upon application of any firm in accordance with forms and instructions

to be issued by FEA, FEA shall establish secondary ration credit accounts for that firm.

(b) A firm may deposit ration rights in its secondary ration credit account; *provided*, That such ration rights have not been previously cancelled, redeemed or declared invalid by FEA.

(c) A firm may withdraw ration credits from its secondary ration credit account by issuing a ration credit check to the order of the firm to which it wishes to transfer ration rights. Ration credit checks shall only be issued upon forms approved and distributed by FEA.

(d) No firm shall issue a ration credit check drawn upon a secondary ration credit account in which there are insufficient ration credits to cover that ration credit check and other outstanding ration credit checks drawn on that account.

**§ 700.64 Redemption accounts.**

(a) Every supplier including every retail sales outlet shall apply to FEA for the establishment of a redemption account in accordance with forms and instructions issued by FEA.

(b) Suppliers shall deposit in their redemption accounts all redeemed ration rights and redemption checks which they have accepted.

(c) A wholesale purchaser - reseller must issue a redemption check to its supplier drawn on its redemption account in exchange for gasoline received for resale from that supplier. Redemption checks shall only be issued upon forms approved and provided by FEA.

(d) Participating banks shall accept redeemed ration rights and redemption checks on behalf of FEA for deposit in a supplier's redemption account.

**§ 700.65 Recordkeeping requirements and reports.**

Participating banks shall maintain such records and issue such reports as may be required from time to time by FEA.

**Subpart F—National Ration Reserve****§ 700.71 National Ration Reserve.**

(a) The National Ration Reserve shall be used by FEA to meet national disaster relief needs or for emergency replenishment of a State Hardship Reserve or for any other emergency need at the discretion of the Administrator.

(b) Each ration period, one (1) percent of the ration rights issued by the FEA pursuant to subpart C of this part shall be reserved for distribution at the discretion of the FEA National Office through the National Ration Reserve. The percentage of ration rights to be retained in the National Ration Reserve may be increased or decreased during subsequent ration periods upon notice published in the FEDERAL REGISTER.

**Subpart G—State Rationing Offices and Local Rationing Boards****§ 700.81 State Rationing Office.**

(a) Any State may apply to the FEA National Office to create a State Rationing Office within the State. The Bureau

of Indian Affairs shall be treated as a State Rationing Office with respect to the Indian reservations under its jurisdiction.

(b) After FEA review of the criteria in paragraph (d) of this section and upon certification by FEA, such State Rationing Office will be delegated authority (1) to administer the State Hardship Reserve allotted by FEA to that State, (2) to receive petitions from any user of rationed products with respect to the priority and entitlement of such user under these regulations, and (3) consistent with these regulations and guidelines issued by FEA, to order a reclassification or modification of any prior determination made with respect to such user's rationing priority or rights specified in paragraph (b)(2) above subject to review by FEA.

(c) The State Rationing Office may redelegate the authority given to it by FEA to one or more Local Rationing Boards.

(d) *Criteria for delegation of authority to State Rationing Offices.* [Reserved]

**§ 700.82 Local Rationing Board.**

(a) Local Rationing Boards may be established within a State by the State Rationing Office pursuant to § 700.81 of this subpart.

(b) Each Local Rationing Board shall include a Local Rationing Panel selected pursuant to § 700.84 of this subpart.

(c) The Local Rationing Board shall be allotted an equitable portion of the State Hardship Reserve by the State Rationing Office. The Local Rationing Board shall maintain a secondary ration credit account into which it shall deposit the portion of the State Hardship Reserve it receives from time to time. From this secondary account, the Local Rationing Board may issue ration rights to individuals other than firms entitled to a ration credit level determined pursuant to § 700.83 of this subpart to be experiencing hardships.

(d) Each Local Rationing Board shall accept hardship petitions pursuant to § 700.83 of this subpart and either approve or disapprove such petitions pursuant to instructions and guidelines to be issued by FEA.

(e) Each week the Local Rationing Board shall report to the State Rationing Office with respect to the preceding week (1) the number of hardship petitions received per category of hardship alleged, (2) the disposition made of hardship applications, and (3) the amount of ration rights issued to individuals found to be experiencing hardships.

(f) The Local Rationing Panel shall review and decide all appeals of decisions made by the Local Rationing Board pursuant to § 700.83(d) of this subpart and in accordance with guidelines to be issued by FEA. The Local Rationing Panel shall also review and decide appeals filed by any person aggrieved by a decision of the Local Rationing Board with respect to any matters redelegated to it by the State Rationing Office pursuant to § 700.81 of this subpart. Appeals from the decision of the Local Rationing

Panel may be further appealed pursuant to § 700.87 of this subpart.

(g) The Bureau of Indian Affairs may establish Local Rationing Board on Indian reservations under its jurisdiction. Such boards will carry out the duties and functions of Local Rationing Boards as set forth in this subpart.

**§ 700.83 Hardship applications.**

(a) An individual may file a hardship application for rationing rights in addition to any rationing rights he or she is entitled to receive pursuant to Subpart C of this part. The application shall be made in accordance with FEA forms and instructions and shall include the applicant's name; address; social security number; the specific hardship alleged; the total amount of ration rights sought in addition to the ration rights, if any, already provided to the applicant during the current ration period; certification that no other hardship application is now pending before any other Local Rationing Board, or if such an application is pending, the address of the Local Rationing Board in which the application was filed; a list of any previous hardship applications and where filed; and the signature of the applicant or his or her authorized representative.

(b) Hardship applications will be received by the Local Rationing Board for review and determination if the applicant alleges any one or more of the following hardships:

(1) *Handicapped persons.* Any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services, who has a substantial, permanent impediment to mobility and whose needs for rationed products exceed the amount represented by the ration rights issued pursuant to subpart C of this part may file a hardship application.

(2) *Low-income, long-distance commuters.* Persons who without ration rights in addition to the amount allotted to them pursuant to subpart C of this part would be forced to spend over five (5) percent of their adjusted gross incomes purchasing ration rights for travel to and from their place of employment, and for whom carpooling or public transportation is not a reasonable alternative, may file a hardship application.

(3) *Migrant workers.* An individual who holds a drivers license issued by a State and who travels from one agricultural work site to another agricultural work site may file a hardship application with the Local Rationing Board which serves the community in which the current work site is located. The application should be awarded sufficient ration rights to assist the individual in traveling to his or her next work site.

(4) *Other recurring or one-time hardship needs.* Any individual experiencing severe hardships on a recurring or one-time-only basis, who is not specified in paragraphs (b)(1), (2) and (3) above,

may file a hardship application. The Local Rationing Panel must review and decide any application filed pursuant to this paragraph (b)(4) consistent with the objectives of the Mandatory Gasoline Allocation and Rationing Program.

(c) *Processing of applications.* (1) The Local Rationing Board may initiate an investigation of any statement in an application, whether written or verbal, and utilize in its evaluation any relevant facts obtained by such investigation. The Local Rationing Board may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the Local Rationing Board may consider any other source of information. The Local Rationing Board on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(2) If the Local Rationing Board determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the Local Rationing Board may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the Local Rationing Board may dismiss the application with prejudice.

(3) After processing, the Local Rationing Board or the Local Rationing Panel shall either grant or deny a hardship application. If the application is granted, the Local Rationing Panel or the Local Rationing Board shall determine the amount of ration rights to be granted, shall notify the applicant in writing of the amount determined, and shall issue ration rights to the applicant in that amount. If the Local Rationing Board or the Local Rationing Panel determines that the application is not to be granted, the applicant shall be notified in writing promptly upon such determination.

(d) An applicant who does not receive as many ration rights as he or she applied for or an applicant whose application is not granted may appeal to the Local Rationing Panel. The appeal must be filed within 15 calendar days of receipt of the notice of determination specified in paragraph (c)(3) of this section. There has not been an exhaustion of administrative remedies until an appeal has been filed and decided, and all further appellate proceedings provided in § 700.87 of this subpart have been completed.

**§ 700.84 Selection of Local Rationing Panel and Local Rationing Board Manager.**

The Local Rationing Panel shall consist of an odd number of volunteers selected by the local government in which the panel serves in accordance with FEA guidelines. The members of the Local Rationing Panel shall designate one of their members as the individual responsible for calling meetings of the panel to determine local procedures and to

carry out the duties of the Local Rationing Panel. The Local Rationing Board Manager shall be selected by the Chief Executive of the State in which the Local Rationing Board is located.

**§ 700.85 State Hardship Reserves.**

(a) Pursuant to subpart C of this part, FEA shall distribute ration rights to each State Rationing Office to be utilized by Local Rationing Boards to meet the needs of approved individual hardship applicants pursuant to § 700.83 of this subpart and to meet the needs of approved hardship applications filed with the State Rationing Office by firms pursuant to paragraph (b) of this section.

(b) *Application by firms experiencing severe hardships.* (1) A firm entitled to a ration credit level, other than as a supplier or a wholesale purchaser-reseller, may file an application with the State Rationing Office for rationing rights in addition to any rationing rights it is entitled to receive pursuant to subparts C and H of this part. The application shall be made in accordance with FEA forms and instructions and shall indicate the firm's name; address; employer identification number; the facts alleged to support a finding of severe hardship; the total amount of ration rights sought in addition to any ration rights already provided to the firm during the current ration period; certification that no other application is now pending before any other State Rationing Office or if such an application is pending, the address of the State Rationing Office in which the application was filed; a list of any previous applications and where filed; and the signature of the chief executive officer of the firm or his or her authorized representative.

(i) The State Rationing Office may initiate an investigation of any statement in an application, whether written or verbal, and utilize in its evaluation any relevant facts obtained by such investigation. The State Rationing Office may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the State Rationing Office may consider any other source of information. The State Rationing Office on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(ii) If the State Rationing Office determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the State Rationing Office may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the State Rationing Office may dismiss the application with prejudice.

(2) The State Rationing Office shall notify the applying firm in writing of the decision made with respect to the application and the amount, if any, of ration

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rights the firm is to receive from the State Hardship Reserve.

(3) Any firm aggrieved by the decision of the State Rationing Office with respect to its application may appeal that decision pursuant to § 700.87(c) of this subpart.

(4) At the end of a ration period, any ration rights remaining in the State Hardship Reserve shall be reported to FEA and the balance frozen pending FEA direction. FEA may, among other courses of action, cancel the balance, add it to the State Hardship Reserve for the next ration period, transfer all or a portion of the balance to another State Hardship Reserve, or treat the balance as an advancement on the State Hardship Reserve for the next ration period.

#### § 700.86 Timefulness.

(a) If the Local Rationing Board or the State Rationing Office fails to take action on an individual's or a firm's application, respectively, within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in § 700.87 of this subpart.

(b) Notwithstanding paragraph (a) of this section, the Local Rationing Board or the State Rationing Office may temporarily suspend the running of the 10-day period if it finds that additional information is necessary or that the application was improperly filed. The temporary suspension shall remain in effect until the Local Rationing Board or the State Rationing Office serves upon the individual or firm notice that the additional information has been received and accepted or that the application has been properly filed, as appropriate. Unless otherwise provided in writing, the 10-day period shall resume running on the first day that is not a Saturday, Sunday, or Federal legal holiday and that follows the day on which the Local Rationing Board or the State Rationing Office serves upon the person the notice described in this paragraph.

#### § 700.87 Appeals.

(a) Individuals aggrieved by a decision made by a Local Rationing Panel or a Local Rationing Board may appeal that decision to the Local Rationing Panel pursuant to § 700.83(d) of this part.

(b) Individuals aggrieved by an appeal decision of a Local Rationing Panel may appeal that decision to the State Rationing Office in accordance with the procedures established by the State office. The appeal shall be filed within 15 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(c) Any person aggrieved by a decision made by a State Rationing Office with

respect to any matters coming within the authority delegated to it pursuant to § 700.81 of this subpart, or relating to its decisions on applications for additional ration rights made pursuant to § 700.85 of this subpart, or on an appeal decision made pursuant to paragraph (b) of this section may file an appeal of that decision pursuant to subpart Q of part 205 of this chapter.

#### Subpart H—Diesel Fuel Rationing § 700.91 General.

(a) No firm shall obtain diesel fuel at retail sales outlets from any supplier without transferring to the supplier valid ration rights equal on a gallon basis to the amount of diesel fuel transferred and no supplier (including a retail sales outlet) shall transfer diesel fuel at retail sales outlets to any firm in its capacity as a wholesale purchaser-consumer or end-user, without obtaining and redeeming ration rights from such firms; *provided*, That a supplier at a retail sales outlet may transfer diesel fuel to any firm other than a supplier without obtaining and redeeming ration rights from such firm if the supplier at a retail sales outlet agrees to obtain and redeem the appropriate amount of ration rights from any source and does so within ten (10) days of the transaction.

(b) For purposes of this subpart, "ration rights" means ration coupons issued pursuant to subparts C and G of this part or charges against a diesel fuel entitlement card issued by FEA pursuant to § 700.92 of this subpart.

(c) In addition to the applicability of the parts specified in § 700.1(c) of this part, the provisions of part 211 of this chapter shall apply to this subpart.

#### § 700.92 Issuance of ration rights.

(a) Ration coupons issued for gasoline pursuant to the provisions of subparts C and G of this part may be utilized to purchase diesel fuel at retail sales outlets in lieu of gasoline at the option of the holder. However, no ration coupon may be used for both gasoline and diesel fuel.

(b) Ration coupons issued pursuant to subparts C and G of this part which the holder uses to purchase diesel fuel at retail sales outlets shall be valid in the same manner as specified in § 700.43 of this part.

(c) A firm which purchases diesel fuel at retail sales outlets may apply pursuant to paragraph (f) of this section for issuance of a diesel fuel entitlement card which shall enable the holder to purchase diesel fuel at retail sales outlets in an amount equal to that portion of its base period use of diesel fuel purchased at retail sales outlets during the base period multiplied by the allocation levels specified in § 211.123 of part 211 of this chapter.

(d) Firms applying for a diesel fuel entitlement card shall be provided an account to which FEA will credit in each calendar month the amount of diesel

fuel to which the firm is entitled pursuant to paragraph (c) above.

(e) A firm which wishes to purchase diesel fuel at retail sales outlets in excess of volumes purchased at retail sales outlets during the base period may petition FEA pursuant to subpart D of part 205 of this chapter to increase the amount of the firm's ration credits to be issued by FEA in a calendar month. A firm which did not purchase diesel fuel at retail sales outlets during a base period may apply for assignment of a base period use pursuant to subpart C of part 205 of this chapter.

(f) A firm may apply to FEA for a diesel fuel entitlement card in accordance with FEA forms and instructions. The applicant shall be required to determine its base period use of diesel fuel and to indicate for each period corresponding to a base period how much of its base period use of diesel fuel was purchased at retail sales outlets.

(g) FEA may invalidate any diesel fuel entitlement card by notice to the firm to which it was issued if FEA finds, among other things, that the card is being improperly used or is reported lost or stolen.

(h) Sales to holders of diesel fuel entitlement cards at retail sales outlets of diesel fuel shall be made by imprinting the information on the card on an FEA form which shall, among other information, indicate the volume of diesel fuel sold; the date of sale; the name of the retail sales outlet; and certification by the card holder that he or she is currently authorized by the firm (including an individual) to which the card was issued to use the card for purchases of diesel fuel at retail sales outlets. A copy of the completed form shall be provided to the holder; a second copy held for transmittal to the FEA regional processing center; and a third copy maintained by the retail sales outlet.

#### § 700.93 Redemption.

(a) The retail sales outlet of diesel fuel shall collect all ration rights exchanged for diesel fuel and after stamping any ration coupons redeemed for diesel fuel with the legend "redeemed for diesel," keep all such ration rights separate from ration rights exchanged for gasoline. Those ration rights exchanged for diesel fuel shall not be deposited in a wholesale purchaser-reseller's redemption account.

(b) From time to time and upon prior notification by FEA, retail sales outlets of diesel fuel may be required to transmit to a FEA regional processing center all ration rights exchanged for diesel fuel including copies of the transaction forms used by holders of diesel fuel entitlement cards which the owner of the retail sales outlet retained at the time of sale pursuant to § 700.92(h) of this subpart.

[FR Doc.76-15674 Filed 5-25-76;4:05 pm]

#### [ 10 CFR Part 212 ] RETROACTIVE APPLICATION OF SEPARATE INVENTORIES RULE FOR RESELLERS/RETAILERS

##### Proposed Class Exception and Public Hearing

##### A. Introduction and Summary

The Federal Energy Administration hereby gives notice of a proposal to consider a class exception which would permit resellers and retailers, or some of them, to comply with the price rules of 10 CFR Part 212, Subpart F, for the period August 19, 1973, through April 30, 1976, as though the "separate inventories" amendment adopted by FEA effective May 1, 1976 (41 FR 19110, May 10, 1976) had been in effect during that period. Written comments will be received and a public hearing will be held with respect to this proposal.

On May 5, 1976, FEA issued an amendment to 10 CFR Part 212, Subpart F, effective May 1, 1976 which permits any reseller or retailer subject to that Subpart to calculate its cost of product in inventory under § 212.92 either on the basis of separate inventories (to the extent such inventories have been historically and consistently maintained under generally accepted accounting principles by the seller concerned) or on the basis of one firm-wide inventory computation. As explained in the preamble to this regulation amendment (41 FR 19110, May 10, 1976) applicable regulations had been interpreted prior to the amendment to permit cost of product in inventory to be computed only on the basis of overall or firm-wide inventory computations, without regard to whether or the extent to which the seller may have maintained separate inventory cost centers at different locations which reflected local or regional cost variations. It should be noted that the options with respect to inventory calculations under the amended § 212.92 and under consideration in this proceeding are only two: either a single firm-wide inventory or separate inventories (if such separate inventories were historically and consistently maintained by the seller concerned). Separate inventory calculations based on accounting practices adopted after May 15, 1973 cannot serve as a basis for calculating the increased cost of product in inventory.

The question of treatment of inventories is significant because increases in product costs are determined on a per-unit basis under § 212.92 by subtracting from the weighted average unit cost of product currently in inventory the weighted average unit cost of product in inventory on May 15, 1973. This unit increment reflecting product cost increases (e.g., 10 cents per gallon), together with the unit increment authorized under § 212.93(b) to reflect operating cost increases, is generally added to the weighted average price at which the product in question was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, to determine the maximum price which may

be charged to the class of purchaser concerned today. To the extent that the unit increment to reflect product cost increases is not equally applied to each class of purchaser of the product concerned, product cost increases are nevertheless generally deemed to have been recovered under § 212.93(e) as though there had been equal application of product cost increases.

As explained in the preamble to the amendment permitting computation of increased product costs by "separate inventories" beginning May 1, 1976, a 20 cents/gallon increased product cost increment, computed on the basis of a single firm-wide weighted average inventory cost increase computation, might reflect the weighted average of a 15 cents/gallon increased product cost increment from a separate inventory in Region A, for example, and a 25 cents/gallon increased product cost increment from a separate inventory in Region B. Under the amendment which permits computation of increased product costs by separate inventories, the seller could add a 15 cents/gallon product cost increase increment to the May 15, 1973 price to determine maximum lawful prices to Region A (omitting non-product cost increases) and a 25 cents/gallon increment in Region B, rather than add 20 cents uniformly in both regions. Thus, the increased pricing flexibility afforded by the separate inventories concept permits local/regional prices to more closely reflect local/regional cost variations and eliminates market distortions which sometimes arise under the firm-wide inventory requirement when national or multi-state marketers compete with local marketers. The nature of such market distortions are discussed in further detail in 41 FR 19110, May 10, 1976.

##### B. Substantive Issues

In adopting the "separate inventories" amendment, FEA noted several issues to be considered in the class exception proceeding.

Based on a class exception petition from propane marketers already received, FEA intends to institute a class exception proceeding applicable to resellers/retailers generally in which FEA will solicit written comments and oral testimony on, among other things, the extent of noncompliance with the reseller/retailer inventory regulations prior to today's amendment, the appropriateness of those regulations as applied to specific segments of the industry, the extent of industry reliance on erroneous but good faith interpretations of the regulations, the extent to which noncompliance resulted in serious public injury and whether failure to provide retroactive relief would result in a serious hardship or gross inequity to a substantial segment of the industry.

FEA has already received information indicating that most, if not all, of the large propane resellers/retailers set prices since the beginning of Phase IV under the Economic Stabilization Program based on an interpretation that applicable regulations permitted inventory computations in a manner consistent with the "separate inventories"

amendment adopted by FEA effective May 1, 1976. FEA requests data and information concerning the number of non-propane marketers which are large enough to have maintained separate inventories, or separate inventories with any significant cost variations, and the extent to which such non-propane marketers complied with applicable regulations between August 19, 1973, and April 30, 1976, on an inventory-by-inventory basis rather than on a firmwide basis of product cost increase computation.

FEA also requests that data and information be submitted relating to the alleged impossibility or difficulty in complying with the regulations on the basis of firm-wide inventory computations. In particular, FEA requests data with respect to specific firms and specific pricing situations in which the firm-wide inventory computation method, if employed prior to May 1, 1976, would have resulted in significant market dislocations or disruption of normal pricing patterns.

Depending upon comments submitted and other information available to FEA, FEA may wish to consider a class exception applicable only to certain segments of the reselling/retailing industry or only for limited periods of time prior to May 1, 1976. Therefore, each segment of the reselling/retailing industry affected by this proceeding should provide appropriate comment concerning the extent of compliance or non-compliance with the regulations prior to May 1, 1976, in that segment of the industry and the extent to which failure to provide a class exception applicable to that segment would result in a serious hardship or gross inequity.

Data and information touching on these issues which has already been submitted to FEA in connection with other proceedings should be resubmitted in accordance with the substantive considerations and procedural requirements of this notice.

##### C. Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed class exception set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HI, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Retroactive Application of the Separate Inventories Rule." Fifteen copies should be submitted. All comments received by Tuesday, June 22, 1976, before 4:30 p.m. e.d.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed exception.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information

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or data and to treat it according to its determination.

The public hearing regarding the proposed class exception will be held at 9:30 a.m., e.d.s.t., on Tuesday, June 29, 1976, and will be continued, if necessary, on Wednesday, June 30, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., on Tuesday, June 22, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Friday, June 25, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., Thursday, June 24, 1976 and must submit 100 copies of his statement to Regulations Management, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., on Friday, June 25, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., Friday, June 25, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the ques-

tion is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

[FR Doc.76-15620 Filed 5-25-76; 12:18 pm]

#### [ 10 CFR Part 211 ]

#### INCLUSION OF NAPHTHA FEEDSTOCKS IMPORTED INTO PUERTO RICO UNDER ENTITLEMENTS PROGRAM

##### Notice of Proposed Rulemaking and Public Hearing

On April 12 and 13, 1976, FEA held public hearings in San Juan, Puerto Rico to obtain information as to the impact of the Mandatory Petroleum Allocation and Price Regulations on firms operating in Puerto Rico. No specific regulatory proposals were offered by FEA in that proceeding, but comments were solicited on all aspects of FEA regulations as they apply to Puerto Rico. FEA invited specific comments on the impact of FEA's regulatory programs upon the competitive position of Puerto Rico's petrochemical industry and the particular problems for that industry due to its dependence on imported naphtha feedstocks.

Numerous comments were directed to these issues, including extensive testimony from the Economic Development Administration of the Commonwealth of Puerto Rico. Based on the information submitted in the Puerto Rican hearings and other information available to FEA, the following facts have been established.

Puerto Rican petrochemical capacity comprises an important segment of total

U.S. petrochemical capacity and makes up approximately 9 percent of total U.S. basic ethylene-propylene petrochemical capacity and 11 percent of domestic benzene capacity. Historically, 90 percent of petrochemicals produced in Puerto Rico have been shipped to the mainland. Of the total domestic supply of the products listed below Puerto Rico accounts for the following percentages (based on 1973 consumption figures): propylene—10.4 percent; benzene—11.1 percent; ethylene glycol—23.5 percent; and ethylene oxide—9 percent. Substantial quantities of ethylene, butadiene, para-xylene, vinyl chloride, phenol, and toluene are also shipped to the mainland. Motor gasoline and other covered products are also produced as by-products of these petrochemical operations and sold into the domestic market.

All the petrochemical facilities located in Puerto Rico use naphtha as a feedstock, the large percentage of which is imported into Puerto Rico. FEA estimates that total domestic use of naphtha as a petrochemical feedstock is currently approximately 345,000 barrels per day (including Puerto Rico). Approximately 135,000 barrels per day of this total volume are represented by imports, and of these imports approximately 74%, or 100,000 barrels per day, are processed by petrochemical plants in Puerto Rico.

The construction of the petrochemical capacity in Puerto Rico was premised upon the availability of naphthas imported into Puerto Rico, primarily from other Caribbean sources, for use as feedstocks. Caribbean refiners produce substantial volumes of naphtha as a by-product of residual fuel oil produced for sale in the domestic East Coast market.

The Mandatory Oil Import Program extended certain benefits to firms importing such naphtha feedstocks in an effort to stimulate the development of petrochemical capacity in Puerto Rico. As a result, prior to the commencement of FEA's regulatory program, foreign naphtha was available to Puerto Rican refiners in abundant quantities and at relatively low prices.

The imposition of the Arab oil embargo and the consequent increases in world crude prices dramatically increased feedstock costs for the entire Puerto Rican petrochemical industry. However, while world prices were rising, the imposition of domestic price controls kept the overall feedstock costs of domestic firms much lower than those of import dependent Puerto Rican companies and placed these companies at a severe competitive disadvantage.

The elimination of the supplemental import fee on crude oil on December 22, 1975 increased the disparity between domestic and imported crude oil costs and placed the Puerto Rican based petrochemical industry at an even greater competitive disadvantage than previously existed. In addition, the domestic crude oil price roll back mandated by the pricing provisions of the Energy Policy and Conservation Act, which were implemented on February 1,

1976, has also contributed to competitive imbalances with respect to Puerto Rican firms.

Reflecting this situation, by decision issued May 4, 1976 (Commonwealth Oil Refining Company, Inc., FEE-2248) FEA's Office of Exceptions and Appeals permitted the Commonwealth Oil Refining Company to include imported naphtha feedstocks for its aromatics plant in its crude runs for the months March, April, and May 1976 under the entitlements program, thus temporarily extending the cost equalization benefits of the program to such feedstocks.

From the above established facts, FEA has tentatively concluded that naphtha imported into Puerto Rico should participate in the benefits of the entitlements program to the same extent as imported crude oil. Therefore, FEA hereby proposes an amendment to its regulations which would permit refiners to make adjustments to their crude runs to stills for purposes of entitlements calculations to include volumes of naphthas imported for processing as a feedstock at a refinery or petrochemical plant in Puerto Rico. The amendments would also permit a firm other than a refiner operating a petrochemical plant in Puerto Rico to receive entitlements for imported naphtha processed at the facility on the same basis as if the volumes thereof were included in a refiner's crude oil runs volume. Thus, the high cost of imported naphthas would be reduced under the program to the same extent as imported crude oil processed by a refiner. FEA believes that this proposal will permit refiners and other firms located in Puerto Rico which are dependent upon imported naphtha as a feedstock again to become competitive with domestic firms with respect to the products produced from that naphtha feedstock.

The inclusion of naphtha feed stocks under the entitlements program is proposed to be effective only with respect to refiners and petrochemical plants in Puerto Rico in order to alleviate the unique competitive disadvantages for Puerto Rico based companies and to recognize the pre-existing United States policy encouraging the construction of petrochemical facilities in Puerto Rico. However, information available to FEA suggests that significant volumes of naphthas are also being imported for use other than in Puerto Rico. Accordingly, FEA invites specific comments on the extent and use of such naphtha imports into the mainland, whether such imports should be eligible for benefits under the program, and whether extension of entitlement benefits might operate to encourage importation of naphtha for use as synthetic natural gas feedstock.

If adopted the amendments proposed hereby would be effective for May 1976 entitlement transactions, which take place in July 1976.

#### WRITTEN COMMENT AND PUBLIC HEARING PROCEDURES

Interested persons are invited to participate in this rulemaking by submitting

data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HJ, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Naphtha Imports into Puerto Rico Under Entitlements Program." Fifteen copies should be submitted. All comments received by June 11, 1976, and all relevant information, will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on June 15, 1976 in Room 2105, 2000 M Street NW., Washington, D.C.

Any person who has an interest in the subject matter of the hearing, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., June 9, 1976.

Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through June 14, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m., e.d.t., June 11, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street NW., Washington, D.C. before 4:30 p.m., e.d.t., on June 14, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements

were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m., e.d.t., June 11, 1976. Any person who wishes to ask a question at the hearings, may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., May 25, 1976.

DAVID G. WILSON,  
Acting General Counsel.

1. Section 211.62 is amended to add a new definition of "naphthas" in appropriate alphabetical sequence as follows:

#### § 211.62 Definitions.

"Naphthas" mean petroleum fractions made up predominantly of hydrocarbons whose boiling points fall within the temperature range of 85° to 430° F. This definition does not include specific hydrocarbon constituents such as hexane or special naphthas (solvents) as defined in § 211.182 of this part.

2. Section 211.67 is amended in paragraph (d) by adding a new subparagraph (5) as follows:

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## PROPOSED RULES

§ 211.67 Allocation of domestic crude oil.

(d) *Adjustments to volume of crude oil runs to stills.*

(5) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in subparagraph (1) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include the total number of barrels of naphthas which are imported into Puerto Rico from other than the U.S. Virgin Islands and are utilized in that month as a feedstock at a refinery or petrochemical plant owned by that refiner in Puerto Rico. Notwithstanding any other provisions of this subpart, a firm other than a refiner that owns a petrochemical plant located in Puerto Rico shall be eligible to receive entitlements with respect to naphthas processed at such a plant on the same basis as is provided for refiners in the immediately preceding sentence of this subparagraph (5), except that such firm shall not be eligible for additional entitlements under the provisions of paragraph (e) of this section; any such firm shall file reports under § 211.66 on the same basis as a refiner.

[FR Doc 76-15457 Filed 5-25-76; 12:22 pm]

## [10 CFR Part 212]

# REFINER PRICE REGULATIONS TO PERMIT SEPARATE PRICE COMPUTATION FOR NON-CANADIAN IMPORTS OF PROPANE AND BUTANE AND TO CLARIFY THE REFINERS' PRICE FORMULAE

## Proposed Rulemaking and Public Hearing

The Federal Energy Administration (FEA) hereby gives notice of a proposal to revise the refiner price regulations to clarify the requirements of the refiners' price formulae respecting the calculation of increased product costs attributable to purchased product and to permit refiners to compute separately maximum lawful prices for non-Canadian imports of propane and butane which are maintained in a separate inventory for distribution to industrial customers pursuant to 10 CFR 211.12(g) (2). Opportunity for written comment and oral testimony on this proposal will be afforded to interested parties.

## I. CALCULATION OF THE INCREASED COST OF PURCHASED PRODUCT

Currently, the refiners' price formulae of § 212.83(c) (2) (i) and (ii) which govern the total dollar amount of increased product costs that may be included by a refiner in prices charged for covered products, include an element designated by the term "B<sub>i</sub>."

Section 212.83(c) (2) (iii) defines "B<sub>i</sub>," in part, as follows:

$$B_i = B_i^1 + B_i^2 + B_i^3$$

"B<sub>i</sub>" is, for i=1, i=2, i=3, and i=4, the sum of the increased costs of the specific

covered product or products of the type "i" purchased or landed on or after January 1, 1976 and prior to or during the period "s" and not recovered in sales of that product through the period "t" and the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 in the period "t."

$$B_i^1 = c_i^t - c_i^s - Y_i(q_i^t - q_i^s)$$

"B<sub>i</sub><sup>1</sup>" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A<sub>i</sub><sup>1</sup>". The cost of a specific covered product or products of the type "i" shall include the cost of a specific covered product or products not of the type "i" that are purchased and refined or blended and that are attributable to the production of the covered products of the type "i." The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

c<sub>i</sub><sup>s</sup> = The total cost of a covered product or products of the type "i" purchased or landed in the period "s".

c<sub>i</sub><sup>t</sup> = The total cost of a covered product or products of the type "i" purchased or landed in the period "t".

q<sub>i</sub><sup>s</sup> = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "s".

q<sub>i</sub><sup>t</sup> = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "t".

Y<sub>i</sub> = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred. Alternatively, the cost of the covered product or products concerned during the month of May 1973 may be used if computed by the use of accounting procedures generally accepted and consistently and historically applied by the firm concerned, and provided that the FEA has approved in writing of the cost figures used.

There are two significant features of the "B<sub>i</sub>" element which are a subject of this proceeding. First, in many instances the computation performed in accordance with the "B<sub>i</sub>" equation does not accurately reflect a firm's total increased cost of purchased product incurred, measured on a per unit basis and multiplied by the current volume of product purchased. For example, where (1) a firm purchased 100,000 gallons of products of the type "i" during the month of May 1973 at a cost of \$.05 per gallon, (2) the firm purchased 150,000 gallons of products of the type "i" during the month of measurement at a cost of \$.15 per gallon, and (3) the lowest price at or above which at least 10 percent of the firm's products of the type "i" were priced in transactions during the month of May 1973 was \$.075, the "B<sub>i</sub>" equation of the "B<sub>i</sub>" element is computed as follows:

$$B_i^1 = c_i^t - c_i^s - Y_i(q_i^t - q_i^s)$$

$$B_i^1 = \$22,500 - \$5,000 - \$0.075 (150,000 - 100,000)$$

$$B_i^1 = \$17,500 - \$3,750$$

$$B_i^1 = \$13,750$$

Thus, the total increased cost of products of the type "i" purchased during the month of measurement and measured pursuant to the "B<sub>i</sub>" equation is \$13,750 while the actual total increased cost of such products incurred by the firm measured on a per unit basis (\$.15 - \$.05 = \$.10 increased cost per gallon) and multiplied by the volume of products purchased during the month of measurement (150,000 gallons) is \$15,000. The "B<sub>i</sub>" equation contrasts markedly in this regard with the "A<sub>i</sub>" equation which measures the total increased cost of crude oil purchased or landed in the period "t" or a per unit basis multiplied by the volume of crude oil purchased or landed during the period "t."

Second, the use of the "Y<sub>i</sub>" factor in the "B<sub>i</sub>" equation results in a comparison of the cost of product purchased in the month of measurement with the cost of product purchased in the month of May 1973, less an amount which consists of the volume differential between the two periods multiplied by a price charged for the product during May 1973. The use of a factor reflecting a May 1973 price for product in a formula designed to measure the increased costs of a specific covered product is not entirely consistent with FEA's cost-based pricing system. The fact that "Y<sub>i</sub>" is defined as either "the lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or . . . [a]lternatively, the cost of the covered product or products concerned during the month of May 1973" (subject to certain conditions) indicates that the "Y<sub>i</sub>" factor is defined to approximate the per unit cost of a particular product during May 1973 by reference to the lowest range of prices charged for that product at that time or by some other method of cost approximation. The use of such an approximate cost figure is appropriate only under circumstances in which the actual cost of product is not available (i.e., where product was not purchased during May 1973) or where the available May 1973 cost figure is unrepresentatively high (e.g., where product was purchased only on the spot market at unusually high prices occasioning sales of certain volumes of purchased product at a loss during that month). The use of an approximate cost figure where an actual representative cost figure is available is inappropriate. Moreover, the comparison of current costs to May 1973 costs, less a factor reflecting May 1973 prices, is not well-suited to the purpose of ascertaining actual increases in product costs incurred.

Accordingly, the FEA proposes to amend the "B<sub>i</sub>" equation of the "B<sub>i</sub>" element of the refiners' formulae to pat-

tern the "B<sub>i</sub>" computation of increased costs more closely to that provided in the "A<sub>i</sub>" element governing computation of the increased costs of crude oil and, in this manner, to provide for a method of computation which is better suited to the purpose of ascertaining actual increases in the cost of purchased products. The proposed amendment would provide that the result derived by subtracting the per unit cost of product incurred during the month of May 1973 from the per unit cost of product incurred during the month of measurement be multiplied by the quantity of product purchased during the month of measurement. The proposed amendment also would provide for an alternate method of computing the increased cost of purchased product where no product was purchased during May 1973 or where the per unit cost of product purchased during May 1973 exceeded the lowest price at or above which at least 10 percent of the product was priced in transactions during that month. Under such circumstances, a figure which is the equivalent of the current "Y<sub>i</sub>" factor is proposed to be substituted for the per unit cost of product incurred during the month of May 1973 in the revised "B<sub>i</sub>" equation. Thus where no May 1973 cost figure is available or where that cost figure is abnormally high, an approximation of the May 1973 per unit cost will be permitted, but otherwise the use of actual cost figures is proposed as a requirement.

## II. CALCULATION OF REFINERS' INCREASED PRODUCT COSTS FOR NON-CANADIAN IMPORTS OF PROPANE AND BUTANE

On July 16, 1975, the FEA issued a notice of proposed rulemaking (40 FR 30671, July 22, 1975) proposing to amend the Mandatory Petroleum Price and Allocation regulations concerning propane and butane imports other than from Canada. On August 29, 1975, the FEA issued final amendments in the proceeding initiated by the July 16 Notice (40 FR 40821, September 4, 1975). Among the amendments adopted on August 29, 1975, was a revision of 10 CFR 212.93, the price rule for resellers and retailers, requiring sellers of propane and butane which distribute those products pursuant to 10 CFR 211.12(g) to calculate separately both the increased costs attributable to the amount of such products held in inventory and designated for sale to industrial users, and the maximum lawful prices permitted under § 212.93 to be charged for products so designated.

Since adoption of the August 29 amendments, the FEA has received comments from several refiners that the proposal contained in the July 16 Notice and the final rule adopted on August 29, 1975 (10 CFR 211.12(g)), contained provisions to modify the allocation regulations for all suppliers of propane and butane, including resellers, retailers, and refiners, so that they may maintain, upon satisfaction of certain prerequisites, separate inventories of non-Canadian imports of these products for allocation to industrial users.

## PROPOSED RULES

With respect to the FEA's price regulations, however, no specific proposal was included in the July 16 Notice; although comments were solicited regarding the propriety of certain amendments to the price rules to facilitate the efforts of all suppliers to import supplemental supplies of non-Canadian propane and butane for their industrial customers. The amendments to § 212.93 adopted on August 29, 1975, have accomplished this purpose for resellers and retailers, permitting them to include the higher costs associated with supplemental imports of non-Canadian propane and butane in prices charged to the industrial customers which benefit from these supplemental imports while these higher costs are not generally permitted to be included in prices charged to their other customers. However, no similar amendment to the refiners' price regulations has been adopted.

Accordingly, the FEA is proposing an amendment to 10 CFR 212.83, the refiners' price rule respecting the computation of increased product costs, to permit a separate cost calculation for that portion of a refiner's non-Canadian imports of propane or butane which is maintained in a separate inventory for distribution to industrial customers pursuant to § 211.12(g) (2) (iii). The proposed amendment would create a separate pricing formula to be included in § 212.83(c) (2) for non-Canadian imports of propane or butane maintained in a separate inventory pursuant to § 212.12(g) (2) (iii). The proposed formula provides for a separate increased cost calculation consisting of a comparison of the per unit cost of propane or butane imported from a source other than Canada in the month of measurement with the per unit cost of all propane or butane purchased or landed in the month of May 1973 multiplied by the volume of product landed in the month of measurement. The increased costs represented by the calculation would then be used in accordance with the other provisions of Subpart E to calculate maximum lawful prices for all non-Canadian imports of propane and butane designated for industrial use.

The increased product cost calculation for the remainder of a refiner's propane or butane inventory would be computed separately as part of the total dollar amount a refiner may apportion to general refinery products (i=4) pursuant to the formula set forth in § 212.83(c) (2) (ii) for use in calculating the refiner's maximum lawful prices for these products in accordance with the remaining provisions of Subpart E. Thus, where non-Canadian imports have not been designated for industrial use, a refiner would be required to include the cost of such imports in the total of increased product costs attributable to the remainder of its inventory general refinery products, including the remainder of its propane and butane. Moreover, once offshore imports of propane or butane have been included in the refiners' inventory from domestic and Canadian sources, they could not be designated

thereafter for industrial use and the costs of such products therefore would not be taken into account in calculating the increased costs attributable to the inventory maintained for industrial use.

## III. PROCEDURES FOR RECEIVING COMMENTS AND PUBLIC HEARING

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box HG, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Proposed Amendments to Refiner Regulations Issued May 24, 1976." Fifteen copies should be submitted. All comments received by Wednesday, June 9, 1976, before 4:30 p.m., e.s.t., will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The public hearing in this proceeding will be held at 9:30 a.m., e.s.t., on Thursday, June 10, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.s.t., on Wednesday, June 2, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposal oral presentation and a phone number where he may be contacted through Tuesday, June 8, 1976. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., Friday, June 4, 1976 and must submit 100 copies of his statement to Allocations Regulations Development Office, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Tuesday, June 8, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the proce-



## PROPOSED RULES

dures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.s.t., Tuesday, June 8, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-611, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter

II, Title 10 Code of Federal Regulations as set forth below.

Issued in Washington, D.C. May 24, 1976.

DAVID G. WILSON,  
Acting General Counsel,  
Federal Energy Administration.

1. Section 212.83 is amended in subparagraph (c) (2) by redesignating clause (iii) as (iv), by revising the redesignated clause (iv), and by adding a new clause (iii) to read as follows:

§ 212.83 Allocation of refiner's increased costs.

(c) Allocation of increased product costs—

(2) Formulae—

(iii) Imports of propane or butane other than from Canada maintained in a separate inventory. For imported propane or butane designated for industrial use pursuant to § 211.12(g) (2) (iii) (i=5):

$$I_s = B_s$$

(iv) Definitions. For purposes of paragraphs (c) (2) (i), (c) (2) (ii), and (c) (2) (iii) of this section:

A) Subscripts and superscripts. (1) The type of covered product is referenced by the subscript  $i$ :

$i=1$  represents No. 2 oils.  
 $i=2$  represents aviation jet fuel.  
 $i=3$  represents gasoline.  
 $i=4$  represents all general refinery products except imported propane or butane designated for industrial use pursuant to § 211.12(g) (2) (iii).  
 $i=5$  represents imports of propane or butane other than from Canada designated for industrial use pursuant to § 211.12(g) (2) (iii).

(2) The time period for measurement is referenced by the superscript; where:

$o$  = the month of May 1973.  
 $u$  = the current month. Quantities calculated for current month will be estimates, which shall be based on the best available data.  
 $t$  = the month of measurement (the month of measurement is the month preceding the current month).  
 $s$  = the month preceding the month of measurement.  
 $r$  = all months two or more months before the month of measurement.

(B) The dollar amounts. (1)  $d_s$  = The dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of the covered product or products of the type "i" to each class of purchaser to compute the maximum allowable price to each class of purchaser, except that dollar increase that may be applied in the period "u" to the May 15, 1973 selling price of gasoline to compute the maximum allowable prices to the classes of purchaser that purchase gasoline at retail from a refiner at any service station operated by employees of the refiner may be "d<sub>s</sub>" plus a maximum of \$.03 per gallon of gasoline provided that,

in computing "d<sub>s</sub>" for gasoline, the numerator of the formula in clause (i) of this subparagraph is reduced by an amount equal to the product of the actual amount of cents per gallon increase added to "d<sub>s</sub>" above multiplied by the estimated number of gallons of gasoline to be sold during the period "u" at retail through service stations operated by employees of the refiner. The formula for "d<sub>s</sub>" must be computed separately for  $i=1$ , for  $i=2$ , and for  $i=3$ .

(2)  $D_s$  = The total dollar amount a refiner may apportion in the period "u" to general refinery products ( $i=4$ ) in whatever amounts it deems appropriate to each particular general refinery product to compute the maximum allowable price provided that the total dollar amount for  $i=4$  shall be reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by \$.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6-1300-M divided by the total number of such barrels processed during the month of May 1973. The formula for "D<sub>s</sub>" must be computed only once for  $i=4$  (all general refinery products except imported propane and butane designated for industrial use pursuant to § 211.12(g) (2) (iii)).

(3)  $I_s$  = The total dollar amount that may be applied in the period "u" to the May 15, 1973 selling prices of propane or butane designated for industrial use pursuant to § 211.12(g) (2) (iii) to compute maximum allowable prices for these products. The formula for "I<sub>s</sub>" must be computed separately for propane and butane ( $i=5$ ).

(D) The "B" factor.

$$B_s = B_s^1 + B_s^2 + B_s^3$$

"B<sub>s</sub>" is, for  $i=1$ ,  $i=2$ ,  $i=3$ ,  $i=4$ , and  $i=5$ , the sum of the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 and prior to or during the period "s" and not recovered in sales of that product through the period "t" and the increased costs of the specific covered product or products of the type "i" purchased or landed on or after January 1, 1976 in the period "t."

$$B_s^1 = q_s^1 \left( \frac{c_s^1}{q_s^1} - \frac{c_s^1}{q_s^o} \right)$$

except that where, in the period "o," no covered product or products of the type "i" were purchased or landed or, where

$$\frac{c_s^1}{q_s^o} > Y_s$$

in the period "o":

$$B_s^1 = q_s^1 \left( \frac{c_s^1}{q_s^1} - Y_s \right)$$

"B<sub>s</sub>" is the total increased cost of the specific covered product or products of the type "i" purchased or landed in the period "t," provided such cost is not included in computing "A<sub>s</sub>". The cost of a specific covered product or products of the type

## PROPOSED RULES

"i" shall include the cost of a specific covered product or products not of the type "i" that are purchased and refined or blended and that are attributable to the production of the covered product or products of the type "i". The cost and quantity of covered products purchased or landed that are consumed as refinery fuel shall be excluded from this amount.

Where:

$c_s^1$  = The total cost of a covered product or products of the type "i" purchased or landed in the period "o".

$c_s^2$  = The total cost of a covered product or products of the type "i" purchased or landed in the period "u".

$q_s^1$  = The total quantity or volume of a covered product or products of the type "i" purchased or landed in the period "o".

$q_s^2$  = The total quantity or volume of a covered product of the type "i" purchased or landed in the period "u".

$Y_s$  = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, the month next preceding May 1973 in which such transactions occurred.

\* \* \* \* \*

[FR Doc.76-15561 Filed 5-25-76;9:35 am]



**Title 10—Energy**  
**CHAPTER II—FEDERAL ENERGY**  
**ADMINISTRATION**

[Ruling 1976-2]

**MANDATORY PETROLEUM PRICE**  
**REGULATIONS**

**Production of "New" Crude Oil Due to**  
**Extra Day in February, 1976; Effect on**  
**Cumulative Deficiency Requirement and**  
**BPCL Adjustments**

As provided in § 212.72, producers of crude oil may compute the base production control level ("BPCL") for months beginning after January 31, 1976, either by selecting calendar year 1975 as the base year or by certifying crude oil sales for 1972 under § 212.131(a)(1) and thereby selecting calendar year 1972 as the base year. Producers which select 1975 as the base year determine the BPCL for each month by dividing the total number of barrels of crude oil produced and sold during calendar year 1975 by 365 (i.e., the number of days in that year) and multiplying the result by the number of days in the month in 1975 which corresponds to the month concerned. Producers using 1972 as the base year determine the BPCL by dividing the total number of barrels of crude oil produced and sold in calendar year 1972 by 366 (i.e., the number of days in 1972) and multiplying the result by the number of days in the month in 1972 which corresponds to the month concerned.

Producers using 1972 as the base year compare actual total amounts produced and sold during the 29 days of February, 1976, with the average daily production during 1972 multiplied by 29. Thus, output from like periods is compared and there are no anomalous results due to the extra day in leap years. However, producers using 1975 as the base year compare actual total amounts produced and sold during the 29 days of February, 1976, with the average daily production during 1975 multiplied by 28. Since an extra day's yield is included in the total amount produced and sold in February, 1976, compared with the BPCL for that month, producers which obtain "new" crude oil for February by exceeding the BPCL for that month might do so only because the BPCL was based on a "short month" consisting of 28 days of 1975's average daily production.

Producers in these circumstances may suffer one of two adverse consequences under a literal reading of 10 CFR Part 212, Subpart D. First, exceeding the BPCL for February only because of the extra day in February this year would trigger application of the current cumulative deficiency requirement. Pursuant to that requirement, subsequent monthly production and sale of crude oil which, on a cumulative basis, fell short of the BPCL in any month after February would be required to be subtracted from the total amount produced and sold in the month concerned before determining whether the BPCL was exceeded for that month. Second, a property which exceeds the BPCL for February only be-

**RULES AND REGULATIONS**

cause of the 29-day factor and which does not exceed the BPCL during the months March through June, 1976, would be disqualified from the BPCL-adjustment program under § 212.76 for the period July 1-December 31, 1976.

These anomalous results were not intended under FEA regulations. FEA therefore interprets 10 CFR 212, Part D, as follows:

A property which exceeds the BPCL for the month of February, 1976, where the BPCL is based on calendar year 1975, will not be deemed to have exceeded the BPCL for that month, for the purpose of complying with the current cumulative deficiency requirement and qualifying for BPCL adjustments for the period July 1-December 31, 1976, under § 212.76, if the total amount of crude oil produced and sold from the property concerned during February, 1976, does not exceed 29/28 of the BPCL for that month.

The foregoing interpretation applies only for the purpose of complying with the cumulative deficiency requirement and qualifying for BPCL adjustments. This interpretation does not affect the right of a producer to charge upper tier prices for all amounts of crude oil produced and sold in February 1976, in excess of the BPCL as defined in § 212.72.

DAVID G. WILSON,  
*Acting General Counsel,*  
*Federal Energy Administration.*

MAY 24, 1976.

[FR Doc.76-15662 Filed 5-25-76;9:32 am]

[Ruling 1976-3]

**NAVAL PETROLEUM RESERVES**  
**PRODUCTION ACT OF 1976**

**Interpretation**

The Naval Petroleum Reserves Production Act of 1976 ("the Act") which became law on April 5, 1976 (Pub. L. 94-258), provides, among other things, for commencement of production of crude oil within 90 days at maximum efficient rates from certain naval petroleum reserves, including the large Elk Hills Reserve in California. The Secretary of the Navy is directed to sell U.S.-owned petroleum production from the reserves to the highest qualified bidder without regard to restrictions imposed by federal, state or local price or allocation controls. The purpose of this ruling is to clarify certain questions which have arisen under the Act concerning the extent to which "petroleum" produced at these naval reserves is exempt from FEA price and allocation regulations.

Section 201 of the Act amends various provisions of Chapter 641—"Naval Petroleum Reserves" of Title 10 of the U.S. Code (10 U.S.C. 7420-7438). As amended, 10 U.S.C. 7430(b) reads—

Notwithstanding any other provision of law, each sale of the United States share of petroleum shall be made by the Secretary [of the Navy] at public sale to the highest qualified bidder, for periods of not more than one year, at such time, in such amounts, and

after such advertising as the Secretary considers proper and without regard to Federal, State, or local regulations controlling sales or allocation of petroleum products.

The intent of Congress in amending this provision was explained in part as follows:

• • • It is intended that the sales of petroleum from the reserves will continue to be at the highest bid price regardless of the current or previous distinction between "old" and "new" oil and would not be subject to Federal laws establishing ceiling or composite prices for first sales of domestic crude oil. [Conf. Rpt. 94-942, p. 27.]

FEA thus interprets the price and allocation exemption provision of 10 U.S.C. 7430(b), as amended by § 201 of the Act, to apply only to the first sale of U.S.-owned "petroleum" by the Secretary of the Navy from the naval reserves concerned. All such first sales of crude oil are exempt from the ceiling price regulations of 10 CFR Part 212, Subpart D—"Producers of Crude Oil." Prices charged in subsequent sales (i.e., resales) of "petroleum" and in all sales of covered products refined in whole or in part from "petroleum" produced from the affected naval reserves, remain subject to FEA price controls except to the extent certain products are exempted under 10 CFR Part 212, Subpart C. Thus, the resale by the highest qualified bidder of crude oil purchased from the Secretary of the Navy is subject to the same FEA price regulations as any other resale (i.e., sale other than the first sale) of crude oil (10 CFR Part 212, Subpart F—"Resellers and Retailers"). The sale of covered products refined from such crude oil would likewise be subject to the same FEA price regulations as are all other sales of covered products by refiners (10 CFR Part 212, Subpart E—"Refiners"). It should be noted that both the Reseller and the Refiner price regulations provide for the dollar-for-dollar passthrough of the increased cost of crude oil, which would include the increased cost of crude oil produced from the affected naval reserves. Similarly, all subsequent sales or resales of "petroleum" and all sales of covered products refined in whole or in part from "petroleum" produced from the affected naval reserves are subject to FEA allocation regulations.

Section 201 of the Act states that "petroleum," as used in the Act, "includes crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources." It was further explained in the Conference Report that, for purposes of the Act, the term "gases" in the definition of "petroleum" includes "gases of all kinds (natural gas, hydrogen, carbon dioxide, helium and any others)," and that the term "related hydrocarbons" in the definition of "petroleum" includes "tar sands, asphalt, propane, butane, etc." Conf. Rpt. 94-942, pp. 19-20, 24. It is therefore clear that certain petroleum products not specifically mentioned in the definition of "petroleum" in the Act (such as propane), which may be produced as a by-product

**RULES AND REGULATIONS**

or associated product in the production of natural gas or crude oil from the naval petroleum reserves are within the meaning of "petroleum" as used in the Act and the sale of such petroleum products by the Secretary of the Navy is exempt from price and allocation controls to the same extent that the sale by the Secretary of crude oil produced from the affected naval petroleum reserves is

Crude oil produced from the affected naval petroleum reserves will be eligible for inclusion in the volume of a refiner's crude oil runs to stills for purposes of the domestic crude oil allocation program set forth in 10 CFR 211.67. In addition, since this crude oil may be sold by the Secretary of the Navy at market level prices, no entitlement obligations under § 211.67 will be in effect with respect to

the inclusion of this crude oil in a re-exempted by the Act. Thus, for purposes of the entitlements programs it will be treated as imported crude oil.

DAVID G. WILSON,  
*Acting General Counsel,*  
*Federal Energy Administration.*

MAY 25, 1976.

[FR Doc.76-15662 Filed 5-25-76;12:22 p.m.]



# **federal register**

**FRIDAY, MAY 28, 1976**



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**PART III:**

## **DEPARTMENT OF LABOR**

**Employment and Training  
Administration**

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### **COMPREHENSIVE EMPLOYMENT AND TRAINING ACT**

**Allocation of Funds**

**V41105**

**MAY 28**

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DEPARTMENT OF LABOR  
Employment and Training Administration  
COMPREHENSIVE EMPLOYMENT AND  
TRAINING ACT  
Allocation of Funds

Notice is hereby given that the Department of Labor, Employment and Training Administration, is allocating funds under the Comprehensive Employment and Training Act (CETA). The funds being allocated are the \$1.2 billion appropriated under Title II of the Act by the recent supplemental appropriation as well as funds for the transition quarter (July 1, 1976 through September 30, 1976). In addition, funds are being allocated for the 1976 Summer Youth program under Title III of the Act.

FY 1976 TITLE II \$1.2 BILLION SUPPLEMENTAL APPROPRIATION AND TRANSITION  
QUARTER FUNDING

Congress recently appropriated \$1.2 billion in FY 1976 supplemental title II funds to continue nationwide some 260,000 jobs currently funded under the authority of title VI of CETA through January 1977. In addition to these supplemental funds, Congress has made available \$100 million under title II for use in the transition quarter. Attached

are the allocation of the funds under both appropriations.

A. Supplemental Appropriation—\$1.2 Billion.

1. *Eighty Percent Formula Allocation.* The statutory formula was applied to 80 percent of the available funds (\$960 million). Each title II prime sponsor received a formula allocation equal to his proportionate share of available funds based upon the same data and areas of substantial unemployment (ASUs) used for the earlier FY 1976 formula allocation. If a prime sponsor had a title VI program but no eligible title II area, it would receive no funds, and if the sponsor had only a partial area eligible for title II it would receive funds only for that area.

2. *Twenty Percent Discretionary Fund Allocation.* The 20 percent discretionary funds (\$240 million) were allocated in a manner which (1) would ensure that prime sponsors could sustain the annual level of FY 1976 public service employment jobs for a 7-month period, (2) provides those prime sponsors who have increased enrollment above that level with additional funds for an orderly phase-down, and (3) provides enough funds to those prime sponsors which are in whole or in part not eligible for title II, to phase out their programs between July and January in an orderly manner.

In determining these levels, it was inappropriate to utilize current enrollment levels, since for the past several months some prime sponsors have been phasing down their levels in anticipation of further funding while others have been continuing to increase their levels beyond their annualized FY 1976 levels. Consequently, some prime sponsors, utilizing their total (formula and discretionary) allocation, may not be able to sustain their current on-board level through January but may have to allow for attrition and even minor phasedowns to ensure that the program can be continued through January. This may be particularly true for those prime sponsors who have or will exhaust their funds prior to July 1. For these prime sponsors, the funds allocated under the urgent supplemental will be totally expended earlier in the fiscal year than for the other sponsors.

B. Transition Quarter—\$100 Million.

Also provided are prime sponsor allocations for the transition quarter. The amount indicated for each prime sponsor is 25 percent of their FY 1976 title II allocation announced in June 1975. These funds will be available for obligation and expenditure on or after July 1, 1976. However, prime sponsors will be able to develop plans based on these allocations.

ATLANTIC COUNTY	252,086	TRANSITION QUARTER	210,966	BRIDGEPORT CSRT
BENGEN COUNTY	262,030		243,094	MARIFUND CSRT
BURLINGTON COUNTY	156,293		148,079	NEW HAVEN CSRT
CAMDEN COUNTY	148,104		56,484	STAMFORD CSRT
CAMDEN CITY	75,191		73,143	WATERHURY CITY
CUMBERLAND COUNTY	116,047		617,729	BAL OF CONN
ELIZABETH CITY	53,076		1,350,095	CONNECTICUT
ESSEX COUNTY	200,826		71,921	PENOBSCOT CNTY
GLOUCESTER COUNTY	96,800		75,816	CUMBERLAND CNTY
HUDSON COUNTY	571,554		343,036	BAL OF MAINE
JENSEY CITY	307,418		490,973	MAINE
MERCER COUNTY	25,102		652,551	BOSTON
MIDDLESEX COUNTY	284,938		255,131	EMERSON CSRT
MONMOUTH COUNTY	256,985		121,154	NEW BEDFORD CSRT
MUNITH COUNTY	100,092		267,511	KAMPDEN CNTY CSRT
NEWMARK CITY	615,622		137,190	WORCESTER CSRT
OCEAN COUNTY	162,593		142,903	LOWELL CSRT
PASSAIC COUNTY	226,981		142,317	BROCKTON CSRT
PATerson CITY	279,179		1,722,547	BAL OF MASS
SOMERSET CITY	32,369		3,441,304	MASSACHUSETTS
THENTON CITY	91,338		75,316	ROCKH/STAFFRD CSRT
UNION COUNTY	142,992		85,684	HILLSBOROUGH CNTY
BAL OF N.J.	169,444		126,552	BAL OF NEW HAMPSH
	4,646,860		287,552	NEW HAMPSHIRE
			148,937	PROVIDENCE
			511,136	BAL OF R.I.
			660,073	RHODE ISLAND
			472,252	BAL OF VERMONT
			472,252	VERMONT
			6,702,249	REGION I
ALBANY CSRT	89,896			
BROOME COUNTY	68,126			
BUFFALO CITY	395,308			
CHAUTAUQUE CSRT	113,103			
CHEMUNG COUNTY	38,572			
CULPEPER COUNTY	21,895			
DAKE COUNTY	28,792			
DECATUR COUNTY CSRT	132,777			
MASSACHUSETTS CSRT	1,321,650			
NIAGARA COUNTY	233,210			
ONEIDA COUNTY	103,502			
OSWEGO COUNTY	80,829			
ORANGE COUNTY	105,837			
OSWEGO CNTY	56,465			
RENSSELAER CNTY	52,607			
ROCKLAND COUNTY	61,808			
ST LAWRENCE CNTY	63,702			
SARATOGA COUNTY	43,378			



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SCHECTADY CNTY	52,952	BAL OF DEL	183,498
STEUEREN CNTY	42,794	WILMINGTON	85,728
SUFFOLK CNTY CSRT	358,916		-----
SYRACUSE CITY	78,992	DELAWARE	269,226
ULSTER COUNTY	70,682		-----
WESTCHESTER CSRT	284,125	WASHINGTON D.C.	659,110
YONKERS CITY	111,222		-----
BAL OF NEW YORK	1,131,924	DIST OF COLUMBIA	659,110
NEW YORK CITY	6,323,564		-----
NEW YORK	10,697,383	BAL OF MD	153,514
		BALTIMORE CSRT	689,685
BAYAMON MUNICIPIO	202,212	MONTGOMERY COUNTY	0
CAGUAS MUNICIPIO	253,723	PRINCE GEORGES CRT	49,590
CAROLINA MUNICIPIO	67,073	WESTERN MD CSRT	185,947
MAYAGUEZ MUNICIPIO	158,295		-----
PONCE MUNICIPIO	348,851	MARYLAND	1,078,736
SAN JUAN CSRT	618,602		-----
BAL OF PUERTO RICO	2,594,008	LEHIGH VALLEY CSRT	177,457
	4,242,764	LANCASTER CSRT	142,606
PUERTO RICO		RUCKS COUNTY	155,708
VIRGIN ISLANDS	86,827	CHESTER COUNTY	20,480
VIRGIN ISLANDS	86,827	DELAWARE COUNTY	20,680
REGION 11	19,673,834	MONTGOMERY COUNTY	130,114
		PHILADELPHIA	794,797
		HEKKS COUNTY	85,837
		LACKAWANNA COUNTY	75,239
		SCRANTON	58,725
		LUZERNE COUNTY	171,312
		SCHUYLKILL CSRT	103,345
		ERIE CNTY	44,958
		ALLEGANY COUNTY	45,427
		PITTSBURGH	277,904
		WASHINGTON COUNTY	277,487
		WEAVER COUNTY	54,455
		WASHINGTON COUNTY	60,965
		WESTMORELAND CITY	188,620
		FRANKLIN COUNTY	80,294
		FAIRFAX COUNTY	166,105
		LARGES COUNTY	44,192
		WEAVER CNTY CSRT	137,076
		S. ALLEGHNA CSRT	348,617
		SUSQUEHANNA CSRT	28,520
		YORK COUNTY	90,490
		LYCOMING CSRT	74,607

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FRANKLIN COUNTY	17,625	BAL OF ALABAMA	731,736
BAL OF PENN	317,996	BIRMINGHAM CSRT	122,504
CENTER CNTY	28,970	HUNTSVILLE CSRT	74,167
NORTHHERLAND CNT	56,286	MOBILE CSRT	71,429
PENNSYLVANIA	4,496,773	MONTGOMERY CSRT	51,248
		TUSCALOOSA COUNTY	19,836
PENNSYLVANIA CSRT	94,042		-----
STAMA	249,051	ALABAMA	1,070,620
RAMPS	42,507		-----
HENRICO CNTY CSRT	0	BAL OF FLORIDA	462,110
RUANOKE CSRT	88,374	ALACHUA COUNTY	33,584
AWLINGTON COUNTY	9,440	BREVARD COUNTY	258,304
FAIRHFAA COUNTY	0	BROWARD CSRT	408,134
PRINCE WM COUNTY	2,901	MIAMI/DADE CSRT	593,738
ALEXANDRIA CITY	0	ESCAMBIA CNTY	74,425
BAL OF VA	828,675	HITLND MNP4R CSRT	338,980
	1,314,990	LEE COUNTY	75,383
VIRGINIA		LEON/GADSDEN CSRT	53,067
	851,487	NE FLA MNP4R CSRT	177,984
W. VA. STATEWIDE		ORANGE CNTY/FORLAND	230,265
	851,487	MANATEE CNTY COUNTY	50,262
WEST VIRGINIA		PALM BEACH CNTY	201,046
REGION 111	8,670,322	PASCO COUNTY	53,480
		SEMIWOLFE CSRT	21,987
		ST. JOHNS CSRT	21,936
		SARASOT CSRT	64,432
		TAMPA CSRT	249,355
		VOLUSIA COUNTY	86,449
			-----
		FLORIDA	3,665,454
			-----
		BAL OF GEORGIA	1,052,698
		CSRA CSRT	96,594
		ATLANTA	345,915
		CLAYTON CNTY	43,158
		CORR COUNTY	105,808
		COLUMBUS AREA CSRT	52,961
		DEKALB COUNTY	142,848
		FULTON COUNTY	71,706
		MID. GA CSRT	93,381
		SAV/CHATHAM CSRT	56,255
			-----
		GEORGIA	2,061,328
			-----
		BLUEGRASS MA CSRT	20,909

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LOUISVILLE CSRT 112,912  
KENTON COUNTY 43,972  
BAL OF KENT 569,191  
RURAL CEP 163,936  
-----  
910,920  
-----  
KENTUCKY  
BAL OF MISS 622,210  
JACKSON CSRT 59,165  
-----  
MISSISSIPPI  
BAL OF N.C. 1,902,789  
ALABAMA CNTY 55,546  
HUNCOMBE COUNTY 77,470  
CUMBERLAND COUNTY 48,492  
CHARLOTTE 189,784  
DUHAM CSRT 19,405  
GASTON COUNTY 79,873  
GREENSHORE-GUILFORD 113,850  
ONSLOW COUNTY 20,287  
RALEIGH CSRT 115,669  
WAKE CNTY 0  
WINSTON-SALEM CSRT  
-----  
NORTH CAROLINA  
S. CAROLINA CSRT 1,300,933  
-----  
SOUTH CAROLINA  
BALANCE OF TENN 968,470  
CHATTANOOGA 43,066  
MEMPHIS CSRT 107,846  
HAMILTON COUNTY 15,892  
KNOXVILLE CSRT 40,066  
NASHVILLE/DAVIDSON 118,646  
SULLIVAN COUNTY 0  
-----  
TENNESSEE  
REGION IV 13,719,001

NOTICES

CHICAGO 1,149,143  
COOK COUNTY 149,732  
DU PAGE COUNTY 4,241  
KANE COUNTY 34,130  
LAKE COUNTY 119,441  
MACOMB COUNTY 56,169  
MCLENNAN COUNTY 37,471  
MONTGOMERY COUNTY 94,024  
-----  
ILLINOIS  
LAKE COUNTY 3,791  
LA SALLE COUNTY 42,823  
HOCKEYHOCK CSRT 121,710  
CHAMPAIGNE CSRT 4,031  
WILL COUNTY CSRT 140,664  
SANGAMON CITY CSRT 23,905  
MADISON CITY CSRT 137,160  
ST CLAIR CSRT 126,027  
PEORIA CSRT 13,240  
EAST ST LOUIS 54,054  
SHAMNEE CSRT 32,866  
BAL OF ILLINOIS 598,104  
MCLEAN CNTY 29,554  
-----  
2,987,283  
-----  
GANY 111,554  
HAMMOND 12,082  
LAKE CNTY 22,962  
ELKHART CNTY 78,255  
SOUTH HEND 52,607  
ST JOSEPH CNTY 43,799  
TIMPACAN CNTY 18,515  
MADISON CNTY 81,606  
VIGO CNTY 6,443  
INDIANAPOLIS 307,994  
LA PORTE CNTY 36,610  
FT WAYNE CSRT 212,640  
DELAWARE CSRT 68,260  
SOUTHWESTERN CSRT 132,968  
BAL OF INDIANA 1,092,690  
-----  
2,278,885  
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INDIANA  
BAL OF MICHIGAN 896,858  
GENESEE/FLINT CSRT 839,180

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LANSING CSRT 212,793  
JACKSON CSRT 168,879  
KENT CNTY CSRT 335,403  
MUSKOGEE CSRT 93,812  
DEARBORN 52,195  
DETROIT 1,411,660  
LIVONIA 40,554  
WARREN CITY 97,406  
RAY CNTY 74,636  
BERRIEN CNTY 105,779  
CALHOUN CNTY 79,030  
KALAMAZOO CNTY 92,462  
MACOMB CNTY 272,361  
MONROE CNTY 63,828  
OAKLAND CNTY 612,838  
OTTAWA CNTY 66,441  
SAGINAW CNTY 161,341  
ST CLAIR CNTY 327,836  
WAYNE CNTY 554,620  
ANN ARBOR 48,988  
WASHTENAW 121,777  
-----  
MICHIGAN 6,730,577  
-----  
OKOTA CNTY 35,097  
HAMSEY CNTY 39,348  
ST PAUL CITY 210,409  
UHR. MINN. CSRT 420,321  
REGION III CSRT 312,822  
DULUTH 67,426  
BAL OF MINNESOTA 527,582  
MINN RCEP 804,429  
-----  
MINNESOTA 2,416,934  
-----  
CINCINNATI 209,045  
PUTLEH CNTY 125,539  
CLARK CNTY 48,079  
HAMILTON CNTY 49,754  
LORAIN CNTY 101,337  
AKRON CSRT 274,400  
CANTON CSRT 165,337  
CLEVELAND CSRT 600,191  
COLUMBUS CSRT 205,738

MIAMI VALLEY CSRT 214,564  
LICKING/JOEL CSRT 53,067  
TOLEDO CSRT 276,429  
NE OHIO MHPH CSRT 331,928  
BAL OF OHIO 1,053,215  
ALLEN CNTY 69,399  
CLEMONT CNTY CSRT 103,098  
GREENE CNTY 26,806  
-----  
OHIO 3,996,926  
-----  
OUTAGAMIE CNTY 7,161  
ROCK CNTY 76,461  
MILWAUKEE CNTY 38,893  
MADISON-DANE CSRT 55,054  
WOW CSRT 54,958  
WINNEFOND CSRT 51,362  
TRICO CETAC 40,432  
BAL OF WISCONSIN 57,432  
RURAL CEP 72,576  
MARATHON COUNTY 33,527  
-----  
WISCONSIN 1,294,006  
-----  
REGION V 19,514,611

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NOTICES

CENT. ARK CSRT	134,328	CENTRAL TEXAS CSRT	2,633
TEXARKANA CSRT	109,444	MIDALGO CNTY CSRT	359,783
BAL OF ARK	662,419	ALAMO CSRT	293,861
ARKANSAS	906,191	REGION TX CSRT	72,051
MAPIDES PANISH	65,340	N TEXAS PLAN CSRT	155,268
RAJON MUIRA BRISH	18,089	WENH COUNTY	0
LAFAYETTE JEFFERSON	10,415	BRAZORIA CSRT	241,744
CALCASTEU PANISH	100,212	BAL OF TEXAS	1,784,806
QUACHITA PANISH	803,215	TEXAS	6,436,719
NEW ORLEANS CITY	71,240	REGION VI	
JEFFERSON PARISH	68,432		
SHREVEPORT	1,395,692		
BAL OF LOUISIANA	2,786,872		
LOUISIANA	357,041		
ALBUQUERQUE	323,759		
BAL OF NEW MEXICO	640,800		
NEW MEXICO	15,301		
COMANCHE CNTY	50,626		
OKLAHOMA CNTY	27,119		
OKLAHOMA CITY CSRT	184,704		
TULSA CSRT	278,050		
BAL OF OKLAHOMA	1,656		
OKLAHOMA	98,609		
PANHANDLE MA CSRT	115,813		
CAPITAL AREA CSRT	83,415		
SE TEX COMP MA CSR	9,947		
CAMERON COUNTY	0		
COASTAL BEND CSRT	154,825		
DALLAS CITY	33,929		
DALLAS COUNTY	1,474		
EL PASO CITY/CNTY	159,794		
FT WORTH CSRT	0		
TARRANT COUNTY	0		
GALVESTON CNTY	0		
HOUSTON	0		
HARRIS COUNTY	0		

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BAL OF IOWA	274,572	ADAMS CNTY	32,436
BLACKHAWK COUNTY	13,470	ARAPAHOE COUNTY	5,313
CENT IOWA HALL CRT	30,061	BOULDER CNTY	7,104
LINN CNTYCSRT	12,848	COL SPRINGS CSRT	60,946
SCOTT COUNTY	9,890	DENVER CITY/CNTY	94,951
WOODBURY COUNTY	25,428	JEFFERSON COUNTY	11,316
IOWA	366,269	LARIMER COUNTY	14,983
BAL OF KANSAS	17,865	PUERLO CNTY	31,849
KANSAS CITY CSRT	76,158	WELD CNTY	6,098
JOHNSON CNTY CSRT	0	BAL OF COLORADO	68,509
TOPEKA CSRT	62,612	COLORADO	333,505
WICHITA CITY	21,359	BAL OF MONTANA	556,535
KANSAS	177,994	MONTANA	556,535
BAL OF MISSOURI	79,375	BAL OF N.D.	361,797
SPRINGFIELD	48,194	NORTH DAKOTA	361,797
BAL JACKSON CNTY	35,078	BAL OF S.D.	15,461
KANSAS CITY CSRT	277,099	SOUTH DAKOTA	15,461
JEFFERSON CSRT	65,235	STATEWIDE CSRT	380,916
ST LOUIS COUNTY	76,666	UTAH	380,916
ST LOUIS CITY	250,475	HAL OF WYOMING	0
INDEPENDENCE	33,632	WYOMING	0
ST CHARLES CNTY	38,339	REGION VIII	1,648,214
MISSOURI	904,093		
BAL OF NEBRASKA	19,377		
LINCOLN CITY	10,684		
OMAHA CSRT	167,309		
NEBRASKA	197,370		
REGION VII	1,645,726		

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BAL OF ARIZONA	167,730	HAWAII	928,924
PHOENIX/MARICOPA	528,714	BAL OF NEVADA	235,316
TUCSON-PIMA COUNTY	117,239	LAS VEGAS CSRT	0
ARIZONA	813,683	WASHOE CNTY	73,047
CNTY OF ALAMEDA	362,976	NEVADA	308,363
BENKELEY	222,008	AMERICAN SAMOA	21,215
CONTRA COSTA CNTY	75,721	AMERICAN SAMOA	21,215
MARIN COUNTY	425,660	GUAM	64,669
OAKLAND	71,475	GUAM	64,669
RICHMOND	855,187	PACIFIC ISLANDS	55,260
SAN FRANCISCO	72,923	PACIFIC ISLANDS	55,260
SAN MATEO COUNTY	135,559	REGION IX	16,172,852
SONOMA COUNTY	81,060		
SANTA BARBARA CNT	44,020		
GLENN	222,079		
LONG BEACH	1,294,950		
LOS ANGELES COUNTY	2,288,142		
LOS ANGELES	582,719		
ORANGE CNTY MNP	38,477		
PASADENA	45,762		
TORRANCE	140,091		
VENTURA COUNTY	1,286,489		
BEL OF CALIFORNIA	120,985		
HUMBOLT CNTY	445,730		
SANTA CLARA VALLEY	119,174		
SOLANO COUNTY	43,167		
SUNNYVALE	119,395		
UTAH COUNTY	651,142		
SACRAMENTO/YOLO	203,001		
STOCKTON/SAN JOAQU	369,938		
STANISLAUS COUNTY	103,711		
MONTESANO COUNTY	90,930		
SANTA CRUZ COUNTY	298,583		
FRESNO CTY/CNTY	82,464		
IMPERIAL COUNTY	120,997		
KERN COUNTY	91,045		
MERCED COUNTY	535,282		
INLAND MNP ASSOC	30,731		
SAN LOUIS OBISPO C	137,597		
ULARE/PALMS CNTY	1,467,513		
SAN DIEGO METC	13,980,738		
CALIFORNIA	928,924		
HONOLULU/HAWAII CR			

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ANCHORAGE BOROUGH	102,536
BAL OF ALASKA	328,030
ALASKA	430,566
STATEWIDE CSRT	326,786
IDAH	326,786
PORTLAND CITY	192,047
CLACKAMAS COUNTY	70,452
LANE COUNTY	127,136
MULTNOMAH/WASH CRT	135,821
M-WILM VAL MPR CST	126,793
JACKSON CNTY CSRT	97,910
BAL OF OREGON	391,820
OREGON	1,141,981
SPokane CSRT	246,845
CLARK COUNTY	56,312
KING SNO. CSRT	1,294,181
KITTSAP COUNTY	152,749
TACOMA CITY	175,529
PIERCE CNTY	221,636
YAKIMA COUNTY	325,101
BAL OF WASH	994,131
WASHINGTON	3,466,484
REGION X	5,365,817
INDIAN ORGANIZATIONS	450,055
NATIONAL TOTAL	100,000,000

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## NOTICES

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION  
PUBLIC SERVICE JOBS PROGRAM  
TITLE II -- \$1.2 BILLION SUPPLEMENTAL

	BASE	DISCRETIONARY	TOTAL
BRIDGEPORT CSRT	2,200,948	1,017,404	3,218,442
HARTFORD CSRT	3,115,011	224,069	3,339,080
NEW HAVEN CSRT	1,909,172	160,361	2,069,533
STAMFORD CSRT	723,794	0	723,794
WATERBURY CITY	937,251	190,329	1,127,580
BAL OF CONN	7,915,007	76,485	7,992,092
CONNECTICUT	16,797,783	1,568,738	18,366,521
PENOBSCOT CNTY	679,261	84,040	763,301
CUMBERLAND CNTY	969,639	0	969,639
BAL OF MAINE	4,403,365	1,929,443	6,332,808
MAINE	6,052,265	2,013,483	8,065,748
BOSTON	4,585,893	2,380,358	7,066,251
EMMHOA CSRT	2,110,415	1,390,711	3,501,126
NEW BEDFORD CSRT	1,552,476	407,246	1,959,722
HAMPDEN CNTY CSRT	3,251,062	677,431	3,928,493
WORCESTER CSRT	1,757,459	206,368	1,963,827
LOWELL CSRT	1,609,646	459,598	2,069,244
BROCKTON CSRT	1,300,377	276,274	1,576,651
BAL OF MASS	22,072,783	6,084,556	28,157,339
MASSACHUSETTS	34,340,611	11,893,042	50,233,653
HOCKHAM/STAFFORD CNT	965,099	3,302	968,401
MILLSBOROUGH CNTY	1,097,958	0	1,097,958
BAL OF N.M.	1,380,117	33,660	1,413,777
NEW HAMPSHIRE	3,444,174	36,962	3,481,136
PROVIDENCE	1,908,445	158,367	2,066,812
BAL OF N.I.	6,549,720	1,704,324	8,254,044
RHODE ISLAND	8,458,205	1,866,691	10,324,896
BAL OF VERMONT	2,562,231	940,756	3,502,987
VERMONT	2,562,231	940,756	3,502,987
REGION I	75,654,269	18,419,672	94,073,941
ATLANTIC COUNTY	1,106,179	890,755	1,996,934
NEWJERSEY	3,613,939	113,711	3,727,650
BURLINGTON COUNTY	1,696,622	464,305	2,160,927
CAMDEN COUNTY	1,897,613	411,833	2,309,446
CAMDEN CITY	963,505	332,531	1,296,036
CUMBERLAND COUNTY	899,957	762,300	1,662,257
ELIZABETH CITY	680,120	83,784	763,904
ESSEX COUNTY	2,573,397	0	2,573,397
GLOUCESTER COUNTY	1,039,688	457,545	1,497,233
HUDSON COUNTY	2,184,140	2,137,083	4,321,223
JERSEY CITY	1,299,885	2,192,093	3,491,978
MERCER COUNTY	321,656	112,600	434,256
MIDDLESEX COUNTY	2,785,014	760,088	3,545,102
MONMOUTH COUNTY	1,990,803	644,425	2,635,228
MORRIS COUNTY	1,282,585	0	1,282,585
NEWARK CITY	3,178,561	2,910,599	6,089,160
OCEAN COUNTY	1,145,925	591,301	1,737,226
PASSAIC COUNTY	1,485,374	550,857	2,036,231
PATERSON CITY	1,085,690	1,433,288	2,518,978
SOMERSET CNTY	414,772	11,767	426,539
TRENTON CITY	579,167	332,884	912,051
UNION COUNTY	1,832,303	1,032,303	2,864,606
BAL OF N.J.	2,171,257	397,625	2,568,882
NEW JERSEY	36,228,340	15,496,574	51,724,914
ALBANY CSRT	1,151,936	0	1,151,936
RHODE COUNTY	872,968	0	872,968
BUFFALO CITY	3,802,486	2,192,579	5,995,065
CHAUTAUQUE CSRT	1,449,306	36,139	1,485,445
CHEMUNG COUNTY	494,265	94,759	589,024
DUTCHESS COUNTY	280,562	101,734	382,296
ERIE CSRT	7,357,177	642,897	8,000,074
MONROEVILLE CSRT	1,701,408	2,124	1,703,532
NASSAU COUNTY CSRT	5,187,761	59,628	5,247,389
NIAGARA COUNTY	1,743,363	780,085	2,523,449
ONEIDA COUNTY	1,326,259	58,365	1,384,624
ONONDAGA COUNTY	1,033,186	0	1,033,186
ORANGE COUNTY	1,356,193	0	1,356,193
OSWEGO CNTY	723,548	122,278	845,826
WENDELLEN CNTY	674,112	0	674,112
ROCKLAND COUNTY	792,004	0	792,004
ST LAWRENCE CNTY	704,429	42,205	746,634
SARATOGA COUNTY	555,849	25,315	581,164
SCHENECTADY CNTY	678,526	0	678,526
STEUBEN CNTY	548,366	96,588	644,954
SUFFOLK CNTY CSRT	4,599,161	0	4,599,161
SYRACUSE CITY	1,012,207	51,746	1,063,953
ULSTER COUNTY	900,725	0	900,725
WESTCHESTER CSRT	2,930,243	0	2,930,243
YONKERS CITY	1,015,153	47,746	1,062,899
BAL OF NEW YORK	9,941,464	3,487,472	13,428,936
NEW YORK CITY	41,179,471	22,236,925	63,416,396
NEW YORK	90,017,048	30,078,718	120,095,766

## NOTICES

	BASE	DISCRETIONARY	TOTAL
BAYAMON MUNICIPIO	779,490	647,191	1,426,681
CAGUAS MUNICIPIO	839,233	607,222	1,446,455
CAMOLINA MUNICIPIO	404,098	245,774	649,872
HAYAGUEZ MUNICIPIO	591,181	606,935	1,198,116
PONCE MUNICIPIO	1,187,512	2,175,548	3,363,060
SAN JUAN CSRT	2,983,137	2,381,988	5,365,125
BAL OF PUERTO RICO	11,296,096	8,712,731	20,008,827
PUERTO RICO	14,080,747	14,779,398	28,860,145
VIRGIN ISLANDS	833,559	89,003	922,562
VIRGIN ISLANDS	833,559	89,003	922,562
REGION II	145,159,694	60,443,693	205,603,387
BAL OF DEL	2,351,350	0	2,351,350
WILMINGTON	683,555	299,737	983,292
DELAWARE	3,034,905	299,737	3,334,642
WASHINGTON D.C.	2,964,612	2,816,337	5,780,949
DIST OF COLUMBIA	2,964,612	2,816,337	5,780,949
BAL OF MD	1,967,128	0	1,967,128
BALTIMORE CSRT	8,837,646	0	8,837,646
MONTGOMERY COUNTY	0	245,750	245,750
PRINCE GEORGES CO.	524,076	483,100	1,007,176
WESTERN MD CSRT	1,716,985	354,792	2,071,777
MARYLAND	13,047,835	1,083,642	14,131,477
LEHIGH VALLEY CSRT	2,273,940	0	2,273,940
LANCASTER CSRT	1,828,378	0	1,828,378
LUCKS COUNTY	1,084,839	0	1,084,839
CHESTER COUNTY	547,751	0	547,751
DELAWARE COUNTY	2,661,231	0	2,661,231
MONTGOMERY COUNTY	1,782,490	0	1,782,490
PHILADELPHIA	9,967,382	3,172,649	13,140,031
BERKS COUNTY	1,099,921	33,289	1,133,210
LACKAWANNA COUNTY	964,117	242,319	1,206,436
SCHAFER	752,500	116,254	868,754
LUZERNE COUNTY	1,890,497	475,726	2,366,223
SCHUYLKILL CSRT	1,313,504	272,757	1,586,261
ERIE CITY	570,091	0	570,091
ERIE CNTY	582,102	0	582,102
ALLEGANY COUNTY	3,561,066	645,806	4,206,872
PITTSBURGH	2,635,713	778,255	3,413,968
BEAVER COUNTY	697,786	54,462	752,248
WASHINGTON COUNTY	781,207	0	781,207
WESTMORELAND CITY	1,805,150	669,149	2,474,299
TRI-COUNTY CSRT	1,028,492	52,386	1,080,878
FAYETTE COUNTY	684,566	384,737	1,069,303
LAWRENCE COUNTY	566,276	32,694	598,970
MERCER CNTY CSRT	1,574,680	474,667	2,049,347
S. ALLEGANY CSRT	2,363,861	818,372	3,182,233
SUSQUEHANNA CSRT	365,453	166,418	531,871
YORK COUNTY	1,159,544	0	1,159,544
LYCOMING CSRT	950,020	149,283	1,100,303
FRANKLIN COUNTY	225,844	100,634	326,478
BAL OF PENN	4,074,638	434,901	4,509,539
CENTRE CNTY	371,221	0	371,221
NORTHUMBERLAND CNT	703,429	0	703,429
PENNSYLVANIA	51,790,033	9,072,978	60,863,011
PENNSYLVANIA CSRT	1,205,055	0	1,205,055
STARR	2,544,227	41,372	2,585,599
HAMPS	544,685	91,080	635,765
HEMPHILL CNTY CSRT	0	89,520	89,520
ROANOKE CSRT	1,132,432	0	1,132,432
ARLINGTON COUNTY	120,960	102,172	223,132
FALMOUTH COUNTY	0	314,932	314,932
PRINCE WM COUNTY	37,170	59,837	97,007
ALEXANDRIA CITY	0	113,226	113,226
BAL OF VA	10,618,675	0	10,618,675
VIRGINIA	16,208,204	812,739	17,020,943
W. VA. STATEWIDE	7,023,504	4,429,425	11,452,929
WEST VIRGINIA	7,023,504	4,429,425	11,452,929
REGION III	94,067,093	16,514,863	110,581,956
BAL OF ALABAMA	9,372,648	0	9,372,648
BIRMINGHAM CSRT	1,569,776	190,158	1,759,934
HUNTSVILLE CSRT	950,341	61,440	1,011,781
MOBILE CSRT	915,291	163,370	1,078,661
MONTGOMERY CSRT	656,689	51,752	708,441
TUSCALOOSA COUNTY	254,185	195,674	449,859
ALABAMA	13,718,970	662,394	14,381,364



## NOTICES

	BASE	DISCRETIONARY	TOTAL
BAL OF FLORIDA	5,921,496	1,195,754	7,117,250
ALACHUA COUNTY	430,351	0	430,351
BREVARD COUNTY	1,526,592	977,559	2,504,151
BROWARD COUNTY	5,229,840	197,708	5,427,548
DADE COUNTY	7,608,180	562,485	8,170,665
DECATUR COUNTY	953,690	0	953,690
DEKALB COUNTY	1,830,954	986,312	2,817,266
DOUGLAS COUNTY	679,997	0	679,997
DUVAL COUNTY	2,280,687	5,481	2,286,168
FLORIDA	42,673,178	5,273,619	47,946,797
BAL OF GEORGIA	13,489,311	0	13,489,311
ALBANY COUNTY	1,237,110	140,728	1,377,838
ALBUQUERQUE COUNTY	4,436,563	257,114	4,693,677
ALBUQUERQUE COUNTY	553,026	0	553,026
ALBUQUERQUE COUNTY	1,355,425	16,661	1,372,086
ALBUQUERQUE COUNTY	678,649	105,112	783,761
ALBUQUERQUE COUNTY	1,830,462	0	1,830,462
ALBUQUERQUE COUNTY	918,849	0	918,849
ALBUQUERQUE COUNTY	1,196,591	0	1,196,591
ALBUQUERQUE COUNTY	720,849	3,215	724,064
ALBUQUERQUE COUNTY	26,413,935	531,834	26,945,769
ALBUQUERQUE COUNTY	267,927	185,012	452,939
ALBUQUERQUE COUNTY	1,440,853	570,342	2,011,195
ALBUQUERQUE COUNTY	563,457	160,578	724,035
ALBUQUERQUE COUNTY	7,293,639	487,553	7,781,192
ALBUQUERQUE COUNTY	1,311,044	340,897	1,651,941
ALBUQUERQUE COUNTY	10,882,924	1,753,382	12,636,306
ALBUQUERQUE COUNTY	7,973,021	12,590	7,985,611
ALBUQUERQUE COUNTY	758,143	0	758,143
ALBUQUERQUE COUNTY	8,731,164	12,540	8,743,704
ALBUQUERQUE COUNTY	24,382,417	0	24,382,417
ALBUQUERQUE COUNTY	711,772	0	711,772
ALBUQUERQUE COUNTY	992,701	88,246	1,080,947
ALBUQUERQUE COUNTY	620,990	33,052	654,042
ALBUQUERQUE COUNTY	1,919,404	1,419,404	3,338,808
ALBUQUERQUE COUNTY	504,939	91,987	596,926
ALBUQUERQUE COUNTY	1,023,494	7,075	1,030,569
ALBUQUERQUE COUNTY	1,458,875	0	1,458,875
ALBUQUERQUE COUNTY	259,453	52,487	311,940
ALBUQUERQUE COUNTY	1,482,143	80,485	1,562,628
ALBUQUERQUE COUNTY	0	134,233	134,233
ALBUQUERQUE COUNTY	1,681,778	28,347	1,710,125
ALBUQUERQUE COUNTY	35,038,506	515,912	35,554,418
ALBUQUERQUE COUNTY	16,670,200	485,323	17,155,523
ALBUQUERQUE COUNTY	16,670,200	485,323	17,155,523
ALBUQUERQUE COUNTY	12,410,006	0	12,410,006
ALBUQUERQUE COUNTY	562,106	9,095	571,201
ALBUQUERQUE COUNTY	1,375,376	286,943	1,662,319
ALBUQUERQUE COUNTY	203,644	92,446	296,090
ALBUQUERQUE COUNTY	513,403	124,268	637,671
ALBUQUERQUE COUNTY	1,520,335	874,750	2,395,085
ALBUQUERQUE COUNTY	0	154,610	154,610
ALBUQUERQUE COUNTY	14,588,870	1,546,122	16,134,992
ALBUQUERQUE COUNTY	170,717,747	10,781,176	181,498,923
ALBUQUERQUE COUNTY	14,725,163	0	14,725,163
ALBUQUERQUE COUNTY	1,918,666	782,252	2,700,918
ALBUQUERQUE COUNTY	54,344	367,376	421,720
ALBUQUERQUE COUNTY	637,344	188,483	825,827
ALBUQUERQUE COUNTY	1,530,519	0	1,530,519
ALBUQUERQUE COUNTY	719,746	0	719,746
ALBUQUERQUE COUNTY	480,156	0	480,156
ALBUQUERQUE COUNTY	115,684	141,264	256,948
ALBUQUERQUE COUNTY	48,580	138,189	186,769
ALBUQUERQUE COUNTY	540,713	15,450	556,163
ALBUQUERQUE COUNTY	1,559,592	112,886	1,672,478
ALBUQUERQUE COUNTY	51,648	129,942	181,590
ALBUQUERQUE COUNTY	1,252,287	0	1,252,287
ALBUQUERQUE COUNTY	309,323	81,192	390,515
ALBUQUERQUE COUNTY	1,484,515	493,933	1,978,448
ALBUQUERQUE COUNTY	1,263,451	0	1,263,451
ALBUQUERQUE COUNTY	167,463	74,003	241,466
ALBUQUERQUE COUNTY	506,522	350,347	856,869
ALBUQUERQUE COUNTY	421,149	86,465	507,614
ALBUQUERQUE COUNTY	7,664,121	554,751	8,218,872
ALBUQUERQUE COUNTY	378,703	0	378,703
ALBUQUERQUE COUNTY	35,690,909	3,521,135	39,212,044

## NOTICES

	BASE	DISCRETIONARY	TOTAL
GAH	864,135	194,376	1,058,511
HAMMOND	154,818	59,044	213,862
LAKE COUNTY	292,953	119,276	412,229
ELKHART COUNTY	1,002,762	634	1,003,396
SOUTH BEND	674,110	0	674,110
ST JOSEPH COUNTY	561,246	0	561,246
TIPPECANOE COUNTY	237,257	0	237,257
MADISON COUNTY	1,043,697	0	1,043,697
VIGO COUNTY	82,762	104,545	187,307
INDIANAPOLIS	3,940,642	651,495	4,592,137
LA PORTE COUNTY	469,116	0	469,116
FT WAYNE COUNTY	2,724,778	215,946	2,940,724
DELRHACKFOU COUNTY	474,644	37,105	511,749
SOUTHWESTERN COUNTY	1,703,461	0	1,703,461
BAL OF INDIANA	11,880,406	3,145,219	15,025,625
INDIANA	26,515,032	4,568,680	31,083,712
BAL OF MICHIGAN	11,492,377	2,379,372	13,871,749
GENESEE/FLINT COUNTY	5,002,950	3,075,506	8,078,456
LANSING COUNTY	2,720,739	123,740	2,844,479
REGION II COUNTY	2,164,021	479,137	2,643,158
GRAMM	4,297,864	988,534	5,286,398
MUSKEGON-COUNTY	1,202,113	415,797	1,617,910
DEARBORN	688,834	0	688,834
DETROIT	14,834,713	4,633,345	19,468,058
LIVONIA	519,660	2,429	522,089
WARREN CITY	1,246,889	0	1,246,889
BAY COUNTY	950,389	212,876	1,163,265
REHOBOTH COUNTY	1,357,276	231,818	1,589,094
CALHOUN COUNTY	1,012,697	29,918	1,042,615
KALAMAZOO COUNTY	1,184,813	0	1,184,813
MACOMB COUNTY	3,490,039	174,684	3,664,723
MONROE COUNTY	817,888	0	817,888
OAKLAND COUNTY	7,852,925	711,231	8,564,156
OTTAWA COUNTY	851,378	51,414	902,792
SAGINAW COUNTY	1,440,973	249,581	1,690,554
ST CLAIR COUNTY	1,328,222	1,329,522	2,657,744
WAYNE COUNTY	7,106,922	0	7,106,922
ANN ARBOR	627,737	0	627,737
WASHTENAW COUNTY	1,560,451	336,260	1,896,711
MICHIGAN	73,751,058	15,428,190	89,179,248
DAKOTA COUNTY	449,732	8,595	458,327
RAMSEY COUNTY	504,203	17,892	522,095
ST PAUL CITY	4,463,537	107,496	4,571,033
URB. MINN. COUNTY	5,386,010	907,550	6,293,560
REGION III COUNTY	760,240	930,660	1,690,900
DULUTH	456,359	173,196	629,555
BAL OF MINNESOTA	3,267,011	1,377,133	4,644,144
MINN. REP	1,584,502	2,423,524	4,008,026
MINNESOTA	13,837,594	5,951,046	19,788,640
CINCINNATI	2,665,894	1,131,402	3,797,296
HUTLER COUNTY	1,608,662	0	1,608,662
CLARK COUNTY	616,043	0	616,043
HAMILTON COUNTY	637,552	349,583	987,135
LOWAIN COUNTY	1,298,535	0	1,298,535
AKRON COUNTY	3,510,167	239,576	3,749,743
CANTON COUNTY	2,118,630	49,764	2,168,394
CLEVELAND COUNTY	7,690,464	690,964	8,381,428
COLUMBUS COUNTY	2,630,324	84,947	2,715,271
MIAMI VALLEY COUNTY	2,749,435	0	2,749,435
LICKING/DEL COUNTY	680,009	23,255	703,264
TOLEDO COUNTY	3,542,177	78,769	3,620,946
NE OHIO MNPW COUNTY	4,253,331	0	4,253,331
BAL OF OHIO	13,495,937	0	13,495,937
ALLEN COUNTY	889,284	0	889,284
CLERMONT COUNTY COUNTY	1,321,107	0	1,321,107
GREENE COUNTY	343,496	26,263	369,759
OHIO	58,053,483	2,572,523	60,626,006
OUTAGAMIE COUNTY	91,761	194,265	286,026
ROCK COUNTY	860,222	0	860,222
MILWAUKEE COUNTY	4,919,223	354,116	5,273,339
MADISON-DANE COUNTY	321,044	110,126	431,170
WIS. COUNTY	319,819	233,028	552,847
WINNEPOND COUNTY	658,141	101,107	759,248
TRICU COUNTY	618,045	243,272	861,317
BAL OF WISCONSIN	7,316,583	293,655	7,610,238
WISC. CEP	902,903	0	902,903
MARATHON COUNTY	429,616	0	429,616
WISCONSIN	14,443,377	1,437,848	15,881,225
REGION V	216,307,453	33,579,422	249,886,875
CENT. ARK COUNTY	1,721,280	0	1,721,280
TEXARKANA COUNTY	481,750	456,069	937,819
BAL OF ARK	8,480,264	0	8,480,264
ARKANSAS	10,691,294	456,069	11,147,363



## NOTICES

	BASE	DISCRETIONARY	TOTAL
RAPIDES PARISH	561,493	126,463	687,956
BATON ROUGE	853,956	316,447	1,170,403
LAFAYETTE PARISH	103,906	91,013	194,919
CALCASIEU/JEFFERSON	716,676	754,796	1,471,472
JOACHITA PARISH	591,670	63,866	655,536
NEW ORLEANS CITY	2,875,916	452,885	3,328,801
JEFFERSON PARISH	521,497	274,011	795,508
SHREVEPORT	876,895	80,339	957,233
BAL OF LOUISIANA	6,362,148	3,058,321	9,420,469
LOUISIANA	13,444,157	5,222,140	18,666,297
ALBUQUERQUE	1,522,788	1,034,908	2,557,696
BAL OF NEW MEXICO	2,828,808	457,487	3,286,295
NEW MEXICO	4,351,596	1,492,395	5,843,991
COMANCHE CNTY	131,388	70,450	201,838
OKLAHOMA CNTY	0	129,440	129,440
OKLAHOMA CITY CSMT	648,718	387,892	1,036,610
TULSA CSMT	351,348	187,350	538,698
BAL OF OKLAHOMA	2,366,809	472,807	2,839,616
OKLAHOMA	3,498,263	1,044,439	4,542,702
PANHANDLE MA CSMT	21,224	157,362	178,586
CAPITAL AREA CSMT	0	326,068	326,068
SE TEX COMP MA CSMT	1,263,573	1,115	1,264,688
CAMELON COUNTY	980,957	352,961	1,333,918
COASTAL BEND CSMT	1,066,885	92,319	1,159,204
DALLAS CITY	127,440	621,478	748,918
DALLAS COUNTY	0	455,328	455,328
EL PASO CITY/CNTY	1,950,710	54,641	1,995,351
FT WORTH CSMT	434,768	342,113	776,881
TARRANT COUNTY	18,891	139,170	158,061
GALVESTON CNTY	0	182,141	182,141
HOUSTON	2,047,600	256,409	2,304,009
MARSH COUNTY	0	345,603	345,603
CENTRAL TEXAS CSMT	33,736	94,045	127,781
MIDALGO CNTY CSMT	1,134,396	1,450,153	2,584,549
ALAMO CSMT	3,765,570	168,429	3,934,000
REGION XI CSMT	923,268	0	923,268
N TEXAS PLAN CSMT	0	141,485	141,485
WEMB COUNTY	657,794	564,567	1,222,361
BRAZORIA CSMT	0	474,027	474,027
BAL OF TEXAS	3,047,717	1,585,066	4,632,783
TEXAS	17,437,555	8,060,580	25,498,135
REGION VI	49,452,865	16,883,623	66,336,488
BAL OF IOWA	3,518,374	417,928	3,936,302
BLACKHAWK COUNTY	172,605	60,042	232,647
CENT IOWA RALG CRT	385,204	191,218	576,422
LINN CNTY CSMT	144,633	32,318	176,951
SCOTT COUNTY	126,724	54,213	180,937
WOODBURY COUNTY	325,830	0	325,830
IOWA	4,693,370	755,719	5,449,089
BAL OF KANSAS	228,916	574,920	803,836
KANSAS CITY CSMT	975,896	239,574	1,215,470
JOHNSON CNTY CSMT	802,308	0	802,308
TOPEKA CSMT	273,692	80,502	354,194
WICHITA CITY	2,280,812	894,496	3,175,308
KANSAS	4,000,119	2,004,349	6,004,468
BAL OF MISSOURI	617,555	7,124	624,679
SPRINGFIELD	449,489	11,403	460,892
BAL JACKSON CNTY	3,550,761	0	3,550,761
KANSAS CITY CSMT	835,921	145,438	981,359
JEFFERSON CSMT	982,396	1,177,833	2,160,229
ST LOUIS COUNTY	3,204,598	0	3,204,598
ST LOUIS CITY	430,964	7,758	438,722
INDEPENDENCE	482,243	158,121	640,364
ST CHARLES CNTY	11,576,046	3,532,026	15,108,072
MISSOURI	248,298	677,337	925,635
BAL OF NEBRASKA	136,906	235,460	372,366
LINCOLN CITY	2,143,901	816,143	2,960,044
OMAHA CSMT	2,529,105	1,728,940	4,258,045
NEBRASKA	21,074,333	6,411,691	27,486,024
REGION VII	415,630	77,353	492,983
ADAMS CNTY	68,087	119,130	187,217
ARAPAHOE COUNTY	91,026	157,823	248,849
BOULDER CNTY	780,961	135,129	916,090
COL SPRINGS CSMT	1,216,711	139,356	1,356,067
DENVER CITY/CNTY	142,003	140,070	282,073
JEFFERSON COUNTY	191,989	94,405	286,394
LARIMER COUNTY	225,112	53,773	278,885
PUERLO CNTY	78,145	40,110	118,255
WELD CNTY	877,874	0	877,874
BAL OF COLORADO	4,090,538	956,449	5,046,987
COLORADO	3,340,372	1,856,986	5,197,358
BAL OF MONTANA	3,340,372	1,856,986	5,197,358
MONTANA	3,340,372	1,856,986	5,197,358

## NOTICES

	BASE	DISCRETIONARY	TOTAL
BAL OF N.O.	1,998,934	383,427	2,382,361
NORTH DAKOTA	1,998,934	383,427	2,382,361
BAL OF S.D.	198,123	674,748	872,871
SOUTH DAKOTA	198,123	674,748	872,871
UTAH STATEWIDE CRT	44,881,071	835,356	45,716,427
UTAH	4,881,071	835,356	5,716,427
BAL OF WYOMING	0	402,219	402,219
WYOMING	0	402,219	402,219
REGION VIII	14,507,038	5,109,685	19,616,723
BAL OF ARIZONA	2,149,300	0	2,149,300
PHOENIX/MARICOPA	6,774,954	32,829	6,807,783
TUCSON-PIMA COUNTY	1,506,302	0	1,506,302
ARIZONA	10,426,560	32,829	10,459,389
CNTY OF ALAMEDA	2,838,379	1,213,787	4,052,166
BENKELEY	1,019,077	952,733	1,971,810
CONTRA COSTA CNTY	2,228,057	1,010,161	3,238,218
MARIN COUNTY	876,037	79,576	955,613
OAKLAND	2,630,695	2,150,417	4,781,112
RICHMOND	525,916	250,044	775,960
SAN FRANCISCO	4,842,183	3,115,008	7,957,191
SAN MATEO COUNTY	934,432	24,908	959,340
SONOMA COUNTY	1,533,462	226,358	1,759,820
SANTA BARBARA CO.	1,038,704	0	1,038,704
GLENDALE	564,069	0	564,069
LONG BEACH	1,883,831	747,117	2,630,948
LOS ANGELES COUNTY	16,593,537	6,152,786	22,746,323
LOS ANGELES	17,280,043	8,747,400	26,027,443
ORANGE CNTY MANP	7,465,977	675,861	8,141,838
PASADENA	493,039	26,293	519,332
TOHANCE	580,396	14,374	594,770
VENTURA COUNTY	1,795,132	1,889,407	3,684,539
BAL OF CALIFORNIA	6,490,591	7,059,703	13,550,294
HUMBOLDT CNTY	1,009,019	409,904	1,418,923
SANTA CLARA VALLEY	5,711,596	0	5,711,596
SOLANO COUNTY	644,084	272,694	916,778
SUNNYVALE	553,149	0	553,149
RUTTE COUNTY	834,251	349,414	1,183,665
SACRAMENTO/YULO	3,594,069	1,141,121	4,735,190
STOCKTON/SAN JOAQUIN	1,897,444	271,504	2,168,948
STANISLAUS COUNTY	2,116,074	930,889	3,046,963
MONTEHEY COUNTY	1,328,958	0	1,328,958
SANTA CRUZ COUNTY	1,050,472	852,452	1,902,924
FRESNO CITY/CNTY	2,572,156	505,430	3,077,586
IMPERIAL COUNTY	547,597	485,840	1,033,437
KEHN COUNTY	1,371,407	105,259	1,476,666
MERCED COUNTY	693,124	254,421	947,545
INLAND MANP ASSOC	6,786,205	1,266,566	8,052,771
SAN LOUIS OBISPO	393,793	0	393,793
TULARE/KAINGS CNTY	1,238,422	206,454	1,444,876
SAN DIEGO REIC	7,534,454	7,541,177	15,075,631
CALIFORNIA	111,400,741	47,438,489	158,839,230
HONOLULU/HAWAII CP	3,365,032	3,154,793	6,519,825
HAWAII	3,365,032	3,154,793	6,519,825
BAL OF NEVADA	710,311	1,560,765	2,271,076
LOS VEGAS CSMT	2,176,741	0	2,176,741
WASHOE CNTY	936,506	0	936,506
NEVADA	3,823,598	1,560,765	5,384,363
AMERICAN SAMOA	203,666	21,826	225,492
AMERICAN SAMOA	203,666	21,826	225,492
GUAM	620,837	225,181	846,018
GUAM	620,837	225,181	846,018
PACIFIC ISLANDS	530,510	0	530,510
PACIFIC ISLANDS	530,510	0	530,510
REGION IX	130,370,944	52,437,883	182,808,827
GREATHER ANCHORAGE	724,040	224,366	948,406
BAL OF ALASKA	1,342,820	1,417,392	2,760,212
ALASKA	2,060,460	1,545,758	3,606,218
IDAHO STATEWIDE	4,187,452	0	4,187,452
IDAHO	4,187,452	0	4,187,452



	BASE	DISCRETIONARY	TOTAL
PORTLAND CITY	2,460,901	0	2,460,901
CLATSOP COUNTY	902,780	0	902,780
CLATSOP COUNTY	1,796,281	157,231	1,953,512
MULTNOMAH/NASH CRT	1,740,419	134,227	1,874,646
M-41LM VAL MPR CRT	1,524,734	178,442	1,703,176
JACKSON CNTY CSRT	1,254,611	0	1,254,611
BAL OF OREGON	14,633,401	489,950	15,123,351
OREGON			
SPOKANE CSRT	1,471,266	750,063	2,221,319
CLARK COUNTY	721,585	4,413,726	5,135,311
KLING SNO. CSRT	6,112,415	570,728	6,683,143
KILLISAP COUNTY	755,200	863,382	1,618,582
TACOMA CITY	954,077	670,384	1,624,461
YAKIMA COUNTY	928,947	1,084,233	2,013,180
BAL OF WASH	45,433,608	5,124,520	50,558,128
WASHINGTON			
WASHINGTON	17,286,655	13,599,471	30,886,126
REGION A	34,174,349	15,715,174	49,889,523
INDIAN ORGANIZATIONS	4,815,812	1,203,104	6,018,915
NATIONAL TOTAL	960,316,616	240,000,000	1,200,316,616

	1976 SUMMER YOUTH PROGRAM ALLOCATION	PROVIDENCE BALANCE OF R I	VERMONT BALANCE OF VERMONT
REGION I	30,674,253	75,165,114	75,165,114
CONNECTICUT	7,472,657	16,856,472	16,856,472
BRIDGEPORT CSRT	1,397,071	577,746	577,746
HARTFORD CSRT	1,506,548	1,084,693	1,084,693
NEW HAVEN CSRT	1,441,670	1,275,094	1,275,094
STAMFORD CSRT	448,634	802,066	802,066
WATERBURY CITY	343,183	746,730	746,730
BALANCE OF CONN	2,202,542	4,097,201	4,097,201
MAINE	2,803,986	375,448	375,448
PENOBSCOT CNTY	327,252	466,483	466,483
CUMBERLAND CNTY	432,568	317,137	317,137
BALANCE OF MAINE	2,124,166	1,075,173	1,075,173
MASSACHUSETTS	14,764,434	681,875	681,875
BOSTON	2,952,412	659,860	659,860
EMERDA CSRT	907,382	647,565	647,565
NEW BEDFORD CSRT	515,868	318,921	318,921
WAMPDEN CITY CSRT	1,170,373	367,463	367,463
WORCESTER CSRT	560,493	254,067	254,067
DORCHESTER CSRT	504,428	471,243	471,243
BROOKTON CSRT	476,002	722,535	722,535
BALANCE OF MASS	7,637,476	411,144	411,144
NEW HAMPSHIRE	1,405,401	258,427	258,427
ROCK/STRAFFORD CSR	390,323	345,103	345,103
HILLBOROUGH CNTY	366,158	154,701	154,701
BALANCE OF N H	628,920	715,790	715,790
RHODE ISLAND	2,872,086	45,354,802	45,354,802



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## NOTICES

NEW YORK CITY	29,124,468	PRINCE GEORGES CO.	415,156
ROCKLAND COUNTY	174,501	WESTERN MD CSRT	393,298
WESTCHESTER CSRT	1,173,546	BALANCE OF MD	457,006
YONKERS CITY	324,037		
HASSELL COUNTY CSRT	1,170,968	PENNSYLVANIA	23,653,405
SHELBY COUNTY CSRT	1,205,920	LEHIGH VALLEY COHS	508,058
DUTCHESS COUNTY	257,502	ST. ALLEGANY CSRT	457,363
MORRIS/ROCHESTER	875,252	ERIE CITY	346,808
OSWEGO CITY	20,414	FAIRFIELD	246,927
ONEIDA CITY	274,652	SUNSHINE CSRT	520,035
SYRACUSE CITY	567,844	LAMAR CSRT	312,377
ONEIDA COUNTY	633,680	BUCKS COUNTY	408,173
CHAUTAUGUS CSRT	5,643,324	CHESTER COUNTY	591,913
ORANGE COUNTY	209,442	DELAWARE COUNTY	564,659
ST LAWRENCE CITY	207,657	MONTGOMERY COUNTY	472,433
ULSTER COUNTY	150,556	PHILADELPHIA	5,136,074
STUREN CITY	201,706	ALLEGANY COUNTY	1,969,464
BAL OF NEW YORK	3,224,924	OTTUMWA	3,056,537
		WASHTON COUNTY	373,643
PUERTO RICO	12,953,840	WASHINGTON COUNTY	346,293
POWELL MUNICIPALITY	412,181	WESTMORELAND CITY	458,153
RAYMOND MUNICIPALITY	652,125	BERKS COUNTY	428,958
CAROLINA MUNICIPALITY	592,624	LACKAWANNA COUNTY	306,427
SAN JUAN CSRT	1,911,749	SCRANTON	306,427
MAYAGUEZ MUNICIPALITY	480,169	LIZENNE COUNTY	407,746
CAGUAS MUNICIPALITY	571,204	YORK COUNTY	170,766
BAL OF PUERTO RICO	7,933,784	LYCOMING CSRT	310,593
		TRI-COUNTY CSRT	448,633
REGION III	56,309,642	FAYETTE COUNTY	517,654
DELAWARE	1,167,804	FRANKLIN COUNTY	142,801
WILMINGTON	499,804	LAWRENCE COUNTY	231,957
DEL INGOV WA S.C.	667,004	MERCER COUNTY CSRT	753,271
		SCHUYLER CSRT	499,464
MARYLAND	7,656,515	CENTRE CITY	260,612
BALTIMORE CSRT	5,281,453	NORTHUMBERLAND CO.	333,797
MONTGOMERY COUNTY	308,212	BALANCE OF PENN	2,101,551
		VIRGINIA	10,038,907

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## NOTICES

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PENINSULA CSRT	691,989	ESCAMBIA COUNTY	467,473
STAMA CSRT	1,460,578	SARASOTA COUNTY	104,126
HERRICK CSRT	1,168,584	PASCO COUNTY	107,696
HEIRICO CITY CSRT	129,115	PALM BEACH COUNTY	650,340
ROANOKE CSRT	402,816	HURLIND MID-PR CSRT	943,678
ARLINGTON COUNTY	3,52,012	MIAMI/DADE CSRT	3,796,723
FAIRFAX COUNTY	3,59,152	FLA MID-PR CSRT	1,446,455
PRINCE WM COUNTY	155,891	BROWARD CSRT	1,508,931
ALEXANDRIA CITY	201,111	LEON/GADSDEN CSRT	454,583
BALANCE OF VA	4,757,651	ST PETERSBURG CSRT	934,156
		TAMPA CSRT	1,611,067
WEST VIRGINIA	5,978,009	MANATEE CITY	254,067
W. VA. STATEWIDE	5,978,009	SEMIHOL CSRT	254,257
WASHINGTON D. C.	7,810,622	BALANCE OF FLORIDA	3,088,073
WASHINGTON D. C.	7,810,622		
REGION IV	86,542,189	GEORGIA	11,631,141
ALABAMA	9,302,298	ATLANTA COUNTY	1,773,113
BIRMINGHAM CSRT	1,451,975	FULTON COUNTY	246,402
HUNTSVILLE CSRT	422,453	DEKALB COUNTY	355,139
MORRIS CSRT	873,467	COLUMBIA COUNTY	355,139
MONTGOMERY CSRT	803,851	CONWAY COUNTY	643,157
TUSCALOOSA COUNTY	277,867	SNV/CHATHAM CSRT	384,373
BALANCE OF ALABAMA	5,468,685	WID. CGA CSRT	604,524
		COLUMBUS AREA CSRT	781,855
FLORIDA	17,634,145	CLAYTON CITY	193,376
VOLUNTA COUNTY	453,393	BALANCE OF GEORGIA	6,079,159
LEE COUNTY	107,101		
ALACHUA COUNTY	254,912	KENTUCKY	8,625,182
BREVARD COUNTY	636,650	KENTON COUNTY	212,417
ORANGE/ORLAUDO CRT	580,459	LIVELY/JOHN CSRT	1,642,407
		BLUES/ST. MA CSRT	647,363
		BALANCE OF KENT	6,122,595
		MISSISSIPPI	7,666,036

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JACKSON CRT	669,875	DUPAGE COUNTY	230,267
BALANCE OF MIS-	6,966,061	KANE COUNTY	190,546
NORTH CAROLINA	13,550,620	LAKE COUNTY	268,682
BIRMINGHAM COUNTY	309,720	MACON COUNTY	190,401
CUMBERLAND COUNTY	870,491	MCHEERY COUNTY	79,136
GASTON COUNTY	177,906	ROCK ISLAND COUNTY	133,281
GREEN COUNTY	121,974	TAZEWELL COUNTY	76,756
CHARLOTTE	498,019	LASALLE COUNTY	78,501
WINSTON-SALEM CSRT	315,907	ROCKFORD CSRT	243,441
RALPHIGH CSRT	730,664	CHAMPAIGNE CSRT	201,706
WAKE-NORR CSRT	150,536	WILL COUNTY CSRT	279,652
DURHAM CSRT	411,703	SANGAMON CNTY CSRT	258,232
ALAMANCE CITY	534,314	MADISON CNTY CSRT	502,184
BALANCE OF H.C.	240,117	ST CLAIR CSRT	328,037
SOUTH CAROLINA	9,101,107	PEORIA CSRT	328,007
S. CAROLINA CSRT	7,026,617	EAST ST LOUIS	539,649
TEMP. ESCROW	7,096,617	SHAMNEE CSRT	312,972
CHATTANOOGA	11,036,142	MCLENNAN CNTY	60,690
HAMILTON COUNTY	396,060	BAL OF ILLINOIS	2,148,451
NASHVILLE/DAVIDSON	322,492	INDIANA	12,653,360
SULLIVAN COUNTY	231,082	GARY	3,229,009
KNOXVILLE CSRT	237,082	HAMMOND	265,182
MEMPHIS CSRT	847,231	LAKE CITY	665,215
BALANCE OF TENN	1,480,231	FLKHART CNTY	183,056
REGION V	6,309,752	SOUTH BEND	628,375
ILLINOIS	100,430,935	ST JOSEPH CITY	114,036
CHICAGO	31,202,352	TIPPECANOE CITY	162,036
COOK COUNTY	22,060,662	MADISON CNTY	277,292
	1,542,605	VIGO CITY	276,677
		INDIANAPOLIS	1,684,457
		LA PORTE CNTY	152,321
		FT VAYIE CSRT	762,795
		DELANOE CSRT	230,266
		SOUTHWESTERN CSRT	954,305
		BAL OF INDIANA	3,142,210

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MICHIGAN	20,304,521	BITLER CNTY	360,573
WAYNE CITY	1,532,731	CLARK CNTY	275,107
DETROIT	6,199,485	HAMILTON CITY	310,892
DEARBORN	95,661	LICKING/DEL. CSRT	316,543
LIVONIA	63,070	LORAIN CITY	430,715
MONROE CITY	204,681	ARRON CSRT	1,045,437
BAY CITY	232,877	CANTON CSRT	945,785
CAGINAW CNTY	390,410	CLEVELAND CSRT	6,110,465
OAKLAND CITY	1,112,580	COLUMBIAS CSRT	1,231,809
ST CLAIR CITY	298,652	MIAMI VALLEY CSRT	920,471
CALHOUN CITY	295,122	GRANT CITY	65,400
KALAMAZOO CITY	346,293	TOLEDO CSRT	1,087,667
BERICH CITY	385,563	NE OHIO WHEAT CSRT	1,448,265
OTTAWA CITY	183,056	ALLEN CITY	240,875
WASHTENAW CITY	307,617	CLERMONT CITY CSRT	592,625
ANN ARBOR	151,726	BAL OF OHIO	5,142,024
KENT CNTY CSRT	1,056,720	WISCONSIN	7,644,781
WYOMING CSRT	521,223	OUTAGAMIE CITY	14,441
GENESSEE/FLINT CSRT	985,327	ROCK CITY	237,407
LANSTING CSRT	693,775	MILWAUKEE CITY	1,740,893
JACKSON CSRT	556,429	MADISON-DANE CSRT	428,893
MACOMB CNTY	730,235	WOW CSRT	364,401
WARREN CITY	146,031	WINNEPOND CSRT	204,482
BAL OF MICHIGAN	3,599,181	TRICO CETA	521,223
MINNESOTA	6,407,561	MARATHON CITY	193,571
DULUTH	267,597	BAL OF WISCONSIN	3,410,408
DAKOTA CITY	97,561	REGION VI	52,526,303
URR MINNESOTA CSRT	1,701,116	ARKANSAS	5,704,404
ST PAUL CITY	676,140		
RAMSEY CNTY	101,746		
REGION III CSRT	531,937		
BAL OF MINNESOTA	3,137,450		
OHIO	22,030,364		
CINCINNATI	1,024,070		

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CENT. ARK CSRT	1,007,937	EL PASO CTY/CNTY	971,047
TEXARKANA CSRT	129,711	FT. WORTH CSRT	876,575
BALANCE OF ARK	4,566,656	TARRANT COUNTY	98,771
		CALIFORNIA CNTY	498,804
LOUISIANA	11,160,487	HOUSTON	2,879,226
RAPIDES PARISH	357,590	HARRIS COUNTY	492,664
BATON ROUGE	756,231	CENTRAL TEXAS CSRT	308,806
LAFAYETTE PARISH	257,464	UTAH	979,177
CALCASIEU/JEFF CRT	549,189	ALABAMA	3,449,240
CHACHITA PARISH	377,567	REGION TX CSRT	643,489
NEW ORLEANS CITY	2,004,895	N. TEXAS PLAN CSRT	566,442
JEFFERSON PARISH	728,020	WEEK COUNTY	749,705
SHREVEPORT	300,397	TEXARKANA CSRT	181,476
BAL OF LOUISIANA	5,508,281	BRAXFORD CSRT	915,116
		BALANCE OF TEXAS	7,301,894
NEW MEXICO	2,744,756	REGION UT	23,447,926
ALBUQUERQUE CSRT	746,136		
BAL OF NEW MEXICO	1,959,620	IOWA	4,322,108
OKLAHOMA	6,208,276	CENT. IOWA BALG	640,818
COMANCHE CITY	192,106	LINCOLN CNTY CSRT	125,545
OKLAHOMA CITY CSRT	400,439	BLACKHAWK COUNTY	159,461
TULSA CSRT	952,602	WOODBURY COUNTY	193,971
BAL OF OKLAHOMA	846,292	SCOTT COUNTY	183,261
		BALANCE OF IOWA	3,019,052
TEXAS	26,708,589	KANSAS	4,017,469
PANHANDLE MA CSRT	633,677	KANSAS CITY CSRT	465,293
CAPITAL AREA CSRT	890,606	TOPEKA CSRT	330,227
SE TEX COMP MA CRT	601,200	JOHNSON CNTY CSRT	148,751
CAMERON COUNTY	636,060	WICHITA CITY	625,945
COASTAL BEND CSRT	1,175,134		
DALLAS CITY	1,495,246		
DALLAS CITY	343,913		

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BAL OF KANSAS	2,447,253	BALANCE S.D.	1,232,254
MISSOURI	11,833,446	WYOMING	660,455
KANSAS CITY CSRT	2,009,330	BALANCE OF WYOMING	660,455
INDEPENDENCE	190,401	UTAH	2,657,289
JEFFERSON CSRT	314,162	UTAH STATEWIDE CRT	2,657,289
SPRINGFIELD	211,822	REGION TX	61,767,400
ST. LOUIS CITY	3,744,519	ARIZONA	5,256,863
ST. LOUIS COUNTY	1,700,545	BUENAY/MASTCOPA	2,044,331
BAL JACKSON CNTY	198,136	TUCSON-UTMA COUNTY	669,262
ST. CHARLES CNTY	185,641	BALANCE OF ARIZONA	1,373,270
BAL OF MISSOURI	4,038,090	CALIFORNIA	52,768,554
NEBRASKA	3,274,903	SAN JOSE	121,074
OMAHA CSRT	1,295,019	SAN JOSE	523,604
LINCOLN CITY	284,577	REDFIELD	130,001
BAL OF NEBRASKA	1,690,407	LONG BEACH	1,012,697
REGION VIII	11,939,357	OAKLAND	9,051,206
COLORADO	4,347,697	PASADENA	2,024,560
ARAPAHOE COUNTY	80,686	SAN JOSE	487,904
JEFFERSON COUNTY	129,711	TORRANCE	2,764,390
COL. SPRINGS CSRT	370,697	BUTTE COUNTY	127,331
LARIMER CNTY	174,336	CENTRA COSTA CNTY	179,691
DENVER CTY/CNTY	1,401,081	FERNA COUNTY	774,696
ADAMS CNTY	323,682	LOS ANGELES COUNTY	925,232
BOULDER CNTY	232,607	MARTIN COUNTY	304,047
BUFALO CNTY	271,917	MONTFRED COUNTY	411,743
WELD CNTY	210,432	SAN LOUIS COUNTY	661,050
BAL OF COLORADO	1,054,306	SAN MATEO COUNTY	283,817
MONTANA	1,669,582	SANTA BARBARA CNTY	756,846
BAL OF MONTANA	1,669,582	SANTA CRUZ COUNTY	622,970
NORTH DAKOTA	1,372,080	SOLANO COUNTY	346,888
BALANCE OF N.D.	1,372,080	SOMOMA COUNTY	402,223
SOUTH DAKOTA	1,232,254	STANISLAUS COUNTY	574,939
		VENTURA COUNTY	603,334
		SAN DIEGO CNTY	710,435
			3,497,435

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ORANGE CNTY MANP	1,842,728	CLACKAMAS COUNTY	399,298
INLAND MANP ASSOC	2,321,707	MULTNOMAH/WASH CRT	533,124
FRESNO CTY/CNTY	1,550,581	LAKE COUNTY	568,024
TULARE/KINGS CNTY	959,147	M-WILM VAL MPR CRT	540,060
SACRAMENTO/YOLO	2,034,319	JACKSON CNTY CSRT	411,743
SICKTUSAN JOAQUIN	1,151,334	BALANCE OF OREGON	2,028,965
SANTA CLARA VALLEY	1,910,559		
REGION X	1,527,952	WASHINGTON	10,345,340
RICHMOND	301,667	KING SIO CSRT	4,923,065
IMPERIAL COUNTY	332,607	TACOMA CITY	762,796
HUMBOLT CNTY	305,832	PIERCE CTY	552,759
BAL OF CALIFORNIA	3,063,082	SPOKANE CSRT	501,319
HAWAII	2,203,301	CLARK COUNTY	170,171
HAWAII ST/CNTY CRT	2,203,301	KITSAP COUNTY	139,231
NEVADA	1,538,682	YAKIMA COUNTY	502,779
LAS VEGAS CSRT	808,342	BALANCE OF WASH	2,713,220
WASHOE COUNTY	401,033	FORMULA TOTAL	518,657,514
BALANCE OF NEVADA	249,307	INDIAN ORGS.	8,004,940
REGION X	19,855,295	VIRGIN ISLANDS	276,432
ALASKA	1,669,582	AMERICAN SAMOA	39,770
ANCHORAGE BOROUGH	293,337	GUAM	488,972
BALANCE OF ALASKA	1,376,245	PACIFIC ISLANDS	72,368
IDAHO	2,099,770		
IDAHO STATEWIDE	2,099,770	GRAND TOTAL	528,420,000
OREGON	5,740,603		
PORTLAND CITY	1,257,839		

Signed at Washington, D.C., this 21st  
day of May, 1976.

ALBERT J. ANGEBRANDT,  
Administrator,  
Administration and Management.

[FR Doc. 76-15812 Filed 5-27-76; 8:45 am]

FEDERAL REGISTER, VOL. 41, NO. 105—FRIDAY, MAY 28, 1976

# federal register

FRIDAY, MAY 28, 1976



PART IV:

## DEPARTMENT OF LABOR

Employment Standards  
Administration

Minimum Wages for Federal  
and Federally Assisted  
Construction

General Wage Determination Decisions

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## DEPARTMENT OF LABOR

**Employment Standards Administration**  
**MINIMUM WAGES FOR FEDERAL AND**  
**FEDERALLY ASSISTED CONSTRUCTION**  
**General Wage Determination Decisions**

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes en-

gaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

**MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS**

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal stat-

utes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

**NEW GENERAL WAGE DETERMINATION DECISIONS**

Illinois: IL76-2067, IL76-2068.

**MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS**

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska: AK76-5011 Jan. 30, 1976.  
 Arkansas: AR76-5041 May 7, 1976.  
 California: CA75-6148; CA75-5149 Dec. 12, 1975.  
 Colorado: CO76-5034 Apr. 16, 1976.  
 Indiana: IN76-2005 Jan. 23, 1976.  
 IN76-2066; IN76-2057 Apr. 16, 1976.  
 IN76-2133 Dec. 19, 1975.  
 Kentucky: AQ-4122 June 7, 1974.  
 Louisiana: AR76-5041 May 7, 1976.  
 Maryland: MD76-3140 Feb. 20, 1976.  
 MD76-3160 Apr. 9, 1976.  
 MD76-3164 Apr. 30, 1976.  
 Massachusetts: MA75-2110 Sept. 12, 1975.  
 MA75-2117 Oct. 31, 1975.  
 MA75-2118 Oct. 24, 1975.  
 MA75-2119; MA75-2121; Nov. 7, 1975.  
 MA75-2122; MA75-2123.  
 MA75-2124; MA75-2125; Nov. 14, 1975.  
 MA75-2126; MA75-2128.  
 MA75-2130 Nov. 21, 1976.

Mississippi: AR76-5041 May 7, 1976.  
 Montana: MT76-5035 Apr. 9, 1976.  
 Nevada: NV76-5005 Jan. 16, 1976.  
 New Mexico: NM75-4137 Aug. 1, 1975.  
 North Carolina: NC76-1019 Jan. 30, 1976.  
 North Dakota: ND76-5037 Apr. 16, 1976.  
 Tennessee: AR76-5041 May 7, 1976.  
 Utah: UT76-5017 Feb. 13, 1976.  
 Wyoming: WY76-5018 Feb. 20, 1976.

**SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS**

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the number of the decision being superseded.

Florida: FL76-1022 (FL76-1069) Feb. 6, 1976.  
 Nebraska: NE76-4069 (NE76-4093) Mar. 28, 1976.  
 New Mexico: NM75-4204 (NM76-4094) Dec. 19, 1975.  
 North Carolina: AR-4063 (NC76-1068) Dec. 6, 1974.  
 Ohio: AR-3037 (OH76-2065) Aug. 23, 1974.  
 AR-3038 (OH76-2066) Aug. 24, 1974.

Pennsylvania: PA75-3082, PA75-3083, PA75-3084, PA75-3087 Aug. 22, 1975.  
 (PA76-3172).  
 PA76-3150 (PA76-3172) Mar. 19, 1976.  
 PA76-3170 (PA76-3172) May 14, 1976.  
 South Carolina: SC75-1021 (SC76-1067) Feb. 21, 1975.  
 Wyoming: WY76-5018 (WY76-5049) Feb. 20, 1976.

**CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS**

General Wage Determination Decision No. AM-1846, City of Baltimore, Baltimore, Cecil, Harford and Howard Counties, Maryland, is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR) Section 1.5. Contracts for which bids have been opened shall not be affected by this notice and consistent with 29 (CFR 1.7(b)(2)), the incorporation of Decision No. AM-1846 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 21st day of May 1976.

RAY J. DOLAN,  
 Assistant Administrator,  
 Wage and Hour Division.



## NOTICES

STATE: Illinois  
 COUNTY: McLean  
 DECISION NUMBER: IL76-2067  
 DATE: Date of Publication  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO. IL76-2067

DATE: 10/1/76 (FEDERAL REGISTER)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.96	.66	.72		.12
BOILERMAKERS	10.15	.65	.85		.03
BRICKLAYERS:					
Bricklayers, Stonemasons, Marble	9.45	.45	.30		.05
Tile-Terrazzo Workers					.05
CARPENTERS:					.24
Carpenters & Soft Floor Layers	9.36	.40	.40		.02
Millwrights & Piledrivers	9.86	.40	.40		.02
CEMENT MASONS	10.63	.40	1 1/4 .30		
ELECTRICIANS	9.65	.40	.32	4 1/2 .60	
ELEVATOR CONSTRUCTORS:					
Constructors	9.59	.495	.32	4 1/2 .60	
Hailers	7 1/2 JR	.495	.32	4 1/2 .60	
Hailers (Prob.)	50 1/2 JR	.45	.30		
GLAZIERS	9.985	.45	.60		.08
IRONWORKERS:					
Eastern Part of County	9.55	.40	.475		.035
Western Part of County	10.775	.40	.42		.035
LABORERS:					.01
Unskilled	8.60	.40	.42		.06
Semi-Skilled	8.80	.40	.42		.01
Skilled	9.00	.40	.42		.01
LATERS	9.37	.40	.40		.01
LEADWORKERS	9.25	.35			.06
PAINTERS:					.01
Brush	8.30	.45			.15
Structural Steel & Spray	10.25	.45	.95		
PLASTERERS	9.80				.05
PLUMBERS & STEAMFITTERS					.08
ROOFERS:					
Composition-Slate-Tile & Asbestos	8.85		.15		
Damp & Waterproof	9.32	.50	.55		
SHEET METAL WORKERS	11.40	.60	.90		
SPRINKLER FITTERS					
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

FEDERAL REGISTER, VOL. 41, NO. 105—FRIDAY, MAY 28, 1976

## NOTICES

DECISION NO. IL76-2067

## POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barbed wire or similar loaders, vibro tamper (all similar types), self-propelled winch or boom truck, mechanical bull floats, mixer over 3 bags to 27 1/2 tractor pulling power blade or elevating grader, porter rex rail, clay spreader, pugmill (without pump) screed man on laydown machine, firemen and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, tractor without attachments, curb machines, truck crane rollers, and truck type hopper rollers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreader, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig rollers

DECISION NO. IL76-2067

ILL-6-PEO-1

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Group 1	\$9.67	.45	.55		.05
Group 2	9.47	.45	.55		.05
Group 3	9.095	.45	.55		.05
Group 4	8.82	.45	.55		.05
Group 5	8.21	.45	.55		.05

## POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, \$1.01 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types, over 15' on lifting capacity (require oiler), mechanics, central concrete mixing plant operator, road pavers (375-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovel skimmer scoops, Koehring scoopers, draglines, backhoe, hopper-crane-type that require oilers, derrick boats, pile drivers and skid rig, clamshells, locomotive cranes, dredge (all types), motor patrol, power blades, dumpore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, caisson rigs (require oilers) dozer, tundra-dozer, work boats, rosa carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze crete-screw-type pumps and gypsum bulker and pump, dinkies, power launches, tournepulls (all), multiple unit, earth movers, \$1.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one pass soil-cement machine (all similar types), wheel tractors (industrial or farm type w/dozer-hoe-loader or other attachments), pugmill with pump backfillers, asphalt surfacing machine, euclid loader, forklifts, tunnel less finishing machine, Jeeps w/ditching machine, or other attachments, tumbler, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), gurties and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking machine, hydro boom, starting engineer on pipeline, C.M.I. and similar types (require oiler) straw blower, hydro seeder and F.W.D. and similar types

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ILL-82-10-1-2-3

DECISION NO IL76-2067

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocelon	
GROUP I	\$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

## TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greaser & tireman, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatcher.

## FOOTNOTES

a. Per week Per Employee

FEDERAL REGISTER, VOL. 41, NO. 105—FRIDAY, MAY 28, 1976

## NEW DECISION

STATE: Illinois  
 DECISION NUMBER: IL76-2068  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Fulton, Hancock, McDonough & Schuyler  
 DATE: Date of Publication

ASBESTOS WORKERS: Fulton & Schuyler Counties Hancock & McDonough Counties ROOFERS: BRICKLAYERS: SCHUYLER COUNTY Bricklayers, Stonemasons, Plasterers, Marble-Tile- Tessazo Workers, Cement Blocklayers, Pointers-Caulkers- Cleaners Marble & Tile Setters' Helpers Fulton County Bricklayers, Stonemasons, Cement Blocklayers, Cleaners- Pointers & Caulkers Marble-Tile-Tessazo Workers Marble & Tile Setters' Helpers Hancock & McDonough Counties Bricklayers, Stonemasons, Cement Block Layers, Marble- Tile & Tessazo Workers MARBLE & TILE SETTERS' HELPERS CARPENTERS: Schuyler County Carpenters & Soft Floor Layers Millwrights Pile-drivers Fulton County Carpenters & Soft Floor Layers Millwrights & Pile-drivers McDonough Co. & Eastern 1/3 of Hancock Co. Carpenters & Soft Floor Layers Millwrights & Pile-drivers Remainder of Hancock County Carpenters & Soft Floor Layers Millwrights & Pile-drivers	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocelon	
	\$11.28	.45	.62		.10
	9.75	.50	.50		.03
	10.15	.65	.85		
	8.55	.35	.52		.02
	7.85				
	9.52	.45	.55		.10
	9.30	.45	.55		.07
	8.60	.45			
	9.90	.45			
	8.60				
	8.10	.45	.25		.02
	8.35	.45	.25		.02
	8.60	.45	.25		.02
	10.21	.40	.40		.05
	10.71	.40	.40		.05
	10.025	.40	.40		.05
	10.52	.40	.40		.05
	9.45	.45	.40		.02
	10.13	.45	.40		.02

DECISION NO. IL76-2068

CEMENT MASONS & PLASTERERS: Hancock, McDonough & Schuyler Counties Cement Masons Hancock & McDonough Counties Plasterers Fulton County Cement Masons Plasterers ELECTRICIANS: Hancock & Schuyler Co., Typs. of Lamoine, Bethel, Industry & Eldorado in McDonough County Typs. of Cass, Deerfield, Ellisville, Harris, Lee, Union, Young & Hickory in Fulton Co., & the Northern 2/3 of McDonough County Remainder of Fulton County IRONWORKERS: Hancock & McDonough Co., the Western 1/2 of Schuyler County Eastern 1/2 of Schuyler Co., & the Southern Tip of Fulton Co., Incl. Marletown, Astoria & Sumner LABORERS: Hancock & McDonough Counties Unskilled Semi-Skilled Skilled Schuyler County Unskilled Semi-Skilled Skilled Fulton County Projects Under \$300,000 Unskilled Semi-Skilled Skilled	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocelon	
	\$9.85				
	9.70				
	10.00	.45	.50		.05
	9.40	.45	.50		.01
	9.60	.40	1%		.2%
	9.35	.40	1%-.30		.25%
	9.87	.40	1%-.40		1%
	10.35	.40	.30		
	9.50	.55	.70		.05
	8.60	.40	.42		.035
	8.80	.40	.42		.035
	9.00	.40	.42		.035
	7.24	.30	.30		.035
	7.44	.30	.30		.035
	7.59	.30	.30		.035
	8.65	.40	.40		.035
	8.85	.40	.40		.035
	9.05	.40	.40		.035

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## NOTICES

ILL-5-PEO-1-2-3

DECISION NO. 1176-2068

POWER EQUIPMENT OPERATORS: CLASS I - SCHUYLER COUNTY	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	App. Tr.
CLASS I	\$ 9.75	.30	.40	.05
CLASS II	8.75	.30	.40	.05
CLASS III	8.15	.30	.40	.05

## POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed men, Ascco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, atchey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, clam shell, C.H.E. & similar type autograde foamless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth auger boring machines, leveling graders, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motor graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plant), orange peels, over-tor cranes, paving mixers, piledrivers, pipe carriers or similar machines, push dozers, or push cats, rock crushers, rock carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot roller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lifts or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelbuckers, wheel type end loaders, winch cat, scoops, all or turnapull.

CLASS II - Asphalt distributors, asphalt distributors, asphalt plant fireman, roller on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propelled, concrete saws, self propelled, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines seafscors hoist.

CLASS III - Air compressor\*, air compressors, track or self-propelled asphalt plant engineers, bulk cement batching plants, conveyors\*, concrete mixers (except plant, paver, tower) firemen, generators\*, greasers, helper on single paving mixer, light plants\*, mechanic helpers, mechanical heaters\*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps\*, welding machines (one 300 amp. or over\*)\* welding machines\*

\*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

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## NOTICES

DECISION NO. 1176-2068

## POWER EQUIPMENT OPERATORS (Cont'd)

Group 3: Tractor (track type) without power unit pulling rollers, rollers on asphalt, brick or macadam, concrete breakers, concrete spreaders, mule pulling rollers, center stripper, cement finishing machines, barber greene or similar loaders, vibro tamper (all similar types), self-propelled, winch or boom truck, mechanical bull floats, mixer over 3 bags to 27E, tractor pulling power blade or elevating grader, porter rex rail, clary screed, pugmill (without pump) screed man on laydown machine, fireman and spray machine on paving

Group 4: Air compressor, all air and steam valves, power subgrader, oil distributor, straight tractor, trac-air without attachments, curb machines, truck crane oilers, and truck type hopper oilers

Group 5: Herman Nelson heater, Dravo, Warner, Silent glo, and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser on spreader, roller, 5 tons and under on earth or gravel, form grader, pump 1 or 2, generator (1) or (2), welding machine (1) or (2) - 300 amp. or over, mixer (3) bag and under (standard capacity), bulk cement plant, crawler crane and skid rig oilers

DECISION NO. 1176-2068

## LABORERS (CONT'D)

Protects in Excess of \$300,000  
Unskilled  
Semi-Skilled  
Skilled

## PAINTERS:

Fullon County

Brush

Structural Steel &amp; Spray

Remainder of Counties

Brush

STRUCTURAL STEEL &amp; SPRAY

Fullon &amp; McDonough Counties

Hancock &amp; Schuyler Counties

ROOFERS:

Schuyler County

Composition

Slate-Tile &amp; Precast Slab

Fullon Co. &amp; Eastern h of

McDonough Co., excluding

Hancock

Slate-Tile-Composition-Damp &amp;

Waterproof

Hancock Co. &amp; Western h of

McDonough Co. including Hancock

Slate-Tile-Damp &amp; Waterproof

SHEET METAL WORKERS:

Fullon &amp; McDonough Counties

Hancock County

Schuyler County

SPRINKLER FITTERS

Welders - Receive Rate Prescribed

For Craft Performing Operation

To Which Welding is Incidental.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or App. Tr.
\$9.05	.40	.40		.035
9.25	.40	.40		.035
9.45	.40	.40		.035
9.65	.45	.30		.03
10.15	.45	.30		.03
8.70				
9.20			.38	
9.48	.35	.35		.05
9.60	.35	.50		.03
10.63				
11.08				
9.55	.40	.35		.025
7.85				
9.25	.45	.40		.10
8.70	.45	.40		.10
9.69	.35	.25		.05
11.40	.60	.90		.08

DECISION NO. 1176-2068

## ILL-6-PEO-1

DECISION NO. 1176-2068

POWER EQUIPMENT OPERATORS  
REMAINDER OF COUNTIES

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$9.67	.45	.55		.05
9.47	.45	.55		.05
9.095	.45	.55		.05
8.82	.45	.55		.05
8.21	.45	.55		.05

## POWER EQUIPMENT OPERATORS:

Group 1: Cranes, escalated rate on crane, derricks, booms, \$0.1 per hour, per foot, after 80 feet or boom including jib, overhead cranes, gradall, cherry pickers (and similar types), over 15 ton lifting capacity (require oiler), mechanics, central concrete mixing plant operators, road pavers (27E-dual drum-tri batchers), blacktop plant operators and plant engineers, 3 drum hoist, derricks, hydro cranes, shovels skimmer scoops, koehring scoopers, draglines, backhoe, hopper-crane-type that require oilers, derrick boats, pile drivers and skid rigs, clamshells, locomotive cranes, dredge (all types), motor petrol, power blades dunnore-elevating and similar types tower cranes (crawler mobile) and stationary, crane-type backfiller, drott yumbo and similar types considered as cranes, calason rigs (require oilers) dozer, tourna-doser, work boats, roas carrier and helicopter

Group 2: Trench machine, pumpcrete-belt crete-squeeze crete-scray-type pumps and gypsum bulker and pump, dinkies, power launches, tournepulls (all), multiple unit, earth movers, \$0.25 per hour for each scoop over one, scoops (all sizes), push cats, endloaders (all types), side boom, P-H one, near sol-cement machine (all similar types), wheel tractors (industrial or farm type v/doser-hoe-end-loader or other attachments), pugmill with pump backfiller, asphalt surfacing machine, euclid loader, forklifts, formless finishing machine, jeeps w/ditching machine, or other attachments, tune-luger, rock crushers, automatic cement and gravel batching plants, mobile drills (soil testing and similar types), (require oiler), slaberty spreader or (similar types (require oiler), heavy equipment greaser (top-greaser on spread), guries and similar type), 1 and 2 drum hoists (buck hoists and similar types freight and passenger elevators Chicago boom, boring machine and pipe jacking, machine, hydro boom, starting engineer on pipeline, C.H.I. and similar types (require oiler) straw blower, hydro seeder and P.N.D. and similar types

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ILL-82-10-1-2-3

DECISION NO. 1176-2068

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP I	\$ 9.60	.55	a14.00			
GROUP II	10.00	.55	a14.00			
GROUP III	10.20	.55	a14.00			

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, gen to & tiresen, pick-up trucks when hauling materials, tools, or gen to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 ton; A-frame winch trucks, hydro lifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatcher.

FOOTNOTES

a. Per week Per Employee

MODIFICATIONS P. 1

DECISION #AK76-5011 - Mod. #3 (41 FR 4743 - January 30, 1976) Statewide, Alaska	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Laborers Workers Elevator Constructors Elevator Constructors' Helpers Constructors' Electricians (Prob.) Nailers Sprinkler Fitters	\$15.06 15.715 707JR 507JR 14.82	.44 .495 .495 .60	.97 .32 .32 .90	37+ 37+ 37+ 37+		.10 .02 .02 .08
DECISION NO. AET6-5041 - Mod. #1 (41 FR 19017 - May 7, 1976) Arkansas, Louisiana, Mississippi and Tennessee ADD: Carpenters	\$4.50					

MODIFICATIONS P. 2

DECISION #AK75-5148 - Mod. #4 (40 FR 58016 - December 12, 1975) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California	Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
			Pensions	Vacation		
Change: Electricians: Orange County Electricians Cable Splicers Plasterers: San Luis Obispo County Plaster Tenders, Kern County (China Lake Naval Ordnance Test Station, & Edwards AFB) Kern County (Remainder of County) Imperial, Inyo, Mono, Riverside, and San Bernardino Counties Soft Floor Layers: Imperial County Sheet Metal Workers: Orange County	11.50 12.03 11.00 1.175 8.55 10.33 9.39 11.02	.45 .45 1.65 .85 .85 .85 .55 .99	1.65 1.65 1.65 1.65 1.65 1.65 1.00 1.80	.50 .50 .45 .50 .45 .50 .07 .02		.02 .02



DECISION #C076-5034 - Mod. #2  
(41 FR 10353 - April 16, 1976)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #C075-5149 - Mod. #3 (40 FR 58026-December 12, 1975) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change: Electricians: Orange County Electricians Cable Splicers Plasterers: San Luis Obispo County Plaster Tenders: Kern County (China Lake Naval Ordnance Test Station & Edwards AFB) Kern County (Remainder of County) Imperial, Riverside and San Bernardino Counties Soft Floor Layers: Imperial County Sheet Metal Workers: Orange County	11.50 12.03 11.00 11.175 8.55 10.33 9.39 11.02	.45 .45 1 1/4 1.35 1 1/4 1.35 .85 .85 .85 .55 .99		1.65 1.65 1.65 1.00 1.80	.02 .02      .07 .02

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
Change: LABORERS Group 1 Group 2 Group 3 Group 4 Group 5 LABORERS (Tunnels) Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 (Shafts, Raises, Missile Silos and All Underground Work other than Tunnels) Group 1 Group 2 Group 3 Group 4 Group 5 Group 6	*Zone I \$6.20 6.30 6.60 6.75 6.95 6.20 7.10 7.20 7.28 7.35 7.50 7.20 7.35 7.45 7.63 7.73 7.78	*Zone II \$6.70 6.80 7.10 7.25 7.45 6.70 7.60 7.70 7.78 7.85 8.00 7.70 7.85 7.95 8.13 8.23 8.28	.47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47 .47	.52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52 .52	.05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05 .05

## NOTICES

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## NOTICES

DECISION NO. C076-5034 (Cont'd)

DECISION NO. C076-5034 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 (For work in Tunnels, Shafts, and Raises)	*Zone I \$7.15 7.50 7.85 8.00 8.15 8.30 7.30 7.65 7.75 8.00 8.15 8.55	*Zone II \$7.90 8.25 8.60 8.75 8.90 9.05 8.05 8.40 8.25 8.75 8.90 9.30	.40 .40 .40 .40 .40 .40 .40 .40 .40 .40 .40 .40	.69 .69 .69 .69 .69 .69 .69 .69 .69 .69 .69 .69	.30 .30 .30 .30 .30 .30 .30 .30 .30 .30 .30 .30

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
TRUCK DRIVERS					
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	*Zone I \$7.15	*Zone II \$7.65	.45	.30	.30
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Ware-housemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and Grease	7.45	7.95	.45	.30	.30
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30

FEDERAL REGISTER, VOL. 41, NO. 105—FRIDAY, MAY 28, 1976

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## MODIFICATIONS P. 8

## DECISION #C076-5034 (Cont'd)

## MODIFICATIONS P. 7

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy Low Boy, Floats, semi Cab operated Distributor Truck Drivers, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Jumbo Dumpers; Type Youngbuggy, Jumbo and similar type equipment	\$7.60	.45	.30	.30		\$7.60	.45	.30	.30		
TRUCK DRIVER, Snow Plow	7.70	.45	.30	.30		7.70	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	.45	.30	.30		7.75	.45	.30	.30		
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	.45	.30	.30		7.85	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	.45	.30	.30		8.00	.45	.30	.30		
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tiresman	8.05	.45	.30	.30		8.05	.45	.30	.30		
MECHANIC	8.15	.45	.30	.30		8.15	.45	.30	.30		
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	.45	.30	.30		8.25	.45	.30	.30		
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	.45	.30	.30		8.35	.45	.30	.30		
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.45	.45	.30	.30		8.45	.45	.30	.30		
DUMP TRUCKS, over 104 cu. yds.	8.65	.45	.30	.30		8.65	.45	.30	.30		

DECISION NO. IN76-2003 - Mod. #2  
(41 FR 3602 - January 23, 1976)  
Marion County, Indiana

Change:  
Electricians, not exceed 2 1/2 stories above ground

DECISION NO. IN76-2036 - Mod. #3  
(41 FR 16376 - April 16, 1976)  
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana

Change:  
Cement masons:  
Vigo County  
Electricians:  
Grant County  
Glassers:  
Vanderburgh County  
Painters:  
Delaware County:  
Brush; Taping  
Sawblasters; Spray  
Sawblasters; Water towers  
Vigo County:  
Brush; Drywall finishing;  
Papathangers; & Rollers  
Spray  
Structural steel to 30'  
Structural steel 30' to 100'  
Structural steel over 100'  
Plasterers:  
Vigo County  
Plumbers; Steamfitters:  
Vigo County

## MODIFICATIONS P. 9

## DECISION NO. IN76-2056 (Cont'd)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Change: Truck drivers: Benton & Tippecanoe Counties: Single axle; Straight trucks; Warehousemen Helpers; Greasers; Tiresmen Tandem axle; Straight trucks & Doglegs Bituminous distributors Semi-trucks; Mechanics; & Tri-axle Marion County: Up to & incl. 3 tons & Helpers Over 3 tons; Semi-trailers; Tandem (double bottom); Winch trucks when used with winch Truck mechanics Footnotes: k. \$17.00 per week per employee l. \$14.00 per week per employee n. \$20.00 per week per employee o. \$22.00 per week per employee Power equipment operators: Monroe & Vigo Counties: Group I Group II Group III Group IV Truck drivers: Bartholomew, Dearborn, Delaware, Grant, & Monroe Cos.: Group 1 Group 2 Group 3 Group 4 Group 5 Group 6 Group 7 Group 8 Group 9 Group 10 Group 11	6.75 6.70 6.85 6.90 7.05 7.865 8.015 7.94	k k k k k n n n	1 1 1 1 1 o o o	m m m m m p p p		6.75 6.70 6.85 6.90 7.05 7.865 8.015 7.94	k k k k k n n n	1 1 1 1 1 o o o	m m m m m p p p		

DECISION NO. IN76-2057 - Mod. #2  
(41 FR 16383 - April 16, 1976)  
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

Change:  
Painters:  
LaPorte County (Excluding Michigan City); St. Joseph Co.:  
Brush; Drywall tapers & finish; Paperhangers; Spray & Vinyl  
Truck Drivers (Heavy & Highway Construction):  
LaPorte County  
Class 1  
Class 2  
Class 3  
Class 4  
Class 5  
Class 6  
Class 7  
Class 8  
Class 9  
Truck Drivers (Heavy & Highway Construction):  
St. Joseph County  
Group A  
Group B  
Group C  
Group D  
Group E  
Group F  
Group G  
Group H  
Group I  
Group J  
Group K  
Group L



NOTICES

DECISION NO. IN75-2133 - Mod. #4 (40 FR 59155 - December 19, 1975) Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties; Indiana		Fringe Benefits Payments					Fringe Benefits Payments			
Change:	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.	Basic Rate	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cement masons: Davies, Gibson, Knox, Martin, & Pike Cos., Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, & Washington Cos. Clay, Owen (extreme western part of Co.), Parke, Putnam, Vermillion, & Vigo Cos.	\$8.90  9.00  9.55	.60   .60	.50   .25			\$10.05 9.95 9.75 7.50	.40 .40 .40 .40	.50 .50 .50 .50		.07 .07 .07 .07
Painters: Blackford, Carroll, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipcon Wells (to the south city limits of Bluffton), & White Cos.: Brush Spray Elkhart, Kosciusko, Marshall Pulaski, & Starke Cos.: Brush; Drywall taping & finish; Paperhangers; Spray; & Vinyl Sullivan, & Vigo Cos.: Brush Spray Structural steel up to 30' Structural steel 30' to 100' Structural steel over 100' Truck drivers: Group A Group 8 Group C Group D Group E Group F Group G Group H Group I Group J Group K Group L	8.00 8.75  8.29  8.50 9.50 8.75 9.50 10.50  8.38 8.33 8.28 8.23 8.18 8.13 8.08 8.03 7.98 7.93 7.88 7.78		.50 .50  .20  <							

Change:  
Power Equipment Operators  
(Sewer & Water Construction)  
Boone, Clay, Davless, Fountain,  
Greene, Hendricks, Knox,  
Monroe, Montgomery, Morgan,  
Owen, Parke, Putnam,  
Sullivan, Vermillion, Vigo,  
& Warren Cos.:  
Group I  
Group II  
Group III  
Group IV

Basic  
Hourly  
Rates  
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Education  
and/or  
Appr. Tr.

Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
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Rates  
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Education  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

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Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
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DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
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Change:  
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Steuben, Wells, & Whitley  
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Steuben, Wells, & Whitley  
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Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

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Adams, Allen, Blackford,  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

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Education  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
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Vacation  
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Education  
and/or  
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Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
Hourly  
Rates  
\$10.05  
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Education  
and/or  
Appr. Tr.

Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
Hourly  
Rates  
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Education  
and/or  
Appr. Tr.

Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
Hourly  
Rates  
\$10.05  
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Education  
and/or  
Appr. Tr.

Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
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Rates  
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Education  
and/or  
Appr. Tr.

Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
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Rates  
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Education  
and/or  
Appr. Tr.

Change:  
Power Equipment Operators  
(Tunnel & Sewer Construction)  
Adams, Allen, Blackford,  
DeKalb, Huntington, Jay,  
Steuben, Wells, & Whitley  
Cos.

Basic  
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H & W  
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Appr.



Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA75-2110- Mod #2 (40 FR 42496- September 12, 1975) Franklin County, Massachusetts									
Change: Elevator constructors Sprinkler fitters Power equipment operators: Building, Heavy, and Highway: Class I Class II Class III Class IV Class V Class VI Class VII	\$9.71 11.38 \$9.45 9.25 9.05 8.68 8.00 7.55 6.82	.445 .60 .85 .75 .75 .75 .75 .75 .85	3%+a a a a a a a a a	.02 .08 .05 .05 .05 .05 .05 .05 .05		\$9.71 11.38 \$9.45 9.25 9.05 8.68 8.00 7.55 6.82	.445 .60 .85 .75 .75 .75 .75 .75 .85	3%+a a a a a a a a a	.02 .08 .05 .05 .05 .05 .05 .05 .05
DECISION NO. MA75-2117- Mod #2 (40 FR 50906- October 31, 1975) Barnstable County, Massachusetts									
Change: Asbestos workers: Remainder of county Roofers: Roofers, kettlemen, and waterproofers Roofers' helpers, Class A Sprinkler fitters Power equipment operators: Building, Heavy, and Highway: Class I Including jib (Heavy & Highway) Over 150 feet: + \$.45 Over 185 feet: + .80 Over 210 feet: + 1.15 Over 250 feet: + 1.75 Over 295 feet: + 2.50 Class II Class III Class IV Class V Class VI	\$10.26 9.20 8.50 11.38 10.61 10.49 8.86 9.67 7.84 8.32	.80 .50 .50 .60 1.10 1.10 1.10 1.10 1.10 1.10	.80 .05 .05 .90 a a a a a a	.01 .08 .02 a a a a a a		\$10.26 9.20 8.50 11.38 10.61 10.49 8.86 9.67 7.84 8.32	.80 .50 .50 .60 1.10 1.10 1.10 1.10 1.10 1.10	.80 .05 .05 .90 a a a a a a	.01 .08 .02 a a a a a a

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA75-2119- Mod #2 (40 FR 52264- November 7, 1975) Bristol County, Massachusetts									
Change: Carpenters; soft floor layers: Remainder of county: All work over \$14 million, including residential Electricians: Easton: Residential Remainder of county Residential Glaziers: Easton Ironworkers: Easton, Mans- field, and N. Easton Painters: Remainder of county: Steel Brush; taper Spray; sandblasting Roofers and kettlemen: Remainder of county Helpers, Class "A" Sheet metal workers: Acushnet, Acushnet, Dartmouth Dighton, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Rehoboth, See- konk, Somerset, Swansea, & Westport Sprinkler fitters Power equipment operators: Building, Heavy, and Highway: Class I Hourly premium for boom lengths including jib (Heavy & Highway) Over 150 feet: + \$.45 Over 185 feet: + .80 Over 210 feet: + 1.15 Over 250 feet: + 1.75 Over 295 feet: + 2.50 Class II Class III Class IV Class V Class VI	\$9.30 6.60 10.40 7.40 9.90 9.99 11.58 9.46 10.46 8.50 9.48 11.38 10.61 10.49 8.86 9.67 7.84 8.32	.50 .50 .55 .50 .52 1.00 .72 .72 .50 1.00 .95 .60 1.10 1.10 1.10 1.10 1.10	.65 5% 1% 1% 1% 1.50 .85 .85 .85 .05 .45 .90 a a a a a a	.02 .05 .02 .02 .03 .06 .04 .04 .03 .05 .08 a a a a a a		\$9.30 6.60 10.40 7.40 9.90 9.99 11.58 9.46 10.46 8.50 9.48 11.38 10.61 10.49 8.86 9.67 7.84 8.32	.50 .50 .55 .50 .52 1.00 .72 .72 .50 1.00 .95 .60 1.10 1.10 1.10 1.10 1.10	.65 5% 1% 1% 1% 1.50 .85 .85 .85 .05 .45 .90 a a a a a a	.02 .05 .02 .02 .03 .06 .04 .04 .03 .05 .08 a a a a a a

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## NOTICES

DECISION NO. MA75-2126- Mod #2 40 FR 53198- November 16, 1975 Worcester County, Massachusetts	Fringe Benefits Payments				Basic Hourly Rates	Education and/or App. Tr.
	H & W	Pensions	Vacation	Education and/or App. Tr.		
<u>Change:</u> Carpenters and soft floor layers: Abington, Bridgewater, Brockton, Hingham, E. Bridgewater, Haverhill, Hanson, Kingston, Plymouth, Plymouth, W. Bridgewater, Whitman, Lakeville, Middleboro, Marion, Mattapoisett, Roch- ester, and Wareham; All work over \$14 million including residential Work from \$1 million - \$15 million From \$500,000 - 1 million From \$200,000 - 500,000 Residential up to 4 stories and commercial up to \$200,000	.50	.65			99.30	.02
Electricians	.55	.65			8.83	.02
Residential	.55	.65			8.37	.02
Residential	.50	.65			7.44	.02
Roofers	.50	.65			6.97	.02
Glaziers- Remainder of County	.50	.65			6.00	.02
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, Wareham, Hingham, Wareham and Kettleman Helpers- Class "A"	.55	.65			10.40	.12
Sheet metal workers- Marion, Mattapoisett, Rochester, and Wareham	.55	.65			7.40	.12
Sprinkler fitters	.50	.59			6.60	.05
Hourly premium for boom lengths including jib (Heavy & Highway)	.52				9.80	.03
Over 150 feet: + .45 Over 185 feet: + .80 Over 210 feet: + 1.15 Over 250 feet: + 1.75 Over 295 feet: + 2.50					10.40	.12
Class I					8.86	.02
Class II					9.67	.02
Class III					7.84	.02
Class IV					8.32	.02
Class V					10.49	.02
Class VI					8.86	.02
Class VII					9.67	.02
For areas off: Sturbridge, Brookfield, W. & G. Brookfield, Oakham, Templeton, Win- chendon, Fitchburg, Phillippsburg, Athol, Petersham, Hardwick, New Bedford, W. Brookfield, and Warren:					8.32	.02
Power equipment operators: Building, Heavy, and Highway:					10.49	.02
Class I					8.86	.02
Class II					9.67	.02
Class III					7.84	.02
Class IV					8.32	.02
Class V					10.49	.02
Class VI					8.86	.02
Class VII					9.67	.02
Hourly premium for boom lengths including jib (Heavy & Highway)					8.32	.02
Over 150 feet: + .45 Over 185 feet: + .80 Over 210 feet: + 1.15 Over 250 feet: + 1.75 Over 295 feet: + 2.50					10.49	.02
Class I					8.86	.02
Class II					9.67	.02
Class III					7.84	.02
Class IV					8.32	.02
Class V					10.49	.02
Class VI					8.86	.02
Class VII					9.67	.02

## NOTICES

DECISION NO. 7475-2130- Mod #2 (40 FR 54408- November 21, 1975) Suffolk County, Massachusetts	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education end/or Appr. Tr.	
Change: Glaziers					
Ironworkers- ornamental, re- inforcing, structural					
Power equipment operators Building, Heavy					
Class I					
Hourly premium for boom length including jib (Heavy & Highway)					
Over 150 feet: + \$ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 230 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	1.10	.80		.02	10.49
Class III	1.10	.80		.02	8.86
Class IV	1.10	.80		.02	9.87
Class V	1.10	.80		.02	7.87
Class VI	1.10	.80		.02	8.32
Change: Glaziers	.52	.59		.03	\$9.80
Ironworkers- ornamental, re- inforcing, structural	1.00	1.50		.06	9.99
Power equipment operators Building, Heavy	1.10	.80		.02	10.61
Class I					
Hourly premium for boom length including jib (Heavy & Highway)					
Over 150 feet: + \$ .45					
Over 185 feet: + .80					
Over 210 feet: + 1.15					
Over 230 feet: + 1.75					
Over 295 feet: + 2.50					
Class II	1.10	.80		.02	10.49
Class III	1.10	.80		.02	8.86
Class IV	1.10	.80		.02	9.87
Class V	1.10	.80		.02	7.87
Class VI	1.10	.80		.02	8.32



DECISION NO. NV76-5005 - Mod. #4 (41 IN 2601 - January 16, 1976 Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada	Fringe Benefits Payments				Basic Hourly Rates	DECISION NO. NV75-5137 - Mod. #2 (41 IN 2601 - January 16, 1976 Statewide, New Mexico	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education end/or Appr. Tr.			H & W	Pensions	Vacation	Education end/or Appr. Tr.	
Change: Laborers: Group 1	.36	.95	1.00		\$7.23	LINE CONSTRUCTION (BERNALILLO CO.)	.40	1%		\$9.30	
Group 2	.36	.95	1.00		7.28	Cable applicers	.40	1%		8.45	
Group 3	.36	.95	1.00		7.31	Linemen	.40	1%		8.55	
Group 4	.36	.95	1.00		7.33	Technicians	.40	1%		8.55	
Group 5	.36	.95	1.00		7.35	Equipment Operators	.40	1%		8.53	
Group 6	.36	.95	1.00		7.36	Equipment Mechanics	.40	1%		7.53	
Group 7	.36	.95	1.00		7.38	Powdermen	.40	1%		7.53	
Group 8	.36	.95	1.00		7.41	Groundmen and Jackhammers Oper.	.40	1%		4.53	
Group 9	.36	.95	1.00		7.42	1st 6 months	.40	1%		5.16	
Group 10	.36	.95	1.00		7.44	2nd 6 months	.40	1%		6.01	
Group 11	.36	.95	1.00		7.49	Experienced					
Group 12	.36	.95	1.00		7.52	LINE CONSTRUCTION (Statewide					
Group 13	.36	.95	1.00		7.54	except Bernalillo County)	.40	1%		10.16	
Group 14	.36	.95	1.00		7.57	Cable applicers	.40	1%		9.47	
Group 15	.36	.95	1.00		7.59	Linemen	.40	1%		9.47	
Group 16	.36	.95	1.00		7.55	Technician	.40	1%		9.00	
Group 17	.36	.95	1.00		7.68	Equipment operators	.40	1%		8.23	
Group 18	.36	.95	1.00		7.75	Equipment mechanics	.40	1%		8.23	
Power Equipment Operators:						Powdermen	.40	1%			
Group 7-c	.75	1.75	.30		7.67	Groundmen & Jackhammer operators	.40	1%		4.96	
Add:						1st 6 months	.40	1%		5.64	
Brick Tenders	.36	1.25	1.00		7.77	2nd 6 months	.40	1%		6.61	
						Experienced	.40	1%			

DECISION #	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Decision # NC76-1019 - Mod. # 1 (41 FR-1796 - January 30, 1976) Carteret, Craven, Jones, Lenior, Onalow, & Pamlico Counties, North Carolina.						
Change: Electricians	4.56					
Laborers	2.71					
Sprinkler fitters	6.50					
Truck drivers	2.71					
Omit: Laborers: Air tool operator	2.60					
DECISION #ND76-5017 - Mod. #1 (41 FR 16416 - April 16, 1976) Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota						
Change: Carpenters: Burleigh and Morton Counties	\$8.50					
Carpenters	8.625					
Piledrivers						
Sprinkler Fitters: (except Walsh County)	8.75	.50	.80		.08	

DECISION #	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
DECISION #UT76-5017 - Mod. #4 (41 FR 7043 - February 13, 1976) Statewide, Utah						
Change: Electricians: North section of Utah (Box Elder, Cache, Davis (North of the 41st Parallel), Morgan and Rich and Weber Counties) Zone 1: Cache-Davis (North of the 41st Parallel) - Weber Counties: Electricians Cable Splicers Zone 2: Box Elder (East of 112.50 Longitude) - Morgan Counties: Electricians Cable Splicers Zone 3: Box Elder (west of 112.50 Longitude) - Rich Counties: Electricians Cable Splicers	\$10.00 10.25  17+.50 17+.50  10.50 10.75  12.00 12.25	.45 .45  .45 .45  .45 .45	17+.50 17+.50  17+.50 17+.50  17+.50 17+.50		8/10% 8/10%  8/10% 8/10%  8/10% 8/10%	
In the above areas on any job or project not exceeding \$35,000 electrical, labor and material including, Zone 1 rates shall apply. Plasterers Sheet Metal Workers	8.86 9.83	.50 .50	.60 .54		.01 .06+-.02	











DECISION NO.: NM76-4093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	\$8.86	.35	12		1/2
Cable Splicers	9.26	.35	12		1/2
Truck Driver	6.42	.35	12		1/2
Equipment Operators	8.33	.35	12		1/2
Groundmen:					
(Inexperienced) 1st 6 months	3.01	.35	12		1/2
(Inexperienced) 2nd 6 months	4.40	.35	12		1/2
Thawer	5.81	.35	12		1/2
POWER EQUIPMENT OPERATORS:					
Group 1	7.51	.50	.40		
Group 2	7.61	.50	.40		
Group 3	7.86	.50	.40		
Group 4	8.25	.50	.40		
Group 5	8.85	.50	.40		
Group 6	9.10	.50	.40		

## POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group 1: Oilers; Greasers; Mechanics helpers  
 Group 2: Oilier drivers (motor truck crane)  
 Group 3: Conveyors; Haulers; Tractors, 35 HP or under; Air Compressors; Pump and welding machine operator  
 Group 4: Bulldozers; Forklifts; Concrete Pumps; Tractors over 35 HP; one drum hoists; Saddle Trucks; Spread Oiler  
 Group 5: Blades; End Loaders; self propelled scrapers  
 Group 6: Two drum hoists; Trenching Machines; Pile drivers; Dredges; Heavy duty machines; Shovels; Draglines; Cramhells; Orange Peels; Cranes; Derricks; Backhoes; Winch Trucks and side booms or cat booms; Locomotives; Tractors used on high pressure boilers in construction work; Economobiles; Electric hammers and extractors

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## SUPERSEDED DECISION

STATE: New Mexico  
 DECISION NO.: NM76-4094  
 Superseded Decision No. NM75-4204 dated December 19, 1975 in 40 FR 59167  
 DESCRIPTION OF WORK: Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, San Juan and Bernalillo Counties but not on the Navajo Indian Reservation)

COUNTY: Statewide

DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	\$9.86	.50	.97a		.03
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.50	.35	.30		.02
BOILERMAKERS	10.85	.65	1.00		.02
BRICKLAYERS-Stonemasons:					
Zone I-A	8.36	.48	.40		.02
Zone I-B	8.86	.48	.40		.02
Zone I-C	9.36	.48	.40		.02
Zone II	8.66	.48	.40		.02
Zone III	9.16	.48	.40		.02
Zone IV	7.34	.48	.40		.02
Zone V	7.345	.48	.40		.02
Zone VI	7.89	.48	.40		.02
Zone VII	8.015	.48	.40		.02

## BRICKLAYERS' ZONE DEFINITIONS

ZONE I - Union, Harding, Santa Fe, Valencia, Torrance, Taos, Scurro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:

Zone I-A - 0 to 25 road miles  
 Zone I-B - 25 to 50 road miles  
 Zone I-C - Over 50 road miles

ZONE II - Chavez, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy, and Otero Counties

ZONE III - Lincoln County

ZONE IV - Dona Ana County

ZONE V - Luna County

ZONE VI - Grant County Communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE VII - Grant County, except communities listed in Zone VI.

DECISION NO. NM76-4094

Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or App. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height:	\$7.50	.80	.80	.60	.20
Zone I-A	8.50	.80	.80	.60	.20
Zone I-B	9.25	.80	.80	.60	.20
Zone I-C					
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):	8.50	.80	.80	.60	.02
Zone 2-A	9.50	.80	.80	.60	.02
Zone 2-B	10.25	.80	.80	.60	.02
Zone 2-C					

## CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEMENT) - From nearest basing points of the following cities of towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucuman:

ZONE I - Dwelling houses & apartments not to exceed two stories in height:

Zone I-A - 0 to 15 road miles from nearest basing point  
 Zone I-B - 15 to 35 road miles from nearest basing point  
 Zone I-C - Over 35 road miles from nearest basing point

ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):

Zone 2-A - 0 to 15 road miles from nearest basing point  
 Zone 2-B - 15 to 35 road miles from nearest basing point  
 Zone 2-C - Over 35 road miles from nearest basing point

## MILLWRIGHTS &amp; PILEDRIVERS:

Zone 1	9.00	.80	.80	.60	.20
Zone 2	10.00	.80	.80	.60	.20
Zone 3	10.75	.80	.80	.60	.20

## MILLWRIGHTS &amp; PILEDRIVERS' ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERS (STATEMENT)

From nearest basing points of the following cities or towns: Albuquerque City Limits, Santa Fe City Limits, the Main Post Office at Las Cruces and Carlsbad.

Zone 1 - 0 to 15 road miles from nearest basing point  
 Zone 2 - 15 to 35 road miles from nearest basing point  
 Zone 3 - Over 35 road miles from nearest basing point











GENERAL BUILDING AND HEAVY  
ENGINEERING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pension	Vacation	
\$7.22	.35	.20		.05
7.72	.35	.20		.05
7.47	.35	.20		.05
7.80	.35	.20		.05
7.55	.35	.20		.05
6.25	.35	.20		.01
6.50	.35	.20		.01
6.90	.35	.20		.01
6.75	.35	.20		.01
6.75	.35	.20		.01
7.25	.35	.20		.01
7.25	.35	.20		.01
8.25	.35	.20		.01
6.96	.30			.02
7.38	.30			.02
7.105	.30			.02
7.38	.30			.02
7.81	.30			.02
	.30			.02
	.30			.02
	.30			.02
	.30			.02
	.30			.02
5.95	.35			
6.45	.35			
6.20	.35			
6.90	.35			
7.40	.35			
7.15	.35			

## PAINTERS' ZONE I

Zone 1-A

Zone 1-B

Zone 1-C

Zone 1-D

Zone 1-E

Zone 1-F

Zone 1-G

Zone 1-H

Zone 1-I

Zone 1-J

Zone 1-K

Zone 1-L

Zone 1-M

Zone 1-N

Zone 1-O

Zone 1-P

Zone 1-Q

Zone 1-R

Zone 1-S

Zone 1-T

Zone 1-U

Zone 1-V

Zone 1-W

Zone 1-X

Zone 1-Y

Zone 1-Z

Zone 1-AA

Zone 1-AB

Zone 1-AC

Zone 1-AD

Zone 1-AE

Zone 1-AF

Zone 1-AG

Zone 1-AH

Zone 1-AI

Zone 1-AJ

Zone 1-AK

Zone 1-AL

Zone 1-AM

Zone 1-AN

Zone 1-AO

Zone 1-AP

Zone 1-AQ

Zone 1-AR

Zone 1-AS

Zone 1-AT

Zone 1-AU

Zone 1-AV

Zone 1-AW

Zone 1-AX

Zone 1-AY

Zone 1-AZ

Zone 1-BA

Zone 1-BB

Zone 1-BC

Zone 1-BD

Zone 1-BE

Zone 1-BF

Zone 1-BG

Zone 1-BH

Zone 1-BI

Zone 1-BJ

Zone 1-BK

Zone 1-BL

Zone 1-BM

Zone 1-BN

Zone 1-BO

Zone 1-BP

Zone 1-BQ

Zone 1-BR

Zone 1-BS

Zone 1-BT

Zone 1-BU

Zone 1-BV

Zone 1-BW

Zone 1-BX

Zone 1-BY

Zone 1-BZ

Zone 1-CA

Zone 1-CB

Zone 1-CC

Zone 1-CD

Zone 1-CE

Zone 1-CF

Zone 1-CG

Zone 1-CH

Zone 1-CI

Zone 1-CJ

Zone 1-CK

Zone 1-CL

Zone 1-CM

Zone 1-CN

Zone 1-CO

Zone 1-CP

Zone 1-CQ

Zone 1-CR

Zone 1-CS

Zone 1-CT

Zone 1-CU

Zone 1-CV

Zone 1-CW

Zone 1-CX

Zone 1-CY

Zone 1-CZ

Zone 1-DA

Zone 1-DB

Zone 1-DC

Zone 1-DD

Zone 1-DE

Zone 1-DF

Zone 1-DG

Zone 1-DH

Zone 1-DI

Zone 1-DJ

Zone 1-DK

Zone 1-DL

Zone 1-DM

Zone 1-DN

Zone 1-DO

Zone 1-DP

Zone 1-DQ

Zone 1-DR

Zone 1-DS

Zone 1-DT

Zone 1-DU

Zone 1-DV

Zone 1-DW

Zone 1-DX

Zone 1-DY

Zone 1-DZ

Zone 1-EA

Zone 1-EB

Zone 1-EC

Zone 1-ED

Zone 1-EE

Zone 1-EF

Zone 1-EG

Zone 1-EH

Zone 1-EI

Zone 1-EJ

Zone 1-EK

Zone 1-EL

Zone 1-EM

Zone 1-EN

Zone 1-EO

Zone 1-EP

Zone 1-EQ

Zone 1-ER

Zone 1-ES

Zone 1-ET

Zone 1-EU

Zone 1-EV

Zone 1-EW

Zone 1-EX

Zone 1-EY

Zone 1-EZ

Zone 1-FA

Zone 1-FB

Zone 1-FC

Zone 1-FD

Zone 1-FE

Zone 1-FF

Zone 1-FG

Zone 1-FH

Zone 1-FI

Zone 1-FJ

Zone 1-FK

Zone 1-FL

Zone 1-FM

Zone 1-FN

Zone 1-FO

Zone 1-FP

Zone 1-FQ

Zone 1-FR

Zone 1-FS

Zone 1-FT

Zone 1-FU

Zone 1-FV

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Zone 1-FX

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Zone 1-GB

Zone 1-GC

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Zone 1-GG

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Zone 1-GI

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Zone 1-GK

Zone 1-GL

Zone 1-GM

Zone 1-GN

Zone 1-GO

Zone 1-GP

Zone 1-GQ

Zone 1-GR

Zone 1-GS

Zone 1-GT

Zone 1-GU

Zone 1-GV

Zone 1-GW

Zone 1-GX

Zone 1-GY

Zone 1-GZ

Zone 1-HA

Zone 1-HB

Zone 1-HC

Zone 1-HD

Zone 1-HE

Zone 1-HF

Zone 1-HG

Zone 1-HH

Zone 1-HI

Zone 1-HJ

Zone 1-HK

Zone 1-HL

Zone 1-HM

Zone 1-HN

Zone 1-HO

Zone 1-HP

Zone 1-HQ

Zone 1-HR

Zone 1-HS

Zone 1-HT

Zone 1-HU

Zone 1-HV

Zone 1-HW

Zone 1-HX

Zone 1-HY

Zone 1-HZ

Zone 1-IA

Zone 1-IB

Zone 1-IC

Zone 1-ID

Zone 1-IE

Zone 1-IF

Zone 1-IG

Zone 1-IH

Zone 1-II

Zone 1-IJ

Zone 1-IK

Zone 1-IL

Zone 1-IM

Zone 1-IN

Zone 1-IO

Zone 1-IP

Zone 1-IQ

Zone 1-IR

Zone 1-IS

Zone 1-IT

Zone 1-IU

Zone 1-IV

Zone 1-IW

Zone 1-IX

Zone 1-IY

Zone 1-IZ

Zone 1-JA

Zone 1-JB

Zone 1-JC

Zone 1-JD

Zone 1-JE

Zone 1-JF

Zone 1-JG

Zone 1-JH

Zone 1-JI

Zone 1-JJ

Zone 1-JK

Zone 1-JL

Zone 1-JM

Zone 1-JN

Zone 1-JO

Zone 1-JP

Zone 1-JQ

Zone 1-JR

Zone 1-JS

Zone 1-JT

Zone 1-JU

Zone 1-JV

Zone 1-JW

Zone 1-JX

Zone 1-JY

Zone 1-JZ

Zone 1-KA

Zone 1-KB

Zone 1-KC

Zone 1-KD

Zone 1-KE

Zone 1-KF

Zone 1-KG

Zone 1-KH

Zone 1-KI

Zone 1-KJ

Zone 1-KK

Zone 1-KL

Zone 1-KM

Zone 1-KN

Zone 1-KO



HEAVY ENGINEERING CONSTRUCTION

POWER EQUIPMENT OPERATORS

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck, Screenshot Scale Operator such as (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver - single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment - Refrigeration, Slusher, Jumbo form, Trenching Machines (all types), Pumpcrete and Gunite Machines, slipform Paver, Mechanical Bulfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheelled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers - equipped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver - double drum, Cat Cranes, Hydrats, Side and Swingboom Cuts, Hoist - 2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader - Finisher, Mechanic - Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel Type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemobile (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMT" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Hole), Pipe Mobile

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hydrats, Side and Swingboom Cuts, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemobile, (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMT" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Hole), Pipe Mobile

Group 10: Shaft and Tunnel Work

RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck, Screenshot Scale Operator such as (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver-single drum, Drilling Equipment, Motor Graders (Rough) Shaft and Tunnel Equipment-Refrigeration, Slusher, Jumbo form, Trenching Machines (all types), Pumpcrete and Gunite Machines, Slipform Paver, Mechanical Bulfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheelled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers-equipped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hydrats, Side and Swingboom Cuts, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemobile, (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMT" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Hole), Pipe Mobile

Group 10: Shaft and Tunnel Work

Basic Hourly Rate	Fringe Benefits Payments			Education App. Tr.
	H & W	Pensions	Vacation	

ROOFERS (Dona Ana & Otero Cos.)

Roofers (Statewide, except Dona Ana & Otero Counties)

Sheet Metal Workers:

Zone 1

Zone 2

Zone 3

Zone 4

Sheet Metal Workers' Zone Definitions

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.

Zone 2 - Dona Ana, Bldy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.

Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges

Zone 4 - Los Alamos County

Soft Floor Layers:

Zone 1

Zone 2

Soft Floor Layers' Zone Definitions

Zone 1 - Dona Ana, Luna and Otero Counties

Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	

SOUND INSTALLERS:

Zone I - Bernalillo County

Zone II - Valencia, Sandoval, Santa Fe, Torrance and Socorro, Counties

Zone III - Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.

Soundman:

Zone I

Zone II

Zone III

Technicians:

Zone I

Zone II

Zone III

Sound Installers:

Zone I

Zone II

Zone III

SPRINKLER FITTERS

Truck Drivers (General Building and Residential Construction - Dwelling houses and apartments over two stories in height)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9



CLASSIFICATION DEFINITIONS

DECISION NO. N176-4094

TRUCK DRIVERS:

Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding

Walper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bob-

tail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder

Helper; Forklift, under 3 ton

Group 3: Dump Truck (including all highway and off-highway) 8 up to 16 C.Y.W.L.C.;

Water, Fuel or Oil Trucks less than 3,000 gallons; Flatbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Young Buggy

or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor

Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-trailer Driver (flatbed or van single

axle); Forklift 5 ton and over M.K.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3,000 to 6,000

gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under

6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to

22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flatbed Truck

type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame

Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C.

Head Field Equipment Serviceman

Group 8: Euclid Diesel powered Turnrockers; Terra Cobra; DW 10; LeTourneau

Pulls and similar diesel powered equipment when used to haul materials and assigned

to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal.

and over (including tank wagon drivers); Semi-trailer Driver (flatbed or van tan-

dema); Light equipment mechanic; Dump Trucks (including all highway and off-high-

way) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double gooseneck); Heavy equipment mechanics;

Welder (body and fender man)

TRANSFERS CLASSIFICATION not listed, shall be paid a rate comparable to classification

listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is

incidental.

FOOTNOTES:

a. Includes \$0.07 contribution to the Occupational Health Fund.

b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.

c. Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day;

F-Christmas Day.

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NOTICES

NOTICES

DECISION NO. N176-4094

TRUCK DRIVERS (Cont'd)  
(RESIDENTIAL CONSTRUCTION - Dwelling

houses and apartments not to ex-

ceed two stories in height)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

TRUCK DRIVERS

(HEAVY ENGINEERING CONSTRUCTION)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.10	.48	.45		
5.22	.48	.45		
5.30	.48	.45		
5.42	.48	.45		
5.47	.48	.45		
5.57	.48	.45		
5.67	.48	.45		
5.81	.48	.45		
5.96	.48	.45		
5.60	.49	.40		
5.72	.48	.40		
5.80	.48	.40		
5.92	.48	.40		
5.97	.48	.40		
6.07	.48	.40		
6.17	.48	.40		
6.31	.48	.40		
6.46	.48	.40		

SUPERSEALS DECISION

STATE: North Carolina

DECISION NUMBER: N176-1068

Supersedeas Decision No. 1 AR-1063 dated December 6, 1974 in 39 FR-12803

DESCRIPTION OF WORK: Building Construction (excluding single family homes

and garden type apartments up to and including 4 stories).

COUNTY: Wilkes

DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
3.92				
5.02				
3.57				
3.35				
3.54				
2.50				
2.50				
3.30				
4.50				
3.91				
3.11				
2.90				
4.11				
3.35				
3.25				
Welders - rate for craft.				
POWER EQUIPMENT OPERATORS:				
Front end loader				
Tractor operator				

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## SUPERSEDES DECISION

STATE: Ohio  
 DECISION NUMBER: OH76-2065  
 SUPERSEDES DECISION NO. AR-3037, dated August 23, 1974 in 39 FR 30782  
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$10.67	.37	.60	1.00	.01					
BOILERMAKERS	9.25	.60	.80		.02					
BRICKLAYERS AND STONEMASONS	10.05	.55	.75		.01					.04
CARPENTERS AND PILEDRIVMEN	9.60	.60	1.00		.05					.03
Millwrights	9.69	.60	.72							
CEMENT MASONS: Building	9.28	.50	.50		.07					
ELECTRICIANS: Communication										
installer and lineman within										
11 mi. radius from 3rd and										
Main Streets, Dayton	10.53	.45	14+.85		.54					.12
ELECTRICIANS: Communications										
installer and lineman beyond										
11 mi. radius of 3rd & Main										
Sts, Dayton	10.76	.45	14+.85		.54					.05
ELEVATOR CONSTRUCTORS	10.635	.495	.32	44+45b	.02					.08
ELEVATOR CONSTRUCTORS' HELPERS	7.44	.495	.32	44+45b	.02					
ELEVATOR CONSTRUCTORS' HELPERS										
(PROB.)	5.32		.50		.01					
GLAZIERS	9.48		.90		.02					
IRONWORKERS, ALL	9.96	.65	.90		.02					
Within 15 mile of Dayton	10.11	.65	.90		.02					
Beyond 15 mile of Dayton										
LABORERS:	7.94	.55	.40		.05					
Unskilled	8.09	.55	.40		.05					
All machine Tools and Swing	8.57	.55	.40		.05					
scaffold over 15 ft.										
Tenders to bricklayers										
Lathers	8.61	.55	.40		.05					
Sewerpipe layer (non-metallic)										
and Bottom man	8.14	.55	.40		.05					
Torchmen on wrecking	8.24	.55	.40		.05					
Gunite operator	8.44	.55	.40		.05					
LAYERS	10.29	.55	.20		.01					
MARBLE SETTERS	9.11	.55	.10		.02					
PAINTERS	10.55	.40	.40		.02					
Brush & Rollers	10.95	.40	.40		.02					
Structural steel & swing stage	11.05	.40	.40		.02					
Spray and Sandblasting	10.80	.40	.40		.02					
Peperhanging										
PLASTERERS	10.45									

PLUMBERS AND STEAMFITTERS:  
 Townships of Miami, Cedarville,  
 Ross, Jefferson, Caesar Creek  
 & New Jasper in Greene County  
 Remainder of Greene County and  
 all of Montgomery County  
 ROOFERS: Composition, damp &  
 waterproof  
 ROOFERS: Slate, tile and Asbes-  
 tos  
 SHEET METAL WORKERS  
 SOFT FLOOR LAYERS - Resilient  
 Floor Layer  
 SPRINKLER FITTERS  
 TERNANZO WORKERS  
 TILE SETTERS  
 Welders - receive rate pre-  
 scribed for craft performing  
 operation to which welding is  
 incidental.

PAID HOLIDAYS: (WHERE APPLICABLE)  
 A-New Year's Day; B-Memorial Day;  
 Day; F-Christmas Day.

FOOTNOTES:  
 a. Six paid holidays; A through F.  
 b. Employer contributes 4% of regular hourly rate to vacation pay credit for  
 employee who has worked in business for more than 5 years, and 2% for employee  
 who has worked in business less than 5 years.

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DECISION NO. OH76-2065

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	\$10.46	.46	.80		.11
GROUP B	10.30	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on  
 caisson work for foundations and sub-structure work, boiler or compressor  
 operator mounted on crane (piggyback operation), boom trucks (all types),  
 cableways, cherry pickers, combination concrete mixer and tower, concrete  
 pumps, cranes (all types), derricks (all types), draglines, dredge (dipper,  
 clam or suction) 3 man crew, elevating grader or euclid loader, floating  
 equipment, gradalls, helicopter operator and helicopter winch operator when  
 hoisting builders materials, hoos (all types) hoisting engines (two or more  
 drums), lift slab or panel jack operator, locomotives (all types), station-  
 ance engineer (mechanic or welder), mixer paving (multiple drum), mobile  
 concrete pumps with boom, panelboard (all types on site), pile driver, power  
 shovels, side booms, slip form pavers, straddle carriers (building construction  
 on side), hammerhead tower cranes, trench machines (over 24" wide), tug boat.  
 GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohman  
 type loaders (dirt loading), lead greaseman, mucking machines, power grader,  
 power scoops, power scrapers, push cat  
 GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers,  
 fork lifts, hoist (one drum), house elevators, man lift, power boilers (over  
 15 lbs. pressure), pump operators installing well points or other type of  
 dewatering system, pumps (4" and over discharge), submersible pumps (4" and  
 over discharge), trenchers 24" and under  
 GROUP D - Compactors on building construction, conveyors (building material),  
 generators, gunnite machines, mixers (capacity more than one bag), mixers  
 (one bag capacity, side loader), post driver, post hole digger, pavement  
 breaker (hydraulic or cable), road widening trencher, rollers, welder operator  
 GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines,  
 bull floats, burlap and curing machines, clefplanes, concrete spreading mach.,  
 crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attach-  
 ments, finishing machines, form trenchers, high pressure pumps over 4" disch-  
 arge, hydro seeders, self propelled power spreader, self propelled sub-grader,  
 tire repairman, tractors pulling sheep's foot roller or grader, vibratory  
 compactors (with integral power)  
 GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch,  
 light plant operator, power driven heaters (oil fired), power boilers (less  
 than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4"  
 discharge

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## NOTICES

## SUPERSEDES DECISION

STATE: Ohio  
 COUNTY: Hamilton & Clermont  
 DATE: Date of Publication  
 DECISION NO. OH76-2066  
 SUPERSEDES DECISION NO. AN-3038, dated August 24, 1974 in 39 FR 30784.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO. OH76-2066

PAID HOLIDAYS: (Where Applicable)  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

## FOOTNOTES:

- a. Six paid holidays: A through F.  
 b. Employer contributes 4% of regular hourly rate to vacation pay credit for employees who has worked in business more than 5 years 2% for less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.76	.60	.85		.02
BOILERMAKERS	9.25	.60	.80	1.00	.02
BRICKLAYERS AND STONEMASONS	10.895	.45	.35		.01
CARPENTERS	10.55	.45	.35		.025
Millwrights	10.44	.40	.85		.10
Piledriverman	10.55	.45	.35		.025
CEMENT MASONS	10.395	.45	.60		.12
ELECTRICIANS:					
Zone I up to 18 mi.	10.80	.60	14+.30		.54
Zone II 18 mi. to 21 mi.	11.10	.60	14+.30		.54
Zone III 21 mi. to 25 mi.	11.20	.60	14+.30		.54
Zone IV over 25 mi.	11.35	.60	14+.30		.54
ELEVATOR CONSTRUCTORS	10.635	.495	.32	44+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.44	.495	.32	44+4b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.32				.005
GLAZIERS	10.10		.35		.03
IRONWORKERS: Structural and ornamental	10.545	.65	.70		.02
Reinforcing	9.895	.65	1.30		.05
LABORERS, (Demolition)					
Wrecking laborers	8.77	.55	.40		.05
Jackhammer man, burner & wall					
LATHERS	8.92	.55	.40		.05
MARBLE SETTERS	11.145		.25		.025
MARBLE SETTERS HELPERS	10.395	.45	.35		
PAINTERS: Commercial Brush	10.05		.25		
Industrial Brush	10.20		.25		
Commercial Spray	10.55		.25		
Industrial Spray	10.70		.25		
LINEMEN	10.80	.60	14+.30		.54
PIPEFITTERS	10.80	.70	.975		.06
PLASTERERS	10.995		.45		.01
PLUMBERS AND GAS FITTERS	10.92	.65	.90		.05
ROOFERS	10.745	.40	.85		.01
SHEET METAL WORKERS	10.585	.40	.70		.02
RESILIENT FLOOR LAYERS	8.95	.45	.55		.05
SPRINKLER FITTERS	12.05	.60	.30		.08
TERRAZZO WORKERS	10.335	.45	.35		
TERRAZZO HELPERS & GRINDERS	9.185				
TILE SETTERS	10.335	.45	.35		
TILE SETTERS HELPERS	9.135				

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## NOTICES

DECISION NO. OH76-2066

## POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	\$10.46	.46	.80		.11
GROUP B	10.05	.46	.80		.11
GROUP C	9.94	.46	.80		.11
GROUP D	9.16	.46	.80		.11
GROUP E	8.83	.46	.80		.11
GROUP F	7.73	.46	.80		.11

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crane (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction), 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter and helicopter winch operator when hoisting buildings materials, hoers (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum) mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader power scoops, power scrapers, push cat

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under

GROUP D - Compressors on building construction, conveyors (Building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishing machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven hosters (oil fire), powered boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge

DECISION NO. OH76-2066

## LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 9.05	.55	.40		.05
GROUP 2	9.15	.55	.40		.05
GROUP 3	9.20	.55	.40		.05
GROUP 4	9.25	.55	.40		.05
GROUP 5	9.40	.55	.40		.05
GROUP 6	9.55	.55	.40		.05
GROUP 7	9.80	.55	.40		.05

GROUP 1 - Common laborers, cement masons helpers, hand operated mechanical mule, mechanical sweeper, signal man.  
 GROUP 2 - Bottom man, pipelayer.  
 GROUP 3 - Burning torch operator, jackhammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man.  
 GROUP 4 - Plasterer's tender, mason tender, stone mason tender, bottom jackhammer man.  
 GROUP 5 - Plaster mixer pump operator  
 GROUP 6 - Tunnel laborer  
 GROUP 7 - Gunnite nozzle operator

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COURTIES: Bucks, Chester, Delaware, Montgomery & Philadelphia

DECISION NO.: PA76-3172  
Supersedes Decision Nos.: PA75-3082, dated August 22, 1975, in 40 FR 36972; PA75-3093, dated August 22, 1975, in 40 FR 36980; PA75-1084, dated August 22, 1975, in 40 FR 36987; PA75-1087, dated August 22, 1975, in 40 FR 36991; PA76-1176, dated March 19, 1976, in 41 FR 1176; PA76-1176, dated May 14, 1976, in 41 FR 20143.  
DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocelon		
ASBESTOS WORKERS	\$ 11.17	.60	.60			.06
ZONE 1	9.85	.50				
ZONE 2						

AREA COVERED BY ASBESTOS WORKERS

- ZONE 1 - Chester, Delaware, Montgomery, Philadelphia, and Remainder of Bucks County
- ZONE 2 - Bridgeton, Durham, Lower Makefield, Middletown Falls, Morristown, New Hope, Newton, Nockmixon, Plumstead, Riegelsville, Solebury, Tullytown, Tinticum, Upper Makefield and Yardley Townships in Bucks County
- |             |       |     |      |  |  |     |
|-------------|-------|-----|------|--|--|-----|
| BOILERMAKER | 11.05 | .65 | 1.00 |  |  | .01 |
| BRICKLAYERS | 10.75 | .95 | .78  |  |  | .01 |
| ZONE 1      | 10.96 | .62 | 1.00 |  |  | .01 |
| ZONE 2      | 11.21 | .67 | .60  |  |  | .01 |
| ZONE 3      |       |     |      |  |  |     |
- AREA COVERED BY BRICKLAYERS ZONES
- ZONE 1 - Bucks, Chester, Philadelphia Counties, Radnor and Havertown Township in Delaware County, Lower Merion, Abington, Upper Moreland and Cheltenham Townships in Montgomery County
- ZONE 2 - Remainder of Delaware County
- ZONE 3 - Remainder of Montgomery County
- |            |      |      |      |  |  |     |
|------------|------|------|------|--|--|-----|
| CARPENTERS | 9.77 | 1.88 | 1.30 |  |  | .12 |
|------------|------|------|------|--|--|-----|

NOTICES

	DECISION NO.	PA76-3172	Fringe Benefits Payments				Education and/or Appr. Tr.
			Basic Hourly Rates	H & W	Pensions	Vocelon	
CEMENT MASONS			\$10.00	1.19	1.25		
ZONE 1			8.70	.58	.42		
ZONE 2			9.69		.50		
ZONE 3							

AREA COVERED BY CEMENT MASONS ZONES

- ZONE 1 - Bucks, Delaware and Philadelphia Counties, Remainder of Chester County and Remainder of Montgomery County
- ZONE 2 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County
- ZONE 3 - Pottstown and Pottstown Townships in Montgomery County
- DRYWALL FINISHERS
- ELECTRICIANS:
- Up to and including three stories
- Four story garden type apart-ments
- |        |       |        |          |  |  |           |
|--------|-------|--------|----------|--|--|-----------|
| ZONE 1 | 12.22 | .61    | 18+.49   |  |  | .24       |
| ZONE 2 | 10.35 | .30    | 18+.104  |  |  | .02       |
| ZONE 3 | 9.99  | .53    | 18       |  |  | .03       |
| ZONE 4 | 10.37 | 9 9/16 | 18+.78   |  |  | 1/4 of 18 |
| ZONE 5 | 11.71 | 4.48   | 18+.38   |  |  | 1/4 of 18 |
| ZONE 6 | 11.55 | 4.48   | 18+.2.68 |  |  | 1.58      |
| ZONE 7 | 12.15 | 58     | 18+.40   |  |  | .10       |

DECISION NO. PA76-3172

AREA COVERED BY ELECTRICIANS ZONES

- ZONE 1 - Delaware & Philadelphia Counties, Springfield, Glenside, Jonkingtown Townships in Montgomery County, starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad Bridge to Route 09113, north to Route 152, north along Route 152 to the Humeville Road, east on Humeville Road to Route 344, north on Route 344 to the Junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on Route 09028 to Route 152, north on Route 152 to TR 113, north on TR 113 to TR 232 at Anchor Inn, North-east on TR 232 and continue northeast along Route 659 to Route 09060, west on Route 09060 to Route 402, north on Route 402 to the Borough line at the southwest corner of the Delaware River and proceeding southwest along the Plumstead-Solebury and the Plumstead-Buckingham Township lines to Route 09064, northwest along the U.S. Highway 611, south on 611 to the spur of Route 270, northwest along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041, south-west on 09041 to the Montgomery County line Remainder Townships in Bucks County
- ZONE 2 - East Rick Hill, West Rock Hill, Milford and Richland Townships in their entirety and that portion of Haycock and Springfield Townships west of a line following State Highway 212 from Northampton County south to route 09071 along 09071 to State Highway 212, along Highway 212 to route 09068 and along 09068 to State Highway 313, Township in Bucks County, Upper Hanover Township in Montgomery County
- ZONE 3 - West Clan, West Brandywine, Honey Brook, Wallace, West Natmeal, East Natmeal, Warwick, South Coventry, Valley and Coatesville Townships in Chester County, Pottsgrove, Upper Pottsgrove, Douglas and Pottstown Townships in Montgomery County
- ZONE 4 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County

DECISION NO. PA76-3172

AREA COVERED BY ELECTRICIANS ZONES (CONT'D)

- ZONE 5 - Parkersburg, West Grove & West Chester Townships in Chester County
- ZONE 6 - Remainder of Chester and Montgomery Counties
- ZONE 7 - That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the PA. Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152, north along 152 to the Junction of Spurs 281 and on the Humeville To Route 344, north on Route to the Junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 532, north on TR 532 to TR 113, north, TR 113 to TR 232 at Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough Line at the southwest corner of the Borough of New Hope. The Borough of New Hope and Bristol are included, Townships and or Boroughs in Bucks County

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vocelon		
ELEVATOR CONSTRUCTORS:	\$11.35	.495	.32	48+ab	.02	
Elevator Constructors	7.945	.495	.32	48+ab	.02	
Elevator Constructors Helpers (Prob.)	5.675					
GLAZIERS	9.58	.40	.20			.01
ZONE 1	8.64	.35	.10			.01
ZONE 2						

NOTICES



## NOTICES

DECISION NO. PA76-3172

## AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Delaware and Philadelphia Counties, Remainder of Bucks, Chester and Montgomery Counties

ZONE 2 - Milford, West Rockville, Rickland, E. Rockville, Haycock, Durham, Springfield, Richlandtown, Squaham, Nockamixon Townships in Bucks County, Warwick, S. Coventry, E. Coventry, N. Coventry, Spring City and Royersford Townships in Chester County, Pottstown, Lower Pottsgrove, Linrick, Lower Drexel, Upper Stairford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Nazboto Twp. in Montgomery County

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
IRONWORKERS						
ZONE 1	\$10.36	.79	1.11			.05
ZONE 2	10.53	.79	1.11			.05
ZONE 3	10.90	.79	1.11			.04
Structural & ornamental Reinforcing	10.65	.79	1.36			.01

## AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Bucks County

ZONE 2 - Chester County

ZONE 3 - Delaware, Montgomery and Philadelphia Counties

DECISION NO. PA76-3172

LABORERS  
CLASS I  
CLASS II  
CLASS III  
CLASS IV  
CLASS V  
CLASS VI

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS						
CLASS I	\$ 7.95	.90	.65			
CLASS II	8.05	.90	.65			
CLASS III	8.10	.90	.65			
CLASS IV	8.25	.90	.65			
CLASS V	8.35	.90	.65			
CLASS VI	7.89	.90	.65			

## CLASSIFICATIONS DEFINITIONS

CLASS I - Stripping & dismantling concrete form work, loading, carrying 7 handling of all reinforced steel 7 steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers 7 all other pneumatic tools, building scaffolds, raking, shoveling 7 tamping of asphalt, spreading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers

CLASS II - Mason tender, power buggies, burners on demolition

CLASS III - Wagon drill operator (single)

CLASS IV - Powdermen, wagon drill operator (multiple), circular caissons excavation: Caisson groundmen, Underpinning excavation: Laborers, working at depth of 8 feet or under

CLASS V - Caisson bottom man

CLASS VI - Yard workers

LANDSCAPE LABORERS

CLASS I

CLASS II

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CLASS I	6.60	.95	.65			
CLASS II	7.10	.95	.65			

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DECISION NO. PA76-3172

## CLASSIFICATIONS DEFINITIONS

CLASS I - Landscape Laborers

CLASS II - Farm tractor driver, hydroseeder nozzle man, and mulcher nozzle man

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LATHERS						
ZONE I	\$ 8.61	.225	.10			.01
ZONE II	9.15	.50	.15			.02
ZONE III	7.69	.40	.25			
ZONE IV	7.75	.25	.25			

## AREAS COVERED BY LATHERS ZONES

ZONE I - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE II - Coatesville & lower part of Chester County

ZONE III - Milford, Trummersville, Richland, Quakertown, Springfield, Durham, Bluegrassville, Bridgetown, Nockamixon, Tinticum, Plumstead, Dublin, Redminister, Haycock, East Rockhill, Perkaste, Sellersville, West Rockhill Townships in Bucks County

ZONE IV - Solebury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown Townships in Bucks County

## NOTICES

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LEAD BURNERS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION						
Linemmen	\$ 9.25	.35				.01
Groundmen	13.09	.30	.15			.15
Winch truck operator	7.85	.30	.15			.15
MARBLE SETTERS	9.61	.30	.15			.15
MILLWRIGHTS	9.30	.77	.75			.12
PAINTERS:	10.27	1.88	1.30			
ZONE I						
Brush	8.325	.375	.30	.30		.02
Spray, steel & swing	8.505	.375	.30	.30		.02
Roller	8.325	.375	.30	.30		.02
ZONE II						
Commercial, brush	9.05	.65	.50			
Commercial, spray	9.40	.65	.50			
ZONE III						
Brush	7.85	.55	.40			
Steel and spray	8.90	.55	.40			
Roller	7.85	.55	.40			
ZONE IV						
Brush	9.64	.55	.60	.75		
Steel	10.39	.55	.60	.75		

## AREA COVERED BY PAINTERS ZONES

ZONE I - Bucks & Philadelphia Counties: Randnor, Haverford, Newton, Maple, Springfield, Upper Darby, Barby, Ridley, Tinticum & Yeadon Townships in Delaware County, Cheltenham, Abington, Upper and Lower Moreland, Springfield, Whitmarsh, Plymouth, Upper Dublin, Horsham, Whitpain, Upper and Lower Gwynedd, Lower Merion, Upper Southampton, Lower Southampton Townships in Montgomery County

ZONE II - Chester County and R. remainder of Delaware County

ZONE III - Pottstown, Pottsgrove, New Hanover and Douglas Townships in Montgomery County

ZONE IV - Remainder of Montgomery County

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DECISION NO.	PA76-3172	Fringe Benefits Payments				Basic Hourly Rates
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ROOFERS:						
ZONE I	Composition, damp & water-proofers	1.55	.82			\$10.36
ZONE II	Roofers Assistant	1.55	.82			5.20
ZONE III	Slate, tile and asbestos	1.00	.50			10.00
ZONE IV	Asphalt shingle	1.00	.50			8.54
ZONE I	Composition & state	.25	.25			8.35
ZONE II	Helpers	.25	.25			4.63
ZONE III	Composition roofers	.40	.50			9.70
ZONE IV	Composition, damp & water-proofing	.45	.225			9.85
ZONE I	Slate, tile & asbestos	.45	.225			10.30
ZONE II	Precast slab	.45	.225			10.65

AREA COVERED BY ROOFERS ZONES

- ZONE I - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties
- ZONE II - Milford, Trumbauersville, Richland, Quakertown, Springfield, Durham, Reigsville Townships in Bucks County
- ZONE III - Solebury, New Hope, Upper Makefield, Wrightstown, Newtown, Yardley, Lower Makefield, Morrisville, Falls, Tullytown and Bistol Townships in Bucks County
- ZONE IV - Parkersbury Township in Chester County

NOTICES

DECISION NO.	PA76-3172	Fringe Benefits Payments				Basic Hourly Rates
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
PAINTERS:						
ZONE I	Painters	1.58	1.10		.12	\$10.17
ZONE II	Painters Assistant	.45	.50			9.25
ZONE III	Painters	.53	.53		.01	9.47
ZONE IV	Painters	.65			.01	9.71
ZONE I	Painters				.01	8.97
ZONE II	Painters				.01	9.45

AREA COVERED BY PLASTERERS ZONES

- ZONE I - Bucks & Philadelphia Counties; Remainder of Chester County, Remainder of Montgomery County
- ZONE II - Parkersbury Township in Montgomery County
- ZONE III - Longwood, Kennett Square, Avondale and Oxford Townships in Chester County
- ZONE IV - Delaware County

PAINTERS:						
ZONE I	Painters	11.96	.57	1.00	.12	
ZONE II	Painters Assistant	8.50	.485	.82	.035	
ZONE III	Painters	10.02	.57	.92	.08	

AREA COVERED BY PLUMBERS ZONES

- ZONE I - Delaware & Philadelphia Counties; Remainder of Bucks County; Tedyffrin, E. Whiteland, W. Whiteland, Easttown, Willistown, E. Goshen, W. Goshen, W. Chester, E. Bradford, Westtown, Birmingham, Twp. & Thornbury City Townships in Chester County; Lower Merion, Hordsham, Upper Dublin, Norland, Lower Norland, Abington, Springfield and Cheltenham Townships in Montgomery County
- ZONE II - Remainder of Chester & Montgomery County

- ZONE III - Milford, Trumbauersville, West Rockhill, Sellersville, Perkasie, East Rockhill, Richland, Quakertown, Haycock, Nockamixon, Bridgeton, Durham, Riegelsville Townships in Bucks County

DECISION NO.	PA76-3172	Fringe Benefits Payments				Basic Hourly Rates
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
SHEET METAL WORKERS						
ZONE I	Sheet Metal Workers	1.01	.65		.03	\$11.84
ZONE II	Sheet Metal Workers Assistant	1.58	1.30		.12	8.58
ZONE I	Soft Floor Layers	.60	.90		.08	11.61
ZONE II	Sprinkler Fitters	.50	.80		.10	11.41

AREA COVERED BY SPRINKLER FITTERS ZONES

- ZONE I - Bucks, Chester, Delaware & Montgomery Counties
- ZONE II - Philadelphia County

STONE MASONS						
ZONE I	Stone Masons	12.04	.57	.92	.11	
ZONE II	Stone Masons Assistant					

AREA COVERED BY STONE MASONS ZONES

- ZONE I - Bucks, Delaware, Philadelphia Counties and Remainder of Montgomery County

STONE MASONS						
ZONE I	Stone Masons	8.70	.77	.75	.01	
ZONE II	Stone Masons Assistant	10.51	.67	.60	.01	
ZONE III	Stone Masons	10.75	.95	.78	.01	
ZONE IV	Stone Masons	9.30	.77	.75	.01	

AREA COVERED BY STONE MASONS ZONES

- ZONE I - Delaware & Philadelphia Counties; Remainder of Bucks County
- ZONE II - Montgomery County
- ZONE III - Chester County
- ZONE IV - Bristol Township in Bucks County

DECISION NO.	PA76-3172	Fringe Benefits Payments				Basic Hourly Rates
		H & W	Pensions	Vacation	Education and/or Appr. Tr.	
TERRAZZO WORKERS						
ZONE I	Terrazzo Workers	.77	.75			\$ 8.99
ZONE II	Tile Setters	.85	.65			9.06

WELDERS - rate prescribed for craft performing operation to which welding is incidental.

Paid Holidays (Where Applicable):  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:  
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

- b. Paid Holidays: A through F.
- c. Paid Holidays: July 4th; Labor Day and Thanksgiving Day.
- d. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.
- e. Paid Holidays: Election Day.
- f. Paid Holidays: Labor Day and Election Day.



DECISION NO. PA76-3172

CLASSIFICATIONS DEFINITIONS (CONT'D)

CLASS V - All bulldozers under D-7, tractors including rubber-tired type with front and overhead loaders under 2 c.y., seaman pulverizing mixer, welders and maintenance engineers, tireman on power equipment, maintenance engineer (power boat), and machines similar to the above

CLASS VI - Conveyors (building), welding machines, hesters, wellpoints, compressors, farm tractors, form line graders, road finishing machines, pumps, power broom (self contained), seed spreader and machines similar to the above

CLASS VII - Fireman

CLASS VIII - Oilers and deck hand (personnel boats)

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day providing the employee works the day before and after the holiday.

CLASSIFICATIONS DEFINITIONS

CLASS I - Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machines; Helicopters; machines similar to the above

CLASS II - Engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes; cableways; draglines; keystones, all types of shovels; derricks; trenching machines; piling type backhoes; hoists with two towers; pavers 21E and over; all types overhead cranes; building hoists - double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cu. yd.; boat captain; tandem scraper; tower type crane operation, erecting, dismantling, jumping or jacking; drill self-contained (drillmaster type); fork lift (20 ft. and over); mortar patrols (fine grade); batch plant with mixer; Machines similar to the above

CLASS III - Conveyors (except building conveyors), building hoists (single drum), scrapers and turnpills, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 c.y. up to & including 3 c.y., maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, fork-lift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above

CLASS IV - Concrete breaking machines, rollers and machines similar to the above

DECISION NO. PA76-3172

TRUCK DRIVERS:

CLASS I

CLASS II

CLASS III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 7.67	.5675	.55	a+b	
7.77	.5675	.55	a+b	
7.97	.5675	.55	a+b	

CLASSIFICATIONS DEFINITIONS

CLASS I - Warehouseman, checker, fork lift driver, stake body truck (single axle), 1 1/2 ton and under vehicles

CLASS II - Truck driver over 1 1/2 tons, dump trucks, tandem and batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)

CLASS III - Euclid type, off-highway equipment - back or belly dump trucks and double - hitched equipment straddle (Rose) carrier, lowbed trailers

FOOTNOTES:

a. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation, employees with five (5) years or more seniority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's seniority list, provided he works the schedule work days before and after the said holidays.

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COUNTY: See below\*  
DATE: Date of Publication  
Supersedes Decision No.: SC75-1021 dated February 21, 1975 in 40 FR-7859  
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

SUPPLEMENTAL DECISION

\*Counties: Charles, Dorchester, & Dorchester

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Air Conditioning	4.50				
Bricklayers	6.00				
Carpenters	5.00				
Carpet layers	5.48				
Cement masons	5.50				
Drywall finishers	5.00				
Drywall hangers	4.50				
Electricians	5.14				
Form setters	4.00				
Insulation Installers	3.60				
Ironworkers	3.88				
Laborers	2.77				
Masons	3.25				
Mason tenders	3.50				
Painters	5.00				
Paperhanger	6.00				
Plumbers	5.0				
Roofers	4.60				
Sheet metal workers	4.00				
Soft floor layers	5.25				
Tile setters	2.77				
Truck drivers					
Power Equipment Operators:					
Asphalt finishers	2.95				
Asphalt paving machine	4.63				
Backhoe	3.75				
Bulldozers	3.75				
Excavators	3.75				
Graders	3.75				
Loaders	3.40				
Mechanics	3.75				
Pan operator	4.10				
Crane operator	3.75				
Trenching machine	3.75				

STATE: Wyoming  
COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte  
DECISION NUMBER: WY76-5049  
DATE: Date of Publication  
Supersedes Decision No.: WY76-5018 dated February 20, 1976, in 41 FR 7928  
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

SUPPLEMENTAL DECISION

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.01	.38	.72		.02
BOILERMAKERS	8.90	.70	1.00		
BRICKLAYERS; Stonemasons:	9.00		.20		
Goshen, Laramie and Platte Cos.					
Converse, Natrona & Niobrara Counties	9.00				
CARPENTERS:	8.25	.35	.30	.20	.10
Electricians	8.50	.35	.30	.20	.10
Excavators	8.55	.50			.05
Working with composition material; Scaffold, saving stage or temporary platform over 8' high; Operator of power machines	8.80	.50			.05
Working on scaffold, saving stage or temporary platform over 20' high	9.95	.50			.05
ELECTRICIANS:					
Goshen, Laramie, Niobrara and Platte Counties	10.00	.42	14+.25		3/4 of 14
Electricians	10.25	.42	14+.25		3/4 of 14
Cable Splicers	9.04	.42	12 + .25		4/102
Converse and Natrona Counties	9.81	.495	.32 32 + a		.02
ELEVATOR CONSTRUCTORS	70XJR	.495	.32 32 + a		.02
ELEVATOR CONSTRUCTORS' HELPERS	50XJR				
(PROB.)					
IRONWORKERS:					
Structural; Ornamental; Reinforcing	9.15	.55	.85		.25
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona & Niobrara Counties	8.50	.68	.75	6%	.06
MILLRIGHTS	9.48				
PAINTERS:					
Converse, Natrona & Niobrara Counties	7.95	.50			.05
Painters, Brush & Roll; Hardwood Finishers; Sandblast Pot Tenders					

DECISION NO. WY76-5049

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Painters; Spray; Swing stage & Chair; Sandblast (exterior); Hazardous Work	\$ 8.70	.50			.05
Paperhanging; Drywall Finishers	8.20	.50			.05
Hand Sandblast (interior); Steeple-Jack	9.39	.50			.05
Goshen, Laramie and Platte Cos.	5.00				
Painters, Brush					
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Cos.	7.59	1.00	.50	.35	.18
Zone 1 (10 miles radius from Cheyenne P. O.)	8.34	1.00	.50	.35	.18
Zone 2 (10 miles radius beyond Zone 1)	9.11	1.00	.50	.35	.18
Zone 3 (15 miles radius beyond Zone 2)	10.18	1.00	.50	.35	.18
Zone 4 (Jurisdiction beyond Zone 3)					
Zone 5 (Footnote "b")	7.59	1.00	.50	.35	.18
General Contracta \$700,000.00 or less	8.09	1.00	.50	.35	.18
General Contracta over \$700,000.00					
PLUMBERS; Steamfitters:					
Converse, Natrona & Niobrara Cos.	8.86	.60	.75	1.00	.10
Zone 1 (10 miles radius from P. O. in Casper)	9.36	.60	.75	1.00	.10
Zone 2 (10 miles radius beyond Zone 1)	9.86	.60	.75	1.00	.10
Zone 3 (20 miles radius beyond Zone 2)	10.71	.60	.75	1.00	.10
Zone 4 (40 miles beyond Zone 3)	11.21	.60	.75	1.00	.10
Zone 5 (Jurisdiction beyond Zone 4)					
ROOFERS	8.65				
SHEET METAL WORKERS:					
Converse, Natrona & Niobrara Cos.	8.51	.37	.70		.05
Goshen, Laramie and Platte Cos.	9.41	.37	.70		.05
SPRINKLER FITTERS	10.30	.50	.80		.08
WELDER; RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.					











HEAVY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
TRUCK DRIVERS (Cont'd)					
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	\$ 5.08				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals.; Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (Cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.98				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.88				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spread- er; Flat rack, less than 2 tons; Wing; Single axle type truck; Warehousemen, Partmen and help- ers; 2500 gals. or less (straight truck); Fuel services; Greasemen, Tiremen, Servicemen and helpers	4.73				
GROUP 14 PILOT CAR DRIVERS; Pick-up	4.68				

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